



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

William Schwartz

### **H.B. 176**

132nd General Assembly  
(As Introduced)

**Reps.** Thompson, Keller, Romanchuk, Becker, Young, Green, Lipps, Stein, Hood, Dean, Vitale, Retherford, Brinkman, Butler, Goodman, Rezabek, Koehler, Riedel, Wiggam, Hambley, Hagan, Blessing, Roegner, Edwards, Dever, Sprague, Zeltwanger

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## **BILL SUMMARY**

### **Academic content standards and model curricula**

- Prohibits the State Board of Education from adopting, and the Department of Education from implementing, the Common Core State Standards, or any standards developed by any similar initiative process or program, as the state's academic content standards for English language arts mathematics, science, or social studies and voids any prior actions taken to adopt or implement the Common Core State Standards.
- Requires the State Board, to replace the academic content standards in English language arts, mathematics, science, and social studies with new standards that are consistent with the standards adopted by Massachusetts prior to that state's adoption of the Common Core State Standards, so that Ohio's standards are as identical as possible to those adopted by Massachusetts, except where an Ohio context requires otherwise.
- States that a school district is not required to utilize all or any part of the academic content standards adopted by the State Board.
- Prohibits the State Board from adopting or revising any academic content standards in English language arts, mathematics, science, or social studies until the new or revised standards are approved by the appropriate subject area subcommittee created under the bill, and approved by the General Assembly by a concurrent resolution.

- Creates the 13-member Academic Content Standards Steering Committee to do the following: (1) determine a chair and co-chair for the committee, (2) appoint four individuals to oversee the development of the standards documents, (3) contract, if necessary, with an individual who has a "national reputation" in the areas of academic content standards and assessments to facilitate the committee's work, (4) establish a subcommittee each in the areas of English language arts, mathematics, science, and social studies to review and approve any new or revised standards, and (5) select, by majority vote of all members, a chair for each subcommittee.
- Prohibits the State Board from adopting any model curricula.

### **Achievement assessments and diagnostic assessments**

- Eliminates the fourth-grade and sixth-grade social studies assessments and the fall administration of the third-grade English language arts assessment.
- Specifies that the elementary-level assessments must be the assessments administered prior to 2010 in Iowa.
- Specifies that the administration of the elementary-level assessments must occur at the discretion of each discretion or school.
- Eliminates the retention provision for students who fail to attain a passing score on the third-grade English arts assessment.
- Replaces the current seven high school end-of-course examinations in English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government with examinations in English language arts, mathematics, and science.
- Specifies that the high school exams must be the assessments administered prior to 2010 in Iowa.
- Eliminates an exemption under current law that allows students in public and chartered nonpublic high schools to forego taking a nationally standardized assessment that measures college and career readiness if that student has attained a "remediation-free" score on the assessment and has presented evidence of that fact to the student's district or school.
- Prohibits the State Board of Education from using the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, or any other assessment related to or based on the Common Core State Standards for use as state achievement assessments.

- Eliminates the requirement to administer any diagnostic assessment to students in grades kindergarten through three, and instead *authorizes* districts and schools to administer such assessments.

### **Graduation requirements**

- Beginning with students who entered ninth grade on or after July 1, 2014, eliminates the requirement for students in public and chartered nonpublic high schools to complete a graduation pathway as a condition of receiving a high school diploma, but maintains the requirement for the students to complete the school's curriculum.

### **Teacher and principal evaluations**

- Eliminates the Ohio Teacher Evaluation System and the Ohio Principal Evaluation System and the guidelines and requirements related to those systems.
- Requires a municipal school district (Cleveland) continue to evaluate teachers and administrators under provisions of the Ohio Teacher Evaluation System and the Ohio Principal Evaluation System.

### **Safe harbor**

- Extends through the 2019-2020 school year the safe harbor provisions for students, school districts, and other public schools related to achievement assessment score results and state report card ratings, currently in effect for the 2016-2017 school year.
- Specifies the 2020-2021 school year as the first school year for which an overall report card grade will be issued.
- Specifies that the prohibition on including a student who did not take a state achievement assessment during the previous school year in a district's or school's enrollment count for state funding does not apply to any student who did not take an assessment during the 2015-2016 through 2019-2020 school years.
- Specifies that a student attending a chartered nonpublic school under a state scholarship program who does not take a required elementary achievement assessment or high school end-of-course exam that is administered in the 2015-2016 through 2019-2020 school years, is eligible to continue receiving the scholarship, provided the student satisfies all other conditions of the scholarship program.

