



Ohio Legislative Service Commission

Bill Analysis

Carrie Burggraf and Hannah K. Wann

S.B. 3

131st General Assembly
(As Introduced)

Sens. Hite, Faber

BILL SUMMARY

- Limits the cumulative amount of time spent on the administration of state assessments to 2% of the school year beginning with the 2015-2016 school year.
- Limits the cumulative amount of time used for taking practice or diagnostic assessments used to prepare for state assessments to 1% of the school year beginning with the 2015-2016 school year.
- Exempts from the time limitation assessments administered to students with disabilities, diagnostic assessments for students who fail to attain a passing score on the third-grade reading guarantee, and for alternatives to certain end-of-course examinations.
- Eliminates the current requirement that school districts and schools administer diagnostic assessments to students in grades one through three in writing and mathematics, but retains diagnostic assessments for kindergarten students and reading assessments for students in grades one through three beginning with the 2015-2016 school year.
- Requires that school districts and schools administer the English language arts assessment to third graders at least once annually, instead of twice as under current law beginning with the 2015-2016 school year.
- Exempts high-performing school districts from several requirements of current law regarding teacher qualifications under the third-grade reading guarantee, teacher licensing, mentoring under the Ohio Teacher Residency Program, and class size restrictions.

- Defines "high-performing school district" as a district that, on its most recent report card, received (1) at least 85% of the total possible points for the performance index score, (2) an "A" for performance indicators met, and (3) at least 93% and 95% for the four-year and five-year adjusted cohort graduation rate, respectively.
- Requires the School Facilities Commission, by December 15, 2015, to develop and submit to the General Assembly a legislative proposal assisting high-performing school districts to receive funding under the Classroom Facilities Assistance Program.
- Permits school districts to contract with hospitals, licensed health care professionals, and educational service centers for the services of a school physician, dentist, or nurse.
- Increases the competitive bidding threshold for school building and repair contracts from \$25,000 to \$50,000.

CONTENT AND OPERATION

Assessments

Limits on duration of assessments

Beginning with the 2015-2016 school year, the bill requires school districts, community schools, STEM schools, and college preparatory board schools to limit the cumulative amount of time spent on the administration of state assessments to 2% of the school year. The state assessments included in this limit are the applicable achievement assessments administered to students in grades three through eight,¹ the end-of-course examinations required in high school under the College and Work Ready Assessment System,² and any assessment required by the district or school to be administered district-wide or school-wide to all students in a specified area or grade level.³ The bill also limits the cumulative amount of time used for taking practice or diagnostic assessments used to prepare for the state assessments described above to 1% of the school year.⁴

¹ R.C. 3301.0710(A), not in the bill.

² R.C. 3301.0712(B)(2), not in the bill.

³ R.C. 3301.0728(A)(1). Conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24.

⁴ R.C. 3301.0728(A)(2).



The time limitations prescribed by the bill do not apply to administration of assessments to students with disabilities or any related diagnostic assessment for students who fail to attain a passing score on the third-grade English language arts achievement assessment. Nor do the limitations apply to the administration of substitute examinations for end-of-course examinations in American history, American government, and science. These examinations include Advanced Placement examinations and International Baccalaureate examinations.⁵

The bill authorizes a school district or school to exceed its prescribed assessment time limitations through the adoption of a resolution. However, before doing so, the district board or school governing authority must conduct at least one public hearing on the proposed resolution.⁶

Background on state achievement assessments

State law, in part in compliance with the federal "No Child Left Behind Act," prescribes a series of elementary and secondary state achievement assessments to be aligned with the state academic content standards and model curricula. The aggregate student scores on those assessments are used in computing annual state report card ratings for school districts and schools. All public schools (school district-operated schools, community schools, STEM schools, and college preparatory boarding schools) must administer these assessments to their students. Chartered nonpublic schools must administer achievement assessments for grades three through eight to any student who receives a scholarship through one of the state scholarship programs. In addition, except for a school granted a waiver for meeting prescribed conditions, a chartered nonpublic school must administer the elementary-level assessments to all its students if at least 65% of its enrollment is made up of students who are participating in any of the state scholarship programs. This requirement is subject to a parental opt-out for nonscholarship students. The composition of elementary-level achievement assessments are shown in the table below:⁷

	English Language Arts	Mathematics	Science	Social Studies
Grade 3	X	X		
Grade 4	X	X		X
Grade 5	X	X	X	

⁵ See R.C. 3301.0712(B)(4), not in the bill.

⁶ R.C. 3301.0728(C).

⁷ R.C. 3301.0710(A)(1).



