



Ohio Legislative Service Commission

Bill Analysis

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Reps. Driehaus and Sprague, Antonio, Butler, Fedor, Hackett, Perales, Smith, Phillips, Bishoff, R. Adams, Anielski, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyce, Buchy, Burkley, Carney, Celebrezze, Cera, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Foley, Gerberry, Green, C. Hagan, R. Hagan, Hall, Hayes, Henne, Hill, Hottinger, Huffman, Johnson, Landis, Letson, Lundy, Lynch, Mallory, McClain, Milkovich, O'Brien, Patmon, Patterson, Pillich, Ramos, Reece, Rogers, Romanchuk, Rosenberger, Ruhl, Schuring, Sears, Sheehy, Slaby, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Thompson, Wachtmann, Williams, Winburn, Young, Batchelder

BILL SUMMARY

Opioid abuse prevention education

- Requires each school district to include instruction in prescription opioid abuse prevention in the district's health curriculum.
- Requires the Governor's Cabinet Opiate Action Team to develop recommendations for instruction in prescription opioid abuse prevention and submit the recommendations to the Department of Education no later than July 1, 2015.
- Requires the Department, upon receiving the recommendations, to publish them on its website.

* The corrected analysis removes an incorrect entry from the bill summary regarding the nationally standardized college and career readiness assessments.

** This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

World history

- Requires one-half unit of instruction in the study of world history and civilizations in the high school social studies curriculum.
- Prohibits the State Board of Education and the Department of Education from developing or administering an end-of-course examination in the area of world history.

State assessments

- Phases out the current required physical science end-of-course examination so that students entering the ninth grade for the first time between July 1, 2014, and July 1, 2015, take either the physical science or biology examination, and students entering the ninth grade for the first time on or after July 1, 2015, take the biology end-of-course examination.
- Requires the Department of Education to make available the physical science end-of-course examination until July 1, 2019, for students who wish to retake the physical science end-of-course examination and who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015.
- Requires the State Board of Education to adopt rules by July 1, 2016, prescribing the requirements for the end-of-course examination in the area of science for students who have not completed one of the three prescribed graduation pathways by July 1, 2019, due to a student's failure to attain a cumulative passing score on the end-of-course examinations and who entered the ninth grade for the first time between July 1, 2014, and July 1, 2015.
- Increases from one to multiple nationally standardized assessments that measure college and career readiness from which school districts or schools must choose to administer to its students.
- Requires that the nationally standardized assessment to be administered in the spring of the school year.
- Exempts from an end-of-course examination students who received high school credit for an applicable course prior to July 1, 2015, rather than July 1, 2014, if the examination was not available for administration prior to July 1, 2015.
- Requires students exempted from such an examination to choose to either (1) be considered to have attained a "proficient" score, or (2) use the student's course grade in lieu of a score.



- Requires the state Superintendent, in consultation with the Chancellor, to adopt guidelines for the purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the necessary level of academic achievement.
- Permits school districts or schools that utilize an integrated approach to mathematics instruction to replace the required Algebra I end-of-course examination for an integrated mathematics I end-of-course examination and to replace the required geometry end-of-course examination for an integrated mathematics II end-of-course examination.
- Beginning with the 2015-2016 school year, requires final course grades, rather than substitute examinations, to be used in lieu of end-of-course examinations in specified subjects for students enrolled in courses under the College Credit Plus (CCP) Program or an Early College High School (ECHS) Program.
- Specifies for the 2014-2015 school year, depending on the former dual enrollment programs in which students are enrolled, which students are required to take substitute examinations and which must use final course grades in lieu of specified end-of-course examinations.
- Requires the Superintendent of Public Instruction, in consultation with the Chancellor of the Board of Regents, to adopt guidelines for calculating the minimum final course grades for CCP and ECHS courses, as well as specified former dual enrollment courses, that demonstrate the level of academic achievement necessary to earn a high school diploma.
- Addresses deadlines regarding the phase out of the Ohio Graduation Test (OGT) and OGT practice assessments.
- For the 2014-2015 school year, requires school districts and schools to administer the Ohio Achievement Assessment for English language arts to all third grade students in the spring administration.
- Specifies that student scores on state assessments for the 2014-2015 school year be sent to districts and schools by November 15, 2015, instead of within 60 days of administration or June 15 as under current law.
- Exempts, for the 2014-2015 school year only, chartered nonpublic schools from being required to administer the required end-of-course examinations and exempts students from being required to take those examinations.

- Removes the September 30 deadline by which the language and reading skills portion of the diagnostic assessment must be administered to students in kindergarten through third grade for purposes of the third grade reading guarantee.