## **Resident Educator Summative Assessment**

- Eliminates the Resident Educator Summative Assessment by prohibiting the Ohio Teacher Residency Program from requiring an entry-level classroom teacher to pass or take such an assessment during the residency program.

## **Release of personally identifiable data**

- Requires that the standards for the Education Management Information System (EMIS), in regard to processing and reporting student data to the Department of Education, restrict access to personally identifiable information by a person who performs data processing services for a school district to just the information necessary for fulfillment of contractual obligations.
- Requires the contract between a school district and a data processing entity to include a stipulation that personally identifiable information shall not be shared with additional parties.
- Specifies that, if the U.S. Department of Education requires a grant recipient to provide personally identifiable information of students or teachers as a condition of a federal education grant, only aggregate data may be provided for such purpose.
- Prohibits a federal grant recipient from releasing personally identifiable information without informed written consent of the student's parent or guardian for a student's information or of the teacher for a teacher's information.

## **State Board minimum operating standards for schools**

- Removes the words "and such other factors as the Board finds necessary" from the provision that enumerates categories for which the State Board must adopt minimum standards for schools.

## **Career advising policy**

- Makes permissive, instead of mandatory as under current law, the requirement for school districts, community schools, and STEM schools to adopt a policy on career advising, which includes a plan to provide students with grade-level examples that link schoolwork to career fields, provide interventions and career advising for at-risk students, and identify courses that can award students both traditional academic and career-technical credit, among other items.

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## CONTENT AND OPERATION

### I. Academic content standards and model curricula

#### Repeal and replacement of Ohio's academic content standards

The bill prohibits the State Board of Education from adopting the academic content standards for English language arts, mathematics, science, or social studies developed by the Common Core State Standards Initiative or any similar initiative process or program, and further prohibits the Department of Education from implementing such standards. The bill also voids any action taken to adopt or implement the Common Core State Standards as of the bill's effective date.<sup>1</sup>

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<sup>1</sup> R.C. 3301.078(C).



## New Ohio standards

The bill requires the State Board, by June 30, 2018, to adopt new academic content standards for each of grades kindergarten through twelve in the areas of English language arts, mathematics, science, and social studies that are consistent with the standards adopted by Massachusetts as those standards existed prior to 2010. The bill also requires the standards to be "as identical as possible to those adopted by Massachusetts, except where an Ohio context requires otherwise."<sup>2</sup> Even though the bill requires the adoption of new standards, the bill explicitly states that a school district or school is not required to utilize all or any part of the standards adopted by the State Board.<sup>3</sup>

The bill authorizes the State Board to periodically update the academic content standards, but requires it do so in accordance with the approval process created under the bill (see "**Approval of new academic content standards**," below).<sup>4</sup>

### Other specifications for the new standards

The bill explicitly prohibits the withholding of state funds from a school district or school for failure to adopt or use Ohio's academic content standards, and also states that no district or school can be required to use such standards as a condition to receive state funds.<sup>5</sup>

It also prohibits any state official, elected or appointed, from joining any consortium, association, or other entity on behalf of the state or any state agency when such membership would require the state or a school district board of education to cede state or school district control over education, including academic content standards or assessments related to the standards.<sup>6</sup> (Continuing law prohibits any official or board of the state from "entering into any agreement or memorandum of understanding with any federal or private entity that would require the state to cede any measure of control over the development, adoption, or revision of [any] academic content standards."<sup>7</sup>)

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<sup>2</sup> R.C. 3301.079(A)(1).

<sup>3</sup> R.C. 3301.079(A)(4), second paragraph.

<sup>4</sup> R.C. 3301.079(A)(1), second paragraph.

<sup>5</sup> R.C. 3301.078(E).

<sup>6</sup> R.C. 3301.078(D)(1).

