

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 138**

**Representatives Zeltwanger, Koehler**

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**A BILL**

To enact section 3301.0727 of the Revised Code to  
revise the requirements regarding the  
administration of the state achievement  
assessments, to require the Department of  
Education to request a waiver from federal  
testing requirements, and to declare an  
emergency.

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

**Section 1.** That section 3301.0727 of the Revised Code be  
enacted to read as follows:

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**Sec. 3301.0727.** If the state board of education selects  
the assessments developed by the partnership for assessment of  
readiness for college and careers for any of the assessments  
prescribed under division (A) of section 3301.0710 or division  
(B) (2) of section 3301.0712 of the Revised Code, school  
districts and schools shall be required to administer only the  
performance-based portion of those assessments and shall not be  
required to administer the end-of-year portion of those  
assessments. A district or school may choose to administer the  
end-of-year portion of those assessments. The results of the

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end-of-year portion of those assessments shall not be used for 20  
purposes of calculating report card ratings and the measures and 21  
components that compile a report card rating issued under 22  
section 3302.03 of the Revised Code, evaluating teachers and 23  
administrators under section 3311.80, 3311.84, or 3319.111 or 24  
division (D) of section 3319.02 of the Revised Code, retention 25  
of third-grade students under section 3313.608 of the Revised 26  
Code, or determining eligibility for high school graduation 27  
under section 3313.618 of the Revised Code. 28

**Section 2.** Notwithstanding anything in the Revised Code to 29  
the contrary, division (E) (3) of section 3317.03, division (L) 30  
(3) of section 3314.08, and division (C) of section 3326.37 of 31  
the Revised Code shall not apply in the case of a pupil who did 32  
not take an assessment prescribed under division (A) of section 33  
3301.0710 or division (B) (2) of section 3301.0712 of the Revised 34  
Code that was administered during the 2014-2015 school year and 35  
was not excused pursuant to division (C) (1) or (3) of section 36  
3301.0711 of the Revised Code from taking that assessment. 37

**Section 3.** Not later than thirty days of the effective 38  
date of this section, the Department of Education shall apply to 39  
the United States secretary of education for a waiver from 40  
provisions of the "No Child Left Behind Act of 2001," in order 41  
to implement section 3301.0727 of the Revised Code as enacted by 42  
this act. 43

**Section 4.** This act is hereby declared to be an emergency 44  
measure necessary for the immediate preservation of the public 45  
peace, health, and safety. The reason for the necessity is that 46  
immediate action is needed in order to address in a timely 47  
manner issues related to the administration of state achievement 48  
assessments for the 2014-2015 school year. Therefore, this act 49

shall go into immediate effect.

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