



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **H.B. 181**

132nd General Assembly  
(As Introduced)

**Reps.** Hood and Brinkman, Koehler, Vitale, Becker, Goodman, Dean, Riedel, Householder, Keller, Young, Zeltwanger, Roegner, Stein, LaTourette

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## **BILL SUMMARY**

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

- Requires that any revision to the statewide academic content standards be approved by both houses of the General Assembly by concurrent resolution.
- Prohibits the State Board of Education from adopting academic content standards that are developed at the national level or by a multistate consortium.
- Requires the State Board, within 30 days after the bill's effective date, to provide on the Department of Education's website an online opportunity to make comments about the academic content standards.
- Eliminates the separate academic standards review committees for each of the subjects of English language arts, math, science, and social studies.
- Prohibits the State Board from adopting any model curricula.
- Makes other miscellaneous changes to the standards and curricula provisions.

### **State achievement assessments**

- Requires new state elementary and high school achievement assessments to be administered beginning in the 2018-2019 school year, and specifies the entities that are involved in identifying, reviewing, recommending, and approving the new state assessments.
- Assigns percentiles to each score level of the elementary achievement assessments.

- Lowers the minimum score by which students must score in order to not be retained under the Third-grade Reading Guarantee.
- Requires a student to be retained if the student scores "limited," instead of "basic" as under current law, on the third-grade English language arts assessment.
- Qualifies the parent of a third-grade student who receives a score of "basic" to have the student retained and receive remediation services.
- Eliminates the fall administration of the third-grade English language arts assessment.
- Replaces the high school testing system with "a series of nationally norm-referenced, standardized assessments in the areas of English language arts, mathematics, science, American history, and American government."
- Eliminates an exemption from taking the college readiness assessment (SAT or ACT) for a student who has attained a "remediation-free" score on that assessment and has presented evidence of that fact to the student's district or school.
- Eliminates a provision authorizing a school district to retain a student (1) who does not take a state achievement assessment or (2) who does not take within nine days a missed assessment that was missed due to health reasons "or other good cause," unless the student was specifically excused as a limited English proficient student.
- Repeals a provision requiring the Department of Education to assign a weight of zero to the assessment score of a student who does not take a state achievement assessment.
- Prohibits the Department of Education from using the assessments related to the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, or any other assessments developed by a multistate consortium as any of the state's achievement assessments.
- Prohibits funds from being appropriated by the General Assembly to be used to purchase assessments developed by the Smarter Balanced assessment consortium.
- Revises the current provision regarding the excusal from state assessments for students receiving special education services and for whom an individualized education program (IEP) has been developed, by stating that the student's IEP must provide the student with an opportunity to take an assessment "that is determined to approximate the student's grade level capacity, with reasonable accommodations."

- Requires each school district with a graduation rate of less than 75% to determine for each of its high schools whether the school must provide intervention services to students who took the high school state assessments.
- Specifies that the elementary and high school achievement assessments must be "norm-referenced."

### **Safe harbor**

- Delays the first issuance of the overall report card grades on the state report card for school districts and other public schools until the 2019-2020 school year.
- Extends through the 2018-2019 school year, the safe harbor provisions for students, school districts, and other public schools related to the state achievement assessment score results and report card ratings, currently in effect for the 2016-2017 school year.
- Prohibits a school district or school from using the value-added ratings from assessments administered in the 2014-2015 through 2018-2019 school years for the purposes of (1) assessing student academic growth for teacher and principal evaluations and (2) making decisions regarding the dismissal, retention, tenure, or compensation of the teachers or principals.
- Specifies that, for a teacher of a grade level and subject area for which the value-added progress dimension applies and if no other measure is available to determine student academic growth, the evaluation for that teacher or principal must be based solely on teacher or principal performance.
- Suspends until the 2019-2020 school year, the provision that requires an Internet- or computer-based community school ("e-school") to withdraw a student from enrollment if a student fails for two consecutive school years to take any state achievement assessment, unless the student was specifically excused as a special education student or a limited English proficient student.
- Requires an "e-school" student who does not take a state achievement assessment for any reason, to take an assessment equivalent to the assessment for which the student was absent.
- Prohibits the Department of Education from using the academic performance component when calculating the overall ratings of community school sponsors for the 2016-2017, 2017-2018, and 2018-2019 school years.

- Delays until the 2019-2020 school year the consequences that may be applied to a community school sponsor that receives an overall rating of "ineffective" or "poor."