	English Language Arts	Mathematics	Science	Social Studies
Grade 6	X	X		X
Grade 7	X	X		
Grade 8	X	X	X	

Students enrolled in public high schools must take seven end-of-course examinations in the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government.⁸ In addition, eleventh-grade students in public and chartered nonpublic high schools must take a nationally standardized assessment that measures college and career readiness.⁹

Diagnostic assessments

Beginning with the 2015-2016 school year, the bill eliminates the requirement for public schools to administer the following diagnostic assessments:

- (1) To students in the first grade, writing and math;
- (2) To students in the second grade, writing and math;
- (3) To students in the third grade, writing.¹⁰

However, schools must continue to administer reading, writing, and math diagnostic assessments to kindergarten students, and reading assessments to students in grades one through three.¹¹

Background on diagnostic assessments

Under current law, public schools must administer diagnostic assessments in reading, writing, and math to students in kindergarten through second grade, and reading and writing to students in the third grade. The State Board must adopt the assessments which schools, generally, must administer to all students. Each diagnostic

⁸ R.C. 3301.0711(B)(11) and 3301.0712(B)(2), the latter not in the bill.

⁹ R.C. 3301.0712(B)(1), not in the bill.

¹⁰ R.C. 3301.079(D)(3)(a) and (b).

¹¹ R.C. 3301.079(D)(1).

assessment must be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level.¹²

Administration of the third-grade English language arts assessment

Beginning with the 2015-2016 school year, the bill eliminates the fall administration of the third-grade English language arts state achievement assessment, and instead requires only one administration of that assessment, which is in the spring.¹³ Accordingly, the bill also removes references to the fall administration of the assessment throughout the Revised Code after the 2014-2015 school year, including in provisions regarding performance indicator calculation,¹⁴ performance index and annual measurable objective calculation for the state report card,¹⁵ and in determining the factors that require a district or community school to develop a district-wide or community school-wide reading improvement plan.¹⁶

Background on the third-grade English language arts assessments

As discussed in "**Background on state achievement assessments**," above, state and federal law requires public schools to administer a series of assessments to students in grades three through eight, and in high school. Results of these assessments are a factor in a number of components of the state report card. Scores on the third-grade English language arts assessment are also used to determine retention of students reading below grade level under the third-grade reading guarantee.¹⁷

Exemptions for high-performing school districts

The bill exempts "high-performing" school districts from several requirements of current law, including provisions related to teacher qualifications under the third-grade reading guarantee, teacher licensing, mentoring under the Ohio Teacher Residency Program, and class size restrictions (see below for a more detailed explanation of each).¹⁸ The bill also specifies that noncompliance with any of the exempted

¹² R.C. 3301.079(D).

¹³ R.C. 3301.0711(B).

¹⁴ R.C. 3302.02.

¹⁵ R.C. 3302.03(K)(2)(b).

¹⁶ R.C. 3302.13(A)(2).

¹⁷ See R.C. 3313.608, not in the bill.

¹⁸ R.C. 3302.16(A).

requirements does not disqualify high-performing school districts from receiving state operating funds.¹⁹

For purposes of qualifying for these exemptions, the bill defines a "high-performing school district" as a district that received all of the following on the district's most recent state report card:

- (1) At least 85% of the total possible points for the performance index score.
- (2) A grade of an "A" for performance indicators met.
- (3) A four-year adjusted cohort graduation rate of at least 93%.
- (4) A five -year adjusted cohort graduation rate of at least 95%.²⁰

Teacher qualifications under the third-grade reading guarantee

The bill exempts a high-performing school district from the requirement to provide an experienced teacher with specific qualifications to each student who is retained under the third-grade reading guarantee. However, the bill specifies that the teacher still must hold a valid educator license issued by the State Board of Education.²¹

Under current law, districts must provide, to each student retained under the guarantee, a teacher who has one or more years of teaching experience and who also meets one of the following qualifications:

- (1) Holds a reading endorsement and passed the corresponding reading endorsement assessment.
- (2) Completed a master's degree program with a major in reading.
- (3) Was rated "most effective" for reading instruction consecutively for the two most recent years, based on vendor assessments that measure student growth and are approved by the State Board.
- (4) Was rated "above expected value added," in reading instruction, as determined by the Department of Education, consecutively for the two most recent years.

¹⁹ R.C. 3302.16(C).

²⁰ R.C. 3302.16(D)(1)(a) through (c). See also R.C. 3302.03(C)(1).

²¹ R.C. 3302.16(A)(1).

(5) Earned a passing score on a rigorous test of principles of scientifically research-based reading instruction, as approved by the State Board.

