

AN ACT

To amend section 3302.036 and to enact section 3301.0728 of the Revised Code to prohibit individual student scores from certain elementary and secondary achievement assessments administered for the 2014-2015 school year from being used to determine promotion or retention or to grant course credit, to revise state scholarship program eligibility, to make changes regarding the administration of high school end-of-course examinations, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3302.036 be amended and section 3301.0728 of the Revised Code be enacted to read as follows:

Sec. 3301.0728. Notwithstanding anything in the Revised Code to the contrary, a student may retake any end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code during the student's academic career at a time designated by the department of education. If, for any reason, a student does not take an end-of-course examination on the scheduled administration date, the department of education shall make available to the student the examination for which the student was absent, or a substantially similar examination as determined by the department, so that the student may take the examination or a substantially similar examination at a later time in the student's academic career. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015 school year, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter

3326. of the Revised Code under section 3302.21 of the Revised Code for that school year. The report card ratings issued for the 2014-2015 school year shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015 school year shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under section 3302.10 of the Revised Code;

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015 school year as a factor in any decision to promote or to deny the student promotion to a

higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015 school year shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

SECTION 2. That existing section 3302.036 of the Revised Code is hereby repealed.

SECTION 3. Division (C) of section 3302.036 of the Revised Code does not apply to the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code.

In accordance with Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly, as amended by Sub. H.B. 367 of the 130th General Assembly, for the 2014-2015 school year, each school district, community school established under Chapter 3314., or STEM school established under Chapter 3326. of the Revised Code shall administer to third-grade students, for purposes of section 3313.608 of the Revised Code, the English language arts assessment required under division (A)(1)(a) of section 3301.0710 of the Revised Code that the school administered for the previous year under that section.

SECTION 4. Notwithstanding anything in the Revised Code to the contrary, division (E)(3) of section 3317.03, division (L)(3) of section 3314.08, and division (C) of section 3326.37 of the Revised Code shall not apply in the case of a pupil who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that was administered during the 2014-2015 school year and was not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code from taking that assessment.

SECTION 5. (A) Notwithstanding anything in the Revised Code to the contrary, a student receiving a scholarship under a state scholarship program, as defined in section 3301.0711 of the Revised Code, who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that is administered in the 2014-2015 school year shall be considered to be an eligible student for purposes of the respective scholarship program, so long as the student satisfies all other prescribed conditions of the program.

(B) Notwithstanding anything in the Revised Code to the contrary, division (A) of section 3310.14, section 3310.522, and division (A)(11) of section 3313.976 of the Revised Code, and paragraph (C) of rule 3301-103-04 of the Administrative Code shall not apply in the case of a student who did not take an assessment prescribed under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code that is administered in the 2014-2015 school year.

SECTION 6. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that immediate action is needed in order to address in a timely manner issues related to the administration of state elementary and secondary achievement assessments for the 2014-2015 school year. Therefore, this act shall go into immediate effect.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

H. B. No. 7

131st G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____