### **Teacher and principal evaluations**

- Eliminates the standard and alternative frameworks that are the basis for the Ohio Teacher Evaluation System (OTES) and the Ohio Principal Evaluation System (OPES), and eliminates the requirement for school districts, schools, and educational service centers (ESCs) to evaluate their teachers and principals based on the state evaluation frameworks.
- Requires, for teacher evaluations, each district, school, or ESC to adopt a teacher evaluation policy with the teachers and the teachers' labor organization.
- Requires, for principal evaluations, requires each board to adopt procedures for the evaluation of its principals and to evaluate those employees in accordance with those procedures.
- Maintains the teacher and administrator evaluation systems currently in place for a municipal school district (Cleveland).

### **Legislative Office of Education Oversight**

- Creates the Legislative Office of Education Oversight (LOEO), subject to the oversight and direction of the Legislative Service Commission.
- Requires LOEO to (1) serve as a resource on education issues for the members of the General Assembly, and (2) propose for adoption by the General Assembly revised academic content standards for each of grades K-12 in English language arts, math, science, and social studies.

### **Education Management Information System**

- Revises provisions regarding the Education Management Information System, including student privacy data and student academic performance data.

### **Miscellaneous changes**

- Repeals a provision of current law that prohibits including in a district's or school's enrollment count 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.

- Requires each school district to provide parents, or students if the student is at least 18 years old, a formal written explanation of the goals and capabilities of any digital-learning platform that is used by the district or school, and specifies procedures for the use of digital-learning platforms.
- Requires the State Board of Education by December 31, 2018, to make recommendations to the General Assembly on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures that comprise the state report card.
- Requires the Department of Education, within 180 days after the bill's effective date, to convene a group of experts in norm-referenced assessments to make recommendations to the State Board of Education on how to incorporate aggregate data from the results of norm-referenced assessments into a format similar to the state report card ratings.
- Requires the State Board of Education, Superintendent of Public Instruction, and Department of Education to take necessary steps to terminate Ohio's contract with the Partnership for Assessment of Readiness for College and Careers (PARCC).
- Makes other miscellaneous changes.

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## CONTENT AND OPERATION

### I. Academic content standards and model curricula

The bill revises the process by which state academic content standards are adopted and become effective. Currently, the State Board of Education adopts standards for grades K-12 in English language arts, mathematics, science, and social studies. Under the bill, new or revised standards are no longer effective simply by decision of the State Board. Instead, standards may be proposed by the State Board but are effective only if approved by both houses of the General Assembly by concurrent resolution.<sup>1</sup> Prior to a vote on a concurrent resolution, the standing committees having jurisdiction over education legislation must conduct at least one public hearing on the proposed standards.<sup>2</sup>

The bill also authorizes the Legislative Office of Education Oversight (see "**V. Legislative Office of Education Oversight**" below), which is created under the bill, to propose new or revised academic content standards. Similarly, those proposed standards are not effective until they are approved by both houses of the General Assembly by concurrent resolution, and at least one public hearing on the proposed standards must be conducted.<sup>3</sup>

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

<sup>2</sup> R.C. 3301.0718.

<sup>3</sup> R.C. 3301.65(C).

For standards proposed by the State Board, the General Assembly must take action to approve or reject the standards within 30 days after the standards are proposed.<sup>4</sup> However, for standards that are proposed by LOEO, the General Assembly must take action to approve or reject the standards within 210 days after the standards are proposed.<sup>5</sup>

The bill specifies that standards proposed by LOEO must be based on general content areas, must be aligned with norm-referenced assessments that were developed prior to 2010, and must not be based on specific course subject areas.<sup>6</sup>

Finally, the bill prohibits the State Board from adopting academic content standards that are developed at the national level or by a multistate consortium.<sup>7</sup>

### **Online opportunity to comment on standards**

Within 30 days after the bill's effective date, the State Board of Education must provide on the Department of Education's website an online opportunity to make comments on the academic content standards.<sup>8</sup>

### **Elimination of standards review committees**

The bill eliminates the current separate academic standards review committees for each of the subjects of English language arts, math, science, and social studies.<sup>9</sup> These committees are composed of parents, educators, and state officials and are charged with reviewing and commenting on the standards and their respective assessments.

### **Model curricula**

Current law requires the State Board to adopt model curricula for each of grades K-12 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.

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<sup>4</sup> R.C. 3301.0718(A).

<sup>5</sup> R.C. 3301.65(C).

<sup>6</sup> R.C. 3301.65(B)(2), second paragraph.

<sup>7</sup> R.C. 3301.079(A)(1).

<sup>8</sup> Section 4.