<sup>7</sup> R.C. 3301.078(A).



The bill limits the academic content standards that the State Board may adopt to the subject areas prescribed under current law.<sup>8</sup> Those principal subject areas are English language arts, mathematics, science, and social studies. After completing standards for those areas, current law permits the State Board to adopt standards for technology, financial literacy and entrepreneurship, fine arts, and foreign language. Current law also requires the State Board to adopt the most recent standards developed by the National Association for Sport and Physical Education or its own standards for physical education.<sup>9</sup>

The bill removes the current law provisions specifying that the State Board must ensure that the current standards (1) include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century, (2) include the development of skill sets that promote information, media, and technological literacy, (3) include interdisciplinary, project-based, real-world learning opportunities, (4) instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as STEM and career-technical education, and (5) be clearly written, transparent, and understandable by parents, educators, and the general public.<sup>10</sup>

Finally, it eliminates a provision that requires the department, whenever the State Board adopts new academic content standards or model curricula, to provide information on the use of blended or digital learning in the delivery of those standards or curricula to students.<sup>11</sup>

### **Approval of new academic content standards**

The bill creates an approval and review process by which any new or revised academic content standards in English language arts, mathematics, science, or social studies proposed by the State Board must be reviewed and approved prior to becoming effective, except for the pre-2010 Massachusetts-based standards required to be adopted under the bill. Any other new or revised standards must (1) be approved by each appropriate subcommittee (see "**Academic Content Standards Steering Committee**,"

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<sup>8</sup> R.C. 3301.078(D)(2).

<sup>9</sup> R.C. 3301.079(A).

<sup>10</sup> R.C. 3301.079(A)(1)(a).

<sup>11</sup> R.C. 3301.079(G).

below) and (2) be approved by concurrent resolution adopted by both the House of Representatives and the Senate.<sup>12</sup>

Prior to approval by concurrent resolution, the bill requires the Education Committees of the House and Senate to conduct at least three public hearings on the new or revised standards.<sup>13</sup>

### **Academic Content Standards Steering Committee**

The bill establishes the Academic Content Standards Steering Committee, which must do the following:

(1) Establish a subcommittee in each of the areas of English language arts, mathematics, science, and social studies;

(2) Select a chairperson for each subcommittee by a majority vote of all committee members, and determine a chair and co-chair of the Steering Committee;

(3) Appoint four individuals to oversee the development of the standards documents, each of whom must understand and be able to use subject-specific symbols and must record comments of each subcommittee (see below). The Department of Education and State Board are authorized to provide assistance to these four individuals.

(4) Contract, if necessary, with an individual who has a national reputation in the areas of academic content standards and assessments to facilitate the work of the Steering Committee.<sup>14</sup>

Meetings of the Steering Committee must be open to the public.<sup>15</sup>

#### **Steering Committee composition**

The Steering Committee is composed of 13 members as follows:

(1) The Governor, or the Governor's designee;

(2) Six members, appointed by the President of the Senate, and, of whom, no more than one may be a member of the Senate; and

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<sup>12</sup> R.C. 3301.0718(A) and (C), second paragraph.

<sup>13</sup> R.C. 3301.0718(A)(1).

<sup>14</sup> R.C. 3301.0718(D).

<sup>15</sup> R.C. 3301.0718(C), second paragraph.





(3) Six members, appointed by the Speaker of the House of Representatives, and, of whom, no more than one may be a member of the House.

In appointing members, the Senate President and House Speaker must give consideration to parents of students enrolled in Ohio schools, primary and secondary education teachers, and curriculum experts, provosts, chairs, and deans of state institutions of higher education.<sup>16</sup>

### **Subcommittee duties**

Each subcommittee must do both of the following:

(1) Approve or disapprove any new or revised standards for each subject area that are proposed by the State Board; and

(2) Obtain comments from teachers on the appropriateness and wording of the proposed standards for each grade, and if necessary, offer revisions on the proposed standards. The comments from teachers must be recorded by the individuals who oversee the development of the standards documents.<sup>17</sup>

Meetings of each subcommittee must be open to the public.<sup>18</sup>

### **Subcommittee composition**

Not more than five persons may be appointed to serve on each subcommittee. The chairpersons of each subcommittee, who is selected by the Steering Committee, must be an instructor or professor in a related subject area at a state institution of higher education. The other subcommittee members, appointed by the State Board, must be teachers with at least ten years of teaching experience, who may be nominated by their respective school district superintendents. A school librarian, nominated by the Ohio Library Council, may provide assistance to the English language arts subcommittee. An engineer, nominated by one of the state's engineering organizations, may provide assistance to the mathematics subcommittee and the science subcommittee.<sup>19</sup>

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<sup>16</sup> R.C. 3301.0718(C).

