

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 181

Representatives Hood, Brinkman

**Cosponsors: Representatives Koehler, Vitale, Becker, Goodman, Dean, Riedel,
Householder, Keller, Young, Zeltwanger, Roegner, Stein, LaTourette**

A BILL

To amend sections 3301.078, 3301.079, 3301.0710, 1
3301.0711, 3301.0712, 3301.0714, 3301.0718, 2
3301.0722, 3301.0728, 3302.01, 3302.02, 3302.03, 3
3302.036, 3302.05, 3310.03, 3310.14, 3310.522, 4
3311.80, 3311.84, 3313.60, 3313.603, 3313.608, 5
3313.6017, 3313.6020, 3313.61, 3313.612, 6
3313.618, 3314.016, 3314.02, 3314.05, 3314.08, 7
3314.26, 3317.03, 3319.02, 3319.111, 3319.23, 8
3326.37, 3328.01, 3333.0411, and 3365.05; to 9
enact sections 3301.65 and 3319.324; and to 10
repeal sections 3301.0721, 3319.112, and 11
3319.114 of the Revised Code with regard to the 12
state academic content standards and primary and 13
secondary education assessments. 14

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

Section 1. That sections 3301.078, 3301.079, 3301.0710, 15
3301.0711, 3301.0712, 3301.0714, 3301.0718, 3301.0722, 16
3301.0728, 3302.01, 3302.02, 3302.03, 3302.036, 3302.05, 17
3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 3313.603, 18

3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 19
3314.016, 3314.02, 3314.05, 3314.08, 3314.26, 3317.03, 3319.02, 20
3319.111, 3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 be 21
amended and sections 3301.65 and 3319.324 of the Revised Code be 22
enacted to read as follows: 23

Sec. 3301.078. (A) Notwithstanding anything to the 24
contrary in the Revised Code or in any rule or directive of the 25
state board of education, superintendent of public instruction, 26
or department of education, on or after July 1, 2017, the 27
department of education shall not use any assessment related to 28
the partnership for assessment of readiness for college and 29
career (PARCC), the smarter balanced assessments, or any other 30
assessment developed by a multistate consortium, for use as any 31
of the assessments prescribed under sections 3301.0710 and 32
3301.0712 of the Revised Code. 33

(B) No official or board of this state, whether appointed 34
or elected, shall enter into any agreement or memorandum of 35
understanding with any federal or private entity that would 36
require the state to cede any measure of control over the 37
development, adoption, or revision of academic content 38
standards. 39

~~(B)~~ (C) No funds appropriated from the general revenue 40
fund shall be used to purchase an assessment developed by the 41
partnership for assessment of readiness for college and careers 42
or the smarter balanced assessment consortium for use as the 43
assessments prescribed under sections 3301.0710 and 3301.0712 of 44
the Revised Code. 45

Sec. 3301.079. (A) (1) ~~The~~ Subject to division (A) of 46
section 3301.0718 of the Revised Code, the state board of 47
education periodically shall adopt statewide academic content 48

~~standards with emphasis on coherence, focus, and essential~~ 49
~~knowledge and that are more challenging and demanding when~~ 50
~~compared to international standards for each of grades~~ 51
kindergarten through twelve in English language arts, 52
mathematics, science, and social studies. The state board shall 53
not adopt academic content standards that are developed at the 54
national level or by a multistate consortium. 55

~~(a) The state board shall ensure that the standards do all~~ 56
~~of the following:~~ 57

~~(i) Include the essential academic content and skills that~~ 58
~~students are expected to know and be able to do at each grade~~ 59
~~level that will allow each student to be prepared for~~ 60
~~postsecondary instruction and the workplace for success in the~~ 61
~~twenty-first century;~~ 62

~~(ii) Include the development of skill sets that promote~~ 63
~~information, media, and technological literacy;~~ 64

~~(iii) Include interdisciplinary, project based, real world~~ 65
~~learning opportunities;~~ 66

~~(iv) Instill life-long learning by providing essential~~ 67
~~knowledge and skills based in the liberal arts tradition, as~~ 68
~~well as science, technology, engineering, mathematics, and~~ 69
~~career technical education;~~ 70

~~(v) Be clearly written, transparent, and understandable by~~ 71
~~parents, educators, and the general public.~~ 72

~~(b) Not later than July 1, 2012, the state board shall~~ 73
incorporate into the social studies standards for grades four to 74
twelve academic content regarding the original texts of the 75
Declaration of Independence, the Northwest Ordinance, the 76
Constitution of the United States and its amendments, with 77

emphasis on the Bill of Rights, and the Ohio Constitution, and 78
their original context. The state board shall revise the ~~model-~~ 79
~~curricula and~~ achievement assessments adopted under ~~divisions-~~ 80
~~(B) and~~ division (C) of this section as necessary to reflect the 81
additional American history and American government content. The 82
state board shall make available a list of suggested grade- 83
appropriate supplemental readings that place the documents 84
prescribed by this division in their historical context, which 85
teachers may use as a resource to assist students in reading the 86
documents within that context. 87

~~(e)~~ When the state board adopts or revises academic 88
content standards in social studies, American history, American 89
government, or science under division (A) (1) of this section, 90
the state board shall develop such standards independently and 91
not as part of a multistate consortium. 92

(2) After completing the standards required by division 93
(A) (1) of this section, the state board shall adopt standards 94
~~and model curricula~~ for instruction in technology, financial 95
literacy and entrepreneurship, fine arts, and foreign language 96
for grades kindergarten through twelve. The standards shall meet 97
the same requirements prescribed in division (A) (1) (a) of this 98
section. 99

(3) The state board shall adopt the most recent standards 100
developed by the national association for sport and physical 101
education for physical education in grades kindergarten through 102
twelve or shall adopt its own standards for physical education 103
in those grades and revise and update them periodically. 104

The department of education shall employ a full-time 105
physical education coordinator to provide guidance and technical 106
assistance to districts, community schools, and STEM schools in 107

implementing the physical education standards adopted under this 108
division. The superintendent of public instruction shall 109
determine that the person employed as coordinator is qualified 110
for the position, as demonstrated by possessing an adequate 111
combination of education, license, and experience. 112

(4) When academic standards have been completed for any 113
subject area required by this section, the state board shall 114
inform all school districts, all community schools established 115
under Chapter 3314. of the Revised Code, all STEM schools 116
established under Chapter 3326. of the Revised Code, and all 117
nonpublic schools required to administer the assessments 118
prescribed by sections 3301.0710 and 3301.0712 of the Revised 119
Code of the content of those standards. Additionally, upon 120
completion of any academic standards under this section, the 121
department shall post those standards on the department's web 122
site. 123

(B) ~~(1)~~ The state board shall not adopt a model curriculum 124
for instruction in ~~each~~ any subject area for which updated 125
academic standards are required by ~~division~~ divisions (A) (1) and 126
(2) of this section and for each of grades kindergarten through 127
~~twelve that is sufficient to meet the needs of students in every~~ 128
~~community. The model curriculum shall be aligned with the~~ 129
~~standards, to ensure that the academic content and skills~~ 130
~~specified for each grade level are taught to students, and shall~~ 131
~~demonstrate vertical articulation and emphasize coherence,~~ 132
~~focus, and rigor. When any model curriculum has been completed,~~ 133
~~the state board shall inform all school districts, community~~ 134
~~schools, and STEM schools of the content of that model~~ 135
~~curriculum.~~ 136

~~(2) Not later than June 30, 2013, the state board, in~~ 137

~~consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.~~ 138
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~~(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.~~ 143
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~~Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.~~ 151
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(C) ~~The state board shall develop elementary and secondary achievement assessments prescribed under section 3301.0710 and 3301.0712 of the Revised Code shall be aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code.~~ 154
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~~When any achievement assessment has been completed approved for use,~~ the state board shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its ~~completion approval,~~ and the department shall make the achievement assessment available to the districts and schools. 160
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(D) (1) The state board shall adopt a norm-referenced 166

diagnostic assessment aligned with the academic standards ~~and~~ 167
~~model curriculum~~ for each of grades kindergarten through two in 168
reading, writing, and mathematics and for grade three in reading 169
and writing. The diagnostic assessment shall be designed to 170
measure student comprehension of academic content and mastery of 171
related skills for the relevant subject area and grade level. 172
Any diagnostic assessment shall not include components to 173
identify gifted students. Blank copies of diagnostic assessments 174
shall be public records. 175

(2) When each diagnostic assessment has been ~~completed~~ 176
approved for use, the state board shall inform all school 177
districts of its ~~completion~~ approval and the department shall 178
make the diagnostic assessment available to the districts at no 179
cost to the district. 180

(3) School districts shall administer the diagnostic 181
assessment pursuant to section 3301.0715 of the Revised Code 182
beginning the first school year following the ~~development~~ 183
approval of the assessment. 184

However, beginning with the 2017-2018 school year, both of 185
the following shall apply: 186

(a) In the case of the diagnostic assessments for grades 187
one or two in writing or mathematics or for grade three in 188
writing, a school district shall not be required to administer 189
any such assessment, but may do so at the discretion of the 190
district board; 191

(b) In the case of any diagnostic assessment that is not 192
for the grade levels and subject areas specified in division (D) 193

(3) (a) of this section, each school district shall administer 194
the assessment in the manner prescribed by section 3301.0715 of 195

the Revised Code. 196

(E) The state board shall not adopt a diagnostic or 197
achievement assessment for any grade level or subject area other 198
than those specified in this section. 199

(F) Whenever the state board or the department consults 200
with persons for the purpose of drafting or reviewing any 201
standards, diagnostic assessments, or achievement assessments, ~~—~~ 202
~~or model curriculum~~ required under this section, the state board 203
or the department shall first consult with parents of students 204
in kindergarten through twelfth grade and with active Ohio 205
classroom teachers, other school personnel, and administrators 206
with expertise in the appropriate subject area. Whenever 207
practicable, the state board and department shall consult with 208
teachers recognized as outstanding in their fields. 209

~~If the department contracts with more than one outside~~ 210
~~entity for the development of the achievement assessments~~ 211
~~required by this section, the department shall ensure the~~ 212
~~interchangeability of those assessments.~~ 213

(G) Whenever the state board adopts standards ~~or model~~ 214
~~curricula~~ under this section, the department also shall provide 215
information on the use of blended or digital learning in the 216
delivery of the standards ~~or curricula~~ to students in accordance 217
with division (A)(4) of this section. 218

(H) The fairness sensitivity review committee, established 219
by rule of the state board of education, shall not allow any 220
question on any achievement or diagnostic assessment developed 221
under this section or any proficiency test prescribed by former 222
section 3301.0710 of the Revised Code, as it existed prior to 223
September 11, 2001, to include, be written to promote, or 224

inquire as to individual moral or social values or beliefs. ~~The~~ 225
~~decision of the committee shall be final. This section does not~~ 226
~~create a private cause of action.~~ 227

~~(I) (1) (a) The English language arts academic standards~~ 228
~~review committee is hereby created to review academic content~~ 229
~~standards in the subject of English language arts. The committee~~ 230
~~shall consist of the following members:~~ 231

~~(i) Three experts who are residents of this state and who~~ 232
~~primarily conduct research, provide instruction, currently work~~ 233
~~in, or possess an advanced degree in the subject area. One~~ 234
~~expert shall be appointed by each of the president of the~~ 235
~~senate, the speaker of the house of representatives, and the~~ 236
~~governor;~~ 237

~~(ii) One parent or guardian appointed by the president of the~~ 238
~~senate;~~ 239

~~(iii) One educator who is currently teaching in a~~ 240
~~classroom, appointed by the speaker of the house of~~ 241
~~representatives;~~ 242

~~(iv) The chancellor of the Ohio board of regents, or the~~ 243
~~chancellor's designee;~~ 244

~~(v) The state superintendent, or the superintendent's~~ 245
~~designee, who shall serve as the chairperson of the committee.~~ 246

~~(b) The mathematics academic standards review committee is~~ 247
~~hereby created to review academic content standards in the~~ 248
~~subject of mathematics. The committee shall consist of the~~ 249
~~following members:~~ 250

~~(i) Three experts who are residents of this state and who~~ 251
~~primarily conduct research, provide instruction, currently work~~ 252

~~in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 253
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~~(ii) One parent or guardian appointed by the speaker of the house of representatives;~~ 257
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~~(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;~~ 259
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~~(iv) The chancellor, or the chancellor's designee;~~ 261

~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 262
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~~(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:~~ 264
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~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 268
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~~(ii) One parent or guardian appointed by the president of the senate;~~ 274
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~~(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;~~ 276
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~~(iv) The chancellor, or the chancellor's designee;~~ 279

(v) The state superintendent, or the superintendent's	280
designee, who shall serve as the chairperson of the committee.	281
(d) The social studies academic standards review committee	282
is hereby created to review academic content standards in the	283
subject of social studies. The committee shall consist of the	284
following members:	285
(i) Three experts who are residents of this state and who	286
primarily conduct research, provide instruction, currently work	287
in, or possess an advanced degree in the subject area. One	288
expert shall be appointed by each of the president of the	289
senate, the speaker of the house of representatives, and the	290
governor;	291
(ii) One parent or guardian appointed by the speaker of	292
the house of representatives;	293
(iii) One educator who is currently teaching in a	294
classroom, appointed by the president of the senate;	295
(iv) The chancellor, or the chancellor's designee;	296
(v) The state superintendent, or the superintendent's	297
designee, who shall serve as the chairperson of the committee.	298
(2) (a) Each committee created in division (I) (1) of this	299
section shall review the academic content standards for its	300
respective subject area to ensure that such standards are clear,	301
concise, and appropriate for each grade level and promote higher	302
student performance, learning, subject matter comprehension, and	303
improved student achievement. Each committee also shall review	304
whether the standards for its respective subject area promote	305
essential knowledge in the subject, lifelong learning, the	306
liberal arts tradition, and college and career readiness and	307
whether the standards reduce remediation.	308

~~(b) Each committee shall determine whether the assessments submitted to that committee under division (I) (4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations.~~ 309
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~~(3) The department of education shall provide administrative support for each committee created in division (I) (1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.~~ 314
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~~(4) Notwithstanding anything to the contrary in division (O) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I) (1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The department shall provide each committee with the entire content of each relevant assessment, including corresponding answers.~~ 320
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~~The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (O) of section 3301.0711 of the Revised Code.~~ 329
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~~(J) Not later than sixty days prior to the adoption by the state board of updated academic content standards under division (A) (1) of this section or updated model curricula under division (B) (1) of this section, the superintendent of public instruction~~ 335
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shall present the academic content standards ~~or model curricula,~~ 339
~~as applicable,~~ in person at a public hearing of the respective 340
committees of the house of representatives and senate that 341
consider education legislation. 342

~~(K)~~ (J) As used in this section: 343

(1) "Blended learning" means the delivery of instruction 344
in a combination of time in a supervised physical location away 345
from home and online delivery whereby the student has some 346
element of control over time, place, path, or pace of learning. 347

~~(2) "Coherence" means a reflection of the structure of the~~ 348
~~discipline being taught.~~ 349

~~(3)~~ "Digital learning" means learning facilitated by 350
technology that gives students some element of control over 351
time, place, path, or pace of learning. 352

~~(4) "Focus" means limiting the number of items included in~~ 353
~~a curriculum to allow for deeper exploration of the subject~~ 354
~~matter.~~ 355

~~(5) "Vertical articulation" means key academic concepts~~ 356
~~and skills associated with mastery in particular content areas~~ 357
~~should be articulated and reinforced in a developmentally~~ 358
~~appropriate manner at each grade level so that over time~~ 359
~~students acquire a depth of knowledge and understanding in the~~ 360
~~core academic disciplines~~ 361

(3) "Norm-referenced" refers to a standardized test or 362
evaluative instrument for which the resulting scores are 363
interpreted or are used to acquire additional meaning in terms 364
of comparisons made to a reference age or grade group to which 365
an individual belongs. 366

Sec. 3301.0710. The state board of education shall adopt 367
rules establishing a statewide program to assess student 368
achievement. The state board shall ensure that all assessments 369
administered under the program are aligned with the academic 370
standards ~~and model curricula adopted by the state board and are~~ 371
~~created with input from Ohio parents, Ohio classroom teachers,~~ 372
~~Ohio school administrators, and other Ohio school personnel~~ 373
~~pursuant to section 3301.079 of the Revised Code.~~ 374

The assessment program shall be designed to ensure that 375
students who receive a high school diploma demonstrate at least 376
high school levels of achievement in English language arts, 377
mathematics, science, and social studies. 378

(A) (1) The state board shall prescribe all of the 379
following: 380

(a) Two statewide norm-referenced achievement assessments, 381
one each designed to measure the level of English language arts 382
and mathematics skill expected at the end of third grade; 383

(b) Three statewide norm-referenced achievement 384
assessments, one each designed to measure the level of English 385
language arts, mathematics, and social studies skill expected at 386
the end of fourth grade; 387

(c) Three statewide norm-referenced achievement 388
assessments, one each designed to measure the level of English 389
language arts, mathematics, and science skill expected at the 390
end of fifth grade; 391

(d) Three statewide norm-referenced achievement 392
assessments, one each designed to measure the level of English 393
language arts, mathematics, and social studies skill expected at 394
the end of sixth grade; 395

(e) Two statewide norm-referenced achievement assessments, 396
one each designed to measure the level of English language arts 397
and mathematics skill expected at the end of seventh grade; 398

(f) Three statewide norm-referenced achievement 399
assessments, one each designed to measure the level of English 400
language arts, mathematics, and science skill expected at the 401
end of eighth grade. 402

(2) The state board shall ~~determine and designate at least~~ 403
utilize five ranges of percentile scores on each of the 404
achievement assessments described in divisions (A) (1) and (B) (1) 405
of this section. Each range of percentile scores shall be deemed 406
to demonstrate a level of achievement so that any student 407
attaining a score within ~~such range~~ the following quintiles has 408
achieved ~~one of the following~~ a specified level of skill: 409

(a) An advanced level of skill, which consists of the 410
eighty-first through one hundredth percentile; 411

(b) An accelerated level of skill, which consists of the 412
sixty-first through eightieth percentile; 413

(c) A proficient level of skill, which consists of the 414
forty-first through sixtieth percentile; 415

(d) A basic level of skill, which consists of the twenty- 416
first through fortieth percentile; 417

(e) A limited level of skill, which consists of the first 418
through twentieth percentile. 419

(3) For the purpose of implementing division (A) of 420
section 3313.608 of the Revised Code, ~~the state board shall~~ 421
~~determine and designate a level of achievement, not lower than~~ 422
~~the level designated in division (A) (2) (e) of this section, on~~ 423

~~the third grade English language arts assessment for a student~~ 424
~~to be promoted to the fourth grade. The state board shall review~~ 425
~~and adjust upward the level of achievement designated under this~~ 426
~~division each year the test is administered until the level is~~ 427
~~set equal to the level designated in division (A) (2) (c) of this~~ 428
~~section.~~ a student who receives a percentile score in the twenty- 429
first percentile or higher on the third-grade English language 430
arts assessment shall not be retained under that section and 431
shall not be retained based solely on the student's percentile 432
score. However, the parent or guardian of a student who receives 433
a percentile score between the twenty-first and fortieth 434
percentile may choose to have the student retained and receive 435
services under section 3313.608 of the Revised Code. 436

(B) (1) The assessments prescribed under division (B) (1) of 437
this section shall collectively be known as the Ohio graduation 438
tests. The state board shall prescribe five statewide high 439
school achievement assessments, one each designed to measure the 440
level of reading, writing, mathematics, science, and social 441
studies skill expected at the end of tenth grade. The state 442
board shall designate a score in at least the range designated 443
under division (A) (2) (c) of this section on each such assessment 444
that shall be deemed to be a passing score on the assessment as 445
a condition toward granting high school diplomas under sections 446
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 447
until the assessment system prescribed by section 3301.0712 of 448
the Revised Code is implemented in accordance with division (B) 449
(2) of this section. 450

(2) ~~The state board shall prescribe an assessment system~~ 451
~~in accordance with~~ prescribed under section 3301.0712 of the 452
Revised Code ~~that~~ shall replace the Ohio graduation tests 453
beginning with students who enter the ninth grade for the first 454

time on or after July 1, 2014. 455

~~(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B) (1) or (2) of this section that is specified in the agreement.~~ 456
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(C) The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section. 471
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In prescribing administration dates pursuant to this division, the superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of assessments prescribed under this section and any administration of the national assessment of educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law. 474
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~~(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B) (1) of this section that is of comparable length to the actual test.~~ 481
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~~(E) Any committee established by the department of education for the purpose of making recommendations to the state board regarding the state board's designation of scores on the assessments described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A) (2) of this section on the assessments if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, limited English proficient students, economically disadvantaged students, students with disabilities, and migrant students. As used in this section, "norm-referenced" has the same meaning as in section 3301.079 of the Revised Code.~~

Sec. 3301.0711. (A) The department ~~state board of~~ education shall:~~—~~

~~(1) Annually furnish to, grade, and score all assessments required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B) (10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D) (2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.~~

~~(2) Adopt~~ adopt rules for the ethical use of assessments 514
and prescribing the manner in which the assessments prescribed 515
by section 3301.0710 of the Revised Code shall be administered 516
to students. 517

(B) Except as provided in divisions (C) and (J) of this 518
section, the board of education of each city, local, and 519
exempted village school district shall, in accordance with rules 520
adopted under division (A) of this section: 521

~~(1) Administer~~ (a) Until the school year that follows the 522
effective date of this amendment, administer the English 523
language arts assessments prescribed under division (A) (1) (a) of 524
section 3301.0710 of the Revised Code twice annually to all 525
students in the third grade who have not attained the score 526
designated for that assessment under division (A) (2) (c) of 527
section 3301.0710 of the Revised Code. 528

(b) For the 2017-2018 school year, and for each school 529
year thereafter, administer the English language arts assessment 530
prescribed under division (A) (1) (a) of section 3301.0710 of the 531
Revised Code once annually to all students in the third grade. 532
The department shall not require districts to administer the 533
assessment described in division (B) (1) (b) of this section in 534
the fall. 535

(2) Administer the mathematics assessment prescribed under 536
division (A) (1) (a) of section 3301.0710 of the Revised Code at 537
least once annually to all students in the third grade. 538

(3) Administer the assessments prescribed under division 539
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 540
annually to all students in the fourth grade. 541

(4) Administer the assessments prescribed under division 542

(A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	543 544
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	545 546 547
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	548 549 550
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	551 552 553
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	554 555 556
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	557 558 559 560
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	561 562 563 564 565 566
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code at least twice annually to	567 568 569 570 571

any student enrolled in the joint vocational school district who 572
has not yet attained the score on that assessment designated 573
under that division. A board of a joint vocational school 574
district may also administer such an assessment to any student 575
described in division (B) (8) (b) of this section. 576

~~(10) If the district has a three year average graduation 577
rate of not more than seventy five per cent, administer each 578
assessment prescribed by division (D) of section 3301.0710 of 579
the Revised Code in September to all ninth grade students who 580
entered ninth grade prior to July 1, 2014. 581~~

~~Except as provided in section 3313.614 of the Revised Code 582
for administration of an assessment to a person who has 583
fulfilled the curriculum requirement for a high school diploma 584
but has not passed one or more of the required assessments, the 585
assessments prescribed under division (B) (1) of section 586
3301.0710 of the Revised Code shall not be administered after 587
the date specified in the rules adopted by the state board of 588
education under division (D) (1) of section 3301.0712 of the 589
Revised Code. 590~~

~~(11) (a) Except as provided in division (B) (11) (b) of this 591
section, administer Administer the assessments prescribed by 592
division (B) (2) of section 3301.0710 and section 3301.0712 of 593
the Revised Code in accordance with the timeline and plan for 594
implementation of those assessments prescribed by rule of the 595
state board adopted under division ~~(D)~~ (C) (1) of section 596
3301.0712 of the Revised Code; 597~~

~~(b) A student who has presented evidence to the district 598
or school of having satisfied the condition prescribed by 599
division (A) (1) of section 3313.618 of the Revised Code to 600
qualify for a high school diploma prior to the date of the 601~~

~~administration of the assessment prescribed under division (B) 602
(1) of section 3301.0712 of the Revised Code shall not be 603
required to take that assessment. However, no board shall 604
prohibit a student who is not required to take such assessment 605
from taking the assessment. 606~~

(C) (1) (a) In the case of a student receiving special 607
education services under Chapter 3323. of the Revised Code, the 608
individualized education program developed for the student under 609
that chapter shall specify the manner in which the student will 610
participate in the assessments administered under this section, 611
except that a student with significant cognitive disabilities to 612
whom an alternate assessment is administered in accordance with 613
division (C) (1) of this section and a student determined to have 614
a disability that includes an intellectual disability as 615
outlined in guidance issued by the department shall not be 616
required to take the assessment prescribed under division (B) (1) 617
of section 3301.0712 of the Revised Code. The individualized 618
education program may excuse the student from taking any 619
particular assessment required to be administered under this 620
section if it instead specifies an alternate assessment method 621
approved by the department of education as conforming to 622
requirements of federal law for receipt of federal funds for 623
disadvantaged pupils. To the extent possible, the individualized 624
education program shall ~~not excuse~~ provide the student ~~from~~ 625
~~taking with an opportunity to take an assessment unless no~~ 626
~~reasonable accommodation can be made to enable the student to~~ 627
~~take the assessment that is determined to approximate the~~ 628
student's grade level capacity, with reasonable accommodations. 629
No board shall prohibit a student who is not required to take an 630
assessment under division (C) (1) of this section from taking the 631
assessment. 632

(b) Any alternate assessment approved by the department 633
for a student under this division shall produce measurable 634
results comparable to those produced by the assessment it 635
replaces in order to allow for the student's results to be 636
included in the data compiled for a school district or building 637
under section 3302.03 of the Revised Code. 638

(c) (i) Any student enrolled in a chartered nonpublic 639
school who has been identified, based on an evaluation conducted 640
in accordance with section 3323.03 of the Revised Code or 641
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 642
29 U.S.C.A. 794, as amended, as a child with a disability shall 643
be excused from taking any particular assessment required to be 644
administered under this section if a plan developed for the 645
student pursuant to rules adopted by the state board excuses the 646
student from taking that assessment. 647

(ii) A student with significant cognitive disabilities to 648
whom an alternate assessment is administered in accordance with 649
division (C) (1) of this section and a student determined to have 650
a disability that includes an intellectual disability as 651
outlined in guidance issued by the department shall not be 652
required to take the assessment prescribed under ~~division (B) (1)~~ 653
~~of~~ section 3301.0712 of the Revised Code. 654