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

The bill removes the requirement for the State Board to adopt model curricula, and it further prohibits the State Board from adopting any model curricula for any of the new standards.<sup>10</sup>

### **Repeal of miscellaneous standards-related provisions**

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>11</sup>

## **II. State achievement assessments**

### **Elementary assessments**

The bill makes several changes to the elementary state achievement assessments, but, in general, it maintains the grade levels and subject areas tested for the current elementary assessments.

### **Score ranges on elementary achievement assessments**

Currently, students receive one of the following five scores on the elementary achievement assessments, ranging from best to worst: "advanced," "accelerated," "proficient," "basic," and "limited." The bill maintains these scores, but also assigns each score range so that an "advanced" skill level consists of the 81st through 100th percentile, an "accelerated" skill level consists of the 61st through 80th percentile, a "proficient" skill level consists of the 41st through the 60th percentile, a "basic" skill level consists of the 21st through 40th percentile, and a "limited" skill level consists of the first through the 20th percentile.<sup>12</sup>

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<sup>10</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); repealed R.C. 3301.0721.

<sup>11</sup> R.C. 3301.079(A)(1)(a).

<sup>12</sup> R.C. 3301.0710(A)(2).

## **Third-grade Reading Guarantee**

Current law generally requires a student to be retained in the third grade, if the student scores at either the "basic" or "limited" levels on the third-grade English language arts assessment. The bill, instead, requires a student to be retained only if the student receives a score that is in the 20th percentile or lower.<sup>13</sup>

The bill also qualifies the parent of a student who receives a "basic" score to choose to have the student retained and receive remediation services.<sup>14</sup> Finally, the bill explicitly states that a student who scores at the "basic" level or higher cannot be retained under the Third-grade Reading Guarantee and cannot "be retained solely on the student's percentile score."<sup>15</sup>

## **Fall administration of the third-grade English language arts assessment**

Beginning with the 2017-2018 school year, the bill eliminates the fall administration of the third-grade English language arts state assessment, and instead requires only one administration of that assessment, which is in the spring.<sup>16</sup>

## **High school assessments**

The bill replaces the current statewide testing system with a series of nationally norm-referenced, standardized assessments in the areas of English language arts, math, science, American history, and American government. The current system consists of seven end-of-course exams in the areas of English language arts I, English language arts II, biology, Algebra I, geometry, American history, and American government. In addition, eleventh-grade students in public and most chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness, which is either the SAT or ACT.<sup>17</sup>

In replacing the current testing system, the bill also eliminates the associated provisions, including provisions that prescribe scoring levels, substituting Advanced

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<sup>13</sup> R.C. 3301.0710(A)(3) and 3313.608(A)(2).

<sup>14</sup> R.C. 3301.0710(A)(3) and 3313.608(A)(2)(e)(ii), second paragraph.

<sup>15</sup> R.C. 3301.0710(A)(3).

<sup>16</sup> R.C. 3301.0711(B); conforming changes in R.C. 3302.02 and 3302.03(K)(2)(b).

<sup>17</sup> R.C. 3301.0712 and 3301.0728.



Placement or International Baccalaureate exams for state assessments, and using a final course grade in lieu of an end-of-course exam.<sup>18</sup>

### **Exemption from college and career readiness assessment**

The bill repeals the current exemption from the requirement to take the college and career readiness assessment (SAT or ACT) for a student who has attained a "remediation-free" score on that assessment.<sup>19</sup>

### **Selection of new elementary and high school assessments**

The bill prescribes a system under which several entities identify, review, recommend, and approve the state achievement assessments for use beginning with the 2018-2019 school year. That system is as follows.

First, the Department of Education must issue a request for proposals (RFP) within 30 days after the bill's effective date to provide the elementary and high school achievement assessments. When reviewing the elementary assessments, the Department must consider only "assessments that were developed prior to 2010 and have specific attributes, which include validity, reliability, percentile scores, identified stanine ranges, and useful diagnostic information." When reviewing the high school assessments, preference must be given to nationally norm-referenced assessments and assessments that were developed prior to 2010. In conducting its RFP, the Department must solicit input from teachers and administrators when reviewing proposals. Multistate consortia, subsidiary of multistate consortia, or affiliates acting on behalf of multistate consortia are ineligible to submit a proposal.<sup>20</sup>

The Department then must submit the proposals that meet the bill's conditions to the Joint Education Oversight Committee (JEOC) and the Legislative Office of Education Oversight (LOEO) (see "**V. Legislative Office of Education Oversight**" below).<sup>21</sup> LOEO must evaluate the academic content standards aligned to the assessments that are submitted by ODE, and present its findings to JEOC. Using these findings, JEOC must submit to the State Board of Education its recommended assessments.<sup>22</sup> The State Board must select assessments from the list provided by JEOC.

