



Ohio Legislative Service Commission

Bill Analysis

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BILL SUMMARY

High school diploma requirements

- Revises the diploma requirements for students enrolled in public and chartered nonpublic high schools to require students to meet one of the following conditions beginning with students entering ninth grade on or after July 1, 2015: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) score at "remediation-free" levels on the end-of-course examinations in English and math, (3) attain a cumulative passing score on the end-of-course examinations, or (4) attain a passing score on a nationally recognized job skills assessment or obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.
- States that the State Board of Education may not create or require any additional assessment for granting any type of high school diploma other than as prescribed by the bill.
- Permits school districts and schools to include remediation-free or workforce-ready endorsements on a student's diploma.

College and work-ready assessment system and end-of-course examinations

- Sets the replacement of the Ohio Graduation Tests (OGT) with the college and work-ready assessment system as follows: (1) beginning in the 2014-2015 school year, for students who have not yet entered the ninth grade by July 1, 2014, and for students in grades nine through twelve who wish to earn course credit by examination, and

(2) beginning in the 2015-2016 school year, for students who enter the ninth grade for the first time on or after July 1, 2015.

- Specifies that the end-of-course examinations included in the college and work-ready assessment system be in five subject areas: science, American history, American government, math (specifically algebra II or its equivalent), and English language arts III.
- Authorizes the Department of Education to offer an additional end-of-course examination, in each of mathematics and English language arts, provided the Department has sufficient funds to develop and furnish additional examinations.
- Requires the end-of-course examinations in American history and American government to be administered beginning with the 2014-2015 school year, despite the other three end-of-course examinations being generally administered beginning in the following school year.
- Requires the State Board to compile a list of equivalent assessments that districts and schools may administer instead of the prescribed end-of-course examinations.
- Authorizes school districts, other public schools, and chartered nonpublic schools to form a consortium to facilitate the purchase and administration of equivalent examinations.
- Eliminates the exemption for students attending a chartered nonpublic school accredited through the Independent School Association of the Central States from passing the end-of-course examinations as a prerequisite for high school graduation.

Other provisions regarding achievement assessments

- Prohibits the online administration of the elementary- and secondary-level achievement assessments prior to the 2015-2016 school year.
- Requires the Department of Education to conduct a survey of the capacity and readiness of each school district for the online administration of the elementary- and secondary-level achievement assessments and issue a report of the survey and an implementation plan to address problems not later than 90 days after the bill's effective date.
- Requires the Department of Education to administer for the 2013-2014 school year only, two separate summative assessments to students in school districts of the same sample size and profile and issue a report that contains the results and a comparison of those assessments.

- Requires the Department of Education by November 30, 2014, to recommend to the State Board the elementary-level achievement assessments in English language arts and math to be prescribed by the State Board and requires the State Board to prescribe those assessments by December 31, 2014.
- Requires the Department of Education to develop and publish, not later than 30 days after the bill's effective date, an estimated score to determine college and career-readiness for each of the Ohio Graduation Tests.
- Changes the terminology of the top two scoring levels for the elementary-level achievement assessments from "advanced" to "superior," and "accelerated" to "commended."

Credit by examination

- Permits students who score at a specified level on certain examinations to earn course credit without completing the corresponding course of instruction beginning July 1, 2014.

Dropout program graduation requirements and report cards

- Phases in revisions to the graduation requirements for students enrolled in a dropout prevention and recovery program.
- Makes changes in the requirements for the state report card for dropout prevention and recovery community schools.

Academic content standards and model curricula

- Requires the State Board, prior to adopting or revising any academic content standards, to hold not less than three public hearings that allow public testimony on the standards or revisions to the standards.
- Removes the requirement that the state model curricula be aligned with the elementary- and secondary-level assessments.

State report card measures and safe harbor provisions

- Makes permissive, instead of mandatory, the development of the high school student academic progress measure as a part of the state report card system for school districts and schools.
- Removes a provision requiring the State Board to update every six years the performance indicators for the state report card.



- Prohibits the report card ratings issued for the 2014-2015 school year from being considered in determining whether a school district or school is subject to sanctions or penalties.
- Permits a school district, community school, or STEM school to enter into a memorandum of understanding with its teachers' union that stipulates that the value-added progress dimension rating issued for the 2014-2015 school year will not be used when making decisions regarding teacher dismissal, retention, tenure, or compensation.

