

As Reported by the House 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

A BILL

To enact section 3313.6120 of the Revised Code with 1
regard to state assessments for the 2020-2021 2
school year and high school graduation 3
requirements for the 2020-2021 through 2023-2024 4
school years, 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 3313.6120 of the Revised Code be 9
enacted to read as follows: 10

Sec. 3313.6120. (A) As used in this section: 11

(1) "End-of-course examination" means an end-of-course 12
examination prescribed under section 3301.0712 of the Revised 13
Code. 14

(2) "District or school" means any of the following: 15

(a) A city, local, exempted village, or joint vocational 16

<u>school district;</u>	17
<u>(b) A community school established under Chapter 3314. of</u>	18
<u>the Revised Code;</u>	19
<u>(c) A STEM school established under Chapter 3326. of the</u>	20
<u>Revised Code;</u>	21
<u>(d) A college-preparatory boarding school established</u>	22
<u>under Chapter 3328. of the Revised Code;</u>	23
<u>(e) The state school for the deaf;</u>	24
<u>(f) The state school for the blind;</u>	25
<u>(g) A chartered nonpublic school.</u>	26
<u>(3) "Qualifying course" means a course associated with an</u>	27
<u>end-of-course examination.</u>	28
<u>(B) (1) Notwithstanding anything to the contrary in</u>	29
<u>sections 3313.618 and 3313.6114 of the Revised Code, for the</u>	30
<u>2020-2021, 2021-2022, 2022-2023, and 2023-2024 school years, a</u>	31
<u>student may use the student's final course grade in a course</u>	32
<u>associated with an end-of-course examination in lieu of the</u>	33
<u>score the student receives on the examination to satisfy</u>	34
<u>conditions for a high school diploma prescribed under sections</u>	35
<u>3313.618 and 3313.6114 of the Revised Code.</u>	36
<u>(2) For the purposes of determining whether a student</u>	37
<u>satisfies a condition, a final course grade shall be equivalent</u>	38
<u>to a level of skill prescribed under division (B) (5) (a) of</u>	39
<u>section 3301.0712 of the Revised Code or a competency score</u>	40
<u>prescribed under division (B) (10) of that section, as follows:</u>	41
<u>(a) Any "A" letter grade shall be equivalent to an</u>	42
<u>advanced level of skill.</u>	43

(b) Any "B" letter grade shall be equivalent to an accelerated level of skill. 44
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(c) Any "C" letter grade shall be equivalent to a proficient level of skill. 46
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(d) Any "D" letter grade shall be equivalent to a basic level of skill. 48
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(e) Any "F" letter grade shall be equivalent to a limited level of skill. 50
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(f) Any "C" letter grade or higher shall be equivalent to a competency score. 52
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(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. 54
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Section 2. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2020-2021 school year only: 62
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(A) Any city, exempted village, local, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any chartered nonpublic school, and the State School for the Deaf and the State School for the Blind shall not be required to administer the end-of-course examination in the area of American history prescribed under division (B) (2) of section 3301.0712 of the Revised Code. 65
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(B) The Department of Education shall not exclude any 73
student to whom the assessment was not administered in the 2020- 74
2021 school year under division (A) of this section from 75
counting in a district's or school's enrollment for the 2021- 76
2022 school year pursuant to division (L)(3) of section 3314.08, 77
division (E)(3) of section 3317.03, or division (C) of section 78
3326.37 of the Revised Code. 79

(C) If a student was not administered the assessment in 80
the 2020-2021 school year under division (A) of this section, 81
that school year shall not count in determining if the student 82
is subject to withdrawal from a school pursuant to section 83
3313.6410 or 3314.26 of the Revised Code. 84

(D) No student who received a scholarship under the 85
Educational Choice Scholarship Program under section 3310.03 or 86
3310.032 of the Revised Code, the Jon Peterson Special Needs 87
Scholarship Program under section 3310.52 of the Revised Code, 88
or the Pilot Project Scholarship Program under section 3313.975 89
of the Revised Code for the 2020-2021 school year shall be 90
considered ineligible to renew that scholarship for the 2021- 91
2022 school year solely because the student was not administered 92
the assessment in the 2020-2021 school year under division (A) 93
of this section. 94

Section 3. Notwithstanding anything in the Revised Code to 95
the contrary, all of the following apply: 96

(A) This section applies to any student who meets both of 97
the following criteria: 98

