



Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 237

130th General Assembly
(As Introduced)

Reps. Thompson, Becker, Hood, Lynch, Young, J. Adams, Wachtmann, Maag, Boose, Roegner, Beck, Retherford, Perales, Sprague

BILL SUMMARY

Academic content standards and assessments

- Prohibits the State Board of Education from adopting, and the Department of Education from implementing, the Common Core Standards as the state's academic content standards for English language arts and mathematics and voids any prior actions taken to adopt or implement the Common Core.
- Prohibits the State Board from using the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments or any other assessment related to or based on the Common Core.
- Prohibits any state official from joining an organization that requires ceding state control over education.
- Requires the State Board to provide public notice of any proposed adoption or revision of academic content standards and to hold a public hearing in each Congressional district in the state before adopting or revising academic content standards.
- States that no school district or school may be required to use statewide academic standards as a condition for approval to operate or receive state funds.

Personally identifiable information

- Prescribes several prohibitions regarding the release of student and teacher personally identifiable information by the Superintendent of Public Instruction, the State Board of Education, the Department of Education, or any other state entity that

deals with education, including the conditional release of such information to the U.S. Department of Education.

- Prohibits the Superintendent of Public Instruction, the State Board, the Department, or any other state entity from spending any funds on construction, enhancement, or expansion of any statewide longitudinal data system beyond what is necessary for basic administrative needs, for academic evaluation of programs and student progress, or to comply with the sharing of information with the U.S. Department of Education.

CONTENT AND OPERATION

ACADEMIC CONTENT STANDARDS AND ASSESSMENTS

Prohibition on Common Core standards and PARCC assessments

The bill prohibits the State Board of Education from adopting the academic content standards for English language arts and mathematics developed by the Common Core Standards Initiative and further prohibits the Department of Education from implementing such academic standards. In addition to prohibiting the adoption of Common Core Standards, the bill prohibits the State Board from using the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), or any other assessments related to or based on the Common Core Standards, as any of the state's achievement or high school graduation assessments. Finally, the bill voids any action taken to adopt or implement the Common Core Standards as of the bill's effective date.¹

Academic content standards

The bill specifies that the State Board is the sole authority for adopting the state's academic content standards, and that it must adopt academic content standards of its "own choosing," presumably so long as they are not the Common Core Standards. In addition, the bill prohibits any state official, whether appointed or elected, from joining on behalf of the state any consortium, association, or other entity when that membership would require the state to "cede any measure of control over education." The bill specifies that this prohibition applies to both academic content standards and assessments.²

¹ R.C. 3301.078(A).

² R.C. 3301.078(B)(1).



The bill also specifies that before it may adopt or revise academic content standards, the State Board must provide public notice of any proposed adoption or revision on the Department of Education website. The State Board must request comments on the proposed changes from the general public, including parents, teachers, experts on academic content standards, representatives of political, educational and faith-based organizations, and nonpartisan policy institutes. Further, the State Board may not adopt or revise any academic content standards until it holds a public hearing in each Congressional district in the state. Notice of such meetings must be posted on the Department's website and in a newspaper of general circulation in the respective Congressional district.³

Finally, the bill states that no school district or school is required to use any statewide academic standards adopted by the State Board as a condition for approval to operate or for receiving state funds.⁴

Background on academic content standards, Common Core, and PARCC assessments

Academic standards

Since 2001, state law has required the State Board to adopt academic content standards that are aligned with the achievement assessments given to third through eighth graders and the 10th grade Ohio Graduation Tests (OGT).⁵ In 2009, the General Assembly required the State Board to revise those academic content standards to emphasize (1) coherence, by reflecting the structure of the discipline being taught, (2) focus, by limiting the number of items in the curriculum to allow for deeper exploration of the subject matter, and (3) rigor, by being more challenging and demanding compared to international standards. Further, those standards must specify the following:

(1) The core academic content and skills for each grade level that will prepare students for post-secondary instruction and the workplace for success in the 21st Century;

(2) The development of skills related to creativity and innovation, critical thinking and problem solving, and communication and collaboration;

³ R.C. 3301.078(B)(2).

⁴ R.C. 3301.078(C).

