



February 10, 2016

## **“Gotcha” School Employee Penalty Removed from Sub. HB 420 by Ohio House Education Committee**

On Wednesday, February 10, 2016, the House Education Committee amended Sub. HB 420 to remove a provision that would have penalized school employees who “negligently suggest” to a student that he or she opt-out of a state assessment. The bill, which remains in committee, now has no penalty for any action that might be taken by a school employee.

Thank you to all OEA Advocates for Children and Education (ACE) who sent messages to their legislators opposing the “gotcha” penalty provision from Sub. HB 420.

OEA and member activists strongly opposed the education employee penalty provision after it appeared in a new version of the bill two weeks ago. The sponsor of the bill, Kristina Roegner (R-Hudson), listened to those concerns and quickly announced her intent to request the removal of the penalty provision from the bill.

The House Education Committee has yet to vote on the remaining part of the bill, which seeks to address how opt-outs are treated on district and school report cards. However, a recent announcement by the Ohio Department of Education (ODE) regarding calculations on the 2014-15 district and school report cards due in late February may address the General Assembly’s concerns and make legislative action unnecessary at this time.

In a media release on February 9, 2016, ODE stated that while nearly 99 percent of students took the state tests last school year (2014-2015), “a very small percentage of districts and community schools experienced a substantial decrease in student participation. Most report card measures are not directly impacted by student participation. Under state and federal law, Ohio calculates a Performance Index score and corresponding letter grade that includes all students.”

“For the 2014-2015 report card only, the department will be sharing additional information on Ohio School Report Cards regarding the impact of student participation. The department will share a modified achievement measure score and grade, which will be calculated using a similar method to the Performance Index and include only students who participated in state tests. The information will be displayed on the State Report Card to be released on Feb. 25.”

ODE’s February 9, 2016 media release regarding the 2014-15 report cards can be seen by [clicking here](#).

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