(1) The student was enrolled in the twelfth grade in the 99
2020-2021 school year or was on track to graduate in the 2020- 100
2021 school year, as determined by the school district or other 101

public or chartered nonpublic school in which the student was 102
enrolled, regardless of the graduation cohort in which the 103
student is included. 104

(2) The student had not completed the requirements for a 105
high school diploma under section 3313.61, 3313.612, or 3325.08 106
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 107
General Assembly. 108

(B) A city, exempted village, local, or municipal school 109
district, a community school established under Chapter 3314. of 110
the Revised Code, a STEM school established under Chapter 3326. 111
of the Revised Code, a chartered nonpublic school, the State 112
School for the Blind, and the State School for the Deaf shall 113
grant a high school diploma to any student to whom this section 114
applies, if the student's principal, in consultation with 115
teachers and counselors, reviews the student's progress toward 116
meeting the requirements for a diploma and determines that the 117
student has successfully completed the curriculum in the 118
student's high school or the individualized education program 119
developed for the student by the student's high school pursuant 120
to section 3323.08 of the Revised Code, or qualified under 121
division (D) or (F) of section 3313.603 of the Revised Code. No 122
district or school shall grant a high school diploma under 123
division (B) of this section after September 30, 2021. 124

(C) If the board of education of a school district or the 125
governing authority of a community school, STEM school, 126
chartered nonpublic school, the State School for the Blind, or 127
the State School for the Deaf has adopted a resolution under 128
division (E) of section 3313.603 of the Revised Code requiring a 129
more challenging curriculum than otherwise required under 130
division (C) of that section, the district superintendent or the 131

chief administrator of the school may elect to require only the 132
minimum curriculum specified in division (C) of that section for 133
the purpose of determining if a student to whom this section 134
applies has successfully completed the curriculum under division 135
(B) of this section. If such an election is made, the 136
superintendent or chief administrator shall evaluate each 137
student to whom this section applies using the minimum 138
curriculum specified in division (C) of this section. 139

Section 4. (A) Notwithstanding anything in the Revised 140
Code or Administrative Code to the contrary, for the 2020-2021 141
school year only, the board of education of any city, exempted 142
village, local, joint vocational, or municipal school district, 143
the governing authority of any community school established 144
under Chapter 3314. of the Revised Code, the governing body of 145
any STEM school established under Chapter 3326. of the Revised 146
Code, and the governing authority of any chartered nonpublic 147
school that enrolls students receiving a state scholarship shall 148
administer the spring administration of any assessment 149
prescribed under sections 3301.0710, 3301.0711, 3301.0712, 150
3313.903, and 3314.017 of the Revised Code as follows: 151

(1) For online testing: 152

(a) English language arts assessments for all grades, from 153
March 22, 2021, through May 7, 2021; 154

(b) Mathematics, science, and social studies assessments 155
for all grades, from March 29, 2021, through May 21, 2021. 156

(2) For paper format testing: 157

(a) Third-grade English language arts assessment, from 158
March 22, 2021, through April 23, 2021; 159

(b) English language arts assessments for any of grades 160

four through twelve, from March 22, 2021, through April 30, 2021;

(c) Mathematics, science, and social studies assessments for all grades, from March 29, 2021, through May 14, 2021.

(B) The Superintendent of Public Instruction shall designate times for the administration of the assessments prescribed under those sections and shall extend any other deadlines related to the assessments accordingly.

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

Section 5. Notwithstanding anything in the Revised Code or the Administrative Code to the contrary, no school district shall require the parent of any student who was instructed at home in accordance with section 3321.04 of the Revised Code for the 2020-2021 school year to submit to the district superintendent the academic assessment report required under rule 3301-34-04 of the Administrative Code as a condition of the district allowing the student to continue to receive home instruction for the 2021-2022 school year.

Section 6. For the 2020-2021 school year, the Department of Education shall seek a waiver from the United States Secretary of Education for the accountability and school identification requirements of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

Section 7. Notwithstanding the second paragraph of 190
division (A) of Section 6 of H.B. 409 of the 133rd General 191
Assembly, the Department of Education shall report any data that 192
it has regarding the performance of school districts and 193
buildings for the 2020-2021 school year by October 14, 2021. 194

Section 8. This act is hereby declared to be an emergency 195
measure necessary for the immediate preservation of public 196
peace, health, and safety. The reason for such necessity is to 197
ensure that the act's provisions for the 2020-2021 school year 198
go into effect during that school year. Therefore, this act 199
shall go into immediate effect. 200