Attendance reporting

- Removes a current school funding formula provision stating that a student's enrollment is considered to cease when the student has 105 continuous hours of unexcused absences.
- Specifies that a student in any of grades 9-12 is considered a full-time equivalent student if the student is enrolled in at least five units of instruction per school year.

Admission to schools of children placed in foster homes or residential facilities

- Prohibits public and nonpublic school officials from denying admission to a child placed in a foster home or residential facility solely because the child does not present a birth certificate or other comparable document upon registration.
- Requires the child or the child's parent, custodian, or guardian to present a birth certificate or other comparable document to the person in charge of admission of the school within 90 days after the child's initial entry into the school.

Teach for America licenses

- Requires each participant in the Teach for America Program who is assigned to teach in Ohio to remain an active member of the TFA support program, for the duration of the program, in order to continue to possess a resident educator license.
- Requires the State Board of Education to revoke a participant's resident educator license, if that participant resigns or is dismissed from the program prior to completion

Montessori community schools

- Adds any institution accredited by the Montessori Accreditation Council for Teacher Education to the list of entities that may offer an approved Montessori program, and to the list of institutions that may offer a teacher education program for alternative resident educator licensure.
- Specifies that community schools with approved Montessori programs must provide 455 hours of learning opportunities per school year to students who are under the age of five.



Provision of diabetes care to students by nurses employed by educational service centers

- Permits the board of education of a city, exempted village, or local school district to contract with an educational service center (ESC) for the purpose of a school nurse, a registered nurse, or a licensed practical nurse who is employed by the ESC providing diabetes care to students in the district in accordance with current law.

Physician use of controlled substances to treat dependence or addiction

- Requires the State Medical Board to establish, by rule, standards and procedures for physicians to follow in using controlled substances to treat opioid dependence or addiction.
- Modifies the conditions under which buprenorphine is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances.
- Requires, beginning April 1, 2015, that certain prescriber-based business entities hold a terminal distributor license from the State Board of Pharmacy in order to possess and distribute buprenorphine-containing drugs used to treat drug dependence or addiction.
- Makes a conforming change regarding the conditions under which methadone is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances.

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CONTENT AND OPERATION

Instruction in prescription opioid abuse prevention

The bill requires each school district to include instruction in prescription opioid abuse prevention in the district's health curriculum. This instruction must emphasize the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin.¹

Recommendations for instruction in prescription opioid abuse prevention

The bill requires the Governor's Cabinet Opiate Action Team to develop recommendations for the instruction in prescription opioid abuse prevention and submit them to the Department of Education by July 1, 2015. Upon receiving the recommendations, the Department must publish them in a prominent location on its website for use by school districts in developing their health curricula.²

Requiring world history in the social studies high school curriculum

Beginning with students who enter the ninth grade on or after July 1, 2017, the bill requires at least one-half unit of instruction (60 hours) in the study of world history

¹ R.C. 3313.60(A)(5)(f).

² Section 9.



and civilizations, as part of the two units of social studies instruction required for high school graduation.³

Background on high school curriculum

Under current law, in order to receive a high school diploma, a student must successfully complete 20 prescribed units of instruction. For most students those units are distributed as follows:

- (1) Four units of English language arts;
- (2) One-half unit of health;
- (3) Four units of math, including one unit of Algebra II or its equivalent;
- (4) One-half unit of physical education;
- (5) Three prescribed units of science;
- (6) One unit of history and government, consisting of one-half unit of American history and one-half unit of American government;
- (7) Two units of social studies;
- (8) Five elective units that must be selected from among certain prescribe subjects.⁴

Certain students who enter ninth grade before July 1, 2016, may receive their high school diplomas without completing the requirements for graduation described above, if they complete, instead, the slightly different 20 units of instruction formerly prescribed for every high school student and meet other conditions.⁵

In addition, the law permanently allows certain students in dropout prevention and recovery programs to receive their high school diplomas without completing the

³ R.C. 3313.603(B)(7) and (C)(7).

⁴ R.C. 3313.603(C). Am. Sub. H.B. 487 of the 130th General Assembly removed references that described this curriculum as the "Ohio core curriculum" in this and other sections of the Revised Code, so the current version of this section describes these requirements as the curriculum "requirements for graduation."

⁵ R.C. 3313.603(B) and (D). Am. Sub. H.B. 487 of the 130th General Assembly extended the terminal date of this exemption to July 1, 2016.

requirements for graduation described above, if they complete, instead, a competency-based instructional program and meet other conditions.⁶

The law defines one unit of instruction as a minimum of 120 hours of course instruction, except that for a laboratory course, one unit is a minimum of 150 hours of course instruction. It defines one-half unit of instruction as 60 hours of course instruction, except for the physical education requirement for which one-half unit is 120 hours of instruction.⁷

Prohibiting a state end-of-course examination in world history

The bill also explicitly prohibits the State Board of Education and the Department of Education from developing or administering a state end-of-course examination in the area of world history.⁸ (See also "**Background on achievement assessments**," below.)