<sup>17</sup> R.C. 3301.0718(D)(4)(b).

<sup>18</sup> R.C. 3301.0718(C), second paragraph.

<sup>19</sup> R.C. 3301.0718(D)(4)(a).



## **Academic content standards review committees**

Current law provides for the review of each subject area of the academic content standards by a separate committee. Each committee consists of three experts in the respective subject area, one parent or guardian, one educator, the Chancellor of Higher Education, or the Chancellor's designee, and the Superintendent of Public Instruction, or the Superintendent's designee. The experts, educators, and parents or guardians are appointed by the President of the Senate, the Speaker of the House of Representatives, and the Governor.<sup>20</sup>

The bill eliminates the provisions for these standards review committees.

## **Model curricula**

Current law requires the State Board to adopt model curricula for each of grades kindergarten through twelve in each of the subject areas for which academic content standards are required. The law specifically permits, but does not require school districts and schools to use any of the model curricula.

The bill removes the requirement for the State Board to adopt model curricula. It further prohibits the State Board from adopting any model curricula for any of the new standards or the interim standards.<sup>21</sup>

## **II. State achievement assessments and diagnostic assessments**

### **Elementary-level assessments**

Continuing law requires public school students to be tested in English language arts and mathematics in each of grades three through eight, in science in grades five and eight, and in social studies in grades four and six. The bill eliminates the social studies assessments in grades four and six.<sup>22</sup> Additionally, it specifies that the assessments must be those administered prior to 2010 in Iowa.<sup>23</sup>

The bill also eliminates "statewide" as a specification for the elementary assessments, and instead specifies that the assessments must be "summative"

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<sup>20</sup> R.C. 3301.079(I).

<sup>21</sup> R.C. 3301.079(A)(1)(b), (A)(2), (B), (C), (D), (F), (G), and (J), 3301.0710, 3301.0712(C), 3301.0722, 3313.60(G)(4), and 3313.6020(B)(1), and repealed R.C. 3301.0721, not in the bill.

<sup>22</sup> R.C. 3301.0710(A)(1)(b) and (d).

<sup>23</sup> R.C. 3301.0710(A)(4).



assessments.<sup>24</sup> Moreover, it changes the reference of the "statewide program" of assessing student achievement to a "method" of assessing student achievement.<sup>25</sup>

Finally, the bill requires the administration of the elementary-level assessments to occur at the discretion of each district or school.<sup>26</sup>

### **Third-Grade Reading Guarantee**

Current law requires the administration of an English language arts assessment to third-grade students and prescribes a retention policy for students who do not attain a passing score.<sup>27</sup>

The bill retains the test administration requirement, but it eliminates the retention provision. Meanwhile, the bill specifies that a district must either (1) promote a student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade, or (2) promote the student to fourth grade but provide the student with intensive intervention services in fourth grade.

### **High school assessments**

The bill revises the composition of the high school assessment system. That system is composed of (1) a nationally standardized assessment that measures college and career readiness, and (2) seven end-of-course examinations in English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.<sup>28</sup>

The bill maintains the administration of the nationally standardized assessment that measures college and career readiness. However, it revises the second portion of the system to require students take an examination in the areas of English language arts, mathematics, and science, instead of the current seven end-of-course examinations.

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<sup>24</sup> R.C. 3301.0710(A)(1).

<sup>25</sup> R.C. 3301.0710, first and second paragraphs.

<sup>26</sup> R.C. 3301.0710(C), second paragraph.

<sup>27</sup> R.C. 3313.608(A)(1).