(iii) In the case of any student so excused from taking an 655
assessment under division (C) (1) (c) of this section, the 656
chartered nonpublic school shall not prohibit the student from 657
taking the assessment. 658

(2) A district board may, for medical reasons or other 659
good cause, excuse a student from taking an assessment 660
administered under this section on the date scheduled, but that 661
assessment shall be administered to the excused student not 662

later than nine days following the scheduled date. The district 663
board shall annually report the number of students who have not 664
taken one or more of the assessments required by this section to 665
the state board not later than the thirtieth day of June. 666

(3) As used in this division, "limited English proficient 667
student" has the same meaning as in 20 U.S.C. 7801. 668

No school district board shall excuse any limited English 669
proficient student from taking any particular assessment 670
required to be administered under this section, except as 671
follows: 672

(a) Any limited English proficient student who has been 673
enrolled in United States schools for less than two years and 674
for whom no appropriate accommodations are available based on 675
guidance issued by the department shall not be required to take 676
the assessment prescribed under ~~division (B) (1) of section~~ 677
3301.0712 of the Revised Code. 678

(b) Any limited English proficient student who has been 679
enrolled in United States schools for less than one full school 680
year shall not be required to take any reading, writing, or 681
English language arts assessment. 682

However, no board shall prohibit a limited English 683
proficient student who is not required to take an assessment 684
under division (C) (3) of this section from taking the 685
assessment. A board may permit any limited English proficient 686
student to take an assessment required to be administered under 687
this section with appropriate accommodations, as determined by 688
the department. For each limited English proficient student, 689
each school district shall annually assess that student's 690
progress in learning English, in accordance with procedures 691

approved by the department. 692

(4) (a) The governing authority of a chartered nonpublic 693
school may excuse a limited English proficient student from 694
taking any assessment administered under this section. 695

(b) No governing authority shall require a limited English 696
proficient student who has been enrolled in United States 697
schools for less than two years and for whom no appropriate 698
accommodations are available based on guidance issued by the 699
department to take the assessment prescribed under ~~division (B)~~ 700
~~(1) of~~ section 3301.0712 of the Revised Code. 701

(c) No governing authority shall prohibit a limited 702
English proficient student from taking an assessment from which 703
the student was excused under division (C) (4) of this section. 704

(D) (1) In the school year next succeeding the school year 705
in which the assessments prescribed by division (A) (1) or (B) (1) 706
of section 3301.0710 of the Revised Code or former division (A) 707
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 708
it existed prior to September 11, 2001, are administered to any 709
student, the board of education of any school district in which 710
the student is enrolled in that year shall provide to the 711
student intervention services commensurate with the student's 712
performance, including any intensive intervention required under 713
section 3313.608 of the Revised Code, in any skill in which the 714
student failed to demonstrate at least a score at the proficient 715
level on the assessment. 716

(2) Following any administration of the assessments 717
prescribed by ~~division (D) of section 3301.0710~~ 3301.0712 of the 718
Revised Code ~~to ninth grade students~~, each school district that 719
has a three-year average graduation rate of not more than 720

seventy-five per cent shall determine for each high school in 721
the district whether the school shall be required to provide 722
intervention services to any students who took the assessments. 723
In determining which high schools shall provide intervention 724
services based on the resources available, the district shall 725
consider each school's graduation rate and scores on ~~the~~any 726
practice assessments. The district also shall consider the 727
scores received by ninth grade students on the English language 728
arts and mathematics assessments prescribed under division (A) 729
(1) (f) of section 3301.0710 of the Revised Code in the eighth 730
grade in determining which high schools shall provide 731
intervention services. 732

Each high school selected to provide intervention services 733
under this division shall provide intervention services to any 734
student whose results indicate that the student is failing to 735
make satisfactory progress toward being able to attain scores at 736
the proficient level on the ~~Ohio graduation tests~~ assessments 737
prescribed under section 3301.0712 of the Revised Code. 738
Intervention services shall be provided in any skill in which a 739
student demonstrates unsatisfactory progress and shall be 740
commensurate with the student's performance. Schools shall 741
provide the intervention services prior to the end of the school 742
year, during the summer following the ninth grade, in the next 743
succeeding school year, or at any combination of those times. 744

(E) Except as provided in section 3313.608 of the Revised 745
Code and division (N) of this section, no school district board 746
of education shall utilize any student's failure to attain a 747
specified score on an assessment administered under this section 748
as a factor in any decision to deny the student promotion to a 749
higher grade level. ~~However, a district board may choose not to~~ 750
~~promote to the next grade level any student who does not take an~~ 751

~~assessment administered under this section or make up an~~ 752
~~assessment as provided by division (C) (2) of this section and~~ 753
~~who is not exempt from the requirement to take the assessment~~ 754
~~under division (C) (3) of this section.~~ 755

(F) No person shall be charged a fee for taking any 756
assessment administered under this section. 757

(G) (1) Each school district board shall designate one 758
location for the collection of assessments administered in the 759
spring under division (B) (1) of this section and those 760
administered under divisions (B) (2) to (7) of this section. Each 761
district board shall submit the assessments to the entity with 762
which the department contracts for the scoring of the 763
assessments as follows: 764

(a) If the district's total enrollment in grades 765
kindergarten through twelve during the first full school week of 766
October was less than two thousand five hundred, not later than 767
the Friday after all of the assessments have been administered; 768

(b) If the district's total enrollment in grades 769
kindergarten through twelve during the first full school week of 770
October was two thousand five hundred or more, but less than 771
seven thousand, not later than the Monday after all of the 772
assessments have been administered; 773

(c) If the district's total enrollment in grades 774
kindergarten through twelve during the first full school week of 775
October was seven thousand or more, not later than the Tuesday 776
after all of the assessments have been administered. 777

However, any assessment that a student takes during the 778
make-up period described in division (C) (2) of this section 779
shall be submitted not later than the Friday following the day 780

the student takes the assessment. 781

(2) The department or an entity with which the department 782
contracts for the scoring of the assessment shall send to each 783
school district board a list of the individual scores of all 784
persons taking a state achievement assessment as follows: 785

(a) Except as provided in division (G)(2)(b) or (c) of 786
this section, within forty-five days after the administration of 787
the assessments prescribed by sections 3301.0710 and 3301.0712 788
of the Revised Code, but in no case shall the scores be returned 789
later than the thirtieth day of June following the 790
administration; 791

(b) In the case of the third-grade English language arts 792
assessment, within forty-five days after the administration of 793
that assessment, but in no case shall the scores be returned 794
later than the fifteenth day of June following the 795
administration; 796

(c) In the case of the writing component of an assessment 797
~~or end of course examination~~ in the area of English language 798
arts, except for the third-grade English language arts 799
assessment, the results may be sent after forty-five days of the 800
administration of the writing component, but in no case shall 801
the scores be returned later than the thirtieth day of June 802
following the administration. 803

(3) For assessments administered under this section by a 804
joint vocational school district, the department or entity shall 805
also send to each city, local, or exempted village school 806
district a list of the individual scores of any students of such 807
city, local, or exempted village school district who are 808
attending school in the joint vocational school district. 809

(H) Individual scores on any assessments administered 810
under this section shall be released by a district board only in 811
accordance with section 3319.321 of the Revised Code and the 812
rules adopted under division (A) of this section. No district 813
board or its employees shall utilize individual or aggregate 814
results in any manner that conflicts with rules for the ethical 815
use of assessments adopted pursuant to division (A) of this 816
section. 817

(I) Except as provided in division (G) of this section, 818
the department or an entity with which the department contracts 819
for the scoring of the assessment shall not release any 820
individual scores on any assessment administered under this 821
section. The state board shall adopt rules to ensure the 822
protection of student confidentiality at all times. The rules 823
may require the use of the data verification codes assigned to 824
students pursuant to division (D)(2) of section 3301.0714 of the 825
Revised Code to protect the confidentiality of student scores. 826

(J) Notwithstanding division (D) of section 3311.52 of the 827
Revised Code, this section does not apply to the board of 828
education of any cooperative education school district except as 829
provided under rules adopted pursuant to this division. 830

(1) In accordance with rules that the state board shall 831
adopt, the board of education of any city, exempted village, or 832
local school district with territory in a cooperative education 833
school district established pursuant to divisions (A) to (C) of 834
section 3311.52 of the Revised Code may enter into an agreement 835
with the board of education of the cooperative education school 836
district for administering any assessment prescribed under this 837
section to students of the city, exempted village, or local 838
school district who are attending school in the cooperative 839

education school district. 840

(2) In accordance with rules that the state board shall 841
adopt, the board of education of any city, exempted village, or 842
local school district with territory in a cooperative education 843
school district established pursuant to section 3311.521 of the 844
Revised Code shall enter into an agreement with the cooperative 845
district that provides for the administration of any assessment 846
prescribed under this section to both of the following: 847

(a) Students who are attending school in the cooperative 848
district and who, if the cooperative district were not 849
established, would be entitled to attend school in the city, 850
local, or exempted village school district pursuant to section 851
3313.64 or 3313.65 of the Revised Code; 852

(b) Persons described in division (B) (8) (b) of this 853
section. 854

Any assessment of students pursuant to such an agreement 855
shall be in lieu of any assessment of such students or persons 856
pursuant to this section. 857

(K) (1) Except as otherwise provided in division (K) (1) or 858
(2) of this section, each chartered nonpublic school for which 859
at least sixty-five per cent of its total enrollment is made up 860
of students who are participating in state scholarship programs 861
shall administer the elementary assessments prescribed by 862
section 3301.0710 of the Revised Code. In accordance with 863
procedures and deadlines prescribed by the department, the 864
parent or guardian of a student enrolled in the school who is 865
not participating in a state scholarship program may submit 866
notice to the chief administrative officer of the school that 867
the parent or guardian does not wish to have the student take 868

the elementary assessments prescribed for the student's grade 869
level under division (A) of section 3301.0710 of the Revised 870
Code. If a parent or guardian submits an opt-out notice, the 871
school shall not administer the assessments to that student. 872
This option does not apply to any assessment required for a high 873
school diploma under section 3313.612 of the Revised Code. 874

(2) A chartered nonpublic school may submit to the 875
superintendent of public instruction a request for a waiver from 876
administering the elementary assessments prescribed by division 877
(A) of section 3301.0710 of the Revised Code. The state 878
superintendent shall approve or disapprove a request for a 879
waiver submitted under division (K) (2) of this section. No 880
waiver shall be approved for any school year prior to the 2015- 881
2016 school year. 882

To be eligible to submit a request for a waiver, a 883
chartered nonpublic school shall meet the following conditions: 884

(a) At least ninety-five per cent of the students enrolled 885
in the school are children with disabilities, as defined under 886
section 3323.01 of the Revised Code, or have received a 887
diagnosis by a school district or from a physician, including a 888
neuropsychiatrist or psychiatrist, or a psychologist who is 889
authorized to practice in this or another state as having a 890
condition that impairs academic performance, such as dyslexia, 891
dyscalculia, attention deficit hyperactivity disorder, or 892
Asperger's syndrome. 893

(b) The school has solely served a student population 894
described in division (K) (1) (a) of this section for at least ten 895
years. 896

(c) The school provides to the department at least five 897

years of records of internal testing conducted by the school 898
that affords the department data required for accountability 899
purposes, including diagnostic assessments and nationally 900
standardized norm-referenced achievement assessments that 901
measure reading and math skills. 902

(3) Any chartered nonpublic school that is not subject to 903
division (K)(1) of this section may participate in the 904
assessment program by administering any of the assessments 905
prescribed by division (A) of section 3301.0710 of the Revised 906
Code. The chief administrator of the school shall specify which 907
assessments the school will administer. Such specification shall 908
be made in writing to the superintendent of public instruction 909
prior to the first day of August of any school year in which 910
assessments are administered and shall include a pledge that the 911
nonpublic school will administer the specified assessments in 912
the same manner as public schools are required to do under this 913
section and rules adopted by the department. 914

(4) The department of education shall furnish the 915
assessments prescribed by section 3301.0710 of the Revised Code 916
to each chartered nonpublic school that is subject to division 917
(K)(1) of this section or participates under division (K)(3) of 918
this section. 919

(L) If a chartered nonpublic school is educating students 920
in grades nine through twelve, the following shall apply: 921

(1) For a student who is enrolled in a chartered nonpublic 922
school that is accredited through the independent schools 923
association of the central states and who is attending the 924
school under a state scholarship program, the student shall 925
either take all of the assessments prescribed by ~~division (B) of~~ 926
section 3301.0712 of the Revised Code or take an alternative 927

assessment approved by the department under section 3313.619 of 928
the Revised Code. ~~However, a student who is excused from taking~~ 929
~~an assessment under division (C) of this section or has~~ 930
~~presented evidence to the chartered nonpublic school of having~~ 931
~~satisfied the condition prescribed by division (A) (1) of section~~ 932
~~3313.618 of the Revised Code to qualify for a high school~~ 933
~~diploma prior to the date of the administration of the~~ 934
~~assessment prescribed under division (B) (1) of section 3301.0712~~ 935
~~of the Revised Code shall not be required to take that~~ 936
~~assessment. No governing authority of a chartered nonpublic~~ 937
~~school shall prohibit a student who is not required to take such~~ 938
~~assessment from taking the assessment.~~ 939

(2) For a student who is enrolled in a chartered nonpublic 940
school that is accredited through the independent schools 941
association of the central states, and who is not attending the 942
school under a state scholarship program, the student shall not 943
be required to take any assessment prescribed under section 944
3301.0712 or 3313.619 of the Revised Code. 945

~~(3) (a) Except as provided in division (L) (3) (b) of this~~ 946
~~section, for~~ For a student who is enrolled in a chartered 947
nonpublic school that is not accredited through the independent 948
schools association of the central states, regardless of whether 949
the student is attending or is not attending the school under a 950
state scholarship program, the student shall do ~~one~~ either of 951
the following: 952

(i) Take all of the assessments prescribed by ~~division (B)~~ 953
~~of~~ section 3301.0712 of the Revised Code; 954

(ii) ~~Take only the assessment prescribed by division (B)~~ 955
~~(1) of section 3301.0712 of the Revised Code, provided that the~~ 956
~~student's school publishes the results of that assessment for~~ 957

~~each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.~~ 958
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~~(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.~~ 962
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~~(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.~~ 964
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(M) (1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C) (1) (a) of this section. 974
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(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent. 982
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(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at 985
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least the proficient range on the mathematics assessment 987
described by division (A) (1) (a) of section 3301.0710 of the 988
Revised Code or on an assessment described by division (A) (1) 989
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 990
Code as a factor in retaining that student in the current grade 991
level. 992

~~(0) (1) In the manner specified in divisions (0) (3), (4),~~ 993
~~and (6) of this section, the~~ The assessments required by 994
division (A) (1) of section 3301.0710 of the Revised Code shall 995
become public records pursuant to section 149.43 of the Revised 996
Code on the thirty-first day of July following the school year 997
that the assessments were administered. 998

~~(2) The department may field test proposed questions with~~ 999
~~samples of students to determine the validity, reliability, or~~ 1000
~~appropriateness of questions for possible inclusion in a future~~ 1001
~~year's assessment. The department also may use anchor questions~~ 1002
~~on assessments to ensure that different versions of the same~~ 1003
~~assessment are of comparable difficulty.~~ 1004

~~Field test questions and anchor questions shall not be~~ 1005
~~considered in computing scores for individual students. Field~~ 1006
~~test questions and anchor questions may be included as part of~~ 1007
~~the administration of any assessment required by division (A) (1)~~ 1008
~~or (B) of section 3301.0710 and division (B) of section~~ 1009
~~3301.0712 of the Revised Code.~~ 1010

~~(3) Any field test question or anchor question~~ 1011
~~administered under division (0) (2) of this section shall not be~~ 1012
~~a public record. Such field test questions and anchor questions~~ 1013
~~shall be redacted from any assessments which are released as a~~ 1014
~~public record pursuant to division (0) (1) of this section.~~ 1015

~~(4) This division applies to the assessments prescribed by
division (A) of section 3301.0710 of the Revised Code.~~ 1016
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~~(a) The first administration of each assessment, as
specified in former section 3301.0712 of the Revised Code, shall
be a public record.~~ 1018
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~~(b) For subsequent administrations of each assessment
prior to the 2011-2012 school year, not less than forty per cent
of the questions on the assessment that are used to compute a
student's score shall be a public record. The department shall
determine which questions will be needed for reuse on a future
assessment and those questions shall not be public records and
shall be redacted from the assessment prior to its release as a
public record. However, for each redacted question, the
department shall inform each city, local, and exempted village
school district of the statewide academic standard adopted by
the state board under section 3301.079 of the Revised Code and
the corresponding benchmark to which the question relates. The
preceding sentence does not apply to field test questions that
are redacted under division (O) (3) of this section.~~ 1021
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~~(c) The administrations of each assessment in the 2011-
2012, 2012-2013, and 2013-2014 school years shall not be a
public record.~~ 1035
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~~(5) Each assessment prescribed by division (B) (1) of
section 3301.0710 of the Revised Code shall not be a public
record.~~ 1038
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~~(6) Beginning with the spring administration for the 2014-
2015 school year, questions on the assessments prescribed under
division (A) of section 3301.0710 and division (B) (2) of section
3301.0712 of the Revised Code and the corresponding preferred~~ 1041
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~~answers that are used to compute a student's score shall become a public record as follows:—~~ 1045
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~~(a) Forty per cent of the questions and preferred answers on the assessments on the thirty first day of July following the administration of the assessment;—~~ 1047
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~~(b) Twenty per cent of the questions and preferred answers on the assessment on the thirty first day of July one year after the administration of the assessment;—~~ 1050
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~~(c) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty first day of July two years after the administration of the assessment.—~~ 1053
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~~The entire content of an assessment shall become a public record within three years of its administration.—~~ 1056
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~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.—~~ 1058
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(P) As used in this section: 1063

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 1064
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. 1066
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"Dropout" does not include a student who has departed the country. 1070
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(3) "Graduation rate" means the ratio of students 1072

receiving a diploma to the number of students who entered ninth 1073
grade four years earlier. Students who transfer into the 1074
district are added to the calculation. Students who transfer out 1075
of the district for reasons other than dropout are subtracted 1076
from the calculation. If a student who was a dropout in any 1077
previous year returns to the same school district, that student 1078
shall be entered into the calculation as if the student had 1079
entered ninth grade four years before the graduation year of the 1080
graduating class that the student joins. 1081

(4) "State scholarship programs" means the educational 1082
choice scholarship pilot program established under sections 1083
3310.01 to 3310.17 of the Revised Code, the autism scholarship 1084
program established under section 3310.41 of the Revised Code, 1085
the Jon Peterson special needs scholarship program established 1086
under sections 3310.51 to 3310.64 of the Revised Code, and the 1087
pilot project scholarship program established under sections 1088
3313.974 to 3313.979 of the Revised Code. 1089

(5) "Norm-referenced" has the same meaning as in section 1090
3301.079 of the Revised Code. 1091

Sec. 3301.0712. (A) ~~The state board of education, the~~ 1092
~~superintendent of public instruction, and the chancellor of~~ 1093
~~higher education shall develop a system of college and work-~~ 1094
~~ready assessments as described in division (B) of this section-~~ 1095
~~to assess whether each student upon graduating from high school~~ 1096
~~is ready to enter college or the workforce.~~ Beginning with 1097
students who enter the ninth grade for the first time on or 1098
after July 1, 2014, the assessment system prescribed under this 1099
section shall replace the Ohio graduation tests prescribed in 1100
division (B)(1) of section 3301.0710 of the Revised Code as a 1101
measure of student academic performance and one determinant of 1102

eligibility for a high school diploma in the manner prescribed 1103
by rule of the state board adopted under division ~~(D)~~(C) of 1104
this section. 1105

(B) The ~~college and work ready~~ assessment system shall 1106
consist of the ~~following~~:— 1107

~~(1) Nationally a series of nationally norm-referenced,~~ 1108
~~standardized assessments that measure college and career~~ 1109
~~readiness and are used for college admission. The assessments~~ 1110
~~shall be selected jointly by the state superintendent and the~~ 1111
~~chancellor, and one of which shall be selected by each school~~ 1112
~~district or school to administer to its students. The~~ 1113
~~assessments prescribed under division (B) (1) of this section~~ 1114
~~shall be administered to all eleventh grade students in the~~ 1115
~~spring of the school year in the areas of English language arts,~~ 1116
~~mathematics, science, American history, and American government.~~ 1117

~~(2) Seven end of course examinations, one in each of the~~ 1118
~~areas of English language arts I, English language arts II,~~ 1119
~~science, Algebra I, geometry, American history, and American~~ 1120
~~government. The end of course examinations shall be selected~~ 1121
~~jointly by the state superintendent and the chancellor in~~ 1122
~~consultation with faculty in the appropriate subject areas at~~ 1123
~~institutions of higher education of the university system of~~ 1124
~~Ohio. Advanced placement examinations and international~~ 1125
~~baccalaureate examinations, as prescribed under section~~ 1126
~~3313.6013 of the Revised Code, in the areas of science, American~~ 1127
~~history, and American government may be used as end of course~~ 1128
~~examinations in accordance with division (B) (4) (a) (i) of this~~ 1129
~~section. Final course grades for courses taken under any other~~ 1130
~~advanced standing program, as prescribed under section 3313.6013~~ 1131
~~of the Revised Code, in the areas of science, American history,~~ 1132

~~and American government may be used in lieu of end of course
examinations in accordance with division (B) (4) (a) (ii) of this
section.~~ 1133
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~~(3) (a) Not later than July 1, 2013, each school district
board of education shall adopt interim end of course
examinations that comply with the requirements of divisions (B)
(3) (b) (i) and (ii) of this section to assess mastery of American
history and American government standards adopted under division
(A) (1) (b) of section 3301.079 of the Revised Code and the topics
required under division (M) of section 3313.603 of the Revised
Code. Each high school of the district shall use the interim
examinations until the state superintendent and chancellor
select end of course examinations in American history and
American government under division (B) (2) of this section.~~ 1136
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~~(b) Not later than July 1, 2014, the state superintendent
and the chancellor shall select the end of course examinations
in American history and American government.~~ 1147
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~~(i) The end of course examinations in American history and
American government shall require demonstration of mastery of
the American history and American government content for social
studies standards adopted under division (A) (1) (b) of section
3301.079 of the Revised Code and the topics required under
division (M) of section 3313.603 of the Revised Code.~~ 1150
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~~(ii) At least twenty per cent of the end of course
examination in American government shall address the topics on
American history and American government described in division
(M) of section 3313.603 of the Revised Code.~~ 1156
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~~(4) (a) Notwithstanding anything to the contrary in this
section, beginning with the 2014-2015 school year, both of the~~ 1160
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~~following shall apply:—~~ 1162

~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.—~~ 1163
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~~(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.—~~ 1174
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~~Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code.— It shall not apply to remedial or developmental courses.—~~ 1186
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~~(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section—~~ 1190
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~~in place of the end of course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B) (2) of this section.~~ 1192
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~~(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end of course examinations prescribed under division (B) (2) of this section.~~ 1195
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~~(5) The state board shall do all of the following:~~ 1199

~~(a) Determine and designate at least five ranges of scores on each of the end of course examinations prescribed under division (B) (2) of this section, and substitute examinations prescribed under division (B) (4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:~~ 1200
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~~(i) An advanced level of skill;~~ 1207

~~(ii) An accelerated level of skill;~~ 1208

~~(iii) A proficient level of skill;~~ 1209

~~(iv) A basic level of skill;~~ 1210

~~(v) A limited level of skill.~~ 1211

~~(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end of course examinations or substitute examinations;~~ 1212
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~~(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;~~ 1215
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~~(d) Develop a table of corresponding score equivalents for~~ 1218

~~the end of course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.~~ 1219
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~~A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.~~ 1222
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~~(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:~~ 1227
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~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.~~ 1230
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~~(ii) The examination was not available for administration prior to July 1, 2015.~~ 1233
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~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.~~ 1235
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~~(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:~~ 1240
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~~(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;~~ 1245
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~~(ii) The student's final course grade shall be used in lieu of a score on the end of course examination from which the student is exempt.~~ 1248
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~~The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~ 1251
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~~(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end of course examination prescribed under division (B) (2) of this section with an algebra II end of course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.~~ 1256
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~~(b) If the state board replaces the algebra I end of course examination with an algebra II end of course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:~~ 1262
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~~(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end of course examination.~~ 1266
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~~(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end of course examination. Instead, that student's final course grade shall be used in lieu of the examination.~~ 1270
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~~(c) If a school district or school utilizes an integrated~~ 1276

~~approach to mathematics instruction, the district or school may~~ 1277
~~do either or both of the following:—~~ 1278

~~(i) Administer an integrated mathematics I end-of-course~~ 1279
~~examination in lieu of the prescribed algebra I end-of-course~~ 1280
~~examination;—~~ 1281

~~(ii) Administer an integrated mathematics II end-of-course~~ 1282
~~examination in lieu of the prescribed geometry end-of-course~~ 1283
~~examination.—~~ 1284

~~(8) (a) For students entering the ninth grade for the first-~~ 1285
~~time on or after July 1, 2014, but prior to July 1, 2015, the~~ 1286
~~assessment in the area of science shall be physical science or~~ 1287
~~biology. For students entering the ninth grade for the first-~~ 1288
~~time on or after July 1, 2015, the assessment in the area of~~ 1289
~~science shall be biology.—~~ 1290

~~(b) Until July 1, 2019, the department of education shall~~ 1291
~~make available the end-of-course examination in physical science-~~ 1292
~~for students who entered the ninth grade for the first time on-~~ 1293
~~or after July 1, 2014, but prior to July 1, 2015, and who wish~~ 1294
~~to retake the examination.—~~ 1295

~~(c) Not later than July 1, 2016, the state board shall~~ 1296
~~adopt rules prescribing the requirements for the end-of-course~~ 1297
~~examination in science for students who entered the ninth grade-~~ 1298
~~for the first time on or after July 1, 2014, but prior to July~~ 1299
~~1, 2015, and who have not met the requirement prescribed by~~ 1300
~~section 3313.618 of the Revised Code by July 1, 2019, due to a~~ 1301
~~student's failure to satisfy division (A)(2) of section 3313.618-~~ 1302
~~of the Revised Code.—~~ 1303

~~(9) Neither the state board nor the department of~~ 1304
~~education shall develop or administer an end-of-course-~~ 1305