Release of student information

- Prohibits the Department of Education, school districts, schools, and third-party contractors from providing student names and addresses to any multi-state consortium that offers summative assessments without written permission from the student's parent or guardian.

Textbook selection

- Requires the Department of Education to establish a model process for use by school districts for selecting and adopting textbooks, electronic textbooks, and instructional materials by June 30, 2014.
- Requires each school district to establish a process for selecting and adopting textbooks, electronic textbooks, and instructional materials in consultation with teachers, parents, and citizens of the school district.

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CONTENT AND OPERATION

High school graduation requirements

The bill revises the high school graduation requirements for students in public or chartered nonpublic schools who enter the ninth grade for the first time on or after July 1, 2015. The bill eliminates the current requirement for those students to pass the Ohio Graduation Tests (OGT) and specifies that, to be eligible to receive a diploma, a student must satisfy the applicable curriculum requirements (unchanged from current law) and meet one of the following other conditions:

(1) Be "remediation-free," based on the uniform standards adopted under current law by the presidents of Ohio's public institutions of higher education, on each of the nationally standardized assessments in English, mathematics, and reading;¹

(2) Be "remediation-free," based on separate standards established by the State Board of Education, on both of the end-of-course examinations in English III and algebra II (see "**End-of-course examinations**" below);

(3) Attain a cumulative passing score on the end-of-course examinations;

(4) Attain a score that demonstrates "workforce readiness and employability" on a nationally recognized job skills assessment selected by the State Board (see "**Job skills assessment**" below) *or* obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.²

¹ See R.C. 3345.061(F), not in the bill.

² R.C. 3313.618(A). See also, R.C. 3313.61(A)(2) and (B)(2), 3313.611, 3313.612, 3313.614(B)(3) and (4), 3313.615, 3325.08, and 3328.25.



If a student's school district or school does not administer one of the examinations listed above that the student chooses to take in order to qualify for a high school diploma, the district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

The bill also explicitly states that the State Board may not create or require any additional assessment for the granting of any type of high school diploma.³

In addition, it expressly prohibits the State Board from creating any additional type of diploma other than those authorized under current law. Those include a high school or honors diploma issued by a school district, community school, or STEM school; a diploma of adult education or certificate of high school equivalency (i.e., GED); a diploma issued by a nonpublic school; or a diploma or honors diploma issued by the State School for the Deaf, State School for the Blind, or a college-preparatory boarding school.⁴

Diploma endorsements

The bill provides for the following "endorsements" that may be included on a diploma or honors diploma issued by a school district, community school, or STEM school:

(1) Remediation-free endorsement, which is earned by a student being determined to be remediation-free based on the standards adopted by the presidents of Ohio's public institutions of higher education, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Workforce-ready endorsement, which is earned by a student attaining a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the State Board *or* obtaining either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.⁵

These same two conditions are also conditions for a diploma, as described above.

³ R.C. 3313.618(B).

⁴ R.C. 3313.61(N).

⁵ R.C. 3313.61(C).

Background

Under current law, to be eligible for a diploma from a public or chartered nonpublic high school, a student must complete the school's curriculum and generally pass all five subject areas of the OGT.⁶ The OGT is a battery of five tests, one each in reading, writing, math, science, and social studies, that measures 10th-grade proficiency based on the state academic content standards.⁷ It is given to every 10th-grade student and to 11th- and 12th-grade students who have not yet passed all five tests.

Current law and the bill also provide for the eventual discontinuation of the OGT in favor of the college and work-ready assessment system, which consists of a nationally standardized assessment that measures college and career readiness and a series of end-of-course examinations in the areas of science, math, English language arts, American history, and American government.⁸ Those assessments and examinations must be selected jointly by the Superintendent of Public Instruction and the Chancellor of the Board of Regents.

College and work-ready assessment system

As mentioned above, current law requires the eventual phase-out of the OGT. But, it does not specify a date by which the OGT is to be eliminated. Instead it leaves that decision to the State Board. The bill, on the other hand, prescribes the timing for the administration of the college and work-ready assessment system as follows:

(1) Beginning in the 2014-2015 school year, for students who have not yet entered the ninth grade by July 1, 2014, and for students in grades nine through twelve who wish to earn course credit by examination;

(2) Beginning in the 2015-2016 school year, for all other students who enter the ninth grade for the first time on or after July 1, 2015.