State achievement assessments

For most high school students, state law currently requires the administration of and a passing score on the Ohio Graduation Tests (OGT) as a prerequisite for graduation.⁹ However, the OGT will be replaced by the College and Work Ready Assessment System beginning with students who enter the ninth grade for the first time on or after July 1, 2014. The College and Work Ready Assessment System consists of (1) a nationally standardized assessment that measures college and career readiness and is used for college admission, and (2) a series of seven end-of-course examinations.¹⁰ The bill makes adjustments to the assessment system.

College and career readiness assessment

The bill revises the law regarding the nationally standardized college and career readiness assessment to require the Superintendent of Public Instruction and Chancellor of the Board of Regents to select multiple assessments, instead of a single assessment, as in current law, from which school districts and schools may choose one to administer to their students.

⁶ R.C. 3316.603(F).

⁷ R.C. 3313.603(A).

⁸ R.C. 3301.0712(B)(8).

⁹ R.C. 3301.0710(B)(1).

¹⁰ R.C. 3301.0710(B)(2) and 3301.0712(B).

The bill also requires that the college and career readiness assessment be administered to all eleventh grade students in the *spring* of the school year.¹¹

Science end-of-course examination

As the second part of the College and Work Ready Assessment System, current law prescribes seven end-of-course examinations in English language arts I, English language arts II, physical science, Algebra I, geometry, American history, and American government. Instead of a physical science end-of-course examination, the bill specifies a "science" end-of-course examination. To that end, the bill prescribes a phased-in transition system regarding the science end-of-course examinations as described in the table below.¹²

Student status	End-of-course examination
Students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015.	Physical science or biology
For students entering the ninth grade for the first time on or after July 1, 2015.	Biology

For students who wish to retake the physical science end-of-course examination and who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the Department of Education must make available the physical science end-of-course examination until July 1, 2019.¹³

The State Board of Education must adopt rules by July 1, 2016, prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not completed one of the three prescribed graduation pathways by July 1, 2019, due to a student's failure to attain a cumulative passing score on the end-of-course examinations.¹⁴

(Current law requires students who enter ninth grade for the first time on or after July 1, 2014, to complete one of the following pathways in order to be eligible for a high school diploma: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the end-

¹¹ R.C. 3301.0712(B)(1).

¹² R.C. 3301.0712(B)(8)(a).

¹³ R.C. 3301.0712(B)(8)(b).

¹⁴ R.C. 3301.0712(B)(8)(c).

of-course examinations, or (3) attain a passing score on a nationally recognized job skills assessment and obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.¹⁵⁾

Exemption from end-of-course examinations for students who already completed a course

Current law exempts from an end-of-course examination any student who received high school credit prior to July 1, 2014, for a course for which that examination is prescribed. The bill revises this exemption to apply to students who received high school credit prior to July 1, 2015, for a course for which an applicable examination is prescribed, so long as the examination was not available for administration prior to that date. A student may take the examination at a later date, if desired.

For the purposes of determining whether a student who is exempted from an end-of-course examination has attained the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma, the student must select either of the following options:

(1) The student is considered to have attained a "proficient" score on that examination.

(2) The student's final course grade is used in lieu of a score on the examination.¹⁶

The Superintendent of Public Instruction, in consultation with the Chancellor of the Board of Regents, must adopt guidelines for the purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the necessary level of academic achievement.¹⁷

Integrated mathematics examinations in lieu of algebra and geometry examinations

The bill permits school districts or schools that utilize an integrated approach to mathematics instruction to do either, or both, of the following:

(1) Replace the required Algebra I end-of-course examination for an integrated mathematics I end-of-course examination; and

¹⁵ R.C. 3313.618.

¹⁶ R.C. 3301.0712(B)(6)(a).

¹⁷ R.C. 3301.0712(B)(6)(b).