~~examination in the area of world history.~~ 1306

~~(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.~~ 1307
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~~(D)~~ Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 1313
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 1316
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(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 1319
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~~(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;~~ 1323
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~~(4)~~ The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 1328
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~~(5)~~(4) The extent to which the assessment system applies 1335
to students enrolled in a dropout recovery and prevention 1336
program for purposes of division (F) of section 3313.603 and 1337
section 3314.36 of the Revised Code. 1338

~~(E)~~(D) Not later than forty-five days prior to the state 1339
board's adoption of a resolution directing the department to 1340
file the rules prescribed by division (D) of this section in 1341
final form under section 119.04 of the Revised Code, the 1342
superintendent of public instruction shall present the 1343
assessment system developed under this section to the respective 1344
committees of the house of representatives and senate that 1345
consider education legislation. 1346

~~(F) (1)~~(E) Any person enrolled in a nonchartered nonpublic 1347
school or any person who has been excused from attendance at 1348
school for the purpose of home instruction under section 3321.04 1349
of the Revised Code may choose to participate in the system of 1350
assessments administered under ~~divisions~~division (B) ~~(1) and (2)~~ 1351
of this section. However, no such person shall be required to 1352
participate in the system of assessments. 1353

~~(2) The department shall adopt rules for the 1354
administration and scoring of any assessments under division (F) 1355
(1) of this section. 1356~~

~~(G)~~(F) Not later than December 31, 2014, the state board 1357
shall select at least one nationally recognized job skills 1358
assessment. Each school district shall administer that 1359
assessment to those students who opt to take it. The state shall 1360
reimburse a school district for the costs of administering that 1361
assessment. The state board shall establish the minimum score a 1362
student must attain on the job skills assessment in order to 1363
demonstrate a student's workforce readiness and employability. 1364

The administration of the job skills assessment to a student 1365
under this division shall not exempt a school district from 1366
administering the assessments prescribed in division (B) of this 1367
section to that student. 1368

(G) As used in this section, "norm-referenced" has the 1369
same meaning as in section 3301.079 of the Revised Code. 1370

Sec. 3301.0714. (A) The state board of education shall 1371
adopt rules for a statewide education management information 1372
system. The rules shall require the state board to establish 1373
guidelines for the establishment and maintenance of the system 1374
in accordance with this section and the rules adopted under this 1375
section. The guidelines shall include: 1376

(1) Standards identifying and defining the types of data 1377
in the system in accordance with divisions (B) and (C) of this 1378
section; 1379

(2) Procedures for annually collecting and reporting the 1380
data to the state board in accordance with division (D) of this 1381
section; 1382

(3) Procedures for annually compiling the data in 1383
accordance with division (G) of this section; 1384

(4) Procedures for annually reporting the data to the 1385
public in accordance with division (H) of this section; 1386

(5) Standards to provide strict safeguards to protect the 1387
confidentiality of personally identifiable student data. 1388

(B) The guidelines adopted under this section shall 1389
require the data maintained in the education management 1390
information system to include at least the following: 1391

(1) Student participation and performance data, for each 1392

grade in each school district as a whole and for each grade in 1393
each school building in each school district, that includes: 1394

(a) The numbers of students receiving each category of 1395
instructional service offered by the school district, such as 1396
regular education instruction, vocational education instruction, 1397
specialized instruction programs or enrichment instruction that 1398
is part of the educational curriculum, instruction for gifted 1399
students, instruction for students with disabilities, and 1400
remedial instruction. The guidelines shall require instructional 1401
services under this division to be divided into discrete 1402
categories if an instructional service is limited to a specific 1403
subject, a specific type of student, or both, such as regular 1404
instructional services in mathematics, remedial reading 1405
instructional services, instructional services specifically for 1406
students gifted in mathematics or some other subject area, or 1407
instructional services for students with a specific type of 1408
disability. The categories of instructional services required by 1409
the guidelines under this division shall be the same as the 1410
categories of instructional services used in determining cost 1411
units pursuant to division (C) (3) of this section. 1412

(b) The numbers of students receiving support or 1413
extracurricular services for each of the support services or 1414
extracurricular programs offered by the school district, such as 1415
counseling services, health services, and extracurricular sports 1416
and fine arts programs. The categories of services required by 1417
the guidelines under this division shall be the same as the 1418
categories of services used in determining cost units pursuant 1419
to division (C) (4) (a) of this section. 1420

(c) Average student grades in each subject in grades nine 1421
through twelve; 1422

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	1423 1424
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	1425 1426 1427
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	1428 1429 1430
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1431 1432 1433 1434
(h) Expulsion rates;	1435
(i) Suspension rates;	1436
(j) Dropout rates;	1437
(k) Rates of retention in grade;	1438
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1439 1440 1441
(m) Graduation rates, to be calculated in a manner specified by the department of education <u>and approved by the state board of education</u> that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1442 1443 1444 1445 1446 1447
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	1448 1449

Revised Code to permit a comparison of the academic readiness of 1450
kindergarten students. However, no district shall be required to 1451
report to the department the results of any diagnostic 1452
assessment administered to a kindergarten student, except for 1453
the language and reading assessment described in division (A) (2) 1454
of section 3301.0715 of the Revised Code, if the parent of that 1455
student requests the district not to report those results. 1456

(2) Personnel and classroom enrollment data for each 1457
school district, including: 1458

(a) The total numbers of licensed employees and 1459
nonlicensed employees and the numbers of full-time equivalent 1460
licensed employees and nonlicensed employees providing each 1461
category of instructional service, instructional support 1462
service, and administrative support service used pursuant to 1463
division (C) (3) of this section. The guidelines adopted under 1464
this section shall require these categories of data to be 1465
maintained for the school district as a whole and, wherever 1466
applicable, for each grade in the school district as a whole, 1467
for each school building as a whole, and for each grade in each 1468
school building. 1469

(b) The total number of employees and the number of full- 1470
time equivalent employees providing each category of service 1471
used pursuant to divisions (C) (4) (a) and (b) of this section, 1472
and the total numbers of licensed employees and nonlicensed 1473
employees and the numbers of full-time equivalent licensed 1474
employees and nonlicensed employees providing each category used 1475
pursuant to division (C) (4) (c) of this section. The guidelines 1476
adopted under this section shall require these categories of 1477
data to be maintained for the school district as a whole and, 1478
wherever applicable, for each grade in the school district as a 1479

whole, for each school building as a whole, and for each grade 1480
in each school building. 1481

(c) The total number of regular classroom teachers 1482
teaching classes of regular education and the average number of 1483
pupils enrolled in each such class, in each of grades 1484
kindergarten through five in the district as a whole and in each 1485
school building in the school district. 1486

(d) The number of lead teachers employed by each school 1487
district and each school building. 1488

(3) (a) ~~Student~~ Aggregate student demographic data for each 1489
school district, including information regarding the gender 1490
ratio of the school district's pupils, the racial make-up of the 1491
school district's pupils, the number of limited English 1492
proficient students in the district, and an appropriate measure 1493
of the number of the school district's pupils who reside in 1494
economically disadvantaged households. The aggregate demographic 1495
data shall be collected in a manner to allow correlation with 1496
data collected under division (B) (1) of this section. Categories 1497
for data collected pursuant to division (B) (3) of this section 1498
shall conform, where appropriate, to standard practices of 1499
agencies of the federal government. 1500

(b) With respect to each student entering kindergarten, 1501
whether the student previously participated in a public 1502
preschool program, a private preschool program, or a head start 1503
program, and the number of years the student participated in 1504
each of these programs. 1505

(4) Any data required to be collected pursuant to federal 1506
law. 1507

(C) The education management information system shall 1508

include cost accounting data for each district as a whole and 1509
for each school building in each school district. The guidelines 1510
adopted under this section shall require the cost data for each 1511
school district to be maintained in a system of mutually 1512
exclusive cost units and shall require all of the costs of each 1513
school district to be divided among the cost units. The 1514
guidelines shall require the system of mutually exclusive cost 1515
units to include at least the following: 1516

(1) Administrative costs for the school district as a 1517
whole. The guidelines shall require the cost units under this 1518
division (C) (1) to be designed so that each of them may be 1519
compiled and reported in terms of average expenditure per pupil 1520
in formula ADM in the school district, as determined pursuant to 1521
section 3317.03 of the Revised Code. 1522

(2) Administrative costs for each school building in the 1523
school district. The guidelines shall require the cost units 1524
under this division (C) (2) to be designed so that each of them 1525
may be compiled and reported in terms of average expenditure per 1526
full-time equivalent pupil receiving instructional or support 1527
services in each building. 1528

(3) Instructional services costs for each category of 1529
instructional service provided directly to students and required 1530
by guidelines adopted pursuant to division (B) (1) (a) of this 1531
section. The guidelines shall require the cost units under 1532
division (C) (3) of this section to be designed so that each of 1533
them may be compiled and reported in terms of average 1534
expenditure per pupil receiving the service in the school 1535
district as a whole and average expenditure per pupil receiving 1536
the service in each building in the school district and in terms 1537
of a total cost for each category of service and, as a breakdown 1538

of the total cost, a cost for each of the following components:	1539
(a) The cost of each instructional services category	1540
required by guidelines adopted under division (B) (1) (a) of this	1541
section that is provided directly to students by a classroom	1542
teacher;	1543
(b) The cost of the instructional support services, such	1544
as services provided by a speech-language pathologist, classroom	1545
aide, multimedia aide, or librarian, provided directly to	1546
students in conjunction with each instructional services	1547
category;	1548
(c) The cost of the administrative support services	1549
related to each instructional services category, such as the	1550
cost of personnel that develop the curriculum for the	1551
instructional services category and the cost of personnel	1552
supervising or coordinating the delivery of the instructional	1553
services category.	1554
(4) Support or extracurricular services costs for each	1555
category of service directly provided to students and required	1556
by guidelines adopted pursuant to division (B) (1) (b) of this	1557
section. The guidelines shall require the cost units under	1558
division (C) (4) of this section to be designed so that each of	1559
them may be compiled and reported in terms of average	1560
expenditure per pupil receiving the service in the school	1561
district as a whole and average expenditure per pupil receiving	1562
the service in each building in the school district and in terms	1563
of a total cost for each category of service and, as a breakdown	1564
of the total cost, a cost for each of the following components:	1565
(a) The cost of each support or extracurricular services	1566
category required by guidelines adopted under division (B) (1) (b)	1567

of this section that is provided directly to students by a 1568
licensed employee, such as services provided by a guidance 1569
counselor or any services provided by a licensed employee under 1570
a supplemental contract; 1571

(b) The cost of each such services category provided 1572
directly to students by a nonlicensed employee, such as 1573
janitorial services, cafeteria services, or services of a sports 1574
trainer; 1575

(c) The cost of the administrative services related to 1576
each services category in division (C) (4) (a) or (b) of this 1577
section, such as the cost of any licensed or nonlicensed 1578
employees that develop, supervise, coordinate, or otherwise are 1579
involved in administering or aiding the delivery of each 1580
services category. 1581

(D) (1) The guidelines adopted under this section shall 1582
require school districts to collect information about individual 1583
students, staff members, or both in connection with any data 1584
required by division (B) or (C) of this section or other 1585
reporting requirements established in the Revised Code. The 1586
guidelines may also require school districts to report 1587
information about individual staff members in connection with 1588
any data required by division (B) or (C) of this section or 1589
other reporting requirements established in the Revised Code. 1590
The guidelines shall ~~not authorize prohibit~~ school districts ~~to~~ 1591
~~request from requesting~~ social security numbers of individual 1592
students. The guidelines shall prohibit the reporting under this 1593
section of a student's name, address, and social security number 1594
to the state board of education or the department of education. 1595
The guidelines shall also prohibit the reporting under this 1596
section of any personally identifiable information about any 1597

student, except for the purpose of assigning the data 1598
verification code required by division (D) (2) of this section, 1599
to any other person unless such person ~~is employed by the school~~ 1600
~~district or the information technology center operated under~~ 1601
~~section 3301.075 of the Revised Code and is authorized by the~~ 1602
~~district or technology center to~~ must have access to such 1603
information ~~or is employed by an entity with which the~~ 1604
~~department contracts for the scoring or the development of state~~ 1605
~~assessments in order to fulfill contractual obligations related~~ 1606
to state assessments. The guidelines may require school 1607
districts to provide the social security numbers of individual 1608
staff members and the county of residence for a student. Nothing 1609
in this section prohibits the state board of education or 1610
department of education from providing a student's county of 1611
residence to the department of taxation to facilitate the 1612
distribution of tax revenue. 1613

(2) (a) The guidelines shall provide for each school 1614
district or community school to assign a data verification code 1615
that is unique on a statewide basis over time to each student 1616
whose initial Ohio enrollment is in that district or school and 1617
to report all required individual student data for that student 1618
utilizing such code. The guidelines shall also provide for 1619
assigning data verification codes to all students enrolled in 1620
districts or community schools on the effective date of the 1621
guidelines established under this section. The assignment of 1622
data verification codes for other entities, as described in 1623
division (D) (2) (c) of this section, the use of those codes, and 1624
the reporting and use of associated individual student data 1625
shall be coordinated by the department in accordance with state 1626
and federal law. 1627

School districts shall report individual student data to 1628

the department through the information technology centers 1629
utilizing the code. The entities described in division (D) (2) (c) 1630
of this section shall report individual student data to the 1631
department in the manner prescribed by the department. 1632

Except as provided in sections 3301.941, 3310.11, 3310.42, 1633
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 1634
shall the state board or the department have access to 1635
information that would enable any data verification code to be 1636
matched to personally identifiable student data. 1637

(b) Each school district and community school shall ensure 1638
that the data verification code is included in the student's 1639
records reported to any subsequent school district, community 1640
school, or state institution of higher education, as defined in 1641
section 3345.011 of the Revised Code, in which the student 1642
enrolls. Any such subsequent district or school shall utilize 1643
the same identifier in its reporting of data under this section. 1644

(c) The director of any state agency that administers a 1645
publicly funded program providing services to children who are 1646
younger than compulsory school age, as defined in section 1647
3321.01 of the Revised Code, including the directors of health, 1648
job and family services, mental health and addiction services, 1649
and developmental disabilities, shall request and receive, 1650
pursuant to sections 3301.0723 and 5123.0423 of the Revised 1651
Code, a data verification code for a child who is receiving 1652
those services. 1653

(E) The guidelines adopted under this section may require 1654
school districts to collect and report data, information, or 1655
reports other than that described in divisions (A), (B), and (C) 1656
of this section for the purpose of complying with other 1657
reporting requirements established in the Revised Code. The 1658

other data, information, or reports may be maintained in the 1659
education management information system but are not required to 1660
be compiled as part of the profile formats required under 1661
division (G) of this section or the annual statewide report 1662
required under division (H) of this section. 1663

(F) Beginning with the school year that begins July 1, 1664
1991, the board of education of each school district shall 1665
annually collect and report to the state board, in accordance 1666
with the guidelines established by the board, the data required 1667
pursuant to this section. A school district may collect and 1668
report these data notwithstanding section 2151.357 or 3319.321 1669
of the Revised Code. 1670

(G) The state board shall, in accordance with the 1671
procedures it adopts, annually compile the data reported by each 1672
school district pursuant to division (D) of this section. The 1673
state board shall design formats for profiling each school 1674
district as a whole and each school building within each 1675
district and shall compile the data in accordance with these 1676
formats. These profile formats shall: 1677

(1) Include all of the data gathered under this section in 1678
a manner that facilitates comparison among school districts and 1679
among school buildings within each school district; 1680

(2) Present the data on academic achievement levels as 1681
assessed by the testing of student achievement maintained 1682
pursuant to division (B) (1) (d) of this section. 1683

(H) (1) The state board shall, in accordance with the 1684
procedures it adopts, annually prepare a statewide report for 1685
all school districts and the general public that includes the 1686
profile of each of the school districts developed pursuant to 1687

division (G) of this section. Copies of the report shall be sent 1688
to each school district. 1689

(2) The state board shall, in accordance with the 1690
procedures it adopts, annually prepare an individual report for 1691
each school district and the general public that includes the 1692
profiles of each of the school buildings in that school district 1693
developed pursuant to division (G) of this section. Copies of 1694
the report shall be sent to the superintendent of the district 1695
and to each member of the district board of education. 1696

(3) Copies of the reports received from the state board 1697
under divisions (H) (1) and (2) of this section shall be made 1698
available to the general public at each school district's 1699
offices and on each district's publicly accessible web site. 1700
Each district board of education shall make copies of each 1701
report available to any person upon request and payment of a 1702
reasonable fee for the cost of reproducing the report. The board 1703
shall annually publish in a newspaper of general circulation in 1704
the school district, at least twice during the two weeks prior 1705
to the week in which the reports will first be available, a 1706
notice containing the address where the reports are available 1707
and the date on which the reports will be available. 1708

(I) Any data that is collected or maintained pursuant to 1709
this section and that identifies an individual pupil is not a 1710
public record for the purposes of section 149.43 of the Revised 1711
Code. 1712

(J) As used in this section: 1713

(1) "School district" means any city, local, exempted 1714
village, or joint vocational school district and, in accordance 1715
with section 3314.17 of the Revised Code, any community school. 1716

As used in division (L) of this section, "school district" also 1717
includes any educational service center or other educational 1718
entity required to submit data using the system established 1719
under this section. 1720

(2) "Cost" means any expenditure for operating expenses 1721
made by a school district excluding any expenditures for debt 1722
retirement except for payments made to any commercial lending 1723
institution for any loan approved pursuant to section 3313.483 1724
of the Revised Code. 1725

(K) Any person who removes data from the information 1726
system established under this section for the purpose of 1727
releasing it to any person not entitled under law to have access 1728
to such information is subject to section 2913.42 of the Revised 1729
Code prohibiting tampering with data. 1730

(L)(1) In accordance with division (L)(2) of this section 1731
and the rules adopted under division (L)(10) of this section, 1732
the department of education may sanction any school district 1733
that reports incomplete or inaccurate data, reports data that 1734
does not conform to data requirements and descriptions published 1735
by the department, fails to report data in a timely manner, or 1736
otherwise does not make a good faith effort to report data as 1737
required by this section. 1738

(2) If the department decides to sanction a school 1739
district under this division, the department shall take the 1740
following sequential actions: 1741

(a) Notify the district in writing that the department has 1742
determined that data has not been reported as required under 1743
this section and require the district to review its data 1744
submission and submit corrected data by a deadline established 1745

by the department. The department also may require the district 1746
to develop a corrective action plan, which shall include 1747
provisions for the district to provide mandatory staff training 1748
on data reporting procedures. 1749

(b) Withhold up to ten per cent of the total amount of 1750
state funds due to the district for the current fiscal year and, 1751
if not previously required under division (L) (2) (a) of this 1752
section, require the district to develop a corrective action 1753
plan in accordance with that division; 1754

(c) Withhold an additional amount of up to twenty per cent 1755
of the total amount of state funds due to the district for the 1756
current fiscal year; 1757

(d) Direct department staff or an outside entity to 1758
investigate the district's data reporting practices and make 1759
recommendations for subsequent actions. The recommendations may 1760
include one or more of the following actions: 1761

(i) Arrange for an audit of the district's data reporting 1762
practices by department staff or an outside entity; 1763

(ii) Conduct a site visit and evaluation of the district; 1764

(iii) Withhold an additional amount of up to thirty per 1765
cent of the total amount of state funds due to the district for 1766
the current fiscal year; 1767

(iv) Continue monitoring the district's data reporting; 1768

(v) Assign department staff to supervise the district's 1769
data management system; 1770

(vi) Conduct an investigation to determine whether to 1771
suspend or revoke the license of any district employee in 1772
accordance with division (N) of this section; 1773

(vii) If the district is issued a report card under 1774
section 3302.03 of the Revised Code, indicate on the report card 1775
that the district has been sanctioned for failing to report data 1776
as required by this section; 1777

(viii) If the district is issued a report card under 1778
section 3302.03 of the Revised Code and incomplete or inaccurate 1779
data submitted by the district likely caused the district to 1780
receive a higher performance rating than it deserved under that 1781
section, issue a revised report card for the district; 1782

(ix) Any other action designed to correct the district's 1783
data reporting problems. 1784

(3) Any time the department takes an action against a 1785
school district under division (L) (2) of this section, the 1786
department shall make a report of the circumstances that 1787
prompted the action. The department shall send a copy of the 1788
report to the district superintendent or chief administrator and 1789
maintain a copy of the report in its files. 1790

(4) If any action taken under division (L) (2) of this 1791
section resolves a school district's data reporting problems to 1792
the department's satisfaction, the department shall not take any 1793
further actions described by that division. If the department 1794
withheld funds from the district under that division, the 1795
department may release those funds to the district, except that 1796
if the department withheld funding under division (L) (2) (c) of 1797
this section, the department shall not release the funds 1798
withheld under division (L) (2) (b) of this section and, if the 1799
department withheld funding under division (L) (2) (d) of this 1800
section, the department shall not release the funds withheld 1801
under division (L) (2) (b) or (c) of this section. 1802

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L) (2) (d) (i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L) (2) (d) (viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for

this purpose. 1834

(8) Any school district that has funds withheld under 1835
division (L) (2) of this section may appeal the withholding in 1836
accordance with Chapter 119. of the Revised Code. 1837

(9) In all cases of a disagreement between the department 1838
and a school district regarding the appropriateness of an action 1839
taken under division (L) (2) of this section, the burden of proof 1840
shall be on the district to demonstrate that it made a good 1841
faith effort to report data as required by this section. 1842

(10) The state board of education shall adopt rules under 1843
Chapter 119. of the Revised Code to implement division (L) of 1844
this section. 1845

(M) No information technology center or school district 1846
shall acquire, change, or update its student administration 1847
software package to manage and report data required to be 1848
reported to the department unless it converts to a student 1849
software package that is certified by the department. 1850

(N) The state board of education, in accordance with 1851
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1852
or revoke a license as defined under division (A) of section 1853
3319.31 of the Revised Code that has been issued to any school 1854
district employee found to have willfully reported erroneous, 1855
inaccurate, or incomplete data to the education management 1856
information system. 1857

(O) No person shall release or maintain any information 1858
about any student in violation of this section. Whoever violates 1859
this division is guilty of a misdemeanor of the fourth degree. 1860

(P) The department shall disaggregate the data collected 1861
under division (B) (1) (n) of this section according to the race 1862

and socioeconomic status of the students assessed. 1863

(Q) If the department cannot compile any of the 1864
information required by division (H) of section 3302.03 of the 1865
Revised Code based upon the data collected under this section, 1866
the department shall develop a plan and a reasonable timeline 1867
for the collection of any data necessary to comply with that 1868
division. 1869

Sec. 3301.0718. (A) The state board of education shall not 1870
adopt or revise any academic content standards in the areas of 1871
English language arts, mathematics, science, or social studies, 1872
unless the proposed new or revised standards are first approved 1873
by both houses of the general assembly by concurrent resolution. 1874
The general assembly shall take actions necessary to consider 1875
and adopt or reject the concurrent resolution within thirty days 1876
after receiving any proposed standards. Before the house of 1877
representatives or senate votes on such concurrent resolution, 1878
its standing committee having jurisdiction over education 1879
legislation shall conduct at least one public hearing on the 1880
proposed standards. 1881

(B) The state board of education shall not adopt or revise 1882
any standards or curriculum in the area of health unless, by 1883
concurrent resolution, the standards, curriculum, or revisions 1884
are approved by both houses of the general assembly. Before the 1885
house of representatives or senate votes on a concurrent 1886
resolution approving health standards, curriculum, or revisions, 1887
its standing committee having jurisdiction over education 1888
legislation shall conduct at least one public hearing on the 1889
standards, curriculum, or revisions. 1890

Sec. 3301.0722. ~~As used in this section and section~~ 1891
~~3301.0721 of the Revised Code, "form" means any report,~~ 1892

document, paper, computer software program, or other instrument 1893
used in the management information system created by section 1894
3301.0714 of the Revised Code or used to gather required or 1895
requested education data under division (I) of section 3301.07 1896
of the Revised Code or any other provision of state or federal 1897
statute or rule. 1898

Beginning July 1, 1992, the state board of education, the 1899
superintendent of public instruction, or the department of 1900
education shall not put into use any new form or any modified 1901
version of any previously existing form, unless the new or 1902
modified form has been submitted to the unit established 1903
pursuant to section 3301.133 of the Revised Code, the unit has 1904
reviewed the form, and the superintendent has considered the 1905
findings of the review and the unit's recommendations. 1906

Sec. 3301.0728. Notwithstanding anything in the Revised 1907
Code to the contrary, a student may retake any ~~end-of-course-~~ 1908
~~examination-assessment~~ prescribed under division (B) ~~(2)~~ of 1909
section 3301.0712 of the Revised Code during the student's 1910
academic career at a time designated by the department of 1911
education. If, for any reason, a student does not take an ~~end-~~ 1912
~~of-course-examination-assessment~~ on the scheduled administration 1913
date, the department of education shall make available to the 1914
student the ~~examination-assessment~~ for which the student was 1915
absent, or a substantially similar ~~examination-assessment~~ as 1916
determined by the department, so that the student may take the 1917
~~examination-assessment~~ or a substantially similar ~~examination-~~ 1918
~~assessment~~ at a later time in the student's academic career. The 1919
state board of education shall adopt rules in accordance with 1920
Chapter 119. of the Revised Code to implement the provisions of 1921
this section. 1922

Sec. 3301.65. (A) The legislative office of education 1923
oversight is hereby established. The office shall be subject to 1924
the oversight and direction of the legislative service 1925
commission. The legislative service commission shall appoint and 1926
fix the compensation of a director of the legislative office of 1927
education oversight and such other employees and services as are 1928
necessary to carry out the powers and duties of the office. All 1929
officers and employes of the office shall serve at the pleasure 1930
of the legislative service commission. 1931

(B) The office shall do the following: 1932

(1) Serve as a resource on education issues for the 1933
members of the general assembly; 1934

(2) Propose for adoption by the general assembly under 1935
division (C) of this section revised academic content standards 1936
for each of grades kindergarten through twelve in English 1937
language arts, mathematics, science, and social studies. 1938

The academic content standards shall be based on general 1939
content areas and shall not be based on specific course subject 1940
areas. The proposed standards shall be aligned with norm- 1941
referenced assessments that were developed prior to 2010. 1942

(C) Notwithstanding section 3301.079 of the Revised Code, 1943
the academic content standards proposed by the legislative 1944
office of education oversight under division (B) (2) of this 1945
section shall not be effective unless or until they are approved 1946
by both houses of the general assembly by concurrent resolution. 1947
The general assembly shall take actions necessary to consider 1948
and adopt or reject such concurrent resolution not later than 1949
two hundred ten days after standards are proposed under division 1950
(A) (2) of this section. Before the house of representatives or 1951

senate votes on such concurrent resolution, the standing 1952
committee having jurisdiction over education legislation in each 1953
chamber shall conduct at least one public hearing on the 1954
proposed standards. 1955

Sec. 3302.01. As used in this chapter: 1956

(A) "Performance index score" means the average of the 1957
totals derived from calculations, for each subject area, of the 1958
weighted proportion of untested students and students scoring at 1959
each level of skill described in division (A) (2) of section 1960
3301.0710 of the Revised Code on the state achievement 1961
assessments, as follows: 1962

(1) For the assessments prescribed by division (A) (1) of 1963
section 3301.0710 of the Revised Code, the average for each of 1964
the subject areas of English language arts, mathematics, 1965
science, and social studies. 1966

(2) For the assessments prescribed by division (B) (1) of 1967
section 3301.0710 and division (B) ~~(2)~~ of section 3301.0712 of 1968
the Revised Code, the average for each of the subject areas of 1969
English language arts and mathematics. 1970

The department of education shall assign weights such that 1971
students who ~~do not take an assessment receive a weight of zero~~ 1972
~~and students who~~ take an assessment receive progressively larger 1973
weights dependent upon the level of skill attained on the 1974
assessment. The department shall assign additional weights to 1975
students who have been permitted to pass over a subject in 1976
accordance with a student acceleration policy adopted under 1977
section 3324.10 of the Revised Code. If such a student attains 1978
the proficient score prescribed under division (A) (2) (c) of 1979
section 3301.0710 of the Revised Code or higher on an 1980

assessment, the department shall assign the student the weight 1981
prescribed for the next higher scoring level. If such a student 1982
attains the advanced score, prescribed under division (A) (2) (a) 1983
of section 3301.0710 of the Revised Code, on an assessment, the 1984
department shall assign to the student an additional 1985
proportional weight, as approved by the state board. For each 1986
school year that such a student's score is included in the 1987
performance index score and the student attains the proficient 1988
score on an assessment, that additional weight shall be assigned 1989
to the student on a subject-by-subject basis. 1990

Students shall be included in the "performance index 1991
score" in accordance with division (K) (2) of section 3302.03 of 1992
the Revised Code. 1993

(B) "Subgroup" means a subset of the entire student 1994
population of the state, a school district, or a school building 1995
and includes each of the following: 1996

(1) Major racial and ethnic groups; 1997

(2) Students with disabilities; 1998

(3) Economically disadvantaged students; 1999

(4) Limited English proficient students; 2000

(5) Students identified as gifted in superior cognitive 2001
ability and specific academic ability fields under Chapter 3324. 2002
of the Revised Code. For students who are gifted in specific 2003
academic ability fields, the department shall use data for those 2004
students with specific academic ability in math and reading. If 2005
any other academic field is assessed, the department shall also 2006
include data for students with specific academic ability in that 2007
field. 2008

(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education. 2009
2010
2011

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education. 2012
2013
2014
2015
2016
2017

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 2018
2019
2020

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001." 2021
2022
2023
2024
2025

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code. 2026
2027
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(G) (1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. 2034
2035
2036
2037

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.