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<sup>18</sup> R.C. 3301.0712(B) and 3302.02.

<sup>19</sup> R.C. 3301.0711(B)(11)(b) (stricken), (L)(1), and (L)(3)(b).

<sup>20</sup> Section 5(A)(1).

<sup>21</sup> Section 5(A)(2).

<sup>22</sup> Section 5(B) and (C).

No assessment can be adopted by the State Board until the assessments are approved via concurrent resolution by both houses of the General Assembly.<sup>23</sup>

The entity that ultimately provides the state achievement assessments must ensure that the assessments are aligned with the statewide academic content standards.<sup>24</sup>

## **Other assessment provisions**

### **Retention of a student based on failure to take a state assessment**

The bill eliminates the current provision authorizing a school district board to retain a student (1) who does not take a state achievement assessment, or (2) who does not take, within nine days, a missed assessment that was missed due to health reasons "or other good cause," unless the student was specifically excused as a limited English proficient student.<sup>25</sup>

### **Score of "0" on missed assessments**

The bill repeals the current provision requiring the Department, for the state report cards, to assign a weight of zero to the assessment score of a student who does not take a state achievement assessment.<sup>26</sup>

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

The bill explicitly prohibits the Department from using the assessments related to the Partnership for Assessment of Readiness for College and Careers (PARCC), the Smarter Balanced assessments, or any other assessments developed by a multistate consortium as any of the state's achievement assessments.<sup>27</sup> It also prohibits funds from being appropriated by the General Assembly to be used to purchase assessments developed by the Smarter Balanced assessment consortium. Current law already prohibits state funds from being spent on assessments developed by PARCC.<sup>28</sup>

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<sup>23</sup> Section 5(D).

<sup>24</sup> Section 5(E).

<sup>25</sup> R.C. 3301.0711(E).

<sup>26</sup> R.C. 3302.01(A)(2), second paragraph.

<sup>27</sup> R.C. 3301.078(A).

<sup>28</sup> R.C. 3301.078(C).



## **Excusal from tests for special education and limited English proficient students**

The bill revises a provision regarding the excusal from state assessments for students receiving special education services and for whom an individualized education program (IEP) has been developed. Specifically, it revises the law by stating that the student's IEP must provide the student with an opportunity to take an assessment "that is determined to approximate the student's grade level capacity, with reasonable accommodations." Accordingly, it eliminates the current provision specifying that a student's IEP must not "excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment."<sup>29</sup>

## **Intervention services for high school students**

The bill requires each school district with a graduation rate of less than 75% to determine for each of its high schools whether the school must provide intervention services to students who took the high school state assessments. The determination must consider each school's graduation rate and scores on any practice assessments. A school selected to provide intervention services must provide services to any student whose results indicate that the student is failing to make satisfactory progress toward attaining a proficient-level score on the high school state assessments.<sup>30</sup>

Current law affords these intervention services to students who failed to attain specified scores on practice versions of the Ohio Graduation Tests.

## **"Norm-referenced" assessments**

The bill specifies that the elementary and high school achievement assessments must be "norm-referenced." To that end, the bill defines norm-referenced to "refer to a standardized test or evaluative instrument for which the resulting scores are interpreted or are used to acquire additional meaning in terms of comparisons made to a reference age or grade group to which an individual belongs."<sup>31</sup>

## **Fairness Sensitivity Review Committee**

The bill removes the following statement from current law: "The decision of the [Fairness Sensitivity Review Committee] shall be final. This section does not create a

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<sup>29</sup> R.C. 3301.0711(C)(1)(a).

<sup>30</sup> R.C. 3301.0711(D)(2).

<sup>31</sup> R.C. 3301.079(J)(3). See also R.C. 3301.0710(C) third paragraph, 3301.0711(P)(5), and 3301.0712(G), and Sections 5 and 6 of the bill.

private cause of action."<sup>32</sup> The Fairness Sensitivity Review Committee, which is maintained under the bill, ensures that no question on a state achievement or diagnostic assessment is written to promote or inquire individual moral or social values or beliefs.