(2) Replace the required geometry end-of-course examination for an integrated mathematics II end-of-course examination.¹⁸

Substitute examinations or courses for end-of-course examinations

Current law, amended in part under the bill, requires a student who is enrolled in an Advanced Placement (AP) or International Baccalaureate (IB) course or other advanced standing course (under the College Credit Plus (CCP) Program or Early College High School (ECHS) Program) to take the corresponding AP, IB, or advanced standing program examination in lieu of the corresponding physical science, American history, or American government end-of-course examinations.¹⁹ Additionally, if the State Board of Education replaces the Algebra I examination with an Algebra II examination, a student enrolled in an AP, IB, or advanced standing course in that subject must take the corresponding subject's examination in lieu of the Algebra II examination.²⁰ Finally, the State Board must specify the score levels for each AP, IB, or advanced standing program examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.²¹

Students enrolled in AP or IB courses

The bill maintains the requirements for a student enrolled in an AP or IB course. Therefore, such a student is still required to take the corresponding AP or IB examination in lieu of the corresponding end-of-course examination listed above, except that the student must take the corresponding end-of-course examination in "science," which will either be in the subject of physical science *or biology* depending upon the school year (see "**Science end-of-course examination**," above).²² Furthermore, the State Board must still specify the appropriate score levels for each AP and IB examination.

Students enrolled in CCP or ECHS courses

However, for the 2015-2016 school year and thereafter, the bill provides that if a student is enrolled in an appropriate course under any other advanced standing

¹⁸ R.C. 3301.0712(B)(7)(c).

¹⁹ R.C. 3301.0712(B)(4)(a).

²⁰ R.C. 3301.0712(B)(7)(b).

²¹ R.C. 3301.0712(B)(4)(a).

²² R.C. 3301.0712(B)(4)(a)(i), (B)(7)(b)(i), and (B)(8).

program, which currently includes the CCP Program and ECHS Programs,²³ the student is *not* required to take the corresponding end-of-course examination in science, American history, or American government. Instead, the student's final course grade must be used in lieu of the corresponding end-of-course examination.²⁴ Additionally, if the State Board replaces the Algebra I examination with an Algebra II examination, a student enrolled in a CCP or ECHS course in that subject is not required to take the Algebra II examination, and, instead, the student's final course grade must be used.²⁵

The bill further specifies that a final course grade may be used in lieu of an end-of-course examination only if the course (1) is not remedial or developmental and (2) the student receives "transcribed credit" for the course.²⁶ It also requires that, in a similar manner to the requirements for AP and IB substitute examinations, the Superintendent of Public Instruction, in consultation with the Chancellor of the Board of Regents, must adopt guidelines for purposes of calculating the minimum final course grade that demonstrates the level of academic achievement necessary to earn a high school diploma.²⁷

Substitute examinations and courses for the 2014-2015 school year

Am. Sub. H.B. 487 of the 130th General Assembly, effective September 17, 2014, replaced the former Post-Secondary Enrollment Options (PSEO) Program with the CCP Program and made several changes to the administration of that program.²⁸ Additionally, the act renamed the former "dual enrollment" programs as "advanced standing" programs and modified what qualifies as such a program.²⁹ However, both the CCP Program and advanced standing programs do not begin operation until the 2015-2016 school year. Meanwhile, for the 2014-2015 school year, students must continue to participate under the former PSEO program or the relevant former dual enrollment program.³⁰ Therefore, for the 2014-2015 school year, the bill also prescribes,

²³ R.C. 3313.6013(A), not in the bill.

²⁴ R.C. 3301.0712(B)(4)(b)(ii).

²⁵ R.C. 3301.0712(B)(7)(b)(ii).

²⁶ R.C. 3301.0712(B)(4)(b), last paragraph. See also R.C. 3365.01(U). "Transcribed credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course.

²⁷ R.C. 3301.0712(B)(4)(b)(ii).

²⁸ Chapter 3365. of the Revised Code.

²⁹ R.C. 3313.6013(A).

³⁰ Section 6 of Am. Sub. H.B. 487 of the 130th General Assembly, not in the bill.



based on the former dual enrollment programs, which students are required to take substitute examinations and which must use final course grades in lieu of the science, American history, or American government end-of-course examinations.

Under the bill, if a student is enrolled in the former PSEO Program or an Early College High School under former law³¹ during the 2014-2015 school year, that student is not required to take the corresponding end-of-course examination. Instead, the student's final course grade must be used in lieu of that examination.³² Meanwhile, if the student is enrolled in a course under "any similar program established pursuant to an agreement between a school district or chartered nonpublic high school and an institution of higher education,"³³ the student must either (1) take the applicable examination under that program in lieu of the corresponding end-of-course examination, or (2) not take the corresponding end-of-course examination and instead use the final course grade in lieu of that examination.³⁴ As previously noted, a final course grade may only be used in lieu of an end-of-course examination if the course (1) is not remedial or developmental and (2) the student receives transcribed credit for the course.