(J) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(L) "Entitled to attend school in the district" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3302.02. Not later than one year after the adoption of rules under division ~~(D)~~ (C) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, upon recommendations of the superintendent of public instruction, the state board of education shall establish a set of performance indicators that considered as a unit will be used as one of the performance categories for the report cards required by section 3302.03 of the Revised Code. In establishing these indicators, the superintendent shall consider inclusion of student performance on assessments prescribed under section 3301.0710 or 3301.0712 of the Revised Code, rates of student improvement on

such assessments, the breadth of coursework available within the district, and other indicators of student success.

Beginning with the report card for the 2014-2015 school year, the performance indicators shall include an indicator that reflects the level of services provided to, and the performance of, students identified as gifted under Chapter 3324. of the Revised Code. The indicator shall include the performance of students identified as gifted on state assessments and value-added growth measure disaggregated for students identified as gifted.

For the 2013-2014 school year, except as otherwise provided in this section, for any indicator based on the percentage of students attaining a proficient score on the assessments prescribed by divisions (A) and (B) (1) of section 3301.0710 of the Revised Code, a school district or building shall be considered to have met the indicator if at least eighty per cent of the tested students attain a score of proficient or higher on the assessment. A school district or building shall be considered to have met the indicator for the assessments prescribed by division (B) (1) of section 3301.0710 of the Revised Code and only as administered to eleventh grade students, if at least eighty-five per cent of the tested students attain a score of proficient or higher on the assessment.

The state board shall adopt rules, under Chapter 119. of the Revised Code, to establish proficiency percentages to meet each indicator that is based on a state assessment, prescribed under section 3301.0710 or 3301.0712 of the Revised Code, for the 2014-2015 school year and thereafter by the following dates:

(A) Not later than December 31, 2015, for the 2014-2015

school year; 2097

(B) Not later than July 1, 2016, for the 2015-2016 school 2098
year; 2099

(C) Not later than July 1, 2017, for the 2016-2017 school 2100
year, and for each school year thereafter. 2101

Sec. 3302.03. Annually, not later than the fifteenth day 2102
of September or the preceding Friday when that day falls on a 2103
Saturday or Sunday, the department of education shall assign a 2104
letter grade for overall academic performance and for each 2105
separate performance measure for each school district, and each 2106
school building in a district, in accordance with this section. 2107
The state board shall adopt rules pursuant to Chapter 119. of 2108
the Revised Code to establish performance criteria for each 2109
letter grade and prescribe a method by which the department 2110
assigns each letter grade. For a school building to which any of 2111
the performance measures do not apply, due to grade levels 2112
served by the building, the state board shall designate the 2113
performance measures that are applicable to the building and 2114
that must be calculated separately and used to calculate the 2115
building's overall grade. The department shall issue annual 2116
report cards reflecting the performance of each school district, 2117
each building within each district, and for the state as a whole 2118
using the performance measures and letter grade system described 2119
in this section. The department shall include on the report card 2120
for each district and each building within each district the 2121
most recent two-year trend data in student achievement for each 2122
subject and each grade. 2123

(A) (1) For the 2012-2013 school year, the department shall 2124
issue grades as described in division (E) of this section for 2125
each of the following performance measures: 2126

(a) Annual measurable objectives;	2127
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	2128 2129 2130 2131 2132 2133 2134 2135
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	2136 2137 2138 2139 2140 2141 2142
(d) The four- and five-year adjusted cohort graduation rates.	2143 2144
In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	2145 2146 2147 2148 2149 2150
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	2151 2152 2153 2154 2155

- (i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A." 2156
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- (ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B." 2158
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- (iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C." 2161
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- (iv) A score that is not greater than one standard error of measure below the mean score but is greater than or equal to two standard errors of measure below the mean score shall be designated as a "D." 2165
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- (v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F." 2169
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- Whenever the value-added progress dimension is used as a graded performance measure, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section. 2171
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- (f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 2176
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- (2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 2182
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school year and, not later than June 30, 2013, shall adopt rules 2185
in accordance with Chapter 119. of the Revised Code that 2186
prescribe the methods by which the performance measures under 2187
division (A) (1) of this section shall be assessed and assigned a 2188
letter grade, including performance benchmarks for each letter 2189
grade. 2190

At least forty-five days prior to the state board's 2191
adoption of rules to prescribe the methods by which the 2192
performance measures under division (A) (1) of this section shall 2193
be assessed and assigned a letter grade, the department shall 2194
conduct a public presentation before the standing committees of 2195
the house of representatives and the senate that consider 2196
education legislation describing such methods, including 2197
performance benchmarks. 2198

(3) There shall not be an overall letter grade for a 2199
school district or building for the 2012-2013 school year. 2200

(B) (1) For the 2013-2014 and 2014-2015 school years, the 2201
department shall issue grades as described in division (E) of 2202
this section for each of the following performance measures: 2203

(a) Annual measurable objectives; 2204

(b) Performance index score for a school district or 2205
building. Grades shall be awarded as a percentage of the total 2206
possible points on the performance index system as created by 2207
the department. In adopting benchmarks for assigning letter 2208
grades under division (B) (1) (b) of this section, the state board 2209
shall designate ninety per cent or higher for an "A," at least 2210
seventy per cent but not more than eighty per cent for a "C," 2211
and less than fifty per cent for an "F." 2212

(c) The extent to which the school district or building 2213

meets each of the applicable performance indicators established 2214
by the state board under section 3302.03 of the Revised Code and 2215
the percentage of applicable performance indicators that have 2216
been achieved. In adopting benchmarks for assigning letter 2217
grades under division (B) (1) (c) of this section, the state board 2218
shall designate ninety per cent or higher for an "A." 2219

(d) The four- and five-year adjusted cohort graduation 2220
rates; 2221

(e) The overall score under the value-added progress 2222
dimension of a school district or building, for which the 2223
department shall use up to three years of value-added data as 2224
available. 2225

(f) The value-added progress dimension score for a school 2226
district or building disaggregated for each of the following 2227
subgroups: students identified as gifted in superior cognitive 2228
ability and specific academic ability fields under Chapter 3324. 2229
of the Revised Code, students with disabilities, and students 2230
whose performance places them in the lowest quintile for 2231
achievement on a statewide basis. Each subgroup shall be a 2232
separate graded measure. 2233

(g) Whether a school district or building is making 2234
progress in improving literacy in grades kindergarten through 2235
three, as determined using a method prescribed by the state 2236
board. The state board shall adopt rules to prescribe benchmarks 2237
and standards for assigning grades to districts and buildings 2238
for purposes of division (B) (1) (g) of this section. In adopting 2239
benchmarks for assigning letter grades under divisions (B) (1) (g) 2240
and (C) (1) (g) of this section, the state board shall determine 2241
progress made based on the reduction in the total percentage of 2242
students scoring below grade level, or below proficient, 2243

compared from year to year on the reading and writing diagnostic 2244
assessments administered under section 3301.0715 of the Revised 2245
Code and the third grade English language arts assessment under 2246
section 3301.0710 of the Revised Code, as applicable. The state 2247
board shall designate for a "C" grade a value that is not lower 2248
than the statewide average value for this measure. No grade 2249
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 2250
section for a district or building in which less than five per 2251
cent of students have scored below grade level on the diagnostic 2252
assessment administered to students in kindergarten under 2253
division (B) (1) of section 3313.608 of the Revised Code. 2254

(h) For a high mobility school district or building, an 2255
additional value-added progress dimension score. For this 2256
measure, the department shall use value-added data from the most 2257
recent school year available and shall use assessment scores for 2258
only those students to whom the district or building has 2259
administered the assessments prescribed by section 3301.0710 of 2260
the Revised Code for each of the two most recent consecutive 2261
school years. 2262

As used in this division, "high mobility school district 2263
or building" means a school district or building where at least 2264
twenty-five per cent of its total enrollment is made up of 2265
students who have attended that school district or building for 2266
less than one year. 2267

(2) In addition to the graded measures in division (B) (1) 2268
of this section, the department shall include on a school 2269
district's or building's report card all of the following 2270
without an assigned letter grade: 2271

(a) The percentage of students enrolled in a district or 2272
building participating in advanced placement classes and the 2273

percentage of those students who received a score of three or 2274
better on advanced placement examinations; 2275

(b) The number of a district's or building's students who 2276
have earned at least three college credits through dual 2277
enrollment or advanced standing programs, such as the post- 2278
secondary enrollment options program under Chapter 3365. of the 2279
Revised Code and state-approved career-technical courses offered 2280
through dual enrollment or statewide articulation, that appear 2281
on a student's transcript or other official document, either of 2282
which is issued by the institution of higher education from 2283
which the student earned the college credit. The credits earned 2284
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 2285
this section shall not include any that are remedial or 2286
developmental and shall include those that count toward the 2287
curriculum requirements established for completion of a degree. 2288

(c) The percentage of students enrolled in a district or 2289
building who have taken a national standardized test used for 2290
college admission determinations and the percentage of those 2291
students who are determined to be remediation-free in accordance 2292
with standards adopted under division (F) of section 3345.061 of 2293
the Revised Code; 2294

(d) The percentage of the district's or the building's 2295
students who receive industry-recognized credentials. The state 2296
board shall adopt criteria for acceptable industry-recognized 2297
credentials. 2298

(e) The percentage of students enrolled in a district or 2299
building who are participating in an international baccalaureate 2300
program and the percentage of those students who receive a score 2301
of four or better on the international baccalaureate 2302
examinations. 2303

(f) The percentage of the district's or building's 2304
students who receive an honors diploma under division (B) of 2305
section 3313.61 of the Revised Code. 2306

(3) Not later than December 31, 2013, the state board 2307
shall adopt rules in accordance with Chapter 119. of the Revised 2308
Code that prescribe the methods by which the performance 2309
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2310
will be assessed and assigned a letter grade, including 2311
performance benchmarks for each grade. 2312

At least forty-five days prior to the state board's 2313
adoption of rules to prescribe the methods by which the 2314
performance measures under division (B) (1) of this section shall 2315
be assessed and assigned a letter grade, the department shall 2316
conduct a public presentation before the standing committees of 2317
the house of representatives and the senate that consider 2318
education legislation describing such methods, including 2319
performance benchmarks. 2320

(4) There shall not be an overall letter grade for a 2321
school district or building for the 2013-2014, 2014-2015, 2015- 2322
2016, ~~and~~ 2016-2017, 2017-2018, and 2018-2019 school years. 2323

(C) (1) For the 2014-2015 school year and each school year 2324
thereafter, the department shall issue grades as described in 2325
division (E) of this section for each of the performance 2326
measures prescribed in division (C) (1) of this section. The 2327
graded measures are as follows: 2328

(a) Annual measurable objectives; 2329

(b) Performance index score for a school district or 2330
building. Grades shall be awarded as a percentage of the total 2331
possible points on the performance index system as created by 2332

the department. In adopting benchmarks for assigning letter 2333
grades under division (C) (1) (b) of this section, the state board 2334
shall designate ninety per cent or higher for an "A," at least 2335
seventy per cent but not more than eighty per cent for a "C," 2336
and less than fifty per cent for an "F." 2337

(c) The extent to which the school district or building 2338
meets each of the applicable performance indicators established 2339
by the state board under section 3302.03 of the Revised Code and 2340
the percentage of applicable performance indicators that have 2341
been achieved. In adopting benchmarks for assigning letter 2342
grades under division (C) (1) (c) of this section, the state board 2343
shall designate ninety per cent or higher for an "A." 2344

(d) The four- and five-year adjusted cohort graduation 2345
rates; 2346

(e) The overall score under the value-added progress 2347
dimension, or another measure of student academic progress if 2348
adopted by the state board, of a school district or building, 2349
for which the department shall use up to three years of value- 2350
added data as available. 2351

In adopting benchmarks for assigning letter grades for 2352
overall score on value-added progress dimension under division 2353
(C) (1) (e) of this section, the state board shall prohibit the 2354
assigning of a grade of "A" for that measure unless the 2355
district's or building's grade assigned for value-added progress 2356
dimension for all subgroups under division (C) (1) (f) of this 2357
section is a "B" or higher. 2358

For the metric prescribed by division (C) (1) (e) of this 2359
section, the state board may adopt a student academic progress 2360
measure to be used instead of the value-added progress 2361

dimension. If the state board adopts such a measure, it also 2362
shall prescribe a method for assigning letter grades for the new 2363
measure that is comparable to the method prescribed in division 2364
(A) (1) (e) of this section. 2365

(f) The value-added progress dimension score of a school 2366
district or building disaggregated for each of the following 2367
subgroups: students identified as gifted in superior cognitive 2368
ability and specific academic ability fields under Chapter 3324. 2369
of the Revised Code, students with disabilities, and students 2370
whose performance places them in the lowest quintile for 2371
achievement on a statewide basis, as determined by a method 2372
prescribed by the state board. Each subgroup shall be a separate 2373
graded measure. 2374

The state board may adopt student academic progress 2375
measures to be used instead of the value-added progress 2376
dimension. If the state board adopts such measures, it also 2377
shall prescribe a method for assigning letter grades for the new 2378
measures that is comparable to the method prescribed in division 2379
(A) (1) (e) of this section. 2380

(g) Whether a school district or building is making 2381
progress in improving literacy in grades kindergarten through 2382
three, as determined using a method prescribed by the state 2383
board. The state board shall adopt rules to prescribe benchmarks 2384
and standards for assigning grades to a district or building for 2385
purposes of division (C) (1) (g) of this section. The state board 2386
shall designate for a "C" grade a value that is not lower than 2387
the statewide average value for this measure. No grade shall be 2388
issued under division (C) (1) (g) of this section for a district 2389
or building in which less than five per cent of students have 2390
scored below grade level on the kindergarten diagnostic 2391

assessment under division (B) (1) of section 3313.608 of the Revised Code. 2392
2393

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years. 2394
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As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year. 2402
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(2) In addition to the graded measures in division (C) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade: 2407
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(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code; 2411
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(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations; 2417
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(c) The percentage of a district's or building's students 2421
who have earned at least three college credits through advanced 2422
standing programs, such as the college credit plus program under 2423
Chapter 3365. of the Revised Code and state-approved career- 2424
technical courses offered through dual enrollment or statewide 2425
articulation, that appear on a student's college transcript 2426
issued by the institution of higher education from which the 2427
student earned the college credit. The credits earned that are 2428
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2429
shall not include any that are remedial or developmental and 2430
shall include those that count toward the curriculum 2431
requirements established for completion of a degree. 2432

(d) The percentage of the district's or building's 2433
students who receive an honor's diploma under division (B) of 2434
section 3313.61 of the Revised Code; 2435

(e) The percentage of the district's or building's 2436
students who receive industry-recognized credentials; 2437

(f) The percentage of students enrolled in a district or 2438
building who are participating in an international baccalaureate 2439
program and the percentage of those students who receive a score 2440
of four or better on the international baccalaureate 2441
examinations; 2442

(g) The results of the ~~college and career ready~~ 2443
assessments ~~administered prescribed~~ under division (B) ~~(1)~~ of 2444
section 3301.0712 of the Revised Code. 2445

(3) The state board shall adopt rules pursuant to Chapter 2446
119. of the Revised Code that establish a method to assign an 2447
overall grade for a school district or school building for the 2448
2017-2018 school year and each school year thereafter. The rules 2449

shall group the performance measures in divisions (C) (1) and (2) 2450
of this section into the following components: 2451

(a) Gap closing, which shall include the performance 2452
measure in division (C) (1) (a) of this section; 2453

(b) Achievement, which shall include the performance 2454
measures in divisions (C) (1) (b) and (c) of this section; 2455

(c) Progress, which shall include the performance measures 2456
in divisions (C) (1) (e) and (f) of this section; 2457

(d) Graduation, which shall include the performance 2458
measure in division (C) (1) (d) of this section; 2459

(e) Kindergarten through third-grade literacy, which shall 2460
include the performance measure in division (C) (1) (g) of this 2461
section; 2462

(f) Prepared for success, which shall include the 2463
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 2464
and (f) of this section. The state board shall develop a method 2465
to determine a grade for the component in division (C) (3) (f) of 2466
this section using the performance measures in divisions (C) (2) 2467
(a), (b), (c), (d), (e), and (f) of this section. When 2468
available, the state board may incorporate the performance 2469
measure under division (C) (2) (g) of this section into the 2470
component under division (C) (3) (f) of this section. When 2471
determining the overall grade for the prepared for success 2472
component prescribed by division (C) (3) (f) of this section, no 2473
individual student shall be counted in more than one performance 2474
measure. However, if a student qualifies for more than one 2475
performance measure in the component, the state board may, in 2476
its method to determine a grade for the component, specify an 2477
additional weight for such a student that is not greater than or 2478

equal to 1.0. In determining the overall score under division 2479
(C) (3) (f) of this section, the state board shall ensure that the 2480
pool of students included in the performance measures aggregated 2481
under that division are all of the students included in the 2482
four- and five-year adjusted graduation cohort. 2483

In the rules adopted under division (C) (3) of this 2484
section, the state board shall adopt a method for determining a 2485
grade for each component in divisions (C) (3) (a) to (f) of this 2486
section. The state board also shall establish a method to assign 2487
an overall grade of "A," "B," "C," "D," or "F" using the grades 2488
assigned for each component. The method the state board adopts 2489
for assigning an overall grade shall give equal weight to the 2490
components in divisions (C) (3) (b) and (c) of this section. 2491

At least forty-five days prior to the state board's 2492
adoption of rules to prescribe the methods for calculating the 2493
overall grade for the report card, as required by this division, 2494
the department shall conduct a public presentation before the 2495
standing committees of the house of representatives and the 2496
senate that consider education legislation describing the format 2497
for the report card, weights that will be assigned to the 2498
components of the overall grade, and the method for calculating 2499
the overall grade. 2500

(D) On or after ~~than~~ July 1, 2015, the state board may 2501
develop a measure of student academic progress for high school 2502
students using only data from assessments in English language 2503
arts and mathematics. If the state board develops this measure, 2504
each school district and applicable school building shall be 2505
assigned a separate letter grade for ~~if~~it not sooner than the 2506
2017-2018 school year. The district's or building's grade for 2507
that measure shall not be included in determining the district's 2508

or building's overall letter grade.	2509
(E) The letter grades assigned to a school district or building under this section shall be as follows:	2510 2511
(1) "A" for a district or school making excellent progress;	2512 2513
(2) "B" for a district or school making above average progress;	2514 2515
(3) "C" for a district or school making average progress;	2516
(4) "D" for a district or school making below average progress;	2517 2518
(5) "F" for a district or school failing to meet minimum progress.	2519 2520
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2521 2522 2523
(1) Performance of students by grade-level;	2524
(2) Performance of students by race and ethnic group;	2525
(3) Performance of students by gender;	2526
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2527 2528
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2529 2530 2531
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2532 2533
(7) Performance of students grouped by those who are	2534

economically disadvantaged;	2535
(8) Performance of students grouped by those who are	2536
enrolled in a conversion community school established under	2537
Chapter 3314. of the Revised Code;	2538
(9) Performance of students grouped by those who are	2539
classified as limited English proficient;	2540
(10) Performance of students grouped by those who have	2541
disabilities;	2542
(11) Performance of students grouped by those who are	2543
classified as migrants;	2544
(12) Performance of students grouped by those who are	2545
identified as gifted in superior cognitive ability and the	2546
specific academic ability fields of reading and math pursuant to	2547
Chapter 3324. of the Revised Code. In disaggregating specific	2548
academic ability fields for gifted students, the department	2549
shall use data for those students with specific academic ability	2550
in math and reading. If any other academic field is assessed,	2551
the department shall also include data for students with	2552
specific academic ability in that field as well.	2553
(13) Performance of students grouped by those who perform	2554
in the lowest quintile for achievement on a statewide basis, as	2555
determined by a method prescribed by the state board.	2556
The department may disaggregate data on student	2557
performance according to other categories that the department	2558
determines are appropriate. To the extent possible, the	2559
department shall disaggregate data on student performance	2560
according to any combinations of two or more of the categories	2561
listed in divisions (F) (1) to (13) of this section that it deems	2562
relevant.	2563

In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(G) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

(H) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(I) (1) (a) Except as provided in division (I) (1) (b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department

shall combine data regarding the academic performance of 2594
students enrolled in the community school with comparable data 2595
from the schools of the district for the purpose of determining 2596
the performance of the district as a whole on the report card 2597
issued for the district under this section or section 3302.033 2598
of the Revised Code. 2599

(b) The department shall not combine data from any 2600
conversion community school that a district sponsors if a 2601
majority of the students enrolled in the conversion community 2602
school are enrolled in a dropout prevention and recovery program 2603
that is operated by the school, as described in division (A)(4) 2604
(a) of section 3314.35 of the Revised Code. The department shall 2605
include as an addendum to the district's report card the ratings 2606
and performance measures that are required under section 2607
3314.017 of the Revised Code for any community school to which 2608
division (I)(1)(b) of this section applies. This addendum shall 2609
include, at a minimum, the data specified in divisions (C)(1) 2610
(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code. 2611

(2) Any district that leases a building to a community 2612
school located in the district or that enters into an agreement 2613
with a community school located in the district whereby the 2614
district and the school endorse each other's programs may elect 2615
to have data regarding the academic performance of students 2616
enrolled in the community school combined with comparable data 2617
from the schools of the district for the purpose of determining 2618
the performance of the district as a whole on the district 2619
report card. Any district that so elects shall annually file a 2620
copy of the lease or agreement with the department. 2621

(3) Any municipal school district, as defined in section 2622
3311.71 of the Revised Code, that sponsors a community school 2623

located within the district's territory, or that enters into an 2624
agreement with a community school located within the district's 2625
territory whereby the district and the community school endorse 2626
each other's programs, may exercise either or both of the 2627
following elections: 2628

(a) To have data regarding the academic performance of 2629
students enrolled in that community school combined with 2630
comparable data from the schools of the district for the purpose 2631
of determining the performance of the district as a whole on the 2632
district's report card; 2633

(b) To have the number of students attending that 2634
community school noted separately on the district's report card. 2635

The election authorized under division (I) (3) (a) of this 2636
section is subject to approval by the governing authority of the 2637
community school. 2638

Any municipal school district that exercises an election 2639
to combine or include data under division (I) (3) of this 2640
section, by the first day of October of each year, shall file 2641
with the department documentation indicating eligibility for 2642
that election, as required by the department. 2643

(J) The department shall include on each report card the 2644
percentage of teachers in the district or building who are 2645
highly qualified, as defined by the No Child Left Behind Act of 2646
2001, and a comparison of that percentage with the percentages 2647
of such teachers in similar districts and buildings. 2648

(K) (1) In calculating English language arts, mathematics, 2649
social studies, or science assessment passage rates used to 2650
determine school district or building performance under this 2651
section, the department shall include all students taking an 2652

assessment with accommodation or to whom an alternate assessment 2653
is administered pursuant to division (C) (1) or (3) of section 2654
3301.0711 of the Revised Code. 2655

(2) In calculating performance index scores, rates of 2656
achievement on the performance indicators established by the 2657
state board under section 3302.02 of the Revised Code, and 2658
annual measurable objectives for determining adequate yearly 2659
progress for school districts and buildings under this section, 2660
the department shall do all of the following: 2661