### **Repealed provisions**

The bill eliminates the following provisions related to state achievement assessments:

(1) The requirement for the Department to "[annually] furnish to, grade, and score all assessments . . .";<sup>33</sup>

(2) The requirement for the Department to make the questions on state high school assessments a public record. (However, elementary assessments are still required to become public records on July 31 following the school year in which the assessments were administered);<sup>34</sup>

(3) The requirement for the State Board, the Superintendent of Public Instruction, and the Chancellor of Higher Education to develop a system of college and work ready assessments to assess whether each student upon graduating from high school is ready to enter college or the workforce;<sup>35</sup>

(4) The requirement for the Department to adopt rules for the administration and scoring of state high school achievement assessments taken by students in nonchartered nonpublic schools or by students receiving home instruction. (Home-instructed students are not required to take state tests, but are afforded the opportunity to do so);<sup>36</sup>

(5) The requirement for the state achievement assessments to be "created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel";<sup>37</sup>

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<sup>32</sup> R.C. 3301.079(H).

<sup>33</sup> R.C. 3301.0711(A)(1) (stricken).

<sup>34</sup> R.C. 3301.0711(O)(2), (3), (4), (5), and (6) (stricken).

<sup>35</sup> R.C. 3301.0712(A) (stricken).

<sup>36</sup> R.C. 3301.0712(E) (currently division (E)(2)).

<sup>37</sup> R.C. 3301.0710.



(6) The requirement for the Department to ensure the interchangeability of the state achievement assessments in the event the Department contracts with more than one outside entity for the development of the assessments;<sup>38</sup>

(7) The specification of "College and Work Ready Assessment System" as the moniker for the state high school achievement assessments that must be taken by public school students and certain chartered nonpublic school students;<sup>39</sup>

(8) The requirement for the Department to give preference to Ohio-based entities employing Ohio residents when awarding contracts for grading state achievement assessments;<sup>40</sup>

(9) The requirement for the State Board to convene a group of national and state experts and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the state high school achievement assessments;<sup>41</sup>

(10) The authority for the State Board to enter into a reciprocal agreement with another state that has similar assessment requirements for receiving high school diplomas, under which a student who has met an assessment requirement of one state is considered to have met the similar requirement of the other state for purposes of receiving a high school diploma;<sup>42</sup>

(11) The requirement for the State Board to prescribe a practice version of each Ohio Graduation Test (OGT) that is of comparable length to the actual test;<sup>43</sup>

(12) The requirement for a committee established by the Department to inform the State Board of the probable scoring percentages of students on the state achievement assessments and to disaggregate those percentages by gender, major racial and ethnic groups, limited English proficient students, economically disadvantaged students, students with disabilities, and migrant students;<sup>44</sup>

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<sup>38</sup> R.C. 3301.079(F), second paragraph.

<sup>39</sup> R.C. 3301.0712(A) and (B), 3310.14, and 3310.522.

<sup>40</sup> R.C. 3301.0711(A)(1) (stricken).

<sup>41</sup> R.C. 3301.0712(C).

<sup>42</sup> R.C. 3301.0710(B)(3).

<sup>43</sup> R.C. 3301.0710(D).

<sup>44</sup> R.C. 3301.0710(E).

(13) The requirement for each school district, if it has a three-year average graduation rate of less than 75%, to administer a practice version of the OGT to all ninth-grade students who entered the ninth grade prior to July 1, 2014;<sup>45</sup>

(14) The requirement specifying that the OGT not be administered after the date specified by the State Board, unless a test is being administered to a person who has fulfilled the school's curriculum requirements but has not passed one or more of the required tests;<sup>46</sup> and

(15) The requirement for the Department to be responsible for adopting rules for the ethical use of state achievement assessments and prescribing the manner in which the state assessments are administered to students. The bill transfers those duties to the State Board.<sup>47</sup>

### **III. Safe harbor for schools, students, sponsors, and teachers**

#### **Delay of overall report card grade**

The bill delays the first issuance of the overall report card grades on the state report card for school districts and other public schools until the 2019-2020 school year.<sup>48</sup> Current law requires the first issuance of overall report card grades for the 2017-2018 school year.

#### **Districts, schools, and students**

The bill extends through the 2018-2019 school year, the safe harbor provisions for students, school districts, and other public schools related to the state achievement assessment score results and report card ratings, currently in effect through the 2016-2017 school year.<sup>49</sup>

Essentially, the bill's provisions do the following:

(1) Prohibits the Department from (a) assigning an overall letter grade for school districts and schools for the 2017-2018 and 2018-2019 school years (see above), and

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<sup>45</sup> R.C. 3301.0711(B)(10).

<sup>46</sup> R.C. 3301.0711(B)(10), second paragraph.

<sup>47</sup> R.C. 3301.0711(A).

<sup>48</sup> R.C. 3302.03(B)(4).

<sup>49</sup> R.C. 3302.03, 3302.036, 3302.05, 3310.03, 3314.02, and 3314.05.