The bill also requires the State Board to specify the score levels for each substitute examination taken under a dual enrollment program during the 2014-2015 school year for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. Similarly, the state Superintendent, in consultation with the Chancellor, must adopt guidelines for purposes of calculating the minimum final course grades for dual enrollment courses taken during the 2014-2015 school year that demonstrate the level of academic achievement necessary to earn a high school diploma.³⁵

The bill does not modify the requirements for a student enrolled in an AP course for the 2014-2015 school year. Therefore, a student enrolled in an AP course must still take the applicable AP examination in lieu of the end-of-course examination, as required under current law.

³¹ See former divisions (A)(1) and (4) of R.C. 3313.6013, as it existed prior to September 17, 2014.

³² Section 11, division (A)(1).

³³ See former division (A)(3) of R.C. 3313.6013, as it existed prior to September 17, 2014.

³⁴ Section 11, division (A)(2).

³⁵ Section 11, division (B).

OGT phase out

The bill changes language dealing with deadlines regarding the administration of OGT practice tests and the phase-out of such tests as OGT's are replaced with the new College and Work Ready Assessments. First, the bill states that a school district or school with a three-year average graduation rate (for students who graduate in four years) of less than 75% administer the practice OGT to all ninth grade students who entered ninth grade prior to July 1, 2014. Current law does not include an end date for the administration of such practice assessments. Second, the bill changes from a date certain (July 1, 2015) to a date specified by the State Board of Education as the end date of the administration of the OGT and practice assessments to students who have fulfilled the curriculum requirements to graduate, but have not passed one or more parts of the OGT.³⁶

Third grade reading guarantee assessments

Under current law for the 2014-2015 school year only, the spring English language arts assessment a school district or school administers to a third grader depends on the student's performance on the fall assessment. If a student scores at the level the State Board of Education designates for a student to be promoted to the fourth grade, the district or school must administer to that student the English language arts assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC). However, if the student scores below the level set by the State Board, then the district or school must administer to that student the English language arts assessment that the school administered in the previous year (the Ohio Achievement Assessment). The bill removes the distinction and requires districts and schools to administer the Ohio Achievement Assessment English language arts assessment to all third grade students in the spring, regardless of any previous test score.³⁷

Reporting of assessment scores

Under the bill, the Department of Education, or an entity with which the Department contracts for the scoring of state assessments, must send to each district and school a list of individual scores for all students who took an assessment in the 2014-2015 school year not later than November 15, 2015.³⁸ Current law requires that such scores be sent within 60 days after the administration of an assessment, but in no

³⁶ R.C. 3301.0711(B)(10).

³⁷ Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly, amended in Sections 7 and 8 of the bill.

³⁸ Section 9.



case shall the scores be returned later than the 15th day of June following the assessment administration.³⁹

End-of-course examination exemption for chartered nonpublic schools

The bill exempts, for the 2014-2015 school year only, chartered nonpublic schools from being required to administer the end-of-course examinations and also exempts students enrolled in chartered nonpublic schools from being required to take those examinations. Since current law prescribes the attainment of a cumulative passing score on the end-of-course examinations as one of the three graduation pathways,⁴⁰ the bill specifies that a student's final course grade must be used in lieu of a score on the corresponding end-of-course examination from which the student is exempt in order to determine whether a student complies with the graduation testing requirements that may apply to the student in subsequent school years.⁴¹

Despite the bill's exemption for students enrolled in chartered nonpublic schools, the bill explicitly states that students attending a chartered nonpublic school under a state scholarship program are still required to complete one of the three graduation pathways in order to receive a high school diploma.⁴² The state scholarship programs are the Ed Choice Scholarship Program, Jon Peterson Special Needs Scholarship Program, Cleveland Scholarship Program, and Autism Scholarship Program.

Finally, the bill requires the Superintendent of Public Instruction, in consultation with the Chancellor of the Board of Regents, to adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.⁴³

Background

Current law provides a contingent exemption for students attending a chartered nonpublic school from taking the required end-of-course examinations. That provision permits a chartered nonpublic school to forego administering all of the end-of-course examinations, if the school publishes for each graduating class the results of the required nationally standardized assessment that measures college and career readiness. In reporting those results, a school must include overall composite scores,

³⁹ R.C. 3301.0711(G).

⁴⁰ R.C. 3313.618.

⁴¹ Section 12(A).

⁴² Section 12(B).

⁴³ Section 12(A), second paragraph.



mean scores, 25th percentile scores, and 75th percentile scores for each subject area of the assessment.⁴⁴ Currently, the exemption goes into effect on October 1, 2015, only if the General Assembly does not enact different requirements that are effective by that date regarding end-of-course examinations for chartered nonpublic schools.⁴⁵

Background on achievement assessments

State law, in part in compliance with the federal No Child Left Behind Act, requires the administration of annual reading and math assessments to students in grades three through eight and science assessments to students in grades five and eight. The state further requires the administration of an annual social studies assessment to students in grades four and six, but those tests are not required under federal law.

