

## **House Bill 212**

### **Summary and comments**

**Feb. 10, 2016**

*Our organizations have received a number of questions from members about the changes proposed in House Bill (HB) 212. The following is a brief summary of the proposed legislation along with comments and observations from the three organizations. Keep in mind that the recently reauthorized Elementary and Secondary Education Act through the new Every Student Succeeds Act may have implications for some provisions in proposed HB 212.*

HB 212 was introduced in the Ohio House of Representatives on May 18, 2015, and referred to the House Education Committee later that month. Its first hearing (sponsor testimony) was held Nov. 17, 2015. Generally, the bill is aimed at eliminating Ohio's Common Core State Standards, changing the state's testing requirements, eliminating mandated teacher and principal evaluations and reducing the State Board of Education's authority on operating standards. Ohio law already has been changed for some provisions contained in the bill since its introduction, and so portions of the bill are subject to change if it passes.

### **Standards**

HB 212:

- Would eliminate the use of the Common Core State Standards.
- The State Board would be required to replace the Common Core State Standards for English language arts and mathematics and the state standards for science and social studies with standards consistent with Massachusetts' standards (pre-Common Core).
- School districts would not be required to use all or any part of the standards adopted by the State Board.
- Establishes a 13-member Academic Content Standards Steering Committee that would oversee the development of new standards with subcommittees in each subject area. The subcommittees would need to approve the standards before the State Board could adopt them, and even then the standards would require approval by the entire General Assembly through a concurrent resolution.
- Prohibits the State Board from adopting any model curricula.

Comments:

School districts are well into the fifth year of implementation of the Common Core State Standards and the State Standards for Science and Social Studies. Our organizations have supported the continuation of that implementation in the interest of higher rigor and in opposition to the disruption caused by yet another change in standards. We oppose HB 212's elimination of the Common Core State Standards and the replacement of the standards in the four subject areas with standards modeled after Massachusetts' outdated standards.

The 13-Member Academic Content Standards Steering Committee established in the bill is a new bureaucratic body meant to supplant the authority of the State Board of Education. While we do not always agree with the actions of the State Board, instituting a new committee only adds additional layers to the process with no promise of an improved system. Further, the prohibition against the State Board's adoption of model curricula simply takes tools away from

school districts and would require them to use their own resources to develop curricula without a model to reference.

## **Assessment**

HB 212:

- Requires school districts to select either assessments administered prior to 2010 in Iowa or Massachusetts or a combination of the two for elementary students in English language arts, mathematics, science and social studies. Assessments could not be administered to elementary students earlier than the last week of April.
- Replaces the current seven high school end-of-course exams with a requirement for districts to select either a standards-based or norm-referenced exam in English language arts, mathematics and science.
- Requires the Ohio Department of Education (ODE) to develop a method for comparing the assessments districts use for the report card, teacher and principal evaluations, the third-grade reading guarantee and high school graduation.
- Prohibits the use of PARCC assessments, Smarter Balanced assessments or any other assessments related to or based on the Common Core State Standards for use as state achievement assessments. (Note: the legislature eliminated the use of PARCC assessments in the most recent budget bill, HB 64.)
- Eliminates the kindergarten administration of the diagnostic assessments in reading, writing and mathematics.

Comments:

While we recognize that many school district leaders are concerned about the number of tests required (i.e., the seven end-of-course exams), we believe more work is needed to determine the best way to achieve the intended purpose of these exams. State leaders desire a mechanism for gauging students' preparedness for graduation and career readiness in addition to determining whether school districts are adequately preparing students for the future. This goal is juxtaposed with the need for classroom diagnostic assessments that inform instruction for individual students. We believe the solution outlined in HB 212 is not the answer.

We can support the bill's prohibition against testing elementary students prior to the last week in April, but note that tests tied to the third-grade reading guarantee may need to be administered earlier in order to mesh with the third-grade reading guarantee requirements.

We are concerned about the elimination of the kindergarten diagnostic assessments, particularly as they relate to reading. This diagnostic assessment serves to identify the instructional needs of students and prepare intervention plans as part of the third-grade reading guarantee. The cost of these exams are currently covered by ODE. If eliminated, school districts would need to use local resources to cover the costs of diagnostic assessments.

## **Evaluations**

HB 212:

- Proposes to eliminate the Ohio Teacher Evaluation System (OTES) and the Ohio Principal Evaluation System (OPES) and those systems' guidelines and requirements.
- Would eliminate the Resident Educator Summative Assessment by prohibiting the Ohio Teacher Residency Program from requiring an entry-level classroom teacher to pass or take such an assessment during the residency program.

Comments:

School leaders have indicated that teacher and principal evaluations are necessary and useful. However, the student progress component of the current evaluation system is problematic. This portion of the evaluation process is inconsistent among various teaching disciplines, and the value-added method is not an appropriate measure of a teacher's success. Therefore, we support a change that would give school districts the authority to design their own evaluation instruments. Otherwise, the state-mandated student progress component of the evaluation system should be eliminated and replaced by a local determination of how student progress should be considered in an individual educator's evaluation.

We support HB 212's elimination of the Resident Educator Summative Assessment. This has been redundant since the implementation of OTES.

## **Personally identifiable information**

HB 212:

- Requires the standards for EMIS to restrict access to personally identifiable information by a person who performs data processing services for a school district to just the information necessary for fulfillment of contractual obligations.
- Requires the contract between the district and a data processing entity to include a stipulation that personally identifiable information shall not be shared with additional parties.
- Specifies that only aggregate data (not personally identifiable information) may be supplied to the U.S. Department of Education for purposes of federal grant requirements.
- Prohibits a federal grant recipient from releasing personally identifiable information without informed written consent of the student's parent or guardian or the teacher (for the teacher's information).

Comments:

We support these provisions. However, we believe this is the codification in law of what is already current practice.

## **Minimum operating standards**

HB 212:

- Removes the words “and such other factors as the board finds necessary” from the provision in law that enumerates categories for which the State Board must adopt minimum operating standards for schools.

Comments:

We believe this provision serves to tie the hands of the State Board of Education in addressing issues that arise in an ever-changing education environment. The effect would be to require specific state law changes when the need arises. The State Board of Education is the body best suited to address such issues.