(a) Include for each district or building only those 2662
students who are included in the ADM certified for the first 2663
full school week of October and are continuously enrolled in the 2664
district or building through the time of the spring 2665
administration of any assessment prescribed by division (A) (1) 2666
or (B) (1) of section 3301.0710 or division (B) of section 2667
3301.0712 of the Revised Code that is administered to the 2668
student's grade level; 2669

(b) ~~Include~~ Until the 2019-2020 school year, include 2670
cumulative totals from both the fall and spring administrations 2671
of the third grade English language arts achievement assessment; 2672

(c) Except as required by the No Child Left Behind Act of 2673
2001, exclude for each district or building any limited English 2674
proficient student who has been enrolled in United States 2675
schools for less than one full school year. 2676

(L) Beginning with the 2015-2016 school year and at least 2677
once every three years thereafter, the state board of education 2678
shall review and may adjust the benchmarks for assigning letter 2679
grades to the performance measures and components prescribed 2680
under divisions (C) (3) and (D) of this section. 2681

(M) Not later than December 31, 2018, the state board of education shall make recommendations to the general assembly, in accordance with section 101.68 of the Revised Code, on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures issued under this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, or 2018-2019 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, or 2018-2019 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, or 2018-2019 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is

exempt under division (A) of this section shall be the 2713
following: 2714

(1) Any restructuring provisions established under this 2715
chapter, except as required under the "No Child Left Behind Act 2716
of 2001"; 2717

(2) Provisions for the Columbus city school pilot project 2718
under section 3302.042 of the Revised Code; 2719

(3) Provisions for academic distress commissions under 2720
former section 3302.10 of the Revised Code as it existed prior 2721
~~to the effective date of this amendment, October 15, 2015.~~ The 2722
provisions of this section do not apply to academic distress 2723
commissions under the version of that section as it exists on or 2724
~~after the effective date of this amendment, October 15, 2015.~~ 2725

(4) Provisions prescribing new buildings where students 2726
are eligible for the educational choice scholarships under 2727
section 3310.03 of the Revised Code; 2728

(5) Provisions defining "challenged school districts" in 2729
which new start-up community schools may be located, as 2730
prescribed in section 3314.02 of the Revised Code; 2731

(6) Provisions prescribing community school closure 2732
requirements under section 3314.35 or 3314.351 of the Revised 2733
Code. 2734

(C) Notwithstanding anything in the Revised Code to the 2735
contrary and except as provided in Section 3 of H.B. 7 of the 2736
131st general assembly, no school district, community school, or 2737
STEM school shall utilize at any time during a student's 2738
academic career a student's score on any assessment administered 2739
under division (A) of section 3301.0710 or division (B) ~~(2)~~ of 2740
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 2741

2016, ~~or~~ 2016-2017, 2017-2018, or 2018-2019 school ~~year~~ years as 2742
a factor in any decision to promote or to deny the student 2743
promotion to a higher grade level or in any decision to grant 2744
course credit. No individual student score reports on such 2745
assessments administered in the 2014-2015, 2015-2016, ~~or~~ 2016- 2746
2017, 2017-2018, or 2018-2019 school years shall be released, 2747
except to a student's school district or school or to the 2748
student or the student's parent or guardian. 2749

Sec. 3302.05. The state board of education shall adopt 2750
rules freeing school districts from specified state mandates if 2751
one of the following applies: 2752

(A) For the 2011-2012 school year, the school district was 2753
declared to be excellent under section 3302.03 of the Revised 2754
Code, as that section existed prior to March 22, 2013, and had 2755
above expected growth in the overall value-added measure. 2756

(B) For the 2012-2013 school year, the school district 2757
received a grade of "A" for the number of performance indicators 2758
met under division (A) (1) (c) of section 3302.03 of the Revised 2759
Code and for the value-added dimension under division (A) (1) (e) 2760
of section 3302.03 of the Revised Code. 2761

(C) For the 2013-2014, 2014-2015, ~~or~~, 2015-2016, 2016- 2762
2017, 2017-2018, or 2018-2019 school ~~year~~ years, the school 2763
district received a grade of "A" for the number of performance 2764
indicators met under division (B) (1) (c) of section 3302.03 of 2765
the Revised Code and for the value-added dimension under 2766
division (B) (1) (e) of section 3302.03 of the Revised Code. 2767

(D) For the ~~2016-2017~~ 2019-2020 school year and for each 2768
school year thereafter, the school district received an overall 2769
grade of "A" under division (C) (3) of section 3302.03 of the 2770

Revised Code. 2771

Any mandates included in the rules shall be only those 2772
statutes or rules pertaining to state education requirements. 2773
The rules shall not exempt districts from any operating standard 2774
adopted under division (D) (3) of section 3301.07 of the Revised 2775
Code. 2776

Sec. 3310.03. A student is an "eligible student" for 2777
purposes of the educational choice scholarship pilot program if 2778
the student's resident district is not a school district in 2779
which the pilot project scholarship program is operating under 2780
sections 3313.974 to 3313.979 of the Revised Code and the 2781
student satisfies one of the conditions in division (A), (B), 2782
(C), (D), or (E) of this section: 2783

(A) (1) The student is enrolled in a school building 2784
operated by the student's resident district that, on the report 2785
card issued under section 3302.03 of the Revised Code published 2786
prior to the first day of July of the school year for which a 2787
scholarship is sought, did not receive a rating as described in 2788
division (H) of this section, and to which any or a combination 2789
of any of the following apply for two of the three most recent 2790
report cards published prior to the first day of July of the 2791
school year for which a scholarship is sought: 2792

(a) The building was declared to be in a state of academic 2793
emergency or academic watch under section 3302.03 of the Revised 2794
Code as that section existed prior to March 22, 2013. 2795

(b) The building received a grade of "D" or "F" for the 2796
performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b) 2797
or (C) (1) (b) of section 3302.03 of the Revised Code and for the 2798
value-added progress dimension under division (A) (1) (e) ~~or~~ (B) 2799

(1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for 2800
the 2012-2013, 2013-2014, 2014-2015, ~~or 2015-2016,~~ 2016-2017, 2801
2017-2018, or 2018-2019 school year; or if the building serves 2802
only grades ten through twelve, the building received a grade of 2803
"D" or "F" for the performance index score under division (A) (1) 2804
(b) ~~or,~~ (B) (1) (b), or (C) (1) (b) of section 3302.03 of the 2805
Revised Code and had a four-year adjusted cohort graduation rate 2806
of less than seventy-five per cent. 2807

(c) The building received an overall grade of "D" or "F" 2808
under division (C) (3) of section 3302.03 of the Revised Code or 2809
a grade of "F" for the value-added progress dimension under 2810
division (C) (1) (e) of section 3302.03 of the Revised Code for 2811
the ~~2016-2017-2019-2020~~ school year or any school year 2812
thereafter. 2813

(2) The student will be enrolling in any of grades 2814
kindergarten through twelve in this state for the first time in 2815
the school year for which a scholarship is sought, will be at 2816
least five years of age by the first day of January of the 2817
school year for which a scholarship is sought, and otherwise 2818
would be assigned under section 3319.01 of the Revised Code in 2819
the school year for which a scholarship is sought, to a school 2820
building described in division (A) (1) of this section. 2821

(3) The student is enrolled in a community school 2822
established under Chapter 3314. of the Revised Code but 2823
otherwise would be assigned under section 3319.01 of the Revised 2824
Code to a building described in division (A) (1) of this section. 2825

(4) The student is enrolled in a school building operated 2826
by the student's resident district or in a community school 2827
established under Chapter 3314. of the Revised Code and 2828
otherwise would be assigned under section 3319.01 of the Revised 2829

Code to a school building described in division (A) (1) of this 2830
section in the school year for which the scholarship is sought. 2831

(5) The student will be both enrolling in any of grades 2832
kindergarten through twelve in this state for the first time and 2833
at least five years of age by the first day of January of the 2834
school year for which a scholarship is sought, or is enrolled in 2835
a community school established under Chapter 3314. of the 2836
Revised Code, and all of the following apply to the student's 2837
resident district: 2838

(a) The district has in force an intradistrict open 2839
enrollment policy under which no student in the student's grade 2840
level is automatically assigned to a particular school building; 2841

(b) In the most recent rating published prior to the first 2842
day of July of the school year for which scholarship is sought, 2843
the district did not receive a rating described in division (H) 2844
of this section, and in at least two of the three most recent 2845
report cards published prior to the first day of July of that 2846
school year, any or a combination of the following apply to the 2847
district: 2848

(i) The district was declared to be in a state of academic 2849
emergency under section 3302.03 of the Revised Code as it 2850
existed prior to March 22, 2013. 2851

(ii) The district received a grade of "D" or "F" for the 2852
performance index score under division (A) (1) (b) or (B) (1) (b) of 2853
section 3302.03 of the Revised Code and for the value-added 2854
progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or 2855
(C) (1) (e) of section 3302.03 of the Revised Code for the 2012- 2856
2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 2857
or 2018-2019 school year. 2858

(c) The district received an overall grade of "D" or "F" 2859
under division (C) (3) of section 3302.03 of the Revised Code or 2860
a grade of "F" for the value-added progress dimension under 2861
division (C) (1) (e) of section 3302.03 of the Revised Code for 2862
the ~~2016-2017~~ 2019-2020 school year or any school year 2863
thereafter. 2864

(6) Beginning in the ~~2016-2017~~ 2019-2020 school year, the 2865
student is enrolled in or will be enrolling in a building in the 2866
school year for which the scholarship is sought that serves any 2867
of grades nine through twelve and that received a grade of "D" 2868
or "F" for the four-year adjusted cohort graduation rate under 2869
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 2870
of the Revised Code in two of the three most recent report cards 2871
published prior to the first day of July of the school year for 2872
which a scholarship is sought. 2873

(B) (1) The student is enrolled in a school building 2874
operated by the student's resident district and to which both of 2875
the following apply: 2876

(a) The building was ranked, for at least two of the three 2877
most recent rankings prior to the first day of July of the 2878
school year for which a scholarship is sought, in the lowest ten 2879
per cent of all buildings operated by city, local, and exempted 2880
village school districts according to performance index score as 2881
determined by the department of education. 2882

(b) The building was not declared to be excellent or 2883
effective, or the equivalent of such ratings as determined by 2884
the department, under section 3302.03 of the Revised Code in the 2885
most recent rating published prior to the first day of July of 2886
the school year for which a scholarship is sought. 2887

(2) The student will be enrolling in any of grades 2888
kindergarten through twelve in this state for the first time in 2889
the school year for which a scholarship is sought, will be at 2890
least five years of age, as defined in section 3321.01 of the 2891
Revised Code, by the first day of January of the school year for 2892
which a scholarship is sought, and otherwise would be assigned 2893
under section 3319.01 of the Revised Code in the school year for 2894
which a scholarship is sought, to a school building described in 2895
division (B)(1) of this section. 2896

(3) The student is enrolled in a community school 2897
established under Chapter 3314. of the Revised Code but 2898
otherwise would be assigned under section 3319.01 of the Revised 2899
Code to a building described in division (B)(1) of this section. 2900

(4) The student is enrolled in a school building operated 2901
by the student's resident district or in a community school 2902
established under Chapter 3314. of the Revised Code and 2903
otherwise would be assigned under section 3319.01 of the Revised 2904
Code to a school building described in division (B)(1) of this 2905
section in the school year for which the scholarship is sought. 2906

(C) The student is enrolled in a nonpublic school at the 2907
time the school is granted a charter by the state board of 2908
education under section 3301.16 of the Revised Code and the 2909
student meets the standards of division (B) of section 3310.031 2910
of the Revised Code. 2911

(D) For the ~~2016-2017~~2019-2020 school year and each 2912
school year thereafter, the student is in any of grades 2913
kindergarten through three, is enrolled in a school building 2914
that is operated by the student's resident district or will be 2915
enrolling in any of grades kindergarten through twelve in this 2916
state for the first time in the school year for which a 2917

scholarship is sought, and to which both of the following apply: 2918

(1) The building, in at least two of the three most recent 2919
ratings of school buildings published prior to the first day of 2920
July of the school year for which a scholarship is sought, 2921
received a grade of "D" or "F" for making progress in improving 2922
literacy in grades kindergarten through three under division (B) 2923
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 2924

(2) The building did not receive a grade of "A" for making 2925
progress in improving literacy in grades kindergarten through 2926
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 2927
of the Revised Code in the most recent rating published prior to 2928
the first day of July of the school year for which a scholarship 2929
is sought. 2930

(E) The student's resident district is subject to section 2931
3302.10 of the Revised Code and the student either: 2932

(1) Is enrolled in a school building operated by the 2933
resident district or in a community school established under 2934
Chapter 3314. of the Revised Code; 2935

(2) Will be both enrolling in any of grades kindergarten 2936
through twelve in this state for the first time and at least 2937
five years of age by the first day of January of the school year 2938
for which a scholarship is sought. 2939

(F) A student who receives a scholarship under the 2940
educational choice scholarship pilot program remains an eligible 2941
student and may continue to receive scholarships in subsequent 2942
school years until the student completes grade twelve, so long 2943
as all of the following apply: 2944

(1) The student's resident district remains the same, or 2945
the student transfers to a new resident district and otherwise 2946

would be assigned in the new resident district to a school 2947
building described in division (A) (1), (B) (1), (D), or (E) of 2948
this section. 2949

(2) Except as provided in divisions (K) (1) and (L) of 2950
section 3301.0711 of the Revised Code, the student takes each 2951
assessment prescribed for the student's grade level under 2952
section 3301.0710 or 3301.0712 of the Revised Code while 2953
enrolled in a chartered nonpublic school. 2954

(3) In each school year that the student is enrolled in a 2955
chartered nonpublic school, the student is absent from school 2956
for not more than twenty days that the school is open for 2957
instruction, not including excused absences. 2958

(G) (1) The department shall cease awarding first-time 2959
scholarships pursuant to divisions (A) (1) to (4) of this section 2960
with respect to a school building that, in the most recent 2961
ratings of school buildings published under section 3302.03 of 2962
the Revised Code prior to the first day of July of the school 2963
year, ceases to meet the criteria in division (A) (1) of this 2964
section. The department shall cease awarding first-time 2965
scholarships pursuant to division (A) (5) of this section with 2966
respect to a school district that, in the most recent ratings of 2967
school districts published under section 3302.03 of the Revised 2968
Code prior to the first day of July of the school year, ceases 2969
to meet the criteria in division (A) (5) of this section. 2970

(2) The department shall cease awarding first-time 2971
scholarships pursuant to divisions (B) (1) to (4) of this section 2972
with respect to a school building that, in the most recent 2973
ratings of school buildings under section 3302.03 of the Revised 2974
Code prior to the first day of July of the school year, ceases 2975
to meet the criteria in division (B) (1) of this section. 2976

(3) The department shall cease awarding first-time 2977
scholarships pursuant to division (D) of this section with 2978
respect to a school building that, in the most recent ratings of 2979
school buildings under section 3302.03 of the Revised Code prior 2980
to the first day of July of the school year, ceases to meet the 2981
criteria in division (D) of this section. 2982

(4) The department shall cease awarding first-time 2983
scholarships pursuant to division (E) of this section with 2984
respect to a school district subject to section 3302.10 of the 2985
Revised Code when the academic distress commission established 2986
for the district ceases to exist. 2987

(5) However, students who have received scholarships in 2988
the prior school year remain eligible students pursuant to 2989
division (F) of this section. 2990

(H) The state board of education shall adopt rules 2991
defining excused absences for purposes of division (F)(3) of 2992
this section. 2993

(I)(1) A student who satisfies only the conditions 2994
prescribed in divisions (A)(1) to (4) of this section shall not 2995
be eligible for a scholarship if the student's resident building 2996
meets any of the following in the most recent rating under 2997
section 3302.03 of the Revised Code published prior to the first 2998
day of July of the school year for which a scholarship is 2999
sought: 3000

(a) The building has an overall designation of excellent 3001
or effective under section 3302.03 of the Revised Code as it 3002
existed prior to March 22, 2013. 3003

(b) For the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, or 2018-2019 school year, the building has 3004
3005

a grade of "A" or "B" for the performance index score under 3006
division (A) (1) (b) ~~or, (B) (1) (b), or (C) (1) (b)~~ of section 3007
3302.03 of the Revised Code and for the value-added progress 3008
dimension under division (A) (1) (e) ~~or, (B) (1) (e), or (C) (1) (e)~~ 3009
of section 3302.03 of the Revised Code; or if the building 3010
serves only grades ten through twelve, the building received a 3011
grade of "A" or "B" for the performance index score under 3012
division (A) (1) (b) ~~or, (B) (1) (b), or (C) (1) (b)~~ of section 3013
3302.03 of the Revised Code and had a four-year adjusted cohort 3014
graduation rate of greater than or equal to seventy-five per 3015
cent. 3016

(c) For the ~~2016-2017-2019-2020~~ school year or any school 3017
year thereafter, the building has a grade of "A" or "B" under 3018
division (C) (3) of section 3302.03 of the Revised Code and a 3019
grade of "A" for the value-added progress dimension under 3020
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 3021
the building serves only grades ten through twelve, the building 3022
received a grade of "A" or "B" for the performance index score 3023
under division (C) (1) (b) of section 3302.03 of the Revised Code 3024
and had a four-year adjusted cohort graduation rate of greater 3025
than or equal to seventy-five per cent. 3026

(2) A student who satisfies only the conditions prescribed 3027
in division (A) (5) of this section shall not be eligible for a 3028
scholarship if the student's resident district meets any of the 3029
following in the most recent rating under section 3302.03 of the 3030
Revised Code published prior to the first day of July of the 3031
school year for which a scholarship is sought: 3032

(a) The district has an overall designation of excellent 3033
or effective under section 3302.03 of the Revised Code as it 3034
existed prior to March 22, 2013. 3035

(b) The district has a grade of "A" or "B" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C) (3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

Sec. 3310.14. (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 or the ~~college and work ready assessment system~~ assessments prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions 3066
specified in division (K) (2) of section 3301.0711 of the Revised 3067
Code shall not be required to administer the elementary 3068
assessments prescribed by division (A) of section 3301.0710 of 3069
the Revised Code. 3070

Sec. 3310.522. In order to maintain eligibility for a 3071
scholarship, a student shall take each assessment prescribed by 3072
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 3073
as applicable, in accordance with section 3301.0711 of the 3074
Revised Code, unless the student is excused from taking that 3075
assessment under federal law or the student's individualized 3076
education program or the student is enrolled in a chartered 3077
nonpublic school that meets the conditions specified in division 3078
(K) (2) of section 3301.0711 of the Revised Code. 3079

Each registered private provider that is not subject to 3080
division (K) (1) of section 3301.0711 of the Revised Code and 3081
enrolls a student who is awarded a scholarship shall administer 3082
each assessment prescribed by section 3301.0710, 3301.0712, or 3083
3313.619 of the Revised Code, as applicable, to that student in 3084
accordance with section 3301.0711 of the Revised Code, unless 3085
the student is excused from taking that assessment or the 3086
student is enrolled in a chartered nonpublic school that meets 3087
the conditions specified in division (K) (2) of section 3301.0711 3088
of the Revised Code, and shall report to the department the 3089
results of each assessment so administered. 3090

Nothing in this section requires any chartered nonpublic 3091
school that is a registered private provider to administer any 3092
achievement assessment, except for an Ohio graduation test 3093
prescribed by division (B) (1) of section 3301.0710 or the 3094
~~college and work ready assessment system assessments~~ prescribed 3095

by division (B) of section 3301.0712 of the Revised Code to any 3096
student enrolled in the school who is not a scholarship student. 3097

Sec. 3311.80. Notwithstanding any provision of the Revised 3098
Code to the contrary, a municipal school district shall be 3099
subject to this section instead of section 3319.111 of the 3100
Revised Code. 3101

(A) Not later than July 1, 2013, the board of education of 3102
each municipal school district and the teachers' labor 3103
organization shall develop and adopt standards-based teacher 3104
evaluation procedures that conform with the framework for 3105
evaluation of teachers developed under former section 3319.112 3106
of the Revised Code. The evaluation procedures shall include at 3107
least formal observations and classroom walk-throughs, which may 3108
be announced or unannounced; examinations of samples of work, 3109
such as lesson plans or assessments designed by a teacher; and 3110
multiple measures of student academic growth. 3111

(B) When using measures of student academic growth as a 3112
component of a teacher's evaluation, those measures shall 3113
include the value-added progress dimension prescribed by section 3114
3302.021 of the Revised Code or the alternative student academic 3115
progress measure if adopted under division (C)(1)(e) of section 3116
3302.03 of the Revised Code. For teachers of grade levels and 3117
subjects for which the value-added progress dimension or 3118
alternative student academic achievement measure is not 3119
applicable, the board shall administer assessments on the list 3120
developed under division (B)(2) of former section 3319.112 of 3121
the Revised Code. 3122

(C)(1) Each teacher employed by the board shall be 3123
evaluated at least once each school year, except as provided in 3124
division (C)(2) of this section. The composite evaluation shall 3125

be completed not later than the first day of June and the 3126
teacher shall receive a written report of the results of the 3127
composite evaluation not later than ten days after its 3128
completion or the last teacher work day of the school year, 3129
whichever is earlier. 3130

(2) Each teacher who received a rating of accomplished on 3131
the teacher's most recent evaluation conducted under this 3132
section may be evaluated once every two school years, except 3133
that the teacher shall be evaluated in any school year in which 3134
the teacher's contract is due to expire. The biennial composite 3135
evaluation shall be completed not later than the first day of 3136
June of the applicable school year, and the teacher shall 3137
receive a written report of the results of the composite 3138
evaluation not later than ten days after its completion or the 3139
last teacher work day of the school year, whichever is earlier. 3140

(D) Each evaluation conducted pursuant to this section 3141
shall be conducted by one or more of the following persons who 3142
have been trained to conduct evaluations in accordance with 3143
criteria that shall be developed jointly by the chief executive 3144
officer of the district, or the chief executive officer's 3145
designee, and the teachers' labor organization: 3146

(1) The chief executive officer or a subordinate officer 3147
of the district with responsibility for instruction or academic 3148
affairs; 3149

(2) A person who is under contract with the board pursuant 3150
to section 3319.02 of the Revised Code and holds a license 3151
designated for being a principal issued under section 3319.22 of 3152
the Revised Code; 3153

(3) A person who is under contract with the board pursuant 3154

to section 3319.02 of the Revised Code and holds a license 3155
designated for being a vocational director or a supervisor in 3156
any educational area issued under section 3319.22 of the Revised 3157
Code; 3158

(4) A person designated to conduct evaluations under an 3159
agreement providing for peer assistance and review entered into 3160
by the board and the teachers' labor organization. 3161

(E) The evaluation procedures shall describe how the 3162
evaluation results will be used for decisions regarding 3163
compensation, retention, promotion, and reductions in force and 3164
for removal of poorly performing teachers. 3165

(F) A teacher may challenge any violations of the 3166
evaluation procedures in accordance with the grievance procedure 3167
specified in any applicable collective bargaining agreement. A 3168
challenge under this division is limited to the determination of 3169
procedural errors that have resulted in substantive harm to the 3170
teacher and to ordering the correction of procedural errors. The 3171
failure of the board or a person conducting an evaluation to 3172
strictly comply with any deadline or evaluation forms 3173
established as part of the evaluation process shall not be cause 3174
for an arbitrator to determine that a procedural error occurred, 3175
unless the arbitrator finds that the failure resulted in 3176
substantive harm to the teacher. The arbitrator shall have no 3177
jurisdiction to modify the evaluation results, but the 3178
arbitrator may stay any decision taken pursuant to division (E) 3179
of this section pending the board's correction of any procedural 3180
error. The board shall correct any procedural error within 3181
fifteen business days after the arbitrator's determination that 3182
a procedural error occurred. 3183

(G) Notwithstanding any provision to the contrary in 3184

Chapter 4117. of the Revised Code, the requirements of this 3185
section prevail over any conflicting provisions of a collective 3186
bargaining agreement entered into on or after October 1, 2012. 3187
However, the board and the teachers' labor organization may 3188
negotiate additional evaluation procedures, including an 3189
evaluation process incorporating peer assistance and review, 3190
provided the procedures are consistent with this section. 3191

(H) This section does not apply to administrators 3192
appointed by the chief executive officer of a municipal school 3193
district under section 3311.72 of the Revised Code, 3194
administrators subject to evaluation procedures under section 3195
3311.84 or 3319.02 of the Revised Code, or to any teacher 3196
employed as a substitute for less than one hundred twenty days 3197
during a school year pursuant to section 3319.10 of the Revised 3198
Code. 3199

Sec. 3311.84. Notwithstanding any provision of the Revised 3200
Code to the contrary, a municipal school district shall be 3201
subject to this section ~~instead of division (D) of section~~ 3202
~~3319.02 of the Revised Code with respect to the evaluation of~~ 3203
principals and assistant principals, but all other provisions of 3204
~~that section 3319.02 of the Revised Code shall apply to the~~ 3205
district with respect to principals and assistant principals. 3206
Section 3319.02 of the Revised Code in its entirety shall apply 3207
to the district with respect to employees other than principals 3208
and assistant principals who are covered by that section, except 3209
as otherwise provided in section 3311.72 of the Revised Code. 3210

(A) As used in this section, "principal" includes an 3211
assistant principal. 3212

(B) The board of education of each municipal school 3213
district shall adopt procedures for the evaluation of principals 3214

and shall evaluate all principals in accordance with those 3215
procedures. The procedures shall be based on principles 3216
comparable to the teacher evaluation procedures adopted under 3217
section 3311.80 of the Revised Code, but shall be tailored to 3218
the duties and responsibilities of principals and the 3219
environment in which principals work. Each evaluation shall 3220
measure the principal's effectiveness in performing the duties 3221
included in the principal's job description and shall be 3222
considered by the board in deciding whether to renew the 3223
principal's contract of employment. 3224

(C) The evaluation procedures adopted under this section 3225
shall require each principal to be evaluated annually through a 3226
written evaluation process. The evaluation shall be conducted by 3227
the chief executive officer of the district, or the chief 3228
executive officer's designee. 3229

(D) To provide time to show progress in correcting 3230
deficiencies identified in the evaluation, each evaluation shall 3231
be completed as follows: 3232

(1) In any school year that the principal's contract of 3233
employment is not due to expire, at least one evaluation shall 3234
be completed in that year. A written copy of the evaluation 3235
shall be provided to the principal by the end of the principal's 3236
contract year as defined by the principal's annual salary 3237
notice. 3238