The bill also authorizes the Department of Education to offer an additional end-of-course examination, in each of mathematics and English language arts, provided the state Superintendent determines that the Department has sufficient funds to pay the costs of developing and furnishing additional examinations. Accordingly, school

⁶ R.C. 3313.61, 3313.612, 3314.03(A)(11)(f), 3325.08, 3326.11, and 3328.25.

⁷ R.C. 3301.0710(B)(1).

⁸ R.C. 3301.0712.



districts and other public schools and chartered nonpublic schools are authorized, but not required, to administer one or both of the additional examinations.⁹

End-of-course examinations

The bill directs the State Board to do the following by October 31, 2014, to implement the end-of-course examinations:

(1) Determine and designate at least five ranges of scores on each of the end-of-course examinations and equivalent examinations (see "**Equivalent examinations**" below). The bill prescribes the following five scoring levels: superior, commended, proficient, basic, and limited.

(2) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or equivalent examinations;

(3) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a diploma; and

(4) Develop a table of corresponding score equivalents for all of the examinations in order to calculate student performance consistently across the different examinations.¹⁰

American history and American government examinations

While the bill generally provides for the administration of the end-of-course examinations beginning with the 2015-2016 school year, the bill requires the end-of-course examinations in American history and American government to be administered beginning with the 2014-2015 school year.¹¹ (Current law requires districts and schools, beginning with 2013-2014 school year, to administer interim end-of-course examinations in American history and government of their own adoption until the state Superintendent and Chancellor adopt the state's examinations in those subjects.)

Equivalent examinations

Current law requires the state Superintendent and the Chancellor, in selecting end-of-course examinations, to select multiple examinations in each subject area, thus giving districts and schools a variety of alternative assessments from which to choose.

⁹ R.C. 3301.0712(B)(2)(c), second paragraph.

¹⁰ R.C. 3301.0712(B)(4).

¹¹ R.C. 3301.0712(B)(5)(c).



Instead, the bill requires the state Superintendent and the Chancellor to select a single examination in each subject area and requires the State Board (not the state Superintendent and Chancellor) to compile a list of the multiple "equivalent" assessments not later than 60 days after the bill's effective date. That list must include nationally recognized, "nationally norm-referenced" subject area assessments, such as Advanced Placement (AP) exams, International Baccalaureate (IB) exams, SAT subject tests (all under current law), and ACT end-of-course examinations (new under the bill). The bill specifies that districts and schools may use any of these equivalent examinations as an alternative to an examination selected by the state Superintendent and the Chancellor. The bill expressly permits the State Board to update or revise the list of equivalent examinations.¹² As noted above, the State Board must develop a table of corresponding score equivalents for all of the examinations.

The bill also authorizes school districts, other public schools, and chartered nonpublic schools to form a consortium to facilitate the purchase and administration of equivalent examinations. The consortium may designate an educational service center to serve as fiscal agent for the consortium. School districts and schools that elect to administer the equivalent examinations in lieu of the end-of-course examinations will be reimbursed the lesser of the actual cost to administer the equivalent examinations or the cost that the state would have incurred if the end-of-course examinations were administered.¹³

Chartered nonpublic school end-of-course examination exemption

Current law exempts students who attend a chartered nonpublic school accredited through the Independent School Association of the Central States from passing the end-of-course examinations as a prerequisite from graduating from high school.¹⁴

The bill eliminates this exemption.

Miscellaneous changes regarding examinations

The bill makes the following other miscellaneous changes regarding the end-of-course examinations and equivalent examinations:

¹² R.C. 3301.0712(B)(3).

¹³ R.C. 3301.0712(B)(3), third paragraph.

¹⁴ R.C. 3313.612(B)(2).



(1) Authorizes school districts or schools to use the end-of-course examinations or equivalent examinations as final examinations for the related subject area class or course of study;¹⁵

(2) Requires each school district or school, beginning with the 2014-2015 school year, to notify the Department of Education, prior to August 1 of each school year, which assessment or assessments the district or school selects for each subject area, regardless of whether or not the district or school opts to administer equivalent examinations;¹⁶

(3) Prohibits a school district or school from charging a student for any assessment that is part of the college and work-ready assessment system. These include the end-of-course examinations, equivalent examinations, job skills assessment (see "**Job skills assessment**" below), and the nationally standardized assessment that measures college and career readiness.¹⁷

