



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 67  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Koehler and Bird

Allison Schoeppner, Research Analyst

### SUMMARY

- Exempts public and chartered nonpublic schools from administering state assessments in the 2020-2021 school year, if a waiver is granted by the U.S. Secretary of Education for federally required assessments.
- Requires the Department of Education to seek a waiver from the U.S. Secretary of Education from federal testing requirements.
- Declares an emergency.

### DETAILED ANALYSIS

#### Waiver of state assessments

For the 2020-2021 school year only, the bill exempts schools from administering state assessments. Thus, public and chartered nonpublic schools are not required to administer the elementary state achievement assessments, high school end-of-course exams, or the nationally standardized assessment (ACT or SAT). However, if an assessment is required under federal law and the Department of Education does not receive a waiver from federal testing requirements, schools must administer the required assessments. The bill also waives the Ohio English Language Proficiency Assessment administered to English learners, WebXams for career-technical education students, and the Alternate Assessment for Students with Significant Cognitive Disabilities.<sup>1</sup>

Similar provisions for the 2019-2020 school year were enacted in H.B. 197 of the 133<sup>rd</sup> General Assembly.<sup>2</sup>

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

<sup>2</sup> Section 17(A) of H.B. 197 of the 133<sup>rd</sup> General Assembly.

As mentioned above, the bill requires the Department of Education to seek a waiver from the U.S. Secretary of Education from federal testing requirements for the 2020-2021 school year. If the Department is not granted such a waiver, federally required assessments must be administered.<sup>3</sup>

### **Background on testing requirements**

Current state law requires achievement assessments in English language arts and math for each of grades three through eight and science in grades five and eight. Further, state law requires high school end-of-course exams, starting with the class of 2023, in English language arts II, Algebra I, science, American history, and American government. High school students also must take a nationally standardized assessment (ACT or SAT).<sup>4</sup>

Federal law requires one assessment in reading and one assessment in mathematics for each of grades three through eight. Students in grades nine through twelve are required to take one assessment each in reading and math between grades ten and twelve. One science assessment is required between grades three and five, one between grades six and nine, and one between grades ten and twelve.<sup>5</sup>

Current state law also requires the Department of Education to seek a waiver from the U.S. Secretary of Education to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the Department does not receive a waiver, the end-of-course examinations also must include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination may not be required for graduation.<sup>6</sup>

### **State aid to districts**

The bill prohibits the Department of Education from subtracting from a district or school's student count for state funding any students to whom a district or school did not administer assessments in the 2020-2021 school year.<sup>7</sup>

### **E-school students**

The bill also prohibits an internet- or computer-based school from withdrawing students who were unable to complete assessments for the 2020-2021 school year.<sup>8</sup>

---

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

<sup>4</sup> R.C. 3301.0710, 3301.0711, and 3301.0712, none in the bill.

<sup>5</sup> 20 United States Code 6311(b)(2).

<sup>6</sup> R.C. 3301.0712(B)(2)(b), not in the bill.

<sup>7</sup> Section 1(B). See also R.C. 3314.08(L)(3), 3317.03(E)(3), and 3326.37, none in the bill.

<sup>8</sup> Section 1(C).

## Scholarship students

The bill specifies that students participating in the Educational Choice Scholarship Program, the Jon Peterson Special Needs Scholarship Program, or the Pilot Project (Cleveland) Scholarship Program may apply to renew their scholarships for the 2021-2022 school year regardless of whether they took the state assessments in the 2020-2021 school year.<sup>9</sup>

Continuing law specifies that a student who receives a state scholarship will remain eligible for that scholarship and may continue to receive that scholarship in subsequent school years if the student meets certain eligibility requirements.<sup>10</sup> One of those requirements is that the student take all required state assessments unless otherwise excused.

---

## HISTORY

Action	Date
Introduced	02-03-21

---

H0067-I-134/ts

---

<sup>9</sup> Section 1(D).

<sup>10</sup> R.C. 3301.0711(K), 3310.03(F), 3310.522, and 3313.976(A)(11), none in the bill.