(2) In any school year that the principal's contract of 3239
employment is due to expire, at least a preliminary evaluation 3240
and a final evaluation shall be completed in that year. A 3241
written copy of the preliminary evaluation shall be provided to 3242
the principal at least sixty days prior to any action by the 3243
board on the principal's contract of employment. The final 3244

evaluation shall indicate the chief executive officer's intended 3245
recommendation to the board regarding a contract of employment 3246
for the principal. A written copy of the final evaluation shall 3247
be provided to the principal at least five days prior to the 3248
chief executive officer making the recommendation to the board. 3249

(E) At least thirty days prior to taking action to renew 3250
or not renew the contract of a principal, the board shall notify 3251
the principal of the board's intended action and that the 3252
principal may request a meeting with the board regarding the 3253
board's intended action. Upon request of the principal, the 3254
board shall grant the principal a meeting in executive session. 3255
In that meeting, the board shall discuss its reasons for 3256
considering renewal or nonrenewal of the contract. The principal 3257
shall be permitted to have a representative, chosen by the 3258
principal, present at the meeting. 3259

The establishment of evaluation procedures in accordance 3260
with this section shall not create an expectancy of continued 3261
employment. Nothing in this section shall prevent the board from 3262
making the final determination regarding the renewal or 3263
nonrenewal of a principal's contract. 3264

(F) Termination of a principal's contract shall be in 3265
accordance with section 3319.16 of the Revised Code, except as 3266
follows: 3267

(1) Failure of the principal's building to meet academic 3268
performance standards established by the chief executive officer 3269
shall be considered good and just cause for termination under 3270
that section. 3271

(2) If the chief executive officer intends to recommend to 3272
the board that the principal's contract be terminated, the chief 3273

executive officer shall provide the principal a written copy of 3274
the principal's evaluation at least five days prior to making 3275
the recommendation to the board. 3276

Sec. 3313.60. Notwithstanding division (D) of section 3277
3311.52 of the Revised Code, divisions (A) to (E) of this 3278
section do not apply to any cooperative education school 3279
district established pursuant to divisions (A) to (C) of section 3280
3311.52 of the Revised Code. 3281

(A) The board of education of each city, exempted village, 3282
and local school district and the board of each cooperative 3283
education school district established, pursuant to section 3284
3311.521 of the Revised Code, shall prescribe a ~~curriculum-~~ 3285
graded course of study for all schools under its control. Each 3286
district board shall post a copy of each graded course of study 3287
on its web site. Except as provided in division (E) of this 3288
section, in any such ~~curriculum-~~graded course of study there 3289
shall be included the study of the following subjects: 3290

(1) The language arts, including reading, writing, 3291
spelling, oral and written English, and literature; 3292

(2) Geography, the history of the United States and of 3293
Ohio, and national, state, and local government in the United 3294
States, including a balanced presentation of the relevant 3295
contributions to society of men and women of African, Mexican, 3296
Puerto Rican, and American Indian descent as well as other 3297
ethnic and racial groups in Ohio and the United States; 3298

(3) Mathematics; 3299

(4) Natural science, including instruction in the 3300
conservation of natural resources; 3301

(5) Health education, which shall include instruction in: 3302

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) Prescription opioid abuse prevention, with an emphasis

on the prescription drug epidemic and the connection between 3332
prescription opioid abuse and addiction to other drugs, such as 3333
heroin; 3334

(g) The process of making an anatomical gift under Chapter 3335
2108. of the Revised Code, with an emphasis on the life-saving 3336
and life-enhancing effects of organ and tissue donation. 3337

(6) Physical education; 3338

(7) The fine arts, including music; 3339

(8) First aid, including a training program in 3340
cardiopulmonary resuscitation, which shall comply with section 3341
3313.6021 of the Revised Code when offered in any of grades nine 3342
through twelve, safety, and fire prevention. However, upon 3343
written request of the student's parent or guardian, a student 3344
shall be excused from taking instruction in cardiopulmonary 3345
resuscitation. 3346

(B) Except as provided in division (E) of this section, 3347
every school or school district shall include in the 3348
requirements for promotion from the eighth grade to the ninth 3349
grade one year's course of study of American history. A board 3350
may waive this requirement for academically accelerated students 3351
who, in accordance with procedures adopted by the board, are 3352
able to demonstrate mastery of essential concepts and skills of 3353
the eighth grade American history course of study. 3354

(C) As specified in divisions (B) (6) and (C) (6) of section 3355
3313.603 of the Revised Code, except as provided in division (E) 3356
of this section, every high school shall include in the 3357
requirements for graduation from any curriculum one-half unit 3358
each of American history and government. 3359

(D) Except as provided in division (E) of this section, 3360

basic instruction or demonstrated mastery in geography, United 3361
States history, the government of the United States, the 3362
government of the state of Ohio, local government in Ohio, the 3363
Declaration of Independence, the United States Constitution, and 3364
the Constitution of the state of Ohio shall be required before 3365
pupils may participate in courses involving the study of social 3366
problems, economics, foreign affairs, United Nations, world 3367
government, socialism, and communism. 3368

(E) For each cooperative education school district 3369
established pursuant to section 3311.521 of the Revised Code and 3370
each city, exempted village, and local school district that has 3371
territory within such a cooperative district, the ~~curriculum-~~ 3372
graded course of study adopted pursuant to divisions (A) to (D) 3373
of this section shall only include the study of the subjects 3374
that apply to the grades operated by each such school district. 3375
The ~~curriculums-~~graded course of study for such schools, when 3376
combined, shall provide to each student of these districts all 3377
of the subjects required under divisions (A) to (D) of this 3378
section. 3379

(F) The board of education of any cooperative education 3380
school district established pursuant to divisions (A) to (C) of 3381
section 3311.52 of the Revised Code shall prescribe a ~~curriculum-~~ 3382
graded course of study for the subject areas and grade levels 3383
offered in any school under its control. 3384

(G) Upon the request of any parent or legal guardian of a 3385
student, the board of education of any school district shall 3386
permit the parent or guardian to promptly examine, with respect 3387
to the parent's or guardian's own child: 3388

(1) Any survey or questionnaire, prior to its 3389
administration to the child; 3390

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic content standards ~~and each model curriculum~~ developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three	3418
units thereafter, which at all times shall include both of the	3419
following:	3420
(a) Biological sciences, one unit;	3421
(b) Physical sciences, one unit.	3422
(6) History and government, one unit, which shall comply	3423
with division (M) of this section and shall include both of the	3424
following:	3425
(a) American history, one-half unit;	3426
(b) American government, one-half unit.	3427
(7) Social studies, two units.	3428
Beginning with students who enter ninth grade for the	3429
first time on or after July 1, 2017, the two units of	3430
instruction prescribed by division (B) (7) of this section shall	3431
include at least one-half unit of instruction in the study of	3432
world history and civilizations.	3433
(8) Elective units, seven units until September 15, 2003,	3434
and six units thereafter.	3435
Each student's electives shall include at least one unit,	3436
or two half units, chosen from among the areas of	3437
business/technology, fine arts, and/or foreign language.	3438
(C) Beginning with students who enter ninth grade for the	3439
first time on or after July 1, 2010, except as provided in	3440
divisions (D) to (F) of this section, the requirements for	3441
graduation from every public and chartered nonpublic high school	3442
shall include twenty units that are designed to prepare students	3443
for the workforce and college. The units shall be distributed as	3444

follows:	3445
(1) English language arts, four units;	3446
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	3447 3448 3449
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.	3450 3451 3452 3453 3454 3455 3456
(4) Physical education, one-half unit;	3457
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	3458 3459 3460 3461
(a) Physical sciences, one unit;	3462
(b) Life sciences, one unit;	3463
(c) Advanced study in one or more of the following sciences, one unit:	3464 3465
(i) Chemistry, physics, or other physical science;	3466
(ii) Advanced biology or other life science;	3467
(iii) Astronomy, physical geology, or other earth or space science.	3468 3469
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the	3470 3471

following:	3472
(a) American history, one-half unit;	3473
(b) American government, one-half unit.	3474
(7) Social studies, two units.	3475
Each school shall integrate the study of economics and	3476
financial literacy, as expressed in the social studies academic	3477
content standards adopted by the state board of education under	3478
division (A) (1) of section 3301.079 of the Revised Code and the	3479
academic content standards for financial literacy and	3480
entrepreneurship adopted under division (A) (2) of that section,	3481
into one or more existing social studies credits required under	3482
division (C) (7) of this section, or into the content of another	3483
class, so that every high school student receives instruction in	3484
those concepts. In developing the curriculum required by this	3485
paragraph, schools shall use available public-private	3486
partnerships and resources and materials that exist in business,	3487
industry, and through the centers for economics education at	3488
institutions of higher education in the state.	3489
Beginning with students who enter ninth grade for the	3490
first time on or after July 1, 2017, the two units of	3491
instruction prescribed by division (C) (7) of this section shall	3492
include at least one-half unit of instruction in the study of	3493
world history and civilizations.	3494
(8) Five units consisting of one or any combination of	3495
foreign language, fine arts, business, career-technical	3496
education, family and consumer sciences, technology,	3497
agricultural education, a junior reserve officer training corps	3498
(JROTC) program approved by the congress of the United States	3499
under title 10 of the United States Code, or English language	3500

arts, mathematics, science, or social studies courses not 3501
otherwise required under division (C) of this section. 3502

~~Ohioans must be prepared to apply increased knowledge and 3503
skills in the workplace and to adapt their knowledge and skills- 3504
quickly to meet the rapidly changing conditions of the twenty- 3505
first century. National studies indicate that all high school- 3506
graduates need the same academic foundation, regardless of the 3507
opportunities they pursue after graduation. The goal of Ohio's 3508
system of elementary and secondary education is to prepare all 3509
students for and seamlessly connect all students to success in- 3510
life beyond high school graduation, regardless of whether the 3511
next step is entering the workforce, beginning an- 3512
apprenticeship, engaging in post secondary training, serving in- 3513
the military, or pursuing a college degree.- 3514~~

The requirements for graduation prescribed in division (C) 3515
of this section are the standard expectation for all students 3516
entering ninth grade for the first time at a public or chartered 3517
nonpublic high school on or after July 1, 2010. A student may 3518
satisfy this expectation through a variety of methods, 3519
including, but not limited to, integrated, applied, career- 3520
technical, and traditional coursework. 3521

Whereas teacher quality is essential for student success 3522
when completing the requirements for graduation, the general 3523
assembly shall appropriate funds for strategic initiatives 3524
designed to strengthen schools' capacities to hire and retain 3525
highly qualified teachers in the subject areas required by the 3526
curriculum. Such initiatives are expected to require an 3527
investment of \$120,000,000 over five years. 3528

Stronger coordination between high schools and 3529
institutions of higher education is necessary to prepare 3530

students for more challenging academic endeavors and to lessen 3531
the need for academic remediation in college, thereby reducing 3532
the costs of higher education for Ohio's students, families, and 3533
the state. The state board and the chancellor of higher 3534
education shall develop policies to ensure that only in rare 3535
instances will students who complete the requirements for 3536
graduation prescribed in division (C) of this section require 3537
academic remediation after high school. 3538

School districts, community schools, and chartered 3539
nonpublic schools ~~shall~~ may integrate technology into learning 3540
experiences across the curriculum in order to maximize 3541
efficiency, enhance learning, and prepare students for success 3542
in the technology-driven twenty-first century. Districts and 3543
schools ~~shall~~ may use distance and web-based course delivery as 3544
a method of providing or augmenting all instruction required 3545
under this division, including laboratory experience in science. 3546
Districts and schools ~~shall~~ may utilize technology access and 3547
electronic learning opportunities provided by the broadcast 3548
educational media commission, chancellor, the Ohio learning 3549
network, education technology centers, public television 3550
stations, and other public and private providers. 3551

(D) Except as provided in division (E) of this section, a 3552
student who enters ninth grade on or after July 1, 2010, and 3553
before July 1, 2016, may qualify for graduation from a public or 3554
chartered nonpublic high school even though the student has not 3555
completed the requirements for graduation prescribed in division 3556
(C) of this section if all of the following conditions are 3557
satisfied: 3558

(1) During the student's third year of attending high 3559
school, as determined by the school, the student and the 3560

student's parent, guardian, or custodian sign and file with the 3561
school a written statement asserting the parent's, guardian's, 3562
or custodian's consent to the student's graduating without 3563
completing the requirements for graduation prescribed in 3564
division (C) of this section and acknowledging that one 3565
consequence of not completing those requirements is 3566
ineligibility to enroll in most state universities in Ohio 3567
without further coursework. 3568

(2) The student and parent, guardian, or custodian fulfill 3569
any procedural requirements the school stipulates to ensure the 3570
student's and parent's, guardian's, or custodian's informed 3571
consent and to facilitate orderly filing of statements under 3572
division (D)(1) of this section. Annually, each district or 3573
school shall notify the department of the number of students who 3574
choose to qualify for graduation under division (D) of this 3575
section and the number of students who complete the student's 3576
success plan and graduate from high school. 3577

(3) The student and the student's parent, guardian, or 3578
custodian and a representative of the student's high school 3579
jointly develop a student success plan for the student in the 3580
manner described in division (C)(1) of section 3313.6020 of the 3581
Revised Code that specifies the student matriculating to a two- 3582
year degree program, acquiring a business and industry- 3583
recognized credential, or entering an apprenticeship. 3584

(4) The student's high school provides counseling and 3585
support for the student related to the plan developed under 3586
division (D)(3) of this section during the remainder of the 3587
student's high school experience. 3588

(5) (a) Except as provided in division (D)(5)(b) of this 3589
section, the student successfully completes, at a minimum, the 3590

curriculum prescribed in division (B) of this section. 3591

(b) Beginning with students who enter ninth grade for the 3592
first time on or after July 1, 2014, a student shall be required 3593
to complete successfully, at the minimum, the curriculum 3594
prescribed in division (B) of this section, except as follows: 3595

(i) Mathematics, four units, one unit which shall be one 3596
of the following: 3597

(I) Probability and statistics; 3598

(II) Computer programming; 3599

(III) Applied mathematics or quantitative reasoning; 3600

(IV) Any other course approved by the department using 3601
standards established by the superintendent not later than 3602
October 1, 2014. 3603

(ii) Elective units, five units; 3604

(iii) Science, three units as prescribed by division (B) 3605
of this section which shall include inquiry-based laboratory 3606
experience that engages students in asking valid scientific 3607
questions and gathering and analyzing information. 3608

The department, in collaboration with the chancellor, 3609
shall analyze student performance data to determine if there are 3610
mitigating factors that warrant extending the exception 3611
permitted by division (D) of this section to high school classes 3612
beyond those entering ninth grade before July 1, 2016. The 3613
department shall submit its findings and any recommendations not 3614
later than December 1, 2015, to the speaker and minority leader 3615
of the house of representatives, the president and minority 3616
leader of the senate, the chairpersons and ranking minority 3617
members of the standing committees of the house of 3618

representatives and the senate that consider education 3619
legislation, the state board of education, and the 3620
superintendent of public instruction. 3621

(E) Each school district and chartered nonpublic school 3622
retains the authority to require an even more challenging 3623
minimum curriculum for high school graduation than specified in 3624
division (B) or (C) of this section. A school district board of 3625
education, through the adoption of a resolution, or the 3626
governing authority of a chartered nonpublic school may 3627
stipulate any of the following: 3628

(1) A minimum high school curriculum that requires more 3629
than twenty units of academic credit to graduate; 3630

(2) An exception to the district's or school's minimum 3631
high school curriculum that is comparable to the exception 3632
provided in division (D) of this section but with additional 3633
requirements, which may include a requirement that the student 3634
successfully complete more than the minimum curriculum 3635
prescribed in division (B) of this section; 3636

(3) That no exception comparable to that provided in 3637
division (D) of this section is available. 3638

(F) A student enrolled in a dropout prevention and 3639
recovery program, which program has received a waiver from the 3640
department, may qualify for graduation from high school by 3641
successfully completing a competency-based instructional program 3642
administered by the dropout prevention and recovery program in 3643
lieu of completing the requirements for graduation prescribed in 3644
division (C) of this section. The department shall grant a 3645
waiver to a dropout prevention and recovery program, within 3646
sixty days after the program applies for the waiver, if the 3647

program meets all of the following conditions: 3648

(1) The program serves only students not younger than 3649
sixteen years of age and not older than twenty-one years of age. 3650

(2) The program enrolls students who, at the time of their 3651
initial enrollment, either, or both, are at least one grade 3652
level behind their cohort age groups or experience crises that 3653
significantly interfere with their academic progress such that 3654
they are prevented from continuing their traditional programs. 3655

(3) The program requires students to attain at least the 3656
applicable score designated for each of the assessments 3657
prescribed under division (B) (1) of section 3301.0710 of the 3658
Revised Code or, to the extent prescribed by rule of the state 3659
board under division ~~(D) (5)~~ (C) (4) of section 3301.0712 of the 3660
Revised Code, division (B) ~~(2)~~ of that section. 3661

(4) The program develops a student success plan for the 3662
student in the manner described in division (C) (1) of section 3663
3313.6020 of the Revised Code that specifies the student's 3664
matriculating to a two-year degree program, acquiring a business 3665
and industry-recognized credential, or entering an 3666
apprenticeship. 3667

(5) The program provides counseling and support for the 3668
student related to the plan developed under division (F) (4) of 3669
this section during the remainder of the student's high school 3670
experience. 3671

(6) The program requires the student and the student's 3672
parent, guardian, or custodian to sign and file, in accordance 3673
with procedural requirements stipulated by the program, a 3674
written statement asserting the parent's, guardian's, or 3675
custodian's consent to the student's graduating without 3676

completing the requirements for graduation prescribed in 3677
division (C) of this section and acknowledging that one 3678
consequence of not completing those requirements is 3679
ineligibility to enroll in most state universities in Ohio 3680
without further coursework. 3681

(7) Prior to receiving the waiver, the program has 3682
submitted to the department an instructional plan that 3683
demonstrates how the academic content standards adopted by the 3684
state board under section 3301.079 of the Revised Code will be 3685
taught and assessed. 3686

(8) Prior to receiving the waiver, the program has 3687
submitted to the department a policy on career advising that 3688
satisfies the requirements of section 3313.6020 of the Revised 3689
Code, with an emphasis on how every student will receive career 3690
advising. 3691

(9) Prior to receiving the waiver, the program has 3692
submitted to the department a written agreement outlining the 3693
future cooperation between the program and any combination of 3694
local job training, postsecondary education, nonprofit, and 3695
health and social service organizations to provide services for 3696
students in the program and their families. 3697

Divisions (F) (8) and (9) of this section apply only to 3698
waivers granted on or after July 1, 2015. 3699

If the department does not act either to grant the waiver 3700
or to reject the program application for the waiver within sixty 3701
days as required under this section, the waiver shall be 3702
considered to be granted. 3703

(G) Every high school may permit students below the ninth 3704
grade to take advanced work. If a high school so permits, it 3705

shall award high school credit for successful completion of the 3706
advanced work and shall count such advanced work toward the 3707
graduation requirements of division (B) or (C) of this section 3708
if the advanced work was both: 3709

(1) Taught by a person who possesses a license or 3710
certificate issued under section 3301.071, 3319.22, or 3319.222 3711
of the Revised Code that is valid for teaching high school; 3712

(2) Designated by the board of education of the city, 3713
local, or exempted village school district, the board of the 3714
cooperative education school district, or the governing 3715
authority of the chartered nonpublic school as meeting the high 3716
school curriculum requirements. 3717

Each high school shall record on the student's high school 3718
transcript all high school credit awarded under division (G) of 3719
this section. In addition, if the student completed a seventh- 3720
or eighth-grade fine arts course described in division (K) of 3721
this section and the course qualified for high school credit 3722
under that division, the high school shall record that course on 3723
the student's high school transcript. 3724

(H) The department shall make its individual academic 3725
career plan available through its Ohio career information system 3726
web site for districts and schools to use as a tool for 3727
communicating with and providing guidance to students and 3728
families in selecting high school courses. 3729

(I) Units earned in English language arts, mathematics, 3730
science, and social studies that are delivered through 3731
integrated academic and career-technical instruction are 3732
eligible to meet the graduation requirements of division (B) or 3733
(C) of this section. 3734

(J) (1) The state board, in consultation with the 3735
chancellor, shall adopt a statewide plan implementing methods 3736
for students to earn units of high school credit based on a 3737
demonstration of subject area competency, instead of or in 3738
combination with completing hours of classroom instruction. The 3739
state board shall adopt the plan not later than March 31, 2009, 3740
and commence phasing in the plan during the 2009-2010 school 3741
year. The plan shall include a standard method for recording 3742
demonstrated proficiency on high school transcripts. Each school 3743
district and community school shall comply with the state 3744
board's plan adopted under this division and award units of high 3745
school credit in accordance with the plan. The state board may 3746
adopt existing methods for earning high school credit based on a 3747
demonstration of subject area competency as necessary prior to 3748
the 2009-2010 school year. 3749

(2) Not later than December 31, 2015, the state board 3750
shall update the statewide plan adopted pursuant to division (J) 3751
(1) of this section to also include methods for students 3752
enrolled in seventh and eighth grade to meet curriculum 3753
requirements based on a demonstration of subject area 3754
competency, instead of or in combination with completing hours 3755
of classroom instruction. Beginning with the 2017-2018 school 3756
year, each school district and community school also shall 3757
comply with the updated plan adopted pursuant to this division 3758
and permit students enrolled in seventh and eighth grade to meet 3759
curriculum requirements based on subject area competency in 3760
accordance with the plan. 3761

(K) This division does not apply to students who qualify 3762
for graduation from high school under division (D) or (F) of 3763
this section, or to students pursuing a career-technical 3764
instructional track as determined by the school district board 3765

of education or the chartered nonpublic school's governing 3766
authority. Nevertheless, the general assembly encourages such 3767
students to consider enrolling in a fine arts course as an 3768
elective. 3769

Beginning with students who enter ninth grade for the 3770
first time on or after July 1, 2010, each student enrolled in a 3771
public or chartered nonpublic high school shall complete two 3772
semesters or the equivalent of fine arts to graduate from high 3773
school. The coursework may be completed in any of grades seven 3774
to twelve. Each student who completes a fine arts course in 3775
grade seven or eight may elect to count that course toward the 3776
five units of electives required for graduation under division 3777
(C) (8) of this section, if the course satisfied the requirements 3778
of division (G) of this section. In that case, the high school 3779
shall award the student high school credit for the course and 3780
count the course toward the five units required under division 3781
(C) (8) of this section. If the course in grade seven or eight 3782
did not satisfy the requirements of division (G) of this 3783
section, the high school shall not award the student high school 3784
credit for the course but shall count the course toward the two 3785
semesters or the equivalent of fine arts required by this 3786
division. 3787

(L) Notwithstanding anything to the contrary in this 3788
section, the board of education of each school district and the 3789
governing authority of each chartered nonpublic school may adopt 3790
a policy to excuse from the high school physical education 3791
requirement each student who, during high school, has 3792
participated in interscholastic athletics, marching band, or 3793
cheerleading for at least two full seasons or in the junior 3794
reserve officer training corps for at least two full school 3795
years. If the board or authority adopts such a policy, the board 3796

or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B) (6) and (C) (6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M) (1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B) (6) and (C) (6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly

establish the historical background leading to the establishment 3826
of the provisions of the Constitution and Bill of Rights. 3827

Sec. 3313.608. (A) (1) Beginning with students who enter 3828
third grade in the school year that starts July 1, 2009, and 3829
until June 30, 2013, unless the student is excused under 3830
division (C) of section 3301.0711 of the Revised Code from 3831
taking the assessment described in this section, for any student 3832
who does not attain at least the equivalent level of achievement 3833
designated under division (A) (3) of section 3301.0710 of the 3834
Revised Code on the assessment prescribed under that section to 3835
measure skill in English language arts expected at the end of 3836
third grade, each school district, in accordance with the policy 3837
adopted under section 3313.609 of the Revised Code, shall do one 3838
of the following: 3839

(a) Promote the student to fourth grade if the student's 3840
principal and reading teacher agree that other evaluations of 3841
the student's skill in reading demonstrate that the student is 3842
academically prepared to be promoted to fourth grade; 3843

(b) Promote the student to fourth grade but provide the 3844
student with intensive intervention services in fourth grade; 3845

(c) Retain the student in third grade. 3846

(2) Beginning with students who enter third grade in the 3847
2013-2014 school year, unless the student is excused under 3848
division (C) of section 3301.0711 of the Revised Code from 3849
taking the assessment described in this section, no school 3850
district shall promote to fourth grade any student who does not 3851
attain a percentile score in at least the ~~equivalent level of~~ 3852
~~achievement designated under division (A) (3) of section~~ 3853
~~3301.0710 of the Revised Code~~ twentieth percentile on the 3854

assessment prescribed under ~~that~~ section 3301.0710 of the 3855
Revised Code to measure skill in English language arts expected 3856
at the end of third grade, unless one of the following applies: 3857

(a) The student is a limited English proficient student 3858
who has been enrolled in United States schools for less than 3859
three full school years and has had less than three years of 3860
instruction in an English as a second language program. 3861

(b) The student is a child with a disability entitled to 3862
special education and related services under Chapter 3323. of 3863
the Revised Code and the student's individualized education 3864
program exempts the student from retention under this division. 3865

(c) The student demonstrates an acceptable level of 3866
performance on an alternative standardized reading assessment as 3867
determined by the department of education. 3868

(d) All of the following apply: 3869

(i) The student is a child with a disability entitled to 3870
special education and related services under Chapter 3323. of 3871
the Revised Code. 3872

(ii) The student has taken the third grade English 3873
language arts achievement assessment prescribed under section 3874
3301.0710 of the Revised Code. 3875

(iii) The student's individualized education program or 3876
plan under section 504 of the "Rehabilitation Act of 1973," 87 3877
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 3878
received intensive remediation in reading for two school years 3879
but still demonstrates a deficiency in reading. 3880

(iv) The student previously was retained in any of grades 3881
kindergarten to three. 3882

(e) (i) The student received intensive remediation for 3883
reading for two school years but still demonstrates a deficiency 3884
in reading and was previously retained in any of grades 3885
kindergarten to three. 3886

(ii) A student who is promoted under division (A) (2) (e) (i) 3887
of this section shall continue to receive intensive reading 3888
instruction in grade four. The instruction shall include an 3889
altered instructional day that includes specialized diagnostic 3890
information and specific research-based reading strategies for 3891
the student that have been successful in improving reading among 3892
low-performing readers. 3893

