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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 330**

125th General Assembly  
(As Introduced)

**Reps. Hartnett, Book, Gilb, Jerse, Fessler, S. Patton, Redfern, Strahorn, Skindell, Widener, Boccieri, Niehaus, Barrett, Harwood, Perry, Allen, Distel, Schaffer, Chandler, Carano, Key, Taylor, Sferra, Beatty, Ujvagi**

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### **BILL SUMMARY**

- Requires the spring administration of most academic proficiency and achievement tests to be on or after May 1, instead of the second or third week of March as under current law.
- Requires the Department of Education to return student scores on the spring proficiency and achievement tests to school districts not later than June 15, beginning in the 2004-2005 school year.

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### **CONTENT AND OPERATION**

#### **Background**

Current law, not changed by the bill, requires the Department of Education to develop, and school districts and community schools to administer, several proficiency and achievement tests for specified grade levels in the areas of reading, writing, mathematics, science, and social studies. The current proficiency tests are being phased out in favor of new achievement tests that are aligned with academic standards adopted by the State Board of Education. Of these tests, the Ohio Graduation Tests (or "OGTs") are tenth grade tests that both public and chartered nonpublic schools must administer beginning with the Class of 2007, and on which (as was the case with the old ninth grade proficiency tests) each student must attain a passing score to receive a high school diploma. The achievement test system has recently been reconfigured to comply with the provisions of the federal No Child Left Behind Act of 2001, which requires states to test students in grades 3 through 8 in language arts, mathematics, and science at specified intervals.

The following table shows the timeline for phasing in the new achievement tests.

<b>Proficiency Test</b>	<b>Last administration in school year beginning July 1 of</b>	<b>Achievement Test</b>	<b>First administration in school year beginning July 1 of</b>
		3rd grade reading test	2003
		3rd grade math test	2004
4th grade reading test	2003	4th grade reading test	2004
4th grade math test	2004	4th grade math test	2005
4th grade writing test	2003	4th grade writing test	2004
4th grade science test	2004	5th grade science test	2006
4th grade citizenship test	2004	5th grade social studies test	2006
		5th grade reading test	2004
		5th grade math test	2005
6th grade reading test	2004	6th grade reading test	2005
6th grade math test	2004	6th grade math test	2005
6th grade writing test	2004	7th grade writing test	2006
		7th grade reading test	2005
		7th grade math test	2004
6th grade science test	2004	8th grade science test	2006
6th grade citizenship test	2004	8th grade social studies test	2007 <sup>b</sup>
		8th grade reading test	2004
		8th grade math test	2004
9th grade reading test	2002 <sup>a</sup>	OGT in reading	2002
9th grade math test	2002 <sup>a</sup>	OGT in math	2002
9th grade writing test	2002 <sup>a</sup>	OGT in writing	2004
9th grade science test	2002 <sup>a</sup>	OGT in science	2004
9th grade citizenship test	2002 <sup>a</sup>	OGT in social studies	2004

<sup>a</sup> The ninth grade proficiency tests were administered to all ninth graders for the last time in March 2003. For students who do not pass one or more of the tests in the ninth grade, they have multiple opportunities to retake the tests throughout high school. If a student has not passed a ninth grade proficiency test by the end of his or her senior year in high school, the student has until September 15, 2008, to pass that test in order to be eligible for a high school diploma based upon passage of the ninth grade proficiency tests. After that date, the student would need to pass the OGT in the failed subject area to receive a diploma.

<sup>b</sup> Am Sub. S.B. 2 of the 125th General Assembly proposes to change the school year of the first administration of the 8th grade social studies achievement test from July 1, 2007, to July 1, 2006, because the Department of Education anticipates the test will be developed sooner than earlier expected. The report of the Committee of Conference on that bill was agreed to by the House on January 28, 2004, and was pending consideration in the Senate on the date this analysis was prepared.

**Spring administration of tests moved to no earlier than May 1**

(R.C. 3301.0710)

All proficiency and achievement tests must be administered in the spring, currently during the second or third week of March. These weeks have been designated for testing by rule of the State Board of Education, and are the earliest weeks permitted by the Revised Code.<sup>1</sup> In addition, the fourth-grade reading proficiency test (soon to be completely phased out) and the new third grade reading achievement test are also administered in October and July, giving each student up to three opportunities to take them.<sup>2</sup> And the OGTs are administered in October as well as in March for eleventh and twelfth graders who have not yet passed all of them.

With one exception, the bill requires that proficiency and achievement tests administered in the spring be administered no earlier than May 1. The exception is for the OGTs administered to eleventh and twelfth graders who have not yet passed all of them. In that case, the bill retains the current statute requiring the State Board to schedule the spring administration between December 31 and March 31. Consequently, the bill would have the effect of requiring two spring administrations of the OGTs: once by March 31 for eleventh and twelfth graders, and once on or after May 1 for tenth graders.<sup>3</sup>

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<sup>1</sup> *The State Board's rule prescribing the current testing schedule is Ohio Administrative Code § 3301-13-02. Current statute requires the State Board to schedule the tests so that all tests but the OGTs are administered no earlier than the second week of March, and the OGTs are administered to tenth graders no earlier than the third week in March. R.C. 3301.0710.*

<sup>2</sup> *Students who are required to take the test and who do not attain a passing score must be provided intensive remediation services and may be retained in grade level. R.C. 3313.608, not in the bill.*

<sup>3</sup> *The State Board's rule currently schedules the spring administration of the OGTs at the same time for tenth, eleventh, and twelfth graders, namely the third week of March.*

The bill does not affect the schedule for the fall and summer administration of the third grade and fourth grade reading tests or the fall administration of the OGTs to eleventh and twelfth graders.

**Deadline for returning scores to school districts**

(R.C. 3301.0711; Section 3)

Current law grants the Department of Education a maximum of 60 days after the administration of an achievement test to score that test and inform school districts of students' scores. The bill maintains this 60-day deadline for the fall and summer administrations of the third grade reading achievement test and for administrations of the OGT to eleventh and twelfth graders. For all other achievement tests, however, the bill shortens the deadline for returning test scores beginning in the 2004-2005 school year. Starting that year, the Department must have students' scores from the spring administrations of the tests returned to districts by June 15. Due to the earliest possible administration date of May 1, this deadline would give the Department a maximum of 45 days to score the tests and report the results to school districts under the bill. (See **COMMENT**.)

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**COMMENT**

In accordance with the No Child Left Behind Act, the Department of Education must notify school districts and individual schools if they met the standard of "adequate yearly progress" (AYP) for the previous year prior to the start of the next school year. The measure of AYP is heavily dependent upon student performance on the proficiency and achievement tests. Districts and schools that fail to make AYP are subject to sanctions, which must be implemented beginning the first school year after missing AYP. As a result, district and school report cards, which include whether AYP was met, are currently issued by the Department in August. Under the bill, test score data will be returned to the Department later than it is currently due to the later spring testing dates, even with the June 15 deadline. It is not clear whether the Department will have sufficient time to process the data for the August publication of the report cards.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	11-13-03	p. 1159

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