(b) ranking districts and schools based on operating expenditures, performance achievements, and other specified items for the 2017-2018 and 2018-2019 school years;

(2) Prohibits the report card ratings issued for the 2017-2018 and 2018-2019 school years from being considered in determining whether a school district or school is subject to prescribed sanctions or penalties;

(3) Prohibits public schools from utilizing, at any time during a student's academic career, a student's score on any elementary-level state assessment or high school end-of-course examination that is administered in the 2017-2018 and 2018-2019 school years as a factor in any decision to (a) retain the student, (b) promote the student to a higher grade level, or (c) grant course credit; and

(4) Prohibits the release of individual student score reports on the state elementary assessments and high school end-of-course exams administered in the 2017-2018 and 2018-2019 school years, except to a student's school district or school or to a student or student's parent or guardian.

### **Teachers and administrators**

The bill prohibits a school district or school from using the value-added ratings from assessments administered in the 2014-2015 through 2018-2019 school years for the purposes of (1) assessing student academic growth for teacher and principal evaluations and (2) making decisions regarding the dismissal, retention, tenure, or compensation of the teachers or principals.<sup>50</sup>

However, the bill does permit a district or school to enter into a memorandum of understanding collectively with its teachers or principals stipulating that value-added ratings from those school years may be used for the purposes described above.<sup>51</sup> In such a case, for a teacher of a grade level and subject area for which the value-added rating is applicable and if no other measure is available to determine student academic growth, that evaluation must be based solely on teacher or principal performance (such as walkthroughs, class observations, and professional growth plans).<sup>52</sup>

### **"E-school" students**

The bill temporarily suspends, until the 2019-2020 school year, the current provision that requires an Internet- or computer-based community school ("e-school")

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<sup>50</sup> Section 3(A)(1).

<sup>51</sup> Section 3(A)(2).

<sup>52</sup> Section 3(A)(3).

to withdraw a student from enrollment if a student fails for two consecutive school years to take any state achievement assessment, unless the student was specifically excused as a special education student or a limited English proficient student.<sup>53</sup>

Additionally, the bill requires an "e-school" student who does not take a state achievement assessment for any reason, to take an assessment equivalent to the assessment for which the student was absent. Each "e-school" must report to the Department (1) which assessment a student did not take, (2) proof that the student took an equivalent assessment, and (3) the results of that equivalent assessment.<sup>54</sup>

### **Community school sponsors**

The bill temporarily revises the community school sponsor evaluation system by prohibiting the Department from using the academic performance component when calculating the overall ratings of community school sponsors for the 2016-2017, 2017-2018, and 2018-2019 school years.<sup>55</sup>

It also delays until the 2019-2020 school year the consequences that may be applied to a sponsor that receives an overall rating of "ineffective" or "poor."<sup>56</sup> Examples of those consequences include being subjected to a quality improvement plan and revocation of sponsorship authority.

### **Background on community school sponsor evaluation system**

Current law requires an entity that sponsors a community school to receive an annual overall rating based on three prescribed areas: (1) the academic performance of students enrolled in community schools sponsored by the same entity, (2) the sponsor's adherence to quality practices, and (3) the sponsor's compliance with laws and administrative rules. Each component receives an individual rating, and the overall rating is derived from an equally weighted calculation of those individual ratings. The ratings are "exemplary," "effective," "ineffective," and "poor."<sup>57</sup>

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<sup>53</sup> R.C. 3314.26.

<sup>54</sup> Section 8.

<sup>55</sup> R.C. 3314.016(B)(9).

<sup>56</sup> R.C. 3314.016(B)(7)(b) and (c).

<sup>57</sup> R.C. 3314.016.

## 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>58</sup> More specifically, it eliminates the requirement for school districts, schools, and educational service centers (ESC) to evaluate their teachers and principals based on the state evaluation frameworks.

For teacher evaluations, each district, school, or ESC must adopt a teacher evaluation policy with the teachers and the teachers' labor organization. The policy can, but is not required to, use measures of student academic growth as a component of a teacher evaluation. If a policy uses student academic growth, the policy must use the value-added progress dimension or an alternative student academic progress measure, except that the student growth component cannot account for more than 20% of an evaluation.<sup>59</sup>

For principal evaluations, the bill simply requires each board to adopt procedures for the evaluation of its administrators and to evaluate those employees in accordance with those procedures.<sup>60</sup>

The bill also eliminates the requirements outlining teacher and administrator evaluations, such as teacher and administrator ratings, frequency of evaluations, and performance guidelines.<sup>61</sup>

### Appeal of a teacher's evaluation

The bill permits a teacher to appeal the result of the evaluation to the ESC with which the district has an agreement. If the teacher's district does not have an agreement with an ESC, the teacher can appeal the result to the ESC of an adjacent district or an ESC selected by the teacher.<sup>62</sup>

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<sup>58</sup> R.C. 3319.02(D) and 3319.111; repealed R.C. 3319.112 and 3319.114; conforming changes in R.C. 3311.80, 3311.84, 3313.608(H)(1)(c), and 3333.0411.