(4) Authorizes the State Board of Education to require the entity that scores an equivalent examination to provide the student score data on that examination on behalf of the district or school, for purposes of calculating measures for the state report card;¹⁸ and

(5) Specifies that the math end-of-course examination be in algebra II or its equivalent and that the English language arts examination be in "English language arts III" as designated by the State Board.¹⁹

Required administration of the state assessments

Under the bill, each school district, community school, STEM school, and college-preparatory boarding school and each chartered nonpublic school must administer the high school assessments to their students, as is required under current law.²⁰ However, unlike current law, attaining a passing score on each of the assessments is not required for graduation under the bill. Rather, as described above, there are multiple conditions

¹⁵ R.C. 3301.0712(F)

¹⁶ R.C. 3301.0712(B)(3), third paragraph.

¹⁷ R.C. 3301.0712(E).

¹⁸ R.C. 3301.0712(B)(3), third paragraph.

¹⁹ R.C. 3301.0712(B)(2).

²⁰ R.C. 3301.0711(B)(11) and (K)(1)(b), 3314.03(A)(11)(d), 3326.14, and 3328.24 (latter three sections not in the bill).

under which a student may qualify for a high school diploma with some kind of score or cumulative score on a variety of different assessments, even if the student did not attain a passing score on one or more individual assessments.

Job skills assessment

As a component of the bill's new high school graduation requirements, the bill requires the State Board to select by December 31, 2014, at least one nationally recognized job skills assessment for administration by school districts to students who opt to take the assessment. The State Board must establish the minimum score that a student must attain on the assessment in order to demonstrate a student's workforce readiness and employability. The bill explicitly states that the administration of this assessment does not exempt a school district from administering the end-of-course examinations or equivalent examinations to the student. The bill also requires the state to reimburse a school district for the costs of administering a job skills assessment.²¹

Online administration of achievement assessments

The bill prohibits the Department of Education and the State Board from implementing or requiring the online administration of the elementary- and secondary-level achievement assessments prior to the 2015-2016 school year. However, the online administration of assessments is authorized for the purposes of the comparison study also prescribed by the bill (see "**Comparison study of assessments**" below).²²

Survey of school district readiness for online assessments

The bill requires the Department to conduct a comprehensive survey of the capacity and readiness of each school district for online administration of the elementary- and secondary-level achievement assessments based on recommended specifications for such administration of the assessments. The survey must include information regarding hardware, software, bandwidth, technical support, security requirements, training for teachers regarding the administration of assessments, and training for students regarding taking the assessments. Not later than 90 days after the bill's effective date, the Department must compile and present to the Governor, chairpersons and ranking members of the House and Senate education committees, and the State Board the survey's results and a detailed implementation plan to address any issues or problems identified in the survey.²³

²¹ R.C. 3301.0712(D).

²² Section 5.

²³ Section 6.

Comparison study of assessments

For the 2013-2014 school year only, the bill requires the Department of Education to select and administer, for comparison purposes, both of the following assessments to students in school districts and schools of the same sample size and profile:

(1) Summative assessments for each of grades three through eight in English language arts and mathematics, which are "vertically articulated," include multiple types of questions, may be administered online or in a paper format, are aligned to college-readiness benchmarks, are not offered by a multi-state consortium, and are offered by a nonprofit organization that offers an assessment used for the purpose of college admission; and

(2) Field-testing of summative assessments for each of grades three through eight in English language arts and mathematics offered by a multi-state consortium other than the type of organization described above.²⁴

The Department by October 31, 2014, must submit a report that contains the results of those assessments to the Governor, chairpersons and ranking members of the House and Senate education committees, and the State Board. In conducting its comparison of assessments, the Department must consult with teachers and administrators, and the comparison must be based on ease of administration, content, format, overall quality, performance benchmarks, and cost.²⁵

By November 30, 2014, the Department must recommend to the State Board the elementary-level achievement assessments in English language arts and mathematics to be prescribed by the State Board. In recommending assessments for the spring administration of the 2014-2015 school year, the Department must select from the assessments currently being administered and the two assessments specified above. Finally, by December 31, 2014, the State Board must review the Department's recommendations and approve one or more assessments in English language arts and mathematics for administration as the elementary-level achievement assessments.²⁶

College and career-ready score on OGTs

The bill requires the Department of Education to develop and publish, not later than 30 days after the bill's effective date, an *estimated* college and career-ready score for each of the sections of the Ohio Graduation Test. The scores must be published on all

²⁴ Section 7(A).