⁵ R.C. 3301.079 as enacted by Am. Sub. S.B.1 of the 124th General Assembly, not in the bill.



(3) The development of skills that promote information, media, and technological literacy;

(4) The development of skills that promote personal management, productivity and accountability, and leadership and responsibility; and

(5) Interdisciplinary, project-based real, world learning opportunities.⁶

In response to that requirement, the State Board adopted the Common Core standards.

Common Core Standards

According to the Common Core website:

The Common Core State Standards Initiative is a state-led effort, launched . . . by state leaders, including governors and state commissioners of education from 48 states, 2 territories and the District of Columbia, through their membership in the National Governors Association Center for Best Practices (NGA Center) and Council of Chief State School Officers (CCSSO).

The process used to write the standards ensured they were informed by:

The best state standards;

The experience of teachers, content experts, states and leading thinkers; and

Feedback from the general public.

To write the standards, the NGA Center and CCSSO brought together content experts, teachers, researchers and others.

The standards have been divided into two categories:

College and career readiness standards, which address what students are expected to learn when they have graduated from high school; and

⁶ R.C. 3301.079 as amended by Am. Sub. H.B. 1 of the 128th General Assembly, not in the bill.

K-12 standards, which address expectations for elementary through high school.⁷

Currently, 45 states, including Ohio, and the District of Columbia have adopted the Common Core standards in English language arts and mathematics.⁸

PARCC assessments

According to the Department of Education website, "Ohio is among 22 states that are working as a consortium, called the Partnership for Assessment of Readiness for College and Careers (PARCC), to develop a common set of K-12 assessments in English and math. The assessments will be anchored in what it takes to be ready for college and careers, and will be ready for states to administer during the 2014-15 school year."⁹

Presumably these assessments will replace the current state achievement assessments in English language arts and math required for students in grades three through eight.

STUDENT AND TEACHER DATA

Release of personally identifiable information

The bill prescribes several prohibitions regarding the release of student and teacher personally identifiable information by the Superintendent of Public Instruction, the State Board of Education, the Department of Education, or any other state entity that deals with education.

Commercial use

First, it generally prohibits sharing personally identifiable student or teacher information with any entity that intends to use that information to develop commercial products or services. This includes the transfer of such information to any other entity for use in developing commercial products or services.¹⁰ (State law already prohibits

⁷ <http://www.corestandards.org/resources/process>, last visited 10/7/13. At the Common Core home page (www.corestandard.org), click on "Resources" then on "Process" on the far left side.

⁸ <http://www.corestandards.org/in-the-states>, last visited 10/7/13. At the Common Core home page, click on "In the States."

⁹ <http://education.ohio.gov/Topics/Testing/Next-Generation-Assessments/Partnership-for-Assessment-of-Readiness-for-College>, last visited 10/7/13. At the Ohio Department of Education website (www.education.ohio.gov), click on "Topics," then on "Testing," then "Prepare for Next Generation Assessments" and "Partnership for Assessment of Readiness for College and Careers."

¹⁰ R.C. 3301.078(D)(3).



public schools from releasing any student personally identifiable information, even directory information, for a profit-making plan or activity.¹¹⁾

Out-of-state recipients

Second, except for sharing student or teacher data with the U.S. Department of Education, the bill prohibits sharing personally identifiable student and teacher information with an entity outside the state. However, officials may share information with an entity that stores information digitally. This includes virtual, online, or hard drive file storage hosted by third parties outside of the state.¹²⁾

In-state recipients

Third, the bill prohibits sharing student or teacher data with in-state entities, except for an educational agency or other institution that the state prohibits, in writing, from (1) using the information to develop commercial products or services or transferring the information to any other entity for such purposes and (2) using the transfer of information for economic or workforce development planning.¹³⁾

U.S. Department of Education

Fourth, the bill expressly prohibits sharing personally identifiable student or teacher information with the U.S. Department of Education unless:

(1) The sharing of information is required as a condition of receiving a federal education grant;

(2) The U.S. Department of Education agrees, in writing, to (a) use the information only to evaluate the program or programs funded by the grant, (b) that the information will not be used for any research beyond that related to the evaluation of the program, unless the teacher or the student's parent or guardian affirmatively in writing consents to use of the teacher's or student's data, (c) that the U.S. Department will not share the information with any other governmental or private entity, unless the teacher or parent or guardian of a student affirmatively consents in writing, and (d) the U.S. Department agrees to destroy the information upon completion of the evaluation of the program; and

¹¹⁾ R.C. 3319.321(A), not in the bill.