<sup>28</sup> R.C. 3301.0712(B).



Additionally, the assessments must be the assessments that were administered prior to 2010 in Iowa.<sup>29</sup>

The bill specifically requires the Department of Education to furnish the assessments to chartered nonpublic schools when they are required under current law to administer them to scholarship students.<sup>30</sup>

The bill also eliminates an exemption under current law that allows students in public and chartered nonpublic high schools to forego taking a nationally standardized assessment that measures college and career readiness if that student has attained a "remediation-free" score on the assessment and has presented evidence of that fact to the student's district or school.<sup>31</sup>

Finally, the bill eliminates the following current provisions related to the end-of-course examinations: (1) timeline and specifications for the American history and American government examinations, (2) requirement for the State Board to determine and designate scoring levels and related scoring items for the end-of-course examinations, (3) specifications for the use of substitute examinations in certain subject areas in lieu of end-of-course examinations, (4) requirement for the examinations to be selected jointly with the Superintendent of Public Instruction and Chancellor of Higher Education in consultation with certain faculty members at state institutions of higher education, (5) exemption of certain students who earned course credit prior to July 1, 2014, from taking the corresponding end-of-course examination, and (6) requirement for the State Board to consider additional assessments that may be used as substitute examinations in lieu of the end-of-course examinations.<sup>32</sup>

### **Prohibition on use of certain assessments**

The bill explicitly prohibits the State Board of Education from using the assessments developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, or any other assessments related to or based on the Common Core State Standards, as any of the state's achievement assessments.<sup>33</sup>

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<sup>29</sup> R.C. 3301.0712(B)(2), (C), and (D)(3), 3313.61(H), 3313.612(B) and (D), and 3328.01(C)(2).

<sup>30</sup> R.C. 3301.0711(L)(4).

<sup>31</sup> R.C. 3301.0711(B)(11)(b), (L)(1), and (L)(3)(b).

<sup>32</sup> R.C. 3301.0712(B)(3), (4), (5), (6), and (7).

<sup>33</sup> R.C. 3301.078(C).



H.B. 64 of the 131st General Assembly, the budget act for the 2015-2017 biennium, explicitly prohibited funds appropriated from the General Revenue Fund from being used to purchase an assessment developed by PARCC for use as the state elementary and secondary achievement assessments.<sup>34</sup> Additionally, that act prohibited any federal Race to the Top program funds from being used for any purpose related to the state elementary and secondary achievement assessments.<sup>35</sup>

## Diagnostic assessments

Under current law, each school district, community school, and STEM school is required to administer certain diagnostic assessments at the appropriate grade level to specified students. For grades kindergarten through two, the prescribed diagnostic assessments are in reading, writing, and mathematics, and for grade three, the prescribed diagnostic assessments are in reading and writing. These assessments are used to determine which students need to receive additional services in order to attain grade level performance.<sup>36</sup>

The bill eliminates the requirement to administer these assessments, and instead authorizes districts and schools to administer them.<sup>37</sup>

The bill also removes a current law provision that requires the Education Management Information System (EMIS) to include results of diagnostic assessments administered to kindergarten students in order to compare the academic readiness of kindergarten students.<sup>38</sup> (See description of EMIS under "**Release of student personally identifiable information**" below.)

## III. Graduation requirements

Beginning with students who entered the ninth grade on or after July 1, 2014, the bill eliminates the requirement for students in public and nonpublic high schools to complete a graduation pathway in order to graduate from high school.<sup>39</sup>

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<sup>34</sup> R.C. 3301.078 as amended by H.B. 64, that version of the section not in the bill.

<sup>35</sup> Section 263.283 of Am. Sub. H.B. 64 of the 131st General Assembly.

<sup>36</sup> R.C. 3301.079(D).

<sup>37</sup> R.C. 3301.0715(A)(2), (B) (D), and (F)(3); conforming changes in R.C. 3313.608(D).

<sup>38</sup> R.C. 3301.0714(B)(1)(n).

<sup>39</sup> R.C. 3301.0712(A), 3313.532(C), 3313.6020(B)(5) and (C)(2), 3313.61(B), 3313.611, 3313.612, 3313.614, and 3313.619; repealed R.C. 3313.618; and Section 5.