<sup>59</sup> R.C. 3319.111(A) and (B).

<sup>60</sup> R.C. 3319.02(D).

<sup>61</sup> Repealed R.C. 3319.112.

<sup>62</sup> R.C. 3319.111(C).

## Cleveland Municipal School District

While the bill eliminates the frameworks for districts, schools, and educational service centers, it does not, however, eliminate the teacher and principal evaluation system currently in place for a municipal school district (Cleveland). Instead, the bill requires the district to continue to evaluate teachers and principals under the OTES and OPES frameworks.<sup>63</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. Legislative Office of Education Oversight

The bill creates the Legislative Office of Education Oversight (LOEO). The Office must do the following:

(1) Serve as a resource on education issues for the members of the General Assembly; and

(2) Propose for adoption by the General Assembly revised academic content standards for each of grades K-12 in English language arts, mathematics, science, and social studies (see "**I. Academic content standards and model curricula**" above).<sup>64</sup>

The Legislative Service Commission must appoint and fix the compensation of a director of LOEO and such other employees and services necessary to carry out the powers and duties of the office. The bill adds that all officers and employees of the office serve at the pleasure of the Legislative Service Commission.

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<sup>63</sup> R.C. 3311.80 and 3311.84.

<sup>64</sup> R.C. 3301.65.



## VI. Education Management Information System

The bill makes several changes to the Education Management Information System (EMIS), which is the statewide electronic database on elementary and secondary students, staff, and schools, and includes statistical, demographic, enrollment, fiscal, licensure, and student achievement information. The bill makes the following changes:

(1) Prohibits the reporting of personally identifiable information about any student, except for assigning a data verification code, to any other person unless such person "must have access to such information in order to fulfill contractual obligations related to state assessments." (This change replaces the current provision that prohibits the reporting of such information to any other person unless such person is employed by the school district or the information technology center and is authorized by the district or technology center to have access to such information or is employed by an entity with which the Department of Education contracts for the scoring or the development of state assessments);<sup>65</sup>

(2) Specifies that the EMIS guidelines must prohibit school districts from requesting Social Security numbers of individual students, instead of "not authorize school districts to request social security numbers of individual students," as under current law";<sup>66</sup>

(3) Requires the EMIS guidelines to require the data include "aggregate student demographic data" instead of simply "student demographic data," as under current law;<sup>67</sup> and

(4) Requires the State Board to approve the graduation rate guidelines that are included in the EMIS data reporting guidelines.<sup>68</sup>

## VII. Miscellaneous provisions

### Student enrollment calculation for state funding

Under the school funding formula, state aid to school districts, community schools, and STEM schools is based on student enrollment. Current law prohibits including in a district's or school's enrollment count a student who was enrolled in the district or school during the previous school year and did not take one or more of the

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<sup>65</sup> R.C. 3301.0714(D)(1).

<sup>66</sup> R.C. 3301.0714(D)(1).

<sup>67</sup> R.C. 3301.0714(B)(3)(a).

<sup>68</sup> R.C. 3301.0714(B)(1)(m).



state-required assessments, unless the student was specifically excused as a special education student or a limited English proficient student.<sup>69</sup>

The bill repeals this provision.

### **Digital-learning platform**

The bill requires each school district to provide parents, or students if the student is at least 18 years old, a formal written explanation of the goals and capabilities of any digital-learning platform that is used by the district or school. The explanation must include the following:

- (1) How the platform works and its principal purposes;
- (2) The title and business address of the school official who is responsible for the platform and the name and business address of any contractor or other outside party maintaining the platform for or on behalf of the school;
- (3) The information the software is designed to collect from or record about the student, including any data matches with other personally identifiable information;
- (4) Every element of data that the platform or software will collect or record about the student, including any personal psychological characteristics, physiological measurements, and noncognitive attributes or skills, such as collaboration, resilience, and perseverance;
- (5) The purpose of collecting and recording such data;
- (6) Every contemplated use or disclosure of such data, the categories of recipients, and the purpose of such use or disclosure;
- (7) A full explanation of the privacy policy maintained by the provider of the digital-learning platform; and
- (8) The policies and practices of the school regarding storage, retrievability, access controls, retention, and disposal of the records collected or recorded by the platform.<sup>70</sup>

The bill prohibits a digital-learning platform, or any instructional material in digital format, to be used unless it includes a portal or other mechanism allowing

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<sup>69</sup> R.C. 3317.03(E)(3), 3314.08(L)(3), and 3326.37(C).

