

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 40

Representatives Sobecki, Crossman

A BILL

To waive state testing requirements for the 2020- 1
2021 school year, to provide exemptions from 2
state report cards and other provisions related 3
to test results, and to declare an emergency. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. Notwithstanding anything in the Revised Code or 5
Administrative Code to the contrary, for the 2020-2021 school 6
year only: 7

(A) (1) Any city, exempted village, local, or joint 8
vocational school district, any community school established 9
under Chapter 3314. of the Revised Code, any STEM school 10
established under Chapter 3326. of the Revised Code, any 11
chartered nonpublic school, and the State School for the Deaf 12
and the State School for the Blind shall not be required to 13
administer the assessments prescribed in sections 3301.0710, 14
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 15
Code, including the Ohio English Language Proficiency Assessment 16
administered to English learners pursuant to division (C) (3) (b) 17
of section 3301.0711 of the Revised Code and the Alternate 18
Assessment for Students with Significant Cognitive Disabilities 19

prescribed in division (C) (1) of section 3301.0711 of the Revised Code. 20
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The Department of Education shall seek a waiver from the United States Secretary of Education for testing requirements prescribed under federal law. If the Department does not receive a waiver, the Department shall determine which assessments are required to meet federal requirements. The Superintendent of Public Instruction shall adjust assessment administration dates, prescribed under division (C) of section 3301.0710 of the Revised Code, to accommodate any assessment administration required by federal law. School districts and schools shall administer the assessments determined by the Department to be federally required. 22
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(2) The Department of Education shall not exclude any student to whom an assessment was not administered in the 2020-2021 school year under division (A) of this section from counting in a district's or school's enrollment for the 2021-2022 school year pursuant to division (L) (3) of section 3314.08, division (E) (3) of section 3317.03, or division (C) of section 3326.37 of the Revised Code. 33
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(3) If a student was not administered an assessment in the 2020-2021 school year under division (A) of this section, that school year shall not count in determining if the student is subject to withdrawal from a school pursuant to section 3313.6410 or 3314.26 of the Revised Code. 40
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(4) No student who received a scholarship under the Educational Choice Scholarship Program under section 3310.03 or 3310.032 of the Revised Code, the Jon Peterson Special Needs Scholarship Program under section 3310.52 of the Revised Code, or the Pilot Project Scholarship Program under section 3313.975 45
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of the Revised Code for the 2020-2021 school year shall be 50
considered ineligible to renew that scholarship for the 2021- 51
2022 school year solely because the student was not administered 52
an assessment in the 2020-2021 school year under division (A) of 53
this section. 54

(B) (1) The Department of Education shall not publish state 55
report card ratings under section 3302.03, 3302.033, 3314.012, 56
or 3314.017 of the Revised Code nor shall the Department be 57
required to submit preliminary data for the report cards by July 58
31, 2021, as required by those sections. Furthermore, the 59
Department shall not assign an overall letter grade under 60
division (C) (3) of section 3302.03 of the Revised Code for any 61
school district or building, shall not assign an individual 62
grade to any component prescribed under division (C) (3) of 63
section 3302.03 of the Revised Code, shall not assign a grade to 64
any measures under division (C) (1) of section 3302.03 of the 65
Revised Code, and shall not rank school districts, community 66
schools, or STEM schools under section 3302.21 of the Revised 67
Code for the 2020-2021 school year. 68

(2) The absence of report card ratings for the 2020-2021 69
school year shall have no effect in determining sanctions or 70
penalties, and shall not create a new starting point for 71
determinations that are based on ratings over multiple years. 72
The report card ratings of any previous or subsequent years 73
shall be considered in determining whether a school district or 74
building is subject to sanctions or penalties. If a school 75
district or building was subject to any of the following 76
penalties or sanctions in the 2020-2021 school year based on its 77
report card rating for previous school years, those penalties or 78
sanctions shall remain for the 2021-2022 school year. Those 79
penalties and sanctions include the following: 80

(a) Any restructuring provisions established under Chapter 3302. of the Revised Code, except as required under federal law;	81 82
(b) Provisions for the Columbus City School Pilot Project under section 3302.042 of the Revised Code;	83 84
(c) Provisions for academic distress commissions under section 3302.10 of the Revised Code. While a district subject to an academic distress commission prior to the effective date of this section shall be considered to be subject to an academic distress commission for the 2021-2022 school year, that year shall not be included for purposes of determining progressive consequences under divisions (H), (I), (J), (K), and (L) of section 3302.10 of the Revised Code that are in addition to those that were being exercised by the chief executive officer during the 2020-2021 school year or for purposes of the appointment of a new board of education under division (K) of that section. Nothing in division (B) (2) (c) of this section shall be construed to limit the powers that the chief executive officer exercised under section 3302.10 of the Revised Code prior to the 2021-2022 school year.	85 86 87 88 89 90 91 92 93 94 95 96 97 98 99
(d) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;	100 101 102
(e) 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;	103 104 105
(f) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code;	106 107 108
(g) Provisions of state or federal law that identify	109

school districts or buildings for comprehensive or targeted 110
support and improvement or additional targeted support and 111
improvement. Districts and buildings so identified shall 112
continue to receive supports and interventions consistent with 113
their support and improvement plans in the 2021-2022 school 114
year. 115

(h) Provisions that determine the conditions under which 116
community schools may change sponsors under section 3314.034 of 117
the Revised Code. 118

Section 2. This act is hereby declared to be an emergency 119
measure necessary for the immediate preservation of public 120
peace, health, and safety. The reason for such necessity is to 121
ensure that the waiver of state assessments for the 2020-2021 122
school year goes into effect as soon as possible after the start 123
of the school year. Therefore, this act shall go into immediate 124
effect. 125