The composition of elementary-level achievement assessments are shown below.

	English language arts	Math	Science	Social Studies
Grade 3	X	X		
Grade 4	X	X		X
Grade 5	X	X	X	
Grade 6	X	X		X
Grade 7	X	X		
Grade 8	X	X	X	

For high school students, state law currently requires the administration of the Ohio Graduation Test (OGT). The OGT includes five different test subjects in reading, writing, mathematics, science, and social studies. It is administered to tenth graders and to eleventh and twelfth graders who failed one or more subject test.⁴⁶ However, the OGT will be replaced by the college and work ready assessment system beginning with students who enter the ninth grade for the first time on or after July 1, 2014. The college and work ready assessment system consists of:

(1) A nationally standardized assessment that measures college and career readiness and is used for college admission; and

⁴⁴ R.C. 3313.612(D).

⁴⁵ R.C. 3313.612(G).

⁴⁶ R.C. 3301.0710(B)(1).

(2) A series of seven end-of-course examinations, one each in the areas of English language arts I, English language arts II, physical science, Algebra I, geometry, American history, and American government.

Diagnostic assessment deadline

Current law requires public schools to administer diagnostic assessments in reading, writing, and mathematics to students in grades kindergarten through two and in reading and writing to students in grade three.⁴⁷ For purposes of identifying students who need intensive remediation in reading for purposes of the third grade reading guarantee, current law requires public schools to administer the language and reading skills portion of the diagnostic assessments to students in kindergarten through third grade not later than September 30 of each year.⁴⁸ The bill removes that deadline.

Student attendance reporting

Current law specifies several conditions under which a student's enrollment is considered to cease for purposes of counting the student for state operating funding (see "**Background on student withdrawal policy**," below). One such condition occurs when the student has 105 continuous hours of unexcused absences. That provision goes on to require the district to take "appropriate action," such as filing a complaint against the child and the child's parent or guardian, if the student is withdrawn and the district board determines that the student is truant.⁴⁹

The bill removes these provisions.

The bill also specifies that a student in grades nine through twelve is considered a full-time equivalent student if the student is enrolled in at least five units of instruction per school year.⁵⁰

Background on student withdrawal policy

Current law specifies that a student's enrollment in school is considered to cease on the date on which any of the following occur:

(1) The student's school district received documentation from a parent terminating the student's enrollment.

⁴⁷ R.C. 3301.079(D), not in the bill.

⁴⁸ R.C. 3301.0715(A)(2) and 3313.608(B)(1).

⁴⁹ R.C. 3317.034(C)(3).

⁵⁰ R.C. 3317.034(E).

(2) The district is provided documentation of a student's enrollment in another public or nonpublic school.

(3) The student fails to participate in learning opportunities and has not received an excused absence for 105 continuous hours (removed by the bill).

(4) The student ceases to participate in learning opportunities by the school.⁵¹

Admission to schools of children placed in foster homes or residential facilities

The bill prohibits public and nonpublic school officials from denying admission to a child placed in a foster home or residential facility (a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides 24 hour child care, county children's home, or district children's home)⁵² solely because, upon registration for entry into the school, the child does not present one of the following as required under current law:

--A birth certificate;

--A comparable certificate or certification from another state, territory, possession, or nation;

--A passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child;

--An attested transcript of the certificate of birth;

--An attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child;

--An attested transcript of a hospital record showing the date and place of birth of the child; or

--A birth affidavit.

⁵¹ R.C. 3317.034(C).

⁵² R.C. 3313.672(E).

However, the child or the child's parent, custodian, or guardian must present one of these documents to the person in charge of admission of the school within 90 days after the child's initial entry into the school.⁵³

Teach for America licenses

The bill requires that, in order to be issued a resident educator license by the State Board of Education, a participant in the Teach for America (TFA) Program who is assigned to teach in Ohio must remain an active member of the two-year TFA support program, in addition to meeting other specified conditions (see "**Background**," below), for the duration of the program.⁵⁴ The bill also requires the State Board to revoke a TFA participant's resident educator license, if that participant resigns or is dismissed from the program prior to completion of the support program.⁵⁵

Background

Current law provides for the issuing of resident educator licenses to applicants who are assigned to teach in Ohio as participants in the Teach for America Program. To be eligible for a resident educator license issued under the program, an individual must be assigned to teach in Ohio as a participant in the Teach for America Program or have completed two years of teaching in another state through that program, and meet all of the following conditions:

- (1) Have a bachelor's degree;
- (2) Have an undergraduate grade point average of at least 2.5 out of 4.0;
- (3) Have passed the Praxis II subject area assessment in the teaching area; and
- (4) Have successfully completed Teach for America's summer training institute.⁵⁶

Montessori community schools

The bill expands the list of entities that may endorse the Montessori method used by a community school to enroll students in a Montessori preschool program. Specifically, the bill permits a community school that operates a program that uses the Montessori method endorsed by the Montessori Accreditation Council for Teacher

⁵³ R.C. 3313.672(A)(3).