<sup>70</sup> R.C. 3319.324(A).

parent access to the platform and all the content available to the student users. It also states that "data of any type collected on a student through his or her use of a digital-learning platform shall be destroyed at the end of the course in which the platform is used." Finally, the bill provides that a student or the student's parent or guardian must "be allowed to opt out of using any digital-learning platform." Students or parents or guardians who opt out must be provided traditional instruction in the academic content covered by such digital-learning platform.<sup>71</sup>

The bill defines "digital-learning platform" or "platform" as "an interactive digital platform that collects and records students' personally identifiable information, whether maintained or hosted externally by the school or by a third-party provider, and includes any video-gaming platform." It also defines "personally identifiable information" as "student data that personally identifies a student that, alone or in combination, is linked to information that would allow a reasonable person who does not have personal knowledge of the relevant circumstances to identify the student."<sup>72</sup>

### **Other miscellaneous changes**

The bill makes the following other miscellaneous provisions:

(1) Requires the State Board by December 31, 2018, to make recommendations to the General Assembly on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures that comprise the state report card;<sup>73</sup>

(2) Requires the Department, within 180 days after the bill's effective date, to convene a group of experts in norm-referenced assessments to make recommendations to the State Board on how to incorporate aggregate data from the results of norm-referenced assessments into a format similar to the state report card ratings;<sup>74</sup>

(3) Requires the State Board of Education, Superintendent of Public Instruction, and Department of Education to take necessary steps to terminate Ohio's contract with the Partnership for Assessment of Readiness for College and Careers (PARCC);<sup>75</sup>

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<sup>71</sup> R.C. 3319.324(B).

<sup>72</sup> R.C. 3319.324(C).

<sup>73</sup> R.C. 3302.03(M).

<sup>74</sup> Section 6.

<sup>75</sup> Section 7.



(4) Eliminates the authority for a school district, community school, and STEM school to use career connection learning strategies to provide students with grade-level examples that link schoolwork to career fields;<sup>76</sup>

(5) Prohibits the Department from spending more funds on an assessment for a chartered nonpublic school than it spends on the same assessment for a school district or public school;<sup>77</sup>

(6) Makes permissive, instead of mandatory, the requirement for school districts, community schools, and chartered nonpublic schools to (a) "integrate technology into learning experiences across the curriculum . . .," (b) use distance and web-based course delivery . . .," and (c) "utilize technology access and electronic opportunities" provided by specified entities;<sup>78</sup>

(7) Requires each school district, community school, and STEM school to provide a student's parent, guardian, or custodian with a copy of a student's success plan, which is a plan that addresses, for at-risk students, the academic pathway to graduation and the role of career-technical education, competency-based education, and experiential learning in that pathway;<sup>79</sup>

(8) Permits a school district, community school, and STEM school to allow a student to change the student's selected career pathway specified in the student's success plan;<sup>80</sup>

(9) Requires each school district to post on its website a copy of the State Board of Education's statewide report on school districts and public schools;<sup>81</sup>

(10) Requires each school district to prescribe a "graded course of study" for all schools under its control, instead of "a curriculum" as under current law, and requires each district to post a copy of each graded course of study on its website;<sup>82</sup>

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<sup>76</sup> R.C. 3313.6020(B)(1).

<sup>77</sup> R.C. 3313.612(E).

<sup>78</sup> R.C. 3313.603(C)(8), sixth paragraph.

<sup>79</sup> R.C. 3313.6020(C)(2).

<sup>80</sup> R.C. 3313.6020(C)(2).

<sup>81</sup> R.C. 3301.0714(H)(3).

<sup>82</sup> R.C. 3313.60.

(11) Eliminates, beginning with the 2017-2018 school year, the requirement for the Chancellor of Higher Education to report the number of teacher preparation program graduates and the percentage of those graduates rated by specified performance levels on teacher evaluations;<sup>83</sup> and

(12) Eliminates the following intent language regarding the state minimum high school curriculum: "Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree."<sup>84</sup>

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## HISTORY

ACTION	DATE
Introduced	04-10-17

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<sup>83</sup> R.C. 3333.0411.

<sup>84</sup> R.C. 3313.603(C)(8), second paragraph (stricken).