The parent or guardian of a student who receives a score 3894
specified under division (A) (2) (d) of section 3301.0710 of the 3895
Revised Code on the assessment described in division (A) (2) of 3896
this section may choose to have the student retained and receive 3897
services prescribed by this section. 3898

(B) (1) Beginning in the 2012-2013 school year, to assist 3899
students in meeting the third grade guarantee established by 3900
this section, each school district board of education shall 3901
adopt policies and procedures with which it annually shall 3902
assess the reading skills of each student, except those students 3903
with significant cognitive disabilities or other disabilities as 3904
authorized by the department on a case-by-case basis, enrolled 3905
in kindergarten to third grade and shall identify students who 3906
are reading below their grade level. The reading skills 3907
assessment shall be completed by the thirtieth day of September 3908
for students in grades one to three, and by the first day of 3909
November for students in kindergarten. Each district shall use 3910
the diagnostic assessment to measure reading ability for the 3911
appropriate grade level adopted under section 3301.079 of the 3912

Revised Code, or a comparable tool approved by the department of 3913
education, to identify such students. The policies and 3914
procedures shall require the students' classroom teachers to be 3915
involved in the assessment and the identification of students 3916
reading below grade level. The assessment may be administered 3917
electronically using live, two-way video and audio connections 3918
whereby the teacher administering the assessment may be in a 3919
separate location from the student. 3920

(2) For each student identified by the diagnostic 3921
assessment prescribed under this section as having reading 3922
skills below grade level, the district shall do both of the 3923
following: 3924

(a) Provide to the student's parent or guardian, in 3925
writing, all of the following: 3926

(i) Notification that the student has been identified as 3927
having a substantial deficiency in reading; 3928

(ii) A description of the current services that are 3929
provided to the student; 3930

(iii) A description of the proposed supplemental 3931
instructional services and supports that will be provided to the 3932
student that are designed to remediate the identified areas of 3933
reading deficiency; 3934

(iv) Notification that if the student attains a score in 3935
the range designated under division (A) (3) of section 3301.0710 3936
of the Revised Code on the assessment prescribed under that 3937
section to measure skill in English language arts expected at 3938
the end of third grade, the student shall be retained unless the 3939
student is exempt under division (A) of this section. The 3940
notification shall specify that the assessment under section 3941

3301.0710 of the Revised Code is not the sole determinant of 3942
promotion and that additional evaluations and assessments are 3943
available to the student to assist parents and the district in 3944
knowing when a student is reading at or above grade level and 3945
ready for promotion. 3946

(b) Provide intensive reading instruction services and 3947
regular diagnostic assessments to the student immediately 3948
following identification of a reading deficiency until the 3949
development of the reading improvement and monitoring plan 3950
required by division (C) of this section. These intervention 3951
services shall include research-based reading strategies that 3952
have been shown to be successful in improving reading among low- 3953
performing readers and instruction targeted at the student's 3954
identified reading deficiencies. 3955

(3) For each student retained under division (A) of this 3956
section, the district shall do all of the following: 3957

(a) Provide intense remediation services until the student 3958
is able to read at grade level. The remediation services shall 3959
include intensive interventions in reading that address the 3960
areas of deficiencies identified under this section including, 3961
but not limited to, not less than ninety minutes of reading 3962
instruction per day, and may include any of the following: 3963

(i) Small group instruction; 3964

(ii) Reduced teacher-student ratios; 3965

(iii) More frequent progress monitoring; 3966

(iv) Tutoring or mentoring; 3967

(v) Transition classes containing third and fourth grade 3968
students; 3969

(vi) Extended school day, week, or year;	3970
(vii) Summer reading camps.	3971
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	3972 3973 3974 3975
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	3976 3977 3978
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	3979 3980 3981 3982 3983 3984 3985 3986
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	3987 3988 3989 3990 3991
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	3992 3993 3994
(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or	3995 3996 3997 3998

comparable tool administered under division (B) (1) of this 3999
section. The district shall involve the student's parent or 4000
guardian and classroom teacher in developing the plan. The plan 4001
shall include all of the following: 4002

(1) Identification of the student's specific reading 4003
deficiencies; 4004

(2) A description of the additional instructional services 4005
and support that will be provided to the student to remediate 4006
the identified reading deficiencies; 4007

(3) Opportunities for the student's parent or guardian to 4008
be involved in the instructional services and support described 4009
in division (C) (2) of this section; 4010

(4) A process for monitoring the extent to which the 4011
student receives the instructional services and support 4012
described in division (C) (2) of this section; 4013

(5) A reading curriculum during regular school hours that 4014
does all of the following: 4015

(a) Assists students to read at grade level; 4016

(b) Provides scientifically based and reliable assessment; 4017

(c) Provides initial and ongoing analysis of each 4018
student's reading progress. 4019

(6) A statement that if the student does not attain at 4020
least the equivalent level of achievement designated under 4021
division (A) (3) of section 3301.0710 of the Revised Code on the 4022
assessment prescribed under that section to measure skill in 4023
English language arts expected by the end of third grade, the 4024
student may be retained in third grade. 4025

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate

monitoring results of the remediation services. 4055

(3) The parents of participating students are involved in 4056
programming decisions. 4057

(F) Any intervention or remediation services required by 4058
this section shall include intensive, explicit, and systematic 4059
instruction. 4060

(G) This section does not create a new cause of action or 4061
a substantive legal right for any person. 4062

(H) (1) Except as provided under divisions (H) (2), (3), and 4063
(4) of this section, each student described in division (B) (3) 4064
or (C) of this section who enters third grade for the first time 4065
on or after July 1, 2013, shall be assigned a teacher who has at 4066
least one year of teaching experience and who satisfies one or 4067
more of the following criteria: 4068

(a) The teacher holds a reading endorsement on the 4069
teacher's license and has attained a passing score on the 4070
corresponding assessment for that endorsement, as applicable. 4071

(b) The teacher has completed a master's degree program 4072
with a major in reading. 4073

(c) The teacher was rated "most effective" for reading 4074
instruction consecutively for the most recent two years based on 4075
assessments of student growth measures developed by a vendor and 4076
that is on the list of student assessments approved by the state 4077
board under division (B) (2) of former section 3319.112 of the 4078
Revised Code. 4079

(d) The teacher was rated "above expected value added," in 4080
reading instruction, as determined by criteria established by 4081
the department, for the most recent, consecutive two years. 4082

(e) The teacher has earned a passing score on a rigorous 4083
test of principles of scientifically research-based reading 4084
instruction as approved by the state board. 4085

(f) The teacher holds an educator license for teaching 4086
grades pre-kindergarten through three or four through nine 4087
issued on or after July 1, 2017. 4088

(2) Notwithstanding division (H) (1) of this section, a 4089
student described in division (B) (3) or (C) of this section who 4090
enters third grade for the first time on or after July 1, 2013, 4091
may be assigned to a teacher with less than one year of teaching 4092
experience provided that the teacher meets one or more of the 4093
criteria described in divisions (H) (1) (a) to (f) of this section 4094
and that teacher is assigned a teacher mentor who meets the 4095
qualifications of division (H) (1) of this section. 4096

(3) Notwithstanding division (H) (1) of this section, a 4097
student described in division (B) (3) or (C) of this section who 4098
enters third grade for the first time on or after July 1, 2013, 4099
but prior to July 1, 2016, may be assigned to a teacher who 4100
holds an alternative credential approved by the department or 4101
who has successfully completed training that is based on 4102
principles of scientifically research-based reading instruction 4103
that has been approved by the department. Beginning on July 1, 4104
2014, the alternative credentials and training described in 4105
division (H) (3) of this section shall be aligned with the 4106
reading competencies adopted by the state board of education 4107
under section 3301.077 of the Revised Code. 4108

(4) Notwithstanding division (H) (1) of this section, a 4109
student described in division (B) (3) or (C) of this section who 4110
enters third grade for the first time on or after July 1, 2013, 4111
may receive reading intervention or remediation services under 4112

this section from an individual employed as a speech-language pathologist who holds a license issued by the board of speech-language pathology and audiology under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division

(H) of this section for the 2013-2014 school year, the school 4143
district or community school shall develop and submit a staffing 4144
plan by June 30, 2013. The staffing plan shall include criteria 4145
that will be used to assign a student described in division (B) 4146
(3) or (C) of this section to a teacher, credentials or training 4147
held by teachers currently teaching at the school, and how the 4148
school district or community school will meet the requirements 4149
of this section. The school district or community school shall 4150
post the staffing plan on its web site for the applicable school 4151
year. 4152

Not later than March 1, 2014, and on the first day of 4153
March in each year thereafter, a school district or community 4154
school that has submitted a plan under this division shall 4155
submit to the department a detailed report of the progress the 4156
district or school has made in meeting the requirements under 4157
this section. 4158

A school district or community school may request an 4159
extension of a staffing plan beyond the 2013-2014 school year. 4160
Extension requests must be submitted to the department not later 4161
than the thirtieth day of April prior to the start of the 4162
applicable school year. The department may grant extensions 4163
valid through the 2015-2016 school year. 4164

Until June 30, 2015, the department annually shall review 4165
all staffing plans and report to the state board not later than 4166
the thirtieth day of June of each year the progress of school 4167
districts and community schools in meeting the requirements of 4168
this section. 4169

(K) The department of education shall designate one or 4170
more staff members to provide guidance and assistance to school 4171
districts and community schools in implementing the third grade 4172

guarantee established by this section, including any standards 4173
or requirements adopted to implement the guarantee and to 4174
provide information and support for reading instruction and 4175
achievement. 4176

Sec. 3313.6017. Nothing in ~~this act~~ Am. Sub. S.B. 165 of 4177
the 129th general assembly shall be construed to limit the 4178
ability of a school district or public or nonpublic school to 4179
offer academic content based on the standards adopted under 4180
division (A) (1) ~~(b)~~ of section 3301.079 of the Revised Code and 4181
the academic content required under division (M) of section 4182
3313.603 of the Revised Code through summer school, online, or 4183
any other method of education offered by the district or school. 4184

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 4185
year, the board of education of each city, local, exempted 4186
village, and joint vocational school district shall adopt a 4187
policy on career advising that complies with this section. 4188
Thereafter, the policy shall be updated at least once every two 4189
years. 4190

(2) The board shall make the policy publicly available to 4191
students, parents, guardians, or custodians, local post- 4192
secondary institutions, and residents of the district. The 4193
district shall post the policy in a prominent location on its 4194
web site, if it has one. 4195

(B) The policy on career advising shall specify how the 4196
district will do all of the following: 4197

(1) Provide students with grade-level examples that link 4198
their schoolwork to one or more career fields. ~~A district may~~ 4199
~~use career connections developed under division (B) (2) of~~ 4200
~~section 3301.079 of the Revised Code for this purpose.~~ 4201

(2) Create a plan to provide career advising to students	4202
in grades six through twelve;	4203
(3) Beginning in the 2015-2016 school year, provide	4204
additional interventions and career advising for students who	4205
are identified as at risk of dropping out of school in	4206
accordance with division (C) of this section;	4207
(4) Train its employees on how to advise students on	4208
career pathways, including training on advising students using	4209
online tools;	4210
(5) Develop multiple, clear academic pathways through high	4211
school that students may choose in order to earn a high school	4212
diploma;	4213
(6) Identify and publicize courses that can award students	4214
both traditional academic and career-technical credit;	4215
(7) Document the career advising provided to each student	4216
for review by the student, the student's parent, guardian, or	4217
custodian, and future schools that the student may attend. A	4218
district shall not otherwise release this information without	4219
the written consent of the student's parent, guardian, or	4220
custodian, if the student is less than eighteen years old, or	4221
the written consent of the student, if the student is at least	4222
eighteen years old.	4223
(8) Prepare students for their transition from high school	4224
to their post-secondary destinations, including any special	4225
interventions that are necessary for students in need of	4226
remediation in mathematics or English language arts.	4227
(C) (1) Beginning in the 2015-2016 school year, each	4228
district shall identify students who are at risk of dropping out	4229
of school using a method that is both research-based and	4230

locally-based and that is developed with input from the 4231
district's classroom teachers and guidance counselors. If a 4232
student is identified as at risk of dropping out of school, the 4233
district shall develop a student success plan that addresses the 4234
student's academic pathway to a successful graduation and the 4235
role of career-technical education, competency-based education, 4236
and experiential learning, as appropriate, in that pathway. 4237

(2) Prior to developing a student success plan for a 4238
student, the district shall invite the student's parent, 4239
guardian, or custodian to assist in developing the plan. Once 4240
the plan is developed, the district shall provide the student's 4241
parent, guardian, or custodian with a copy of the plan. If the 4242
student's parent, guardian, or custodian does not participate in 4243
the development of the plan, the district shall provide to the 4244
parent, guardian, or custodian a copy of the student's success 4245
plan and a statement of the importance of a high school diploma 4246
and the academic pathways available to the student in order to 4247
successfully graduate. The district shall permit a student to 4248
change the career pathway specified in the plan at the student's 4249
request. 4250

(3) Following the development of a student success plan 4251
for a student, the district shall provide career advising to the 4252
student that is aligned with the plan and, beginning in the 4253
2015-2016 school year, the district's plan to provide career 4254
advising created under division (B) (2) of this section. 4255

(D) (1) Not later than December 1, 2014, the department of 4256
education shall develop and post on its web site model policies 4257
on career advising and model student success plans. 4258

(2) Not later than July 1, 2015, the department shall 4259
create an online clearinghouse of research related to proven 4260

practices for policies on career advising and student success 4261
plans that districts may access when fulfilling the requirements 4262
of this section. 4263

Sec. 3313.61. (A) A diploma shall be granted by the board 4264
of education of any city, exempted village, or local school 4265
district that operates a high school to any person to whom all 4266
of the following apply: 4267

(1) The person has successfully completed the curriculum 4268
in any high school or the individualized education program 4269
developed for the person by any high school pursuant to section 4270
3323.08 of the Revised Code, or has qualified under division (D) 4271
or (F) of section 3313.603 of the Revised Code, provided that no 4272
school district shall require a student to remain in school for 4273
any specific number of semesters or other terms if the student 4274
completes the required curriculum early; 4275

(2) Subject to section 3313.614 of the Revised Code, the 4276
person has met the assessment requirements of division (A) (2) (a) 4277
or (b) of this section, as applicable. 4278

(a) If the person entered the ninth grade prior to July 1, 4279
2014, the person either: 4280

(i) Has attained at least the applicable scores designated 4281
under division (B) (1) of section 3301.0710 of the Revised Code 4282
on all the assessments required by that division unless the 4283
person was excused from taking any such assessment pursuant to 4284
section 3313.532 of the Revised Code or unless division (H) or 4285
(L) of this section applies to the person; 4286

(ii) Has satisfied the alternative conditions prescribed 4287
in section 3313.615 of the Revised Code. 4288

(b) If the person entered the ninth grade on or after July 4289

1, 2014, the person has met the requirement prescribed by 4290
section 3313.618 of the Revised Code, except to the extent that 4291
the person is excused from an assessment prescribed by that 4292
section pursuant to section 3313.532 of the Revised Code or 4293
division (H) or (L) of this section. 4294

(3) The person is not eligible to receive an honors 4295
diploma granted pursuant to division (B) of this section. 4296

Except as provided in divisions (C), (E), (J), and (L) of 4297
this section, no diploma shall be granted under this division to 4298
anyone except as provided under this division. 4299

(B) In lieu of a diploma granted under division (A) of 4300
this section, an honors diploma shall be granted, in accordance 4301
with rules of the state board, by any such district board to 4302
anyone who accomplishes all of the following: 4303

(1) Successfully completes the curriculum in any high 4304
school or the individualized education program developed for the 4305
person by any high school pursuant to section 3323.08 of the 4306
Revised Code; 4307

(2) Subject to section 3313.614 of the Revised Code, has 4308
met the assessment requirements of division (B) (2) (a) or (b) of 4309
this section, as applicable. 4310

(a) If the person entered the ninth grade prior to July 1, 4311
2014, the person either: 4312

(i) Has attained at least the applicable scores designated 4313
under division (B) (1) of section 3301.0710 of the Revised Code 4314
on all the assessments required by that division; 4315

(ii) Has satisfied the alternative conditions prescribed 4316
in section 3313.615 of the Revised Code. 4317

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to

any person requesting to take such assessment pursuant to 4348
division (B) (8) (b) of section 3301.0711 of the Revised Code 4349
shall award a diploma to such person if the person attains at 4350
least the applicable scores designated under division (B) (1) of 4351
section 3301.0710 of the Revised Code on all the assessments 4352
administered and if the person has previously attained the 4353
applicable scores on all the other assessments required by 4354
division (B) (1) of that section or has been exempted or excused 4355
from attaining the applicable score on any such assessment 4356
pursuant to division (H) or (L) of this section or from taking 4357
any such assessment pursuant to section 3313.532 of the Revised 4358
Code. 4359

(D) Each diploma awarded under this section shall be 4360
signed by the president and treasurer of the issuing board, the 4361
superintendent of schools, and the principal of the high school. 4362
Each diploma shall bear the date of its issue, be in such form 4363
as the district board prescribes, and be paid for out of the 4364
district's general fund. 4365

(E) A person who is a resident of Ohio and is eligible 4366
under state board of education minimum standards to receive a 4367
high school diploma based in whole or in part on credits earned 4368
while an inmate of a correctional institution operated by the 4369
state or any political subdivision thereof, shall be granted 4370
such diploma by the correctional institution operating the 4371
programs in which such credits were earned, and by the board of 4372
education of the school district in which the inmate resided 4373
immediately prior to the inmate's placement in the institution. 4374
The diploma granted by the correctional institution shall be 4375
signed by the director of the institution, and by the person 4376
serving as principal of the institution's high school and shall 4377
bear the date of issue. 4378

(F) Persons who are not residents of Ohio but who are 4379
inmates of correctional institutions operated by the state or 4380
any political subdivision thereof, and who are eligible under 4381
state board of education minimum standards to receive a high 4382
school diploma based in whole or in part on credits earned while 4383
an inmate of the correctional institution, shall be granted a 4384
diploma by the correctional institution offering the program in 4385
which the credits were earned. The diploma granted by the 4386
correctional institution shall be signed by the director of the 4387
institution and by the person serving as principal of the 4388
institution's high school and shall bear the date of issue. 4389

(G) The state board of education shall provide by rule for 4390
the administration of the assessments required by sections 4391
3301.0710 and 3301.0712 of the Revised Code to inmates of 4392
correctional institutions. 4393

(H) Any person to whom all of the following apply shall be 4394
exempted from attaining the applicable score on the assessment 4395
in social studies designated under division (B)(1) of section 4396
3301.0710 of the Revised Code, ~~any American history end-of-~~ 4397
~~course examination and any American government end-of-course-~~ 4398
~~examination required under division (B) of section 3301.0712 of-~~ 4399
~~the Revised Code if such an exemption is prescribed by rule of-~~ 4400
~~the state board under division (D) (3) of section 3301.0712 of-~~ 4401
~~the Revised Code,~~ or the test in citizenship designated under 4402
former division (B) of section 3301.0710 of the Revised Code as 4403
it existed prior to September 11, 2001: 4404

(1) The person is not a citizen of the United States; 4405

(2) The person is not a permanent resident of the United 4406
States; 4407

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) Any student described by division (A) (1) of this 4438
section may be awarded a diploma without meeting the requirement 4439
prescribed by section 3313.618 of the Revised Code provided an 4440
individualized education program specifically exempts the 4441
student from meeting such requirement. This division does not 4442
negate the requirement for a student to take the assessments 4443
prescribed by section 3301.0710 or under division (B) of section 4444
3301.0712 of the Revised Code, or alternate assessments required 4445
by division (C) (1) of section 3301.0711 of the Revised Code, for 4446
the purpose of assessing student progress as required by federal 4447
law. 4448

Sec. 3313.612. (A) No nonpublic school chartered by the 4449
state board of education shall grant a high school diploma to 4450
any person unless, subject to section 3313.614 of the Revised 4451
Code, the person has met the assessment requirements of division 4452
(A) (1) or (2) of this section, as applicable. 4453

(1) If the person entered the ninth grade prior to July 1, 4454
2014, the person has attained at least the applicable scores 4455
designated under division (B) (1) of section 3301.0710 of the 4456
Revised Code on all the assessments required by that division, 4457
or has satisfied the alternative conditions prescribed in 4458
section 3313.615 of the Revised Code. 4459

(2) If the person entered the ninth grade on or after July 4460
1, 2014, the person has met the requirement prescribed by 4461
section 3313.618 or 3313.619 of the Revised Code. 4462

(B) This section does not apply to any of the following: 4463

(1) Any person with regard to any assessment from which 4464
the person was excused pursuant to division (C) (1) (c) of section 4465
3301.0711 of the Revised Code; 4466

(2) Any person who attends a nonpublic school accredited 4467
through the independent schools association of the central 4468
states, except for a student attending the school under a state 4469
scholarship program as defined in section 3301.0711 of the 4470
Revised Code. 4471

(3) Any person with regard to the social studies 4472
assessment under division (B) (1) of section 3301.0710 of the 4473
Revised Code, ~~any American history end of course examination and~~ 4474
~~any American government end of course examination required under~~ 4475
~~division (B) of section 3301.0712 of the Revised Code if such an~~ 4476
~~exemption is prescribed by rule of the state board of education~~ 4477
~~under division (D) (3) of section 3301.0712 of the Revised Code,~~ 4478
or the citizenship test under former division (B) of section 4479
3301.0710 of the Revised Code as it existed prior to September 4480
11, 2001, if all of the following apply: 4481

(a) The person is not a citizen of the United States; 4482

(b) The person is not a permanent resident of the United 4483
States; 4484

(c) The person indicates no intention to reside in the 4485
United States after completion of high school. 4486

(C) As used in this division, "limited English proficient 4487
student" has the same meaning as in division (C) (3) of section 4488
3301.0711 of the Revised Code. 4489

Notwithstanding division (C) (3) of section 3301.0711 of 4490
the Revised Code, no limited English proficient student who has 4491
not either attained the applicable scores designated under 4492
division (B) (1) of section 3301.0710 of the Revised Code on all 4493
the assessments required by that division, or met the 4494
requirement prescribed by section 3313.618 or 3313.619 of the 4495

Revised Code, shall be awarded a diploma under this section. 4496

(D) The state board shall not impose additional 4497
requirements or assessments for the granting of a high school 4498
diploma under this section that are not prescribed by this 4499
section. 4500

(E) The department of education shall furnish the 4501
assessment administered by a nonpublic school pursuant to 4502
division (B) ~~(1)~~ of section 3301.0712 of the Revised Code, except 4503
that it shall not expend more funds on a specific assessment for 4504
a chartered nonpublic school than it expends on the same 4505
assessment for a school operated by a school district, community 4506
school established under Chapter 3314. of the Revised Code, STEM 4507
school established under Chapter 3326. of the Revised Code, or 4508
college-preparatory boarding school established under Chapter 4509
3328. of the Revised Code. 4510

Sec. 3313.618. (A) In addition to the applicable 4511
curriculum requirements, each student entering ninth grade for 4512
the first time on or after July 1, 2014, shall satisfy at least 4513
one of the following conditions in order to qualify for a high 4514
school diploma: 4515

(1) Be remediation-free, in accordance with standards 4516
adopted under division (F) of section 3345.061 of the Revised 4517
Code, on each of the nationally standardized assessments in 4518
English, mathematics, and reading; 4519

(2) ~~Attain a score specified under division (B) (5) (c) of~~ 4520
~~section 3301.0712 of the Revised Code by the state board of~~ 4521
education on the end-of-course examinations assessments 4522
prescribed under division (B) of section 3301.0712 of the 4523
Revised Code.; 4524

(3) Attain a score that demonstrates workforce readiness 4525
and employability on a nationally recognized job skills 4526
assessment selected by the state board of education under 4527
division ~~(C)~~ (F) of section 3301.0712 of the Revised Code and 4528
obtain either an industry-recognized credential, as described 4529
under division (B) (2) (d) of section 3302.03 of the Revised Code, 4530
or a license issued by a state agency or board for practice in a 4531
vocation that requires an examination for issuance of that 4532
license. 4533

The state board shall approve the industry-recognized 4534
credentials and licenses that may qualify a student for a high 4535
school diploma under division (A) (3) of this section. 4536

A student may choose to qualify for a high school diploma 4537
by satisfying any of the separate requirements prescribed by 4538
divisions (A) (1) to (3) of this section. If the student's school 4539
district or school does not administer the examination 4540
prescribed by one of those divisions that the student chooses to 4541
take to satisfy the requirements of this section, the school 4542
district or school may require that student to arrange for the 4543
applicable scores to be sent directly to the district or school 4544
by the company or organization that administers the examination. 4545

(B) The state board of education shall not create or 4546
require any additional assessment for the granting of any type 4547
of high school diploma other than as prescribed by this section. 4548
Except as provided in section 3313.6111 of the Revised Code, the 4549
state board shall not create any endorsement or designation that 4550
may be affiliated with a high school diploma. 4551

Sec. 3314.016. This section applies to any entity that 4552
sponsors a community school, regardless of whether section 4553
3314.021 or 3314.027 of the Revised Code exempts the entity from 4554

the requirement to be approved for sponsorship under divisions 4555
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 4556
office of Ohio school sponsorship established under section 4557
3314.029 of the Revised Code shall be rated under division (B) 4558
of this section, but divisions (A) and (C) of this section do 4559
not apply to the office. 4560

(A) An entity that sponsors a community school shall be 4561
permitted to enter into contracts under section 3314.03 of the 4562
Revised Code to sponsor additional community schools only if the 4563
entity meets all of the following criteria: 4564

(1) The entity is in compliance with all provisions of 4565
this chapter requiring sponsors of community schools to report 4566
data or information to the department of education. 4567

(2) The entity is not rated as "ineffective" under 4568
division (B) (6) of this section. 4569

(3) Except as set forth in sections 3314.021 and 3314.027 4570
of the Revised Code, the entity has received approval from and 4571
entered into an agreement with the department of education 4572
pursuant to section 3314.015 of the Revised Code. 4573

(B) (1) Beginning with the 2015-2016 school year, the 4574
department shall develop and implement an evaluation system that 4575
annually rates and assigns an overall rating to each entity that 4576
sponsors a community school based on the following components: 4577