⁵⁴ R.C. 3319.227(A).

⁵⁵ R.C. 3319.227(E).

⁵⁶ R.C. 3319.227.

Education as its primary method of instruction to admit individuals who are younger than five.⁵⁷ Recent amendments enacted by Am. Sub. H.B. 487 of the 130th General Assembly permit a community school that operates a program using the Montessori method endorsed by the American Montessori Society or the Association Montessori Internationale as its primary method of instruction to enroll students younger than the age of five.

The bill also authorizes early childhood education funding for community schools that use the method endorsed by the Montessori Accreditation Council for Teacher Education.⁵⁸ H.B. 487 extended the definition of the term "new" eligible provider, under the preschool funding law, to include a community school that operates a Montessori program according to the provisions of H.B. 487. This change ensures that a school utilizing the method endorsed by the Montessori Accreditation Council for Teacher Education is included within the definition of "new" eligible provider.

Alternative resident educator license for Montessori teachers

The bill requires the State Board of Education to issue an alternative resident educator license to an applicant who holds a bachelor's degree and who has successfully completed a teacher education program offered by either: (1) the American Montessori Society, (2) the Association Montessori Internationale, or (3) an institution accredited by the Montessori Accreditation Council for Teacher Education. Such an applicant may obtain the alternative resident educator license only if the applicant is employed in a school that operates a program using the Montessori method endorsed by one of the three entities described above.

Current law requires the State Board to issue an alternative resident educator license to the holder of a bachelor's degree who has successfully graduated from an American Montessori Society affiliated teacher education program or received a certificate from the Association Montessori Internationale. Thus, the change is technical in part, but also adds the Montessori Accreditation Council to the list of acceptable teacher education programs for alternative resident educator licensure.

Required hours of learning opportunities

Finally, the bill specifies that, notwithstanding anything to the contrary in the Community School Law, individuals younger than the age of five who are enrolled in a Montessori program must be offered at least 455 hours of learning opportunities per

⁵⁷ R.C. 3314.06.

⁵⁸ Section 263.20 of H.B. 59 of the 130th General Assembly, amended in Sections 3 and 4 of the bill.

school year.⁵⁹ Continuing law, not amended by the bill, requires every community school to provide at least 920 hours of learning opportunities to its students per school year.⁶⁰

Background on Montessori programs

The Montessori method is based on the findings of Maria Montessori (1870-1952). According to the Association Montessori Internationale (AMI), "Montessori classrooms provide a prepared environment where children are free to respond to their natural tendency to work. The children's innate passion for learning is encouraged by giving them opportunities to engage in spontaneous, purposeful activities with the guidance of a trained adult."⁶¹ Children can choose from different activities that are part of the curriculum and work independently on them. Montessori preschools are predominantly private, though some Montessori schools in Ohio are public.

Provision of diabetes care to students by nurses employed by educational service centers

The bill permits the board of education of a city, exempted village, or local school district to contract with an educational service center (ESC) for the purpose of school nurses, registered nurses, and licensed practical nurses who are licensed under Ohio law and employed by the ESC providing diabetes care to students in the district.⁶² This care must be provided in accordance with current law regarding care for students with diabetes, which permits a school nurse or, in the absence of a school nurse, a school employee (a physician, a registered nurse, or a licensed practical nurse) that has received training provided by the district in diabetes care⁶³ to administer diabetes medication to students in accordance with current requirements regarding the administration of drugs in schools.⁶⁴ For more information about the provisions of the Revised Code regarding care for students with diabetes, see the Final Analysis of Sub. H.B. 264 of the 130th General Assembly (<http://www.lsc.state.oh.us/analyses130/14-hb264-130.pdf>).

⁵⁹ R.C. 3314.06.

⁶⁰ R.C. 3314.03(A)(11)(A).

⁶¹ See the AMI homepage (ami-global.org) for more information regarding Montessori programs.

⁶² R.C. 3313.68(B).

⁶³ R.C. 3313.7112(E), not in the bill.

⁶⁴ R.C. 3313.7112(C) and 3313.713, neither in the bill.