Under current law, each public school student and most chartered nonpublic school students must complete the school's curriculum and complete one of the following pathways:

(1) Score at "remediation-free" levels in English, math, and reading on nationally standardized assessments;

(2) Attain a cumulative passing score on the state high school end-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.<sup>40</sup>

Chartered nonpublic school students also are afforded a fourth pathway, which can be completed by attaining a passing score on an alternate assessment approved by the Department of Education.

Students enrolled in a school that is accredited by the Independent Schools Association of the Central States are not required to complete a graduation pathway.

#### **IV. Teacher and principal evaluations**

The bill eliminates the standard and alternative frameworks that are the basis for the Ohio Teacher Evaluation System (OTES) and the Ohio Principal Evaluation System (OPES) (see "**Background**," below).<sup>41</sup> More specifically, it eliminates the requirement for school districts, schools, and educational service centers to evaluate their teachers and administrators based on the state evaluation frameworks.<sup>42</sup> The bill also eliminates (1) the requirement for the State Board to develop a standards-based state framework for the evaluation of teachers based on prescribed specifications, which are also eliminated under the bill, and (2) the requirements outlining teacher and administrator evaluations, such as teacher and administrator ratings, frequency of evaluations, and performance guidelines.

Despite the bill's changes to OTES and OPES, it does not expressly prohibit a district or school from conducting its own evaluations of its teachers and

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<sup>40</sup> R.C. 3313.618, repealed under the bill.

<sup>41</sup> R.C. 3319.02(D) and 3319.11; repealed R.C. 3319.111, 3319.112), and 3319.114, repealed sections not in the bill; conforming changes in R.C. 3302.04(D)(4)(c), 3302.15(C)(2)(b), 3311.80, 3311.84, 3313.608(H)(1)(c), 3314.03(A)(11)(i), 3317.141(B) and (C), 3319.58(B) and (D), 3326.11, 3328.01(C)(2), and 3333.0411.

<sup>42</sup> R.C. 3319.02(D).



administrators. Moreover, in instances where a reference is made to the state teacher and administrator evaluation frameworks (eliminated in the bill), the bill simply refers to "any policy adopted by the district board prescribing teacher evaluations." Thus, it appears that a school district, school, or educational service center could establish its own teacher and administrator policies.

While the bill eliminates the frameworks for districts, schools, and educational service centers, it does not, however, eliminate the teacher and administrator evaluation system currently in place for a municipal school district (Cleveland). Instead, the bill requires the district to continue to evaluate teachers and administrators under the OTES and OPES frameworks.<sup>43</sup>

## **Background**

Current law requires all school districts and educational service centers, and all community schools and STEM schools that receive federal Race to the Top grant funds to adopt a standards-based teacher evaluation system that conforms to a framework developed by the State Board of Education. The traditional evaluation framework provides for multiple evaluation factors, one of which must be student academic growth and must account for 50% of each evaluation. An alternative framework exists for districts, schools, and educational service centers that provides for student academic growth to account for 35% of each evaluation, teacher performance to account for 50% of each evaluation, and 15% to account for student surveys, teacher self-evaluations, peer review evaluations, student portfolios, or any other component determined appropriate by the district board or school governing authority.

## **V. Other education provisions**

### **Safe harbor**

The bill extends through the 2019-2020 school year the safe harbor provisions for students, school districts, and other public schools related to achievement assessment score results and state report card ratings, currently in effect for the 2016-2017 school year. It also specifies the 2020-2021 school year as the first school year for which an overall report card grade will be issued.<sup>44</sup>

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<sup>43</sup> R.C. 3311.80 and 3311.84.

<sup>44</sup> R.C. 3302.03(B)(4) and (C)(3) and 3302.036; conforming changes in 3302.05, 3310.03, 3314.02, and 3314.05.