(6) Holds an educator license, issued on or after July 1, 2017, for teaching grades pre-K through three, or four through nine.²²

Teacher licensing requirements

The bill exempts a high-performing school district, unless otherwise required by federal law, from any provision in statutory law, or in the State Board's rules or standards, that requires teachers to be licensed in the subject areas or grade levels in which they are teaching. However, under this exemption, the bill specifies that the teacher still must hold a valid educator license in a subject area or grade level that is determined appropriate by the district board.²³

The bill also permits the superintendent of a high-performing school district to employ an individual who does not hold an educator license issued by the State Board to teach classes in the district, so long as the individual is otherwise qualified based on experience.²⁴ As a condition of employment, the individual is subject to a criminal records check.²⁵ Additionally, the district board must approve the individual's employment and provide mentoring and professional development opportunities to the individual, as determined necessary by the district board.

Under current law, an individual must hold a valid educator license issued by the State Board in order to be compensated for teaching in a public school, unless that individual holds a limited permit issued by the State Board for nonlicensed teaching.²⁶ Moreover, a provision of the Administrative Code requires each teacher to hold the "appropriate credentials for (the teacher's) assigned position."²⁷

Mentoring under the Ohio Teacher Residency Program

The bill exempts a high-performing school district from the mentoring component of the Ohio Teacher Residency Program, so long as the district utilizes a

²² R.C. 3313.608(B)(3)(c) and (H), not in the bill.

²³ R.C. 3302.16(A)(4).

²⁴ R.C. 3302.16(B)(1).

²⁵ R.C. 3302.16(B)(2). See also R.C. 3319.391, not in the bill.

²⁶ R.C. 3319.30, 3319.301, and 3319.36, none in the bill.

²⁷ Ohio Administrative Code (O.A.C.) 3301-35-05(A)(1).



local approach to train and support new teachers.²⁸ Under current law, one of the required components of the program is mentoring by teachers who hold a lead professional educator license issued by the State Board.²⁹

Minimum and maximum class size

The bill exempts a high-performing school district from any provision in statutory law, or in the State Board's rules or standards, that prescribes a minimum or maximum class size.³⁰ Currently, no such requirement exists in the Revised Code. However, a provision in the Administrative Code specifies a maximum district-wide ratio of 25 students to one teacher. Additionally, the provision specifies a maximum district-wide ratio of 25 students in grades kindergarten through fourth grade to one teacher.³¹

State facility funding for high-performing school districts

The bill requires the School Facilities Commission (SFC), by December 15, 2015, to develop and submit to the General Assembly a proposal with regard to high-performing school districts and funding under the Classroom Facilities Assistance Program (CFAP). Specifically, the proposal must contain legislative provisions under which high-performing school districts that have not received assistance under CFAP may, upon becoming eligible for assistance under the program, apply for and receive a portion of the state funds for which they are eligible. For that purpose, the bill uses the same definition of high-performing school district that is applied to its exemptions from specified mandates (see above). The funds must be used for technology, building expansion, and physical alterations to improve school safety or security.³²

Background

The School Facilities Commission administers several programs that provide state assistance to school districts and community schools in constructing classroom facilities. The main program, the Classroom Facilities Assistance Program, is designed to provide each city, exempted village, and local school district with partial funding to address all of the district's classroom facilities needs. It is a graduated, cost-sharing program where a district's portion of the total cost of the project and priority for

²⁸ R.C. 3302.16(A)(2).

²⁹ R.C. 3319.223(A)(1), not in the bill.

³⁰ R.C. 3302.16(A)(3).

³¹ O.A.C. 3301-35-05(A)(3).

³² Section 3.

funding are based on the district's relative wealth. Districts are ranked by wealth into percentiles. The poorest districts are served first and receive a greater amount of state assistance than wealthier districts will receive when it is their turn to be served based on their respective wealth percentile. Other smaller programs address the particular needs of certain types of districts and schools but most assistance continues to be based on relative wealth.³³

Contracting for student health services

The bill specifically permits a school district board of education to contract with a hospital, an appropriately licensed health care professional, or an educational service center (ESC) for the services of a school physician, dentist, or nurse.³⁴

Under current law, district boards are specifically permitted to contract with a health district for such services. Additionally, a separate provision of current law, not affected by the bill, permits district boards to contract with ESCs for the services of a school nurse, registered nurse, or licensed practical nurse to provide diabetes care to students. District boards also may appoint school physicians and dentists to provide health services to students.³⁵

Competitive bidding threshold for school building contracts

Current law specifies that school district boards of education must fulfill various competitive bidding requirements when contracting for public improvement projects valued over \$25,000, except in cases of urgent necessity or security. The bill increases the competitive bidding threshold from \$25,000 to \$50,000 for such public improvement contracts, including contracts to build, repair, enlarge, improve, or demolish any school building.³⁶

HISTORY

ACTION	DATE
Introduced	02-02-15

S0003-I-131.docx/emr

³³ R.C. Chapter 3318., not in the bill.

³⁴ R.C. 3313.72.

³⁵ R.C. 3313.68, not in the bill.

³⁶ R.C. 3313.46.