²⁵ Section 7(B).

²⁶ Section 7(C).

school district, school, teacher, and student score reports generated by the Department.²⁷

Revisions to scoring levels on elementary achievement assessments

Current law prescribes the following five scoring levels for the elementary-level achievement assessments: advanced, accelerated, proficient, basic, and limited. The bill changes the terminology of the top two scoring levels from "advanced" to "superior," and "accelerated" to "commended."²⁸

Course credit for performance on examinations

Beginning with the 2014-2015 school year, the bill requires school districts to permit students who attain prescribed scores on certain examinations to earn course credit for a corresponding course of instruction without completing that course. Under the bill, the State Board of Education must adopt a policy to grant course credit to any student who does not complete a course of instruction but who demonstrates at least a proficient level of understanding in that course's subject matter by attaining any of the following scores:

(1) A score of three or above on the corresponding Advanced Placement examination;

(2) A score of four or above on the corresponding International Baccalaureate examination;

(3) A score that is at or above the proficient level²⁹ on a corresponding end-of-course examination, or the equivalent; or

(4) A score set by the State Board that is at or above the proficient level on any other corresponding State Board-approved examination that is not included in the State Board's list of equivalent examinations.³⁰

Not later than 120 days after the bill's effective date, the State Board must establish the minimum score needed for a student to receive credit on a State Board-approved examination that is not included in the list of equivalent examinations. Also,

²⁷ Section 3.

²⁸ R.C. 3301.0710(A)(2).

²⁹ R.C. 3301.0712(B)(4)(a)(iii).

³⁰ R.C. 3313.603(J)(2).

the State Board must establish the amount of credit to be awarded to a student based on the student's score on any of the examinations described above.³¹

The bill explicitly states that the provisions related to the granting of credit based on performance on examinations prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the bill's effective date.³²

By references in current law unchanged by the bill, the credit by examination provision may also apply to community schools, STEM schools, and college-preparatory boarding schools.³³ Currently, these schools and school districts are required to award high school credit based on "demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction," in accordance with a plan adopted by the State Board.³⁴ That requirement is not changed by the bill but, as presently stated, the cross references of current law appear to apply to both the current provision and the bill's new credit by examination provision.

Dropout prevention and recovery program graduation requirements

Under current law, students who are enrolled in a dropout prevention and recovery program operated by either a school district or a community school may qualify for a high school diploma without completing the state minimum high school curriculum, as long as the program meets specified conditions and has a waiver granted by the Department of Education. Those conditions, among other things, require that the school create an individual career plan for its students and require its students to pass the state high school assessments. (See "**Background**" below.) The bill phases in new graduation testing requirements for such students. Under the bill, prior to July 1, 2015, a student enrolled in a qualified dropout program may graduate, if the student satisfies one of the following:

- (1) Passes each of the Ohio Graduation Tests (OGT);
- (2) Passes each of the end-of-course examinations; or

³¹ R.C. 3313.603(J)(3).

³² R.C. 3313.603(J)(3)(b), third paragraph.

³³ R.C. 3314.03(A)(11)(f), 3326.15, and 3328.22, latter two sections in the bill.

³⁴ R.C. 3313.603(J)(1).

(3) Attains a score that "demonstrates workforce readiness and employability" on a nationally recognized job skills assessment (see "**Job skills assessment**" above).³⁵

On or after July 1, 2015, a student enrolled in a qualified dropout program may graduate, if the student satisfies one of the following:

(1) Meets one of the general high school graduation requirement conditions (see "**High school graduation requirements**" above);

(2) Attains a minimum passing score on each of the assessments designated exclusively for students enrolled in community school dropout programs (see below);
or

(3) Attains a score that "demonstrates workforce readiness and employability" on a nationally recognized job skills assessment.³⁶

Assessments for students in community school dropout prevention and recovery programs

For the purpose of implementing the graduation requirements for students in a community school dropout program, the bill requires the State Board by July 1, 2015, to adopt rules to designate assessments in mathematics, science, social studies, and English language arts that "evaluate a student's demonstration of general knowledge in a specific content area." Additionally, the bill directs the State Board to designate a minimum passing score for each of the assessments.³⁷

Background

Current law permits students in a dropout program to graduate by successfully completing a competency-based instructional program offered by a qualified dropout prevention and recovery program, instead of completing the Ohio Core curriculum. To qualify, the dropout program serving the student must have received a waiver from the Department of Education. A qualified dropout program must be granted a waiver by the Department if it meets all of the following conditions:

(1) It serves only students 16 or older, but no older than 21.

