

## **2018 Legislative Proposals Related to Testing and Accountability in Ohio Public Schools**

### **Brief legislative history**

With the advent of test-based accountability on the national level with the passage of No Child Left Behind (NCLB) in 2002, Ohio was one of only 18 states to tie high-stakes consequences to test performance. Even before NCLB Ohio required high school students to pass its state tests to graduate.<sup>1</sup> Since NCLB, Ohio policy makers have intensified the consequences tied to test results:

- Individual student performance on state tests decides which students advance to fourth grade and who graduates from high school.
- The Ohio Teacher Evaluation System (OTES) uses student test performance as 50 percent of a teacher's evaluation score.
- Education quality for individual schools and whole districts is labeled A to F primarily based on test results.
- Governance of low performing districts that fail to improve test scores after three years is taken over by a state-appointed academic distress commission and CEO that are not answerable to the local community.

After more than two decades there is little evidence that these policies have led to significant gains in student learning or school quality.<sup>2</sup>

Public concern and educator opposition to this approach is growing. For example, a coalition of superintendents of mid-sized urban districts in Ohio joined together in 2018 to speak out against state take-overs, showing how ineffective they have been and offering an alternative. Their stance can be viewed at [www.publiceducationmatters.org](http://www.publiceducationmatters.org). Multiple citizen groups have formed to focus on these issues.

To qualify for federal competitive grants under "Race to the Top," a program funded by the American Recovery and Reinvestment Act in 2009 to promote school reform, states were required to use student test scores as one factor in evaluating teachers. Ohio required that student scores account for 50 percent of a teacher's evaluation. When Congress approved ESSA in 2015 they prohibited federal intervention in the way states evaluate teachers. This gave states the opportunity to redesign teaching accountability and end this misuse of test scores. In 2017, Ohio's Educators Standards Board<sup>3</sup> recommended changes.

### **Current legislative session - 132<sup>nd</sup> Ohio General Assembly**

While the legislature has shown little interest in rethinking high-stakes testing and its leadership has stymied those who have tried, some of the manifestations and problems associated with high-stakes testing did receive attention in several bills proposed during the current session. Only one has been enacted – Senate Bill 216. Even though most were not approved, this is not likely to be the end of interest in reforming this system.

Here are the 2018 legislative proposals that attempt to modify high-stakes consequences for students, teachers and school districts:

**Students:**

House Bill (HB) 630 – Starting with the 2017-2018 school year, Ohio instituted end-of-course exams as the required tests for graduation. This major change promised to significantly damage high school graduation rates. The legislature approved alternative routes to gaining graduation points for the first year. HB 630 calls for extending the alternative route for two more years. It was introduced in May by Tavia Galonski (D), but with no co-sponsors. There has been no further action.

Senate Bill (SB) 216 – The Public School Deregulation Act gives relief to one barrier to success for young test takers. It allows third grade test takers to use pencil and paper rather than a computer to take the test. See more information about this bill below.

**Teachers:**

HB 540 and SB 216 – Both laws propose changes in the teacher evaluation system and phase out the use of test scores in evaluating teachers. They also relax licensure requirements for teachers and qualifications required for non-teaching personnel. SB 216 passed (to be effective Nov. 2, 2018) nearly unanimously in the Senate but with a party-line vote in the House.

**School districts:**

HB 591– This legislation speaks to the state report card and calls for an end to reducing complex factors in education quality to a single letter grade. Mike Duffey along with six co-sponsors, introduced the bill in April. So far there has been no further action, but this legislation will probably “have legs.” The sponsor and all co-sponsors are all members of the majority party.

HB 626 – In 2015, the general assembly passed legislation instituting state takeovers of local school districts with a failing (“F”) report card score for three consecutive years. Such districts are put under the control of an academic distress commission (ADC). HB 626 proposes a three-year moratorium on state takeovers. A similar provision was added as an amendment to SB 216. This bill, with two sponsors and six co-sponsors, all from the minority party, was introduced in May.

In 2016, Youngstown’s school district was the first to come under control of an ADC. Lorain schools followed in 2017, then East Cleveland schools in 2018. The East Cleveland Board of Education has filed suit to block the takeover. The Lorain school board joined the lawsuit with a friend of the court brief. Some lawmakers of the minority party criticized the takeover policy when a recent review of the Youngstown school district by the Ohio Department of Education showed no improvement in the district after nearly two years under an ADC.<sup>3</sup> They’ve also noted the district’s severe funding challenge, which has been exacerbated by diversion of funds to charters, many of them of questionable quality.<sup>4</sup>

Even though most were not approved, this is not likely to be the end of interest in reforming this system. The League of Women Voters Ohio has not offered testimony on any of these bills.

NOTES:

1. *Ohio's State Tests Rules Book*, published by the Ohio Department of Education Office of Curriculum and Assessment, updated, 2018:  
<http://education.ohio.gov/getattachment/Topics/Testing/Testing-Forms-Rules-and-Committees/Ohio's-State-Tests-Rules-Book/OhiosStateTestsRulesBook2018.pdf.aspx?lang=en-US>  
(may need to copy and paste URL into browser)  
*On pages 7-10 is a detailed listing of Ohio legislation related to state-mandated testing enacted between 1987 and 2017. On page 10 is a timeline for the implementation of graduation testing requirements. Thirty-seven pieces of legislation were enacted in this three-decade time period on testing alone. This does not include legislation on school ratings and other related policies.*
2. Barnum, Matt. "Pressuring schools to raise test scores got diminishing returns, new study of No Child Left Behind finds." *Chalktalk*, Aug. 14, 2018.  
<https://chalkbeat.org/posts/us/2018/08/13/pressuring-schools-to-raise-test-scores-got-diminishing-returns-new-study-of-no-child-left-behind-finds/>  
and Greene, Peter. (2018, Sept. 20) "Is the big standardized test a big standardized flop," *Forbes*, Sept. 20, 2018. <https://www.forbes.com/sites/petergreene/2018/09/20/is-the-big-standardized-test-a-big-standardized-flop/#4f59e4764937>
3. The Educators Standards Board is appointed by the state board of education and comprises teachers and other education professionals. Its mission is to develop and recommend professional standards.)
4. "State Review of Youngstown's Academic Distress Commission Returns Troubling Failings  
Lawmakers continue push for statewide moratorium on state takeovers of local schools." Posted June 15, 2018 by Minority Caucus  
<http://www.ohiohouse.gov/democrats/press/state-review-of-youngstowns-academic-distress-commission-returns-troubling-failings>
5. "State's Broken, Politically-driven Education Model Paved the Way for East Cleveland State Takeover. Smith responds to latest state report card." Posted September 13, 2018 by Minority Caucus  
<http://www.ohiohouse.gov/democrats/press/states-broken-politically-driven-education-model-paved-the-way-for-east-cleveland-state-takeover>