



# Ohio Legislative Service Commission

## Final Analysis

William Schwartz

### **Am. Sub. S.B. 165** 129th General Assembly (As Passed by the General Assembly)

**Sens.** Obhof and Grendell, Faber, Hughes, Jones, Jordan, Schaffer, Seitz, Sawyer, Hite, Bacon, Beagle, Brown, Coley, Daniels, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Wagoner, Widener, Wilson

**Reps.** Baker, Roegner, Butler, Hayes, J. Adams, Anielski, Boose, Brenner, Bulp, Dovilla, Hackett, Henne, Hill, Maag, Martin, Newbold, Ruhl, Slaby, Stebelton, Terhar, Thompson, Young

**Effective date:** June 29, 2012

---

## ACT SUMMARY

### State standards

- Requires the State Board of Education to incorporate into the state social studies standards, for grades 4 to 12, academic content regarding the original texts of the Declaration of Independence, Northwest Ordinance, U.S. Constitution, and Ohio Constitution by July 1, 2012.
- Requires the State Board to revise the state model curricula and achievement assessments in social studies to include the new academic content.
- Requires the State Board to make available a list of suggested grade-appropriate supplemental readings that place the documents in their historical context, which teachers may use as a resource to help students in reading the documents within that context.
- Specifies that a valid educator license in social studies is sufficient to teach the additional American history and American government content required by the act.

### High school study

- Specifies that the study of American history and American government as required in the high school curriculum must include study of the Declaration of Independence, Northwest Ordinance, U.S. Constitution, and Ohio Constitution.

- Eliminates the social studies end-of-course examination, and replaces it with separate history and government end-of-course examinations as components of the college and work-ready assessments that are being developed to replace the Ohio Graduation Tests as a requirement for a high school diploma.
- Not later than July 1, 2014, requires the Superintendent of Public Instruction and Chancellor of the Board of Regents to select end-of-course examinations for history and government that demonstrate mastery of American history and American government standards, and at least 20% of the government exam must address the historical documents specified by the act.
- Not later than July 1, 2013, requires each school district board of education, each community school, and each STEM school to adopt interim end-of-course examinations in history and government to be used by public high schools until the Superintendent and Chancellor adopt the exam described above.

### **Social studies prerequisites**

- Revises the law requiring "basic instruction" in geography and U.S. and Ohio history and government before a student may study other social studies topics by permitting "demonstrated mastery" of geography and U.S. and Ohio history and government as an alternative to "basic instruction."

### **State Board legislative recommendations**

- Requires the State Board of Education to review the Revised Code for any provisions that may impede the implementation of the American history and government content and to recommend legislation to the General Assembly to address any issues it finds not later than July 1, 2012.

---

## **CONTENT AND OPERATION**

### **Social studies standards and model curricula for grades 4 to 12**

Not later than July 1, 2012, the act requires the State Board of Education to incorporate into the state social studies standards for grades 4 to 12 academic content regarding the original texts and original context of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution. The act also requires the State Board to revise the state model curricula and achievement assessments in social studies to reflect the additional academic content. Additionally, the State Board must make available a list of suggested grade-appropriate supplemental readings to place the

documents in their historical context. Teachers may, but are not required to, use this list as resource to assist students in reading the documents within that context.<sup>1</sup>

Under continuing law, the State Board must adopt statewide academic standards for grades K through 12 in English language arts, math, science, and social studies and update them periodically. The State Board also must adopt a model curriculum for instruction in each of those subject areas that is aligned with the standards, as well as achievement tests.<sup>2</sup>

### **Study of the documents in high school**

The act states that "it is important that high school students learn and understand [U.S.] history and the governments of both the United States and . . . Ohio." It requires that, beginning with students entering ninth grade on or after July 1, 2012, instruction in American history and American government in the high school curriculum must include the study of the Declaration of Independence, the Northwest Ordinance, the U.S. Constitution with emphasis on the Bill of Rights, and the Ohio Constitution. In addition, the act requires that study to include study of the documents in their "original context." It also specifies that "historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers [be studied] to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights."<sup>3</sup>

The act specifies that it does not limit the ability of school districts or public or private schools to provide instruction in the documents through summer school, online, or any other method of education offered by the district or school.<sup>4</sup>

### **Social studies high school curriculum**

The act modifies the way American history and American government are accounted for in the state minimum high school curriculum. Prior law specified three units of social studies, of which ½ unit each had to be in the subjects of American history and American government. The act separates the two half-units of American history and American government from the other two units of required social studies instruction, listing the two half-units separately.<sup>5</sup> Presumably, students could take

---

<sup>1</sup> R.C. 3301.079(A)(1)(b).