³⁵ R.C. 3313.603(F)(3)(a).

³⁶ R.C. 3314.019(A) and 3313.603(F)(3)(b).

³⁷ R.C. 3314.019(B).

(2) It enrolls students who, at the time of their enrollment, are at least one grade level behind their age group, experience crises that significantly interfere with their academic progress, or both.

(3) It requires students to pass the OGTs.

(4) It develops an individual career plan for each student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) It provides counseling and support for the student related to that plan for the remainder of high school.

(6) It requires the student and the student's parent, guardian, or custodian to sign and file a written statement consenting to the student's graduating without completing the Ohio Core curriculum and acknowledging that one consequence is ineligibility to enroll in most state universities without further coursework.

(7) It submitted to the Department, prior to receiving the waiver, an instructional plan that demonstrates how it will teach and assess the state academic content standards adopted by the State Board.³⁸

Dropout prevention and recovery program community school report card system

Current law rates and assigns ratings to dropout prevention and recovery community schools based on the following performance indicators: (1) graduation rates, (2) percentage of twelfth-grade students and other students who pass the high school achievement assessments required for graduation (OGTs), (3) annual measurable objectives, and (4) growth in student achievement in reading or mathematics, or both.³⁹ The bill makes changes to the second performance indicator, beginning with the 2014-2015 school year, by eliminating a student's performance on the OGTs, and replacing it with a student's performance on the assessments prescribed under the college and work-ready assessment system.⁴⁰

The bill also expands the conditions that comprise that performance indicator to include (1) attaining a minimum passing score on the assessments designated for

³⁸ R.C. 3313.603(F).

³⁹ R.C. 3314.017.

⁴⁰ R.C. 3314.017(C)(2)(a).

students in a dropout program, and (2) attaining a specified score on a nationally recognized job skills assessment.⁴¹

Because each school is assigned a rating for this performance indicator for school years prior to the availability of the assessments designated for students in a dropout program, the selection of the job skills assessment, and the college and work-ready assessment system, the bill phases in the applicability of each condition for each school year as each assessment becomes available.

Finally, the bill requires the State Board to select which assessment to use as the performance indicator for the report cards beginning with the 2014-2015 school year.⁴²

Academic content standards and model curricula

Current law requires the State Board of Education to adopt statewide academic standards and model curricula for grades kindergarten through twelve for instruction in English language arts, mathematics, science, and social studies. The law also requires the State Board to align each achievement assessment it develops for the corresponding subject area and grade level with those academic content standards and model curricula that it adopts, and to convene a group of select individuals to provide recommendations for the alignment of the academic standards and model curricula to the achievement assessments.

The bill removes the requirement for the achievement assessments to be aligned with the State Board's model curricula, but retains the requirement that the assessments be aligned with the academic content standards.⁴³

The bill also requires the State Board, prior to adopting or revising any academic content standards, to hold at least three public hearings that allow public comment and testimony on the proposed academic content standards or revisions to those standards.⁴⁴ Moreover, it specifies that at least 14 days prior to each hearing, the State Board must provide notice of the hearing to all school districts, all public and chartered nonpublic schools, the news media, the Governor, and all members of the General Assembly. The notice also must be posted in a prominent location on the Department's website.

⁴¹ R.C. 3314.017(C)(2).

⁴² R.C. 3314.017(E)(3)(b).

⁴³ R.C. 3301.079(C), 3301.0710, first paragraph, and 3301.0712(C).

⁴⁴ R.C. 3301.079(A).