## **Student enrollment calculation**

The bill extends through the 2019-2020 school year a school funding formula provision that was in effect for the 2014-2015 school year only.<sup>45</sup> Under that provision, a student's nonparticipation in taking a state-required assessment could not factor into the state aid calculation for school districts and public schools, which is based on student enrollment. Ordinarily, a district's or school's enrollment count may not include a student who was enrolled in the district or school during the previous school year and did not take one or more of the state-required assessments, unless the student was specifically excused as a special education student or a limited English proficient student.<sup>46</sup>

## **Scholarship students**

The bill extends through the 2019-2020 school year a state scholarship eligibility provision that was in effect for the 2014-2015 school year only.<sup>47</sup> Under that provision, a student (1) who attended a chartered nonpublic school under the Educational Choice, Autism, Jon Peterson Special Needs, or the Cleveland Scholarship Program, and (2) who did not take a state-required assessment, may continue to receive or be eligible for a scholarship, provided the student satisfies all other conditions of the scholarship program. Ordinarily, such a student who does not take a state-required assessment is considered ineligible to receive a scholarship under those programs.<sup>48</sup>

## **Resident Educator Summative Assessment**

The Ohio Teacher Residency Program is a four-year support program for entry-level classroom teachers who hold the resident educator license or an alternative resident educator license. Those teachers must complete the program to qualify for a professional educator license. As a part of the program, those teachers must pass the Resident Educator Summative Assessment.<sup>49</sup>

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<sup>45</sup> Section 4 of Am. Sub. H.B. 7 of the 131st General Assembly, as amended by Sections 3 and 4 of the bill.

<sup>46</sup> R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C), none in the bill.

<sup>47</sup> Section 5 of Am. Sub. H.B. 7 of the 131st General Assembly, as amended by Sections 3 and 4 of the bill.

<sup>48</sup> R.C. 3310.14, 3310.522, and 3313.976, none in the bill, and Ohio Administrative Code 3301-103-04.

<sup>49</sup> R.C. 3319.223 and Ohio Administrative Code 3301-24-04.





The bill eliminates the Resident Educator Summative Assessment by prohibiting the residency program from requiring a teacher to pass or take such a test during the program.<sup>50</sup>

### **Release of student personally identifiable information**

The bill requires that the standards for the Education Management Information System (EMIS), in regard to processing and reporting student data to the Department of Education, restrict access to personally identifiable information by a person who performs data processing services for a school district to just the information necessary for fulfillment of contractual obligations. The bill also requires the contract between a school district and a data processing entity to include a stipulation that personally identifiable information shall not be shared with additional parties.<sup>51</sup> (EMIS is the statewide electronic data system maintained by the Department. It includes district, school, personnel, and student data used in reporting and in computing operating funding to districts and schools.

The bill also specifies that, if the U.S. Department of Education requires a grant recipient to provide personally identifiable information of students or teachers as a condition of a federal education grant, only aggregate data may be provided for such purpose. Finally, the bill prohibits a federal grant recipient from releasing personally identifiable information without informed written consent of either (1) the student's parent or guardian for a student's information, or (2) the teacher for a teacher's information.<sup>52</sup>

### **State Board minimum operating standards for schools**

The bill removes the words "and such other factors as the Board finds necessary" from the provision that enumerates categories for which the State Board must adopt minimum standards for schools.<sup>53</sup>

Current law requires the State Board to "formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual." These minimum standards specifically must provide for (1) licensing of teachers, administrators, and other professional personnel,

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<sup>50</sup> R.C. 3319.223(A)(3) and (D)(1).

<sup>51</sup> R.C. 3301.0714(D)(1).

<sup>52</sup> R.C. 3301.078(F).

<sup>53</sup> R.C. 3301.07(D)(2).

(2) efficient and effective instructional materials and equipment, (3) organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school, (4) safe buildings, grounds, health and sanitary facilities and services, (5) student admissions and promotion, and (6) graduation requirements. These standards are not the academic content standards that are required by separate law, as amended by the bill.

### **Career advising policies**

Current law requires school districts, community schools, and STEM schools to adopt a policy on career advising, which includes a plan to provide students with grade-level examples that link schoolwork to career fields, provide interventions and career advising for at-risk students, and identify courses that can award students both traditional academic and career-technical credit, among other items.

The bill makes this policy permissive, instead of mandatory.<sup>54</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-05-17

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<sup>54</sup> R.C. 3313.6020(A)(1).