<sup>2</sup> R.C. 3301.079.

<sup>3</sup> R.C. 3313.603(M).

<sup>4</sup> Section 4 of the act, renumbered by the Director of LSC as R.C. 3313.6017.

<sup>5</sup> R.C. 3313.60(C) and 3313.603(B) and (C).

additional instruction in history and government, as well as other social studies courses, to satisfy the two-unit social studies requirement that remains.

### **End-of-course examinations**

The act eliminates the social studies end-of-course examination and replaces it with two new end-of-course examinations in history and government. The new examinations are added as a part of the college and work-ready assessment system that eventually is to replace the Ohio Graduation Test as a condition for a high school diploma. Not later than July 1, 2014, the Superintendent of Public Instruction and Chancellor of the Ohio Board of Regents must select end-of-course examinations that assess mastery of the American history and American government content for social studies standards required by the act. At least 20% of the American government exam must address the historical documents required to be studied for graduation. (See "**Study of the documents in high school**," above.)<sup>6</sup>

Until the examinations are selected, the act requires school district boards of education, community schools, and STEM schools to adopt interim end-of-course examinations that comply with the above requirements not later than July 1, 2013. Public high schools must use these examinations until the state Superintendent and Chancellor choose new statewide end-of-course exams.<sup>7</sup>

#### **Application to chartered nonpublic high schools**

Continuing law requires chartered nonpublic high schools, like public high schools, to subject their students to the Ohio Graduation Tests and the future college and work-ready assessment regimen, when it is developed, as a condition to receiving a high school diploma.<sup>8</sup> Therefore, students of these schools would be subject to the end-of-course exams in history and government selected by the state Superintendent and the Chancellor. However, the act does not appear to require chartered nonpublic schools to designate interim end-of-course exams to use in the meantime.

---

<sup>6</sup> R.C. 3301.0712(B)(2) and (3)(b).

<sup>7</sup> R.C. 3301.0712(B)(3)(a). The requirement applies to community schools and STEM schools by reference to R.C. 3301.0712 in R.C. 3314.03(A)(11)(d) and 3326.11, respectively. The latter two sections do not appear in the act.

<sup>8</sup> See R.C. 3313.612, not in the act.

## Social studies license sufficient

The act specifies that a valid educator license for teaching social studies in the applicable grade is considered sufficient to teach the additional American history and American government content required by the act.<sup>9</sup>

## Social studies prerequisites

The act retains the law requiring that students receive basic instruction in geography, U.S. history, U.S. government, the state government of Ohio, local government in Ohio, the Declaration of Independence, the U.S. Constitution, and the Ohio Constitution before participating in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism. However, it permits a student to fulfill the requirement through "demonstrated mastery" as an alternative to "basic instruction."<sup>10</sup>

## State Board to recommend legislation

The act directs the State Board of Education to review the Revised Code for any provisions that may impede the implementation of the American history and American government content and to recommend legislation to the General Assembly, not later than July 1, 2012, to address any issues it finds.<sup>11</sup>

---

## HISTORY

ACTION	DATE
Introduced	05-03-11
Reported, S. Education	06-28-11
Recommitted to S. Education	06-28-11
Re-reported, S. Education	07-13-11
Passed Senate (29-0)	07-13-11
Reported, H. Education	12-13-11
Passed House (62-31)	12-13-11
Senate refused to concur in House amendments (0-31)	01-10-12
House requested conference committee	01-24-12
Senate acceded to request for conference committee	01-31-12
House agreed to conference committee report (63-29)	03-28-12
Senate agreed to conference committee report (32-1)	03-28-12

12-sb165-129.docx/ks

---

<sup>9</sup> R.C. 3319.23.

<sup>10</sup> R.C. 3313.60(D).

<sup>11</sup> Section 3.