Finally, the bill makes the following miscellaneous changes related to the State Board's duties when drafting or reviewing of standards, diagnostic assessments, achievement assessments, or model curricula:

(1) Changes the term "active classroom Ohio teachers" to "currently employed classroom teachers" as individuals with whom the State Board must consult;

(2) Adds "representatives of higher education" to the list of individuals with whom the State Board must consult; and

(3) Removes language that requires the State Board and the Department to consult, whenever practicable, with teachers recognized as outstanding in their fields.⁴⁵

Changes to report card performance measures

High school student academic progress measure

H.B. 555 of the 129th General Assembly, effective March 22, 2013, created a new school district and school rating and report card system using A – through – F letter grades and 15 separate performance measures. That system is phased in, beginning with the state report cards issued for the 2012-2013 school year. The first overall grade is given to each district and school, based on its grades on the individual measures, on the report card for the 2014-2015 school year. One of those measures – the high school student academic progress measure – does not receive a grade and is not included in a district's or school's overall grade until the 2015-2016 school year. The State Board is currently required to develop this performance measure by July 1, 2015.

The bill makes the development of this performance measure by the State Board permissive, rather than mandatory. Additionally, the bill restricts the State Board from developing the performance measure prior to July 1, 2015. The bill explicitly prohibits the performance measure's inclusion in determining a district's or school's overall report card letter grade, regardless of whether or not the State Board develops this performance measure. Finally, the bill removes a provision specifying that the high school student academic progress measure must be included in the "Progress" component classification.⁴⁶

Revisions of performance indicators

Current law requires the State Board to establish a set of performance indicators for use as one of the performance measures that comprise a portion of the state report

⁴⁵ R.C. 3301.079(F).

⁴⁶ R.C. 3302.03(D).

cards for school districts and schools. In doing so, the Superintendent of Public Instruction must provide recommendations on which performance indicators to include. Finally, the State Board must update the list of performance indicators every six years.⁴⁷

The bill maintains the current requirement for the State Board to establish a set of performance indicators. However, it eliminates the language requiring the state Superintendent to provide recommendations on the inclusion of performance indicators and the language requiring the State Board to update the list of performance indicators every six years.

One-year performance rating safe harbor for districts and schools

The bill prohibits the state report card ratings issued for the 2014-2015 school year from being considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years must be considered in determining whether a school district or school is subject to sanctions or penalties. The bill explicitly states that this provision does not create a new starting point for determinations that are based on ratings over multiple years.

The provisions of law from which districts and schools are exempt under the bill's safe-harbor provisions include, but expressly are not limited to: (1) school restructuring provisions, except as required under federal law, (2) Columbus City School pilot project restructuring provisions, (3) academic distress commission provisions, (4) Educational Choice (EdChoice) scholarship eligibility provisions, (5) provisions defining "challenged school districts" in which new start-up community schools can be located, and (6) community school closure provisions.⁴⁸

Safe harbor for teacher evaluations

The bill permits a school district board of education, community school governing authority, or STEM school governing body that has entered into a collective bargaining agreement with its teachers to enter into a separate memorandum of understanding with the teachers' labor union stipulating that the value-added progress dimension rating issued for the 2014-2015 school year will not be used when making decisions regarding dismissal, retention, tenure, or compensation. The value-added progress dimension is a state report card measure that is also used to assess student academic growth for purposes of teacher evaluations, in accordance with a state

⁴⁷ R.C. 3302.02.

⁴⁸ R.C. 3302.036.



framework.⁴⁹ If such a memorandum of understanding is entered into, the district or school must use a different measure of student progress, approved by the Department of Education, for such purposes.⁵⁰

Release of student information

The bill expressly prohibits the Department of Education, school districts, schools, and third parties under contract with the state, a school district, or a school from providing student names and addresses to any multi-state consortium that offers summative assessments without written permission from the student's parent or guardian.⁵¹

Selection of textbooks by school districts

Current law generally provides that each school district board of education must determine which textbooks or electronic textbooks will be used in its schools and the number of those textbooks to be used.⁵² The bill requires each district board to establish a process for selecting and adopting textbooks, electronic textbooks, and instructional materials in consultation with teachers, parents, and citizens of the school district. Additionally, each school district must comply with those procedures when making decisions regarding textbooks.⁵³ Finally, under the bill, prior to June 30, 2014, the Department of Education must establish a model process for use by school districts for selecting and adopting textbooks, electronic textbooks, and instructional materials.⁵⁴

HISTORY

ACTION	DATE
Introduced	06-04-13
Reported, H. Education	12-11-13
Passed House (90-1)	01-22-14

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⁴⁹ See R.C. 3319.112, not in the bill.

⁵⁰ Section 4.

⁵¹ R.C. 3301.946.

⁵² R.C. 3329.07 and 3329.08.

⁵³ R.C. 3329.081.

⁵⁴ R.C. 3329.082.