¹²⁾ R.C. 3301.078(D)(2).

¹³⁾ R.C. 3301.078(D)(4).

(3) The grant or program is authorized by federal statute or rule.¹⁴

The bill provides for a contingency if the U.S. Department of Education requires as a condition of a federal education grant that the grant recipient provide personally identifiable information in a way that does not comply with the bill. In such case, the bill requires the grant recipient to provide the teacher or parent or guardian of any students whose information is required with notification that includes all of the following:

(1) That the grant recipient has been required to turn over the teacher's or student's information to the U.S. Department of Education;

(2) That neither the grant recipient nor any other entity or official within the state will have control of the use or further sharing of that information; and

(3) The contact information, including telephone number and e-mail address, of the U.S. Department of Education official seeking the information.¹⁵

Longitudinal data system

The bill prohibits the Superintendent of Public Instruction, the State Board of Education, the Department of Education, or any other state entity to spend any funds on construction, enhancement, or expansion of the statewide longitudinal student data system, beyond what is necessary for basic administrative needs, for academic evaluation of programs and student progress, or to comply with the sharing of information with the U.S. Department of Education.¹⁶ (See description of the system below.)

Background on the state's information management system

EMIS

The Department of Education operates the Education Management Information System (EMIS), which is a statewide electronic database on elementary and secondary students, staff, and schools, including statistical, demographic, attendance and enrollment, fiscal, licensure, and student achievement information. As part of that system, the Department engages an independent contractor to assign each student enrolled in a public school a unique identifier number (often called the student's "SSID"

¹⁴ R.C. 3301.078(D)(5).

¹⁵ R.C. 3301.078(E).

¹⁶ R.C. 3307.078(D)(1).



number). Schools must use that number to report student data to the Department through EMIS. Each school also must include a student's number on records reported to another public school, and the other school must continue to use the same number when reporting data to the Department for that student. The number is used by the Department to ensure that students are properly counted for funding and state achievement testing purposes.¹⁷ However, with a few exceptions, the Department may not have access to other information that would permit it to match a particular student's number to the student's personal information. Those exceptions are limited to students participating in state scholarship programs.

Longitudinal data system

The Chancellor of the Board of Regents also collects student data from institutions of higher education for use in compiling statistical reports for the General Assembly and the federal government and for tracking student eligibility for state scholarships and other assistance. Under current law, the Department of Education and the Chancellor, upon the approval of the State Board of Education, may establish a longitudinal student data system for students in public elementary and secondary schools and public institutions of higher education (that is, a P-16 student data system) by combining their data, using the Department's existing system for assigning each student a unique identifier number. The combined data may be used in assisting the Department in compiling statistical reports, making state payments to schools, and evaluating and reporting district and school academic performance and in assisting the Chancellor in compiling statistical reports and tracking eligibility for state assistance. The Superintendent and the Chancellor may use the data for other purposes, including research and analysis to evaluate programs or services or to measure progress against strategic planning goals.¹⁸

FERPA and related state law

All uses of student data must conform to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) and a separate state law implementing FERPA.¹⁹ The federal act controls the release of student data by any public or private school or educational institution that receives federal funding. That includes public and most private schools in Ohio as well as the Ohio Department of Education. The state statute applies directly to public primary and secondary schools and has been applied to

¹⁷ R.C. 3301.0714, not in the bill.

¹⁸ R.C. 3301.94, not in the bill.

¹⁹ R.C. 3319.321, not in the bill, and 20 United States Code 1232g.



private primary and secondary schools by rule of the State Board of Education.²⁰ Under these laws, subject to specific exceptions, schools and institutions may not release a student's personally identifiable information, which is not simply directory information, without the student's or parent's consent.

HISTORY

ACTION	DATE
Introduced	07-31-13

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²⁰ Ohio Administrative Code (O.A.C.) 3301-35-04(H)(2) applied to chartered nonpublic schools by reference in O.A.C. 3301-35-12.