Miscellaneous education provisions

The bill makes the following miscellaneous revisions:

(1) Permits unexpended, unencumbered funds at the end of fiscal year 2015 appropriated for the Career Advising and Mentoring Program in the general mid-biennium review act to be used for the same purpose for fiscal year 2016.⁶⁵

(2) Corrects an engrossing error from H.B. 487 of the 130th General Assembly, for which language that clarifies the manner in which state-required assessment questions become a public record was omitted.⁶⁶

Physician use of controlled substances to treat dependence or addiction

The bill requires the State Medical Board to establish standards and procedures to be followed by physicians when using schedule III, IV, or V controlled substances to treat opioid dependence or addiction. The bill authorizes the Board to specify the practice type or location in which the standards and procedures are to apply.⁶⁷

The standards and procedures are to be established in rules adopted by the Board in accordance with the Administrative Procedure Act (R.C. Chapter 119.). The standards and procedures are applicable to physicians who are medical doctors or osteopathic doctors.

Limits on personally furnishing controlled substances

Current law establishes limits on the amount of controlled substances a prescriber may personally furnish to or for patients. Under these limits, a prescriber (other than a veterinarian) cannot personally furnish more than either of the following:

- 2,500 dosage units in a 30-day period to all patients taken as a whole;
- A 72-hour supply for a patient's use in that period.⁶⁸

The State Board of Pharmacy is authorized to impose fines of not more than \$5,000 under current law for violating these limits.⁶⁹

⁶⁵ Section 263.320 of H.B. 59 of the 130th General Assembly, amended in Sections 5 and 6 of the bill.

⁶⁶ R.C. 3301.0711(N).

⁶⁷ R.C. 4731.056.

⁶⁸ R.C. 4729.291(C)(1).

⁶⁹ R.C. 4729.291(C)(2).



The bill modifies the conditions under which buprenorphine is not included in determining whether a prescriber has exceeded the limits on personally furnishing controlled substances to patients.⁷⁰ Buprenorphine, which is used to treat opioid dependence, prevents withdrawal symptoms when someone stops taking opioid drugs by producing similar effects to the opioid drugs.⁷¹

Under current law, buprenorphine is excluded from consideration in determining whether the limits have been exceeded if the buprenorphine is provided to treat drug addiction by a prescriber who satisfies federal requirements so as to be exempt from separate registration with the federal Drug Enforcement Administration.⁷² The bill replaces this provision with a provision that excludes buprenorphine that is provided to treat drug dependence or addiction as part of an opioid treatment program. For the exclusion to apply, the opioid treatment program must (1) be certified by the federal Substance Abuse and Mental Health Services Administration and (2) must distribute both buprenorphine and methadone.

Terminal distributor license for prescriber businesses using buprenorphine

Under current law, certain prescriber-based business entities that possess dangerous drugs are exempt from the general requirement to be licensed by the State Board of Pharmacy as terminal distributors of dangerous drugs. For the exemption to apply, each shareholder, member, or partner of the business entity must be authorized to prescribe drugs and authorized to provide the health care professional services offered by the entity.⁷³

Beginning April 1, 2015, the bill requires such a business entity to hold a terminal distributor license in circumstances involving buprenorphine. Specifically, the business entity must be licensed in order to possess, have custody or control of, and distribute controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.⁷⁴

⁷⁰ R.C. 4729.291(D).

⁷¹ U.S. National Library of Medicine, National Institutes of Health, *Buprenorphine Sublingual* (last visited December 2, 2014), available at < <http://www.nlm.nih.gov/medlineplus/druginfo/meds/a605002.html>>.

⁷² R.C. 4729.291(D)(1)(b); *see also* 21 Code of Federal Regulations (C.F.R.) 1301.28.

⁷³ R.C. 4729.51, not in the bill, and 4729.541.

⁷⁴ R.C. 4729.541(C)(2).



Conforming change

The bill makes a conforming change that corresponds with the bill's provisions regarding the conditions under which buprenorphine is not included in determining whether prescribers have exceeded their limits on personally furnishing controlled substances. Under current law, methadone is also excluded from consideration in determining whether the limits have been exceeded if the methadone is provided to treat drug addiction by a prescriber who meets certain conditions specified in the Code of Federal Regulations.⁷⁵ The bill specifies that this provision also applies if the methadone is provided to treat drug dependence,⁷⁶ which corresponds to what the bill specifies for buprenorphine.⁷⁷

HISTORY

ACTION	DATE
Introduced	12-02-13
Reported, H. Education	02-27-14
Passed House (95-1)	03-12-14
Reported, S. Education	---

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⁷⁵ See 21 C.F.R. 1306.07.

⁷⁶ R.C. 4729.291(D)(1)(a).

⁷⁷ R.C. 4729.291(D)(1)(b).