(a) Academic performance of students enrolled in community 4578
schools sponsored by the same entity. The academic performance 4579
component shall be derived from the performance measures 4580
prescribed for the state report cards under section 3302.03 or 4581
3314.017 of the Revised Code, and shall be based on the 4582
performance of the schools for the school year for which the 4583

evaluation is conducted. In addition to the academic performance 4584
for a specific school year, the academic performance component 4585
shall also include year-to-year changes in the overall sponsor 4586
portfolio. For a community school for which no graded 4587
performance measures are applicable or available, the department 4588
shall use nonreport card performance measures specified in the 4589
contract between the community school and the sponsor under 4590
division (A) (4) of section 3314.03 of the Revised Code. 4591

(b) Adherence by a sponsor to the quality practices 4592
prescribed by the department under division (B) (3) of this 4593
section. For a sponsor that was rated "effective" or "exemplary" 4594
on its most recent rating, the department may evaluate that 4595
sponsor's adherence to quality practices once over a period of 4596
three years. If the department elects to evaluate a sponsor once 4597
over a period of three years, the most recent rating for a 4598
sponsor's adherence to quality practices shall be used when 4599
determining an annual overall rating conducted under this 4600
section. 4601

(c) Compliance with all applicable laws and administrative 4602
rules by an entity that sponsors a community school. 4603

(2) In calculating an academic performance component, the 4604
department shall exclude all community schools that have been in 4605
operation for not more than two full school years and all 4606
community schools described in division (A) (4) (b) of section 4607
3314.35 of the Revised Code. However, the academic performance 4608
of the community schools described in division (A) (4) (b) of 4609
section 3314.35 of the Revised Code shall be reported, but shall 4610
not be used as a factor when determining a sponsoring entity's 4611
rating under this section. 4612

(3) The department, in consultation with entities that 4613

sponsor community schools, shall prescribe quality practices for 4614
community school sponsors and develop an instrument to measure 4615
adherence to those quality practices. The quality practices 4616
shall be based on standards developed by the national 4617
association of charter school authorizers or any other 4618
nationally organized community school organization. 4619

(4) (a) The department may permit peer review of a 4620
sponsor's adherence to the quality practices prescribed under 4621
division (B) (3) of this section. Peer reviewers shall be limited 4622
to individuals employed by sponsors rated "effective" or 4623
"exemplary" on the most recent ratings conducted under this 4624
section. 4625

(b) The department shall require individuals participating 4626
in peer review under division (B) (4) (a) of this section to 4627
complete training approved or established by the department. 4628

(c) The department may enter into an agreement with 4629
another entity to provide training to individuals conducting 4630
peer review of sponsors. Prior to entering into an agreement 4631
with an entity, the department shall review and approve of the 4632
entity's training program. 4633

(5) Not later than July 1, 2013, the state board of 4634
education shall adopt rules in accordance with Chapter 119. of 4635
the Revised Code prescribing standards for measuring compliance 4636
with applicable laws and rules under division (B) (1) (c) of this 4637
section. 4638

(6) The department annually shall rate all entities that 4639
sponsor community schools as either "exemplary," "effective," 4640
"ineffective," or "poor," based on the components prescribed by 4641
division (B) of this section, where each component is weighted 4642

equally. A separate rating shall be given by the department for 4643
each component of the evaluation system. 4644

The department shall publish the ratings between the first 4645
day of October and the fifteenth day of October. 4646

The department shall provide training on an annual basis 4647
regarding the evaluation system prescribed under this section. 4648
The training shall, at a minimum, describe methodology, 4649
timelines, and data required for the evaluation system. The 4650
first training session shall occur not later than ~~thirty days~~ 4651
~~after the effective date of this section~~ March 2, 2016. 4652

(7) (a) Entities with an overall rating of "exemplary" for 4653
at least two consecutive years may take advantage of the 4654
following incentives: 4655

(i) Renewal of the written agreement with the department, 4656
not to exceed ten years, provided that the entity consents to 4657
continued evaluation of adherence to quality practices as 4658
described in division (B) (1) (b) of this section; 4659

(ii) The ability to extend the term of the contract 4660
between the sponsoring entity and the community school beyond 4661
the term described in the written agreement with the department; 4662

(iii) An exemption from the preliminary agreement and 4663
contract adoption and execution deadline requirements prescribed 4664
in division (D) of section 3314.02 of the Revised Code; 4665

(iv) An exemption from the automatic contract expiration 4666
requirement, should a new community school fail to open by the 4667
thirtieth day of September of the calendar year in which the 4668
community school contract is executed; 4669

(v) No limit on the number of community schools the entity 4670

may sponsor; 4671

(vi) No territorial restrictions on sponsorship. 4672

An entity may continue to sponsor any community schools 4673
with which it entered into agreements under division (B) (7) (a) 4674
(v) or (vi) of this section while rated "exemplary," 4675
notwithstanding the fact that the entity later receives a lower 4676
overall rating. 4677

(b) ~~(i)~~ Beginning with the 2019-2020 school year: 4678

(i) Entities that receive an overall rating of 4679
"ineffective" shall be prohibited from sponsoring any new or 4680
additional community schools during the time in which the 4681
sponsor is rated as "ineffective" and shall be subject to a 4682
quality improvement plan based on correcting the deficiencies 4683
that led to the "ineffective" rating, with timelines and 4684
benchmarks that have been established by the department. 4685

(ii) Entities that receive an overall rating of 4686
"ineffective" on their three most recent ratings shall have all 4687
sponsorship authority revoked. Within thirty days after 4688
receiving its third rating of "ineffective," the entity may 4689
appeal the revocation of its sponsorship authority to the 4690
superintendent of public instruction, who shall appoint an 4691
independent hearing officer to conduct a hearing in accordance 4692
with Chapter 119. of the Revised Code. The hearing shall be 4693
conducted within thirty days after receipt of the notice of 4694
appeal. Within forty-five days after the hearing is completed, 4695
the state board of education shall determine whether the 4696
revocation is appropriate based on the hearing conducted by the 4697
independent hearing officer, and if determined appropriate, the 4698
revocation shall be confirmed. 4699

(c) Entities—Beginning with the 2019-2020 school year, 4700
entities that receive an overall rating of "poor" shall have all 4701
sponsorship authority revoked. Within thirty days after 4702
receiving a rating of "poor," the entity may appeal the 4703
revocation of its sponsorship authority to the superintendent of 4704
public instruction, who shall appoint an independent hearing 4705
officer to conduct a hearing in accordance with Chapter 119. of 4706
the Revised Code. The hearing shall be conducted within thirty 4707
days after receipt of the notice of appeal. Within forty-five 4708
days after the hearing is completed, the state board of 4709
education shall determine whether the revocation is appropriate 4710
based on the hearing conducted by the independent hearing 4711
officer, and if determined appropriate, the revocation shall be 4712
confirmed. 4713

(8) For the 2014-2015 school year and each school year 4714
thereafter, student academic performance prescribed under 4715
division (B)(1)(a) of this section shall include student 4716
academic performance data from community schools that primarily 4717
serve students enrolled in a dropout prevention and recovery 4718
program. 4719

(9) Notwithstanding anything in the Revised Code to the 4720
contrary, for the 2016-2017, 2017-2018, and 2018-2019 school 4721
years, the department of education shall not use the academic 4722
performance component prescribed under division (B)(1)(a) of 4723
this section when calculating the overall rating of a community 4724
school sponsor under this section. 4725

(C) If the governing authority of a community school 4726
enters into a contract with a sponsor prior to the date on which 4727
the sponsor is prohibited from sponsoring additional schools 4728
under division (A) of this section and the school has not opened 4729

for operation as of that date, that contract shall be void and 4730
the school shall not open until the governing authority secures 4731
a new sponsor by entering into a contract with the new sponsor 4732
under section 3314.03 of the Revised Code. However, the 4733
department's office of Ohio school sponsorship, established 4734
under section 3314.029 of the Revised Code, may assume the 4735
sponsorship of the school until the earlier of the expiration of 4736
two school years or until a new sponsor is secured by the 4737
school's governing authority. A community school sponsored by 4738
the department under this division shall not be included when 4739
calculating the maximum number of directly authorized community 4740
schools permitted under division (A) (3) of section 3314.029 of 4741
the Revised Code. 4742

(D) When an entity's authority to sponsor schools is 4743
revoked pursuant to division (B) (7) (b) or (c) of this section, 4744
the office of Ohio school sponsorship shall assume sponsorship 4745
of any schools with which the original sponsor has contracted 4746
for the remainder of that school year. The office may continue 4747
sponsoring those schools until the earlier of: 4748

(1) The expiration of two school years from the time that 4749
sponsorship is revoked; 4750

(2) When a new sponsor is secured by the governing 4751
authority pursuant to division (C) (1) of section 3314.02 of the 4752
Revised Code. 4753

Any community school sponsored under this division shall 4754
not be counted for purposes of directly authorized community 4755
schools under division (A) (3) of section 3314.029 of the Revised 4756
Code. 4757

Sec. 3314.02. (A) As used in this chapter: 4758

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, ~~and~~ 2015-2016, 2016-2017, 2017-2018, and 2018-2019 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the ~~2016-2017~~2019-2020 school year and for any 4788
school year thereafter, the district has received an overall 4789
grade of "D" or "F" under division (C) (3) of section 3302.03 of 4790
the Revised Code, or, for at least two of the three most recent 4791
school years, the district received a grade of "F" for the 4792
value-added progress dimension under division (C) (1) (e) of that 4793
section. 4794

(c) A big eight school district; 4795

(d) A school district ranked in the lowest five per cent 4796
of school districts according to performance index score under 4797
section 3302.21 of the Revised Code. 4798

(4) "Big eight school district" means a school district 4799
that for fiscal year 1997 had both of the following: 4800

(a) A percentage of children residing in the district and 4801
participating in the predecessor of Ohio works first greater 4802
than thirty per cent, as reported pursuant to section 3317.10 of 4803
the Revised Code; 4804

(b) An average daily membership greater than twelve 4805
thousand, as reported pursuant to former division (A) of section 4806
3317.03 of the Revised Code. 4807

(5) "New start-up school" means a community school other 4808
than one created by converting all or part of an existing public 4809
school or educational service center building, as designated in 4810
the school's contract pursuant to division (A) (17) of section 4811
3314.03 of the Revised Code. 4812

(6) "Urban school district" means one of the state's 4813
twenty-one urban school districts as defined in division (O) of 4814
section 3317.02 of the Revised Code as that section existed 4815
prior to July 1, 1998. 4816

(7) "Internet- or computer-based community school" means a 4817
community school established under this chapter in which the 4818
enrolled students work primarily from their residences on 4819
assignments in nonclassroom-based learning opportunities 4820
provided via an internet- or other computer-based instructional 4821
method that does not rely on regular classroom instruction or 4822
via comprehensive instructional methods that include internet- 4823
based, other computer-based, and noncomputer-based learning 4824
opportunities unless a student receives career-technical 4825
education under section 3314.086 of the Revised Code. 4826

A community school that operates mainly as an internet- or 4827
computer-based community school and provides career-technical 4828
education under section 3314.086 of the Revised Code shall be 4829
considered an internet- or computer-based community school, even 4830
if it provides some classroom-based instruction, so long as it 4831
provides instruction via the methods described in this division. 4832

(8) "Operator" means either of the following: 4833

(a) An individual or organization that manages the daily 4834
operations of a community school pursuant to a contract between 4835
the operator and the school's governing authority; 4836

(b) A nonprofit organization that provides programmatic 4837
oversight and support to a community school under a contract 4838
with the school's governing authority and that retains the right 4839
to terminate its affiliation with the school if the school fails 4840
to meet the organization's quality standards. 4841

(9) "Alliance municipal school district" has the same 4842
meaning as in section 3311.86 of the Revised Code. 4843

(B) (1) Any person or group of individuals may initially 4844
propose under this division the conversion of all or a portion 4845

of a public school to a community school. The proposal shall be 4846
made to the board of education of the city, local, exempted 4847
village, or joint vocational school district in which the public 4848
school is proposed to be converted. 4849

(2) Any person or group of individuals may initially 4850
propose under this division the conversion of all or a portion 4851
of a building operated by an educational service center to a 4852
community school. The proposal shall be made to the governing 4853
board of the service center. 4854

On or after July 1, 2017, except as provided in section 4855
3314.027 of the Revised Code, any educational service center 4856
that sponsors a community school shall be approved by and enter 4857
into a written agreement with the department as described in 4858
section 3314.015 of the Revised Code. 4859

(3) Upon receipt of a proposal, and after an agreement has 4860
been entered into pursuant to section 3314.015 of the Revised 4861
Code, a board may enter into a preliminary agreement with the 4862
person or group proposing the conversion of the public school or 4863
service center building, indicating the intention of the board 4864
to support the conversion to a community school. A proposing 4865
person or group that has a preliminary agreement under this 4866
division may proceed to finalize plans for the school, establish 4867
a governing authority for the school, and negotiate a contract 4868
with the board. Provided the proposing person or group adheres 4869
to the preliminary agreement and all provisions of this chapter, 4870
the board shall negotiate in good faith to enter into a contract 4871
in accordance with section 3314.03 of the Revised Code and 4872
division (C) of this section. 4873

(4) The sponsor of a conversion community school proposed 4874
to open in an alliance municipal school district shall be 4875

subject to approval by the department of education for 4876
sponsorship of that school using the criteria established under 4877
division (A) of section 3311.87 of the Revised Code. 4878

Division (B) (4) of this section does not apply to a 4879
sponsor that, on or before September 29, 2015, was exempted 4880
under section 3314.021 or 3314.027 of the Revised Code from the 4881
requirement to be approved for sponsorship under divisions (A) 4882
(2) and (B) (1) of section 3314.015 of the Revised Code. 4883

(C) (1) Any person or group of individuals may propose 4884
under this division the establishment of a new start-up school 4885
to be located in a challenged school district. The proposal may 4886
be made to any of the following entities: 4887

(a) The board of education of the district in which the 4888
school is proposed to be located; 4889

(b) The board of education of any joint vocational school 4890
district with territory in the county in which is located the 4891
majority of the territory of the district in which the school is 4892
proposed to be located; 4893

(c) The board of education of any other city, local, or 4894
exempted village school district having territory in the same 4895
county where the district in which the school is proposed to be 4896
located has the major portion of its territory; 4897

(d) The governing board of any educational service center, 4898
regardless of the location of the proposed school, may sponsor a 4899
new start-up school in any challenged school district in the 4900
state if all of the following are satisfied: 4901

(i) If applicable, it satisfies the requirements of 4902
division (E) of section 3311.86 of the Revised Code; 4903

- (ii) It is approved to do so by the department; 4904
- (iii) It enters into an agreement with the department 4905
under section 3314.015 of the Revised Code. 4906
- (e) A sponsoring authority designated by the board of 4907
trustees of any of the thirteen state universities listed in 4908
section 3345.011 of the Revised Code or the board of trustees 4909
itself as long as a mission of the proposed school to be 4910
specified in the contract under division (A) (2) of section 4911
3314.03 of the Revised Code and as approved by the department 4912
under division (B) (3) of section 3314.015 of the Revised Code 4913
will be the practical demonstration of teaching methods, 4914
educational technology, or other teaching practices that are 4915
included in the curriculum of the university's teacher 4916
preparation program approved by the state board of education; 4917
- (f) Any qualified tax-exempt entity under section 501(c) 4918
(3) of the Internal Revenue Code as long as all of the following 4919
conditions are satisfied: 4920
- (i) The entity has been in operation for at least five 4921
years prior to applying to be a community school sponsor. 4922
- (ii) The entity has assets of at least five hundred 4923
thousand dollars and a demonstrated record of financial 4924
responsibility. 4925
- (iii) The department has determined that the entity is an 4926
education-oriented entity under division (B) (4) of section 4927
3314.015 of the Revised Code and the entity has a demonstrated 4928
record of successful implementation of educational programs. 4929
- (iv) The entity is not a community school. 4930
- (g) The mayor of a city in which the majority of the 4931

territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division

(E) of this section for the school, and negotiate a contract 4963
with the entity. Provided the proposing person or group adheres 4964
to the preliminary agreement and all provisions of this chapter, 4965
the entity shall negotiate in good faith to enter into a 4966
contract in accordance with section 3314.03 of the Revised Code. 4967

(3) A new start-up school that is established in a school 4968
district described in either division (A) (3) (b) or (d) of this 4969
section may continue in existence once the school district no 4970
longer meets the conditions described in either division, 4971
provided there is a valid contract between the school and a 4972
sponsor. 4973

(4) A copy of every preliminary agreement entered into 4974
under this division shall be filed with the superintendent of 4975
public instruction. 4976

(D) A majority vote of the board of a sponsoring entity 4977
and a majority vote of the members of the governing authority of 4978
a community school shall be required to adopt a contract and 4979
convert the public school or educational service center building 4980
to a community school or establish the new start-up school. 4981
Beginning September 29, 2005, adoption of the contract shall 4982
occur not later than the fifteenth day of March, and signing of 4983
the contract shall occur not later than the fifteenth day of 4984
May, prior to the school year in which the school will open. The 4985
governing authority shall notify the department of education 4986
when the contract has been signed. Subject to sections 3314.013 4987
and 3314.016 of the Revised Code, an unlimited number of 4988
community schools may be established in any school district 4989
provided that a contract is entered into for each community 4990
school pursuant to this chapter. 4991

(E) (1) As used in this division, "immediate relatives" are 4992

limited to spouses, children, parents, grandparents, and 4993
siblings, as well as in-laws residing in the same household as 4994
the person serving on the governing authority. 4995

Each new start-up community school established under this 4996
chapter shall be under the direction of a governing authority 4997
which shall consist of a board of not less than five 4998
individuals. 4999

(2) (a) No person shall serve on the governing authority or 5000
operate the community school under contract with the governing 5001
authority under any of the following circumstances: 5002

(i) The person owes the state any money or is in a dispute 5003
over whether the person owes the state any money concerning the 5004
operation of a community school that has closed. 5005

(ii) The person would otherwise be subject to division (B) 5006
of section 3319.31 of the Revised Code with respect to refusal, 5007
limitation, or revocation of a license to teach, if the person 5008
were a licensed educator. 5009

(iii) The person has pleaded guilty to or been convicted 5010
of theft in office under section 2921.41 of the Revised Code, or 5011
has pleaded guilty to or been convicted of a substantially 5012
similar offense in another state. 5013

(b) No person shall serve on the governing authority or 5014
engage in the financial day-to-day management of the community 5015
school under contract with the governing authority unless and 5016
until that person has submitted to a criminal records check in 5017
the manner prescribed by section 3319.39 of the Revised Code. 5018

(c) Each sponsor of a community school shall annually 5019
verify that a finding for recovery has not been issued by the 5020
auditor of state against any individual or individuals who 5021

propose to create a community school or any member of the 5022
governing authority, the operator, or any employee of each 5023
community school. 5024

(3) No person shall serve on the governing authorities of 5025
more than five start-up community schools at the same time. 5026

(4) (a) For a community school established under this 5027
chapter that is not sponsored by a school district or an 5028
educational service center, no present or former member, or 5029
immediate relative of a present or former member, of the 5030
governing authority shall be an owner, employee, or consultant 5031
of the community school's sponsor or operator, unless at least 5032
one year has elapsed since the conclusion of the person's 5033
membership on the governing authority. 5034

(b) For a community school established under this chapter 5035
that is sponsored by a school district or an educational service 5036
center, no present or former member, or immediate relative of a 5037
present or former member, of the governing authority shall: 5038

(i) Be an officer of the district board or service center 5039
governing board that serves as the community school's sponsor, 5040
unless at least one year has elapsed since the conclusion of the 5041
person's membership on the governing authority; 5042

(ii) Serve as an employee of, or a consultant for, the 5043
department, division, or section of the sponsoring district or 5044
service center that is directly responsible for sponsoring 5045
community schools, or have supervisory authority over such a 5046
department, division, or section, unless at least one year has 5047
elapsed since the conclusion of the person's membership on the 5048
governing authority. 5049

(5) The governing authority of a start-up or conversion 5050

community school may provide by resolution for the compensation 5051
of its members. However, no individual who serves on the 5052
governing authority of a start-up or conversion community school 5053
shall be compensated more than one hundred twenty-five dollars 5054
per meeting of that governing authority and no such individual 5055
shall be compensated more than a total amount of five thousand 5056
dollars per year for all governing authorities upon which the 5057
individual serves. Each member of the governing authority may be 5058
paid compensation for attendance at an approved training 5059
program, provided that such compensation shall not exceed sixty 5060
dollars a day for attendance at a training program three hours 5061
or less in length and one hundred twenty-five dollars a day for 5062
attendance at a training program longer than three hours in 5063
length. 5064

(6) No person who is the employee of a school district or 5065
educational service center shall serve on the governing 5066
authority of any community school sponsored by that school 5067
district or service center. 5068

(7) Each member of the governing authority of a community 5069
school shall annually file a disclosure statement setting forth 5070
the names of any immediate relatives or business associates 5071
employed by any of the following within the previous three 5072
years: 5073

(a) The sponsor or operator of that community school; 5074

(b) A school district or educational service center that 5075
has contracted with that community school; 5076

(c) A vendor that is or has engaged in business with that 5077
community school. 5078

(8) No person who is a member of a school district board 5079

of education shall serve on the governing authority of any 5080
community school. 5081

(F) (1) A new start-up school that is established prior to 5082
August 15, 2003, in an urban school district that is not also a 5083
big-eight school district may continue to operate after that 5084
date and the contract between the school's governing authority 5085
and the school's sponsor may be renewed, as provided under this 5086
chapter, after that date, but no additional new start-up schools 5087
may be established in such a district unless the district is a 5088
challenged school district as defined in this section as it 5089
exists on and after that date. 5090

(2) A community school that was established prior to June 5091
29, 1999, and is located in a county contiguous to the pilot 5092
project area and in a school district that is not a challenged 5093
school district may continue to operate after that date, 5094
provided the school complies with all provisions of this 5095
chapter. The contract between the school's governing authority 5096
and the school's sponsor may be renewed, but no additional 5097
start-up community school may be established in that district 5098
unless the district is a challenged school district. 5099

(3) Any educational service center that, on June 30, 2007, 5100
sponsors a community school that is not located in a county 5101
within the territory of the service center or in a county 5102
contiguous to such county may continue to sponsor that community 5103
school on and after June 30, 2007, and may renew its contract 5104
with the school. However, the educational service center shall 5105
not enter into a contract with any additional community school, 5106
unless the governing board of the service center has entered 5107
into an agreement with the department authorizing the service 5108
center to sponsor a community school in any challenged school 5109

district in the state. 5110

Sec. 3314.05. (A) The contract between the community 5111
school and the sponsor shall specify the facilities to be used 5112
for the community school and the method of acquisition. Except 5113
as provided in divisions (B) (3) and (4) of this section, no 5114
community school shall be established in more than one school 5115
district under the same contract. 5116

(B) Division (B) of this section shall not apply to 5117
internet- or computer-based community schools. 5118

(1) A community school may be located in multiple 5119
facilities under the same contract only if the limitations on 5120
availability of space prohibit serving all the grade levels 5121
specified in the contract in a single facility or division (B) 5122
(2), (3), or (4) of this section applies to the school. The 5123
school shall not offer the same grade level classrooms in more 5124
than one facility. 5125

(2) A community school may be located in multiple 5126
facilities under the same contract and, notwithstanding division 5127
(B) (1) of this section, may assign students in the same grade 5128
level to multiple facilities, as long as all of the following 5129
apply: 5130

(a) The governing authority has entered into and maintains 5131
a contract with an operator of the type described in division 5132
(A) (8) (b) of section 3314.02 of the Revised Code. 5133

(b) The contract with that operator qualified the school 5134
to be established pursuant to division (A) of former section 5135
3314.016 of the Revised Code. 5136

(c) The school's rating under section 3302.03 of the 5137
Revised Code does not fall below a combination of any of the 5138

following for two or more consecutive years: 5139

(i) A rating of "in need of continuous improvement" under 5140
section 3302.03 of the Revised Code, as that section existed 5141
prior to March 22, 2013; 5142

(ii) For the 2012-2013, 2013-2014, 2014-2015, ~~and 2015-~~ 5143
2016, 2016-2017, 2017-2018, and 2018-2019 school years, a rating 5144
of "C" for both the performance index score under division (A) 5145
(1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) and the value-added 5146
dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) 5147
of section 3302.03 of the Revised Code; or if the building 5148
serves only grades ten through twelve, the building received a 5149
grade of "C" for the performance index score under division (A) 5150
(1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the 5151
Revised Code; 5152

(iii) For the ~~2016-2017-2019-2020~~ school year and for any 5153
school year thereafter, an overall grade of "C" under division 5154
(C) (3) of section 3302.03 of the Revised Code or an overall 5155
performance designation of "meets standards" under division (E) 5156
(3) (e) of section 3314.017 of the Revised Code. 5157

(3) A new start-up community school may be established in 5158
two school districts under the same contract if all of the 5159
following apply: 5160

(a) At least one of the school districts in which the 5161
school is established is a challenged school district; 5162

(b) The school operates not more than one facility in each 5163
school district and, in accordance with division (B) (1) of this 5164
section, the school does not offer the same grade level 5165
classrooms in both facilities; and 5166

(c) Transportation between the two facilities does not 5167

require more than thirty minutes of direct travel time as 5168
measured by school bus. 5169

In the case of a community school to which division (B) (3) 5170
of this section applies, if only one of the school districts in 5171
which the school is established is a challenged school district, 5172
that district shall be considered the school's primary location 5173
and the district in which the school is located for the purposes 5174
of division (A) (19) of section 3314.03 and divisions (C) and (H) 5175
of section 3314.06 of the Revised Code and for all other 5176
purposes of this chapter. If both of the school districts in 5177
which the school is established are challenged school districts, 5178
the school's governing authority shall designate one of those 5179
districts to be considered the school's primary location and the 5180
district in which the school is located for the purposes of 5181
those divisions and all other purposes of this chapter and shall 5182
notify the department of education of that designation. 5183

(4) A community school may be located in multiple 5184
facilities under the same contract and, notwithstanding division 5185
(B) (1) of this section, may assign students in the same grade 5186
level to multiple facilities, as long as both of the following 5187
apply: 5188

(a) The facilities are all located in the same county. 5189

(b) Either of the following conditions are satisfied: 5190

(i) The community school is sponsored by a board of 5191
education of a city, local, or exempted village school district 5192
having territory in the same county where the facilities of the 5193
community school are located; 5194

(ii) The community school is managed by an operator. 5195

In the case of a community school to which division (B) (4) 5196

of this section applies and that maintains facilities in more 5197
than one school district, the school's governing authority shall 5198
designate one of those districts to be considered the school's 5199
primary location and the district in which the school is located 5200
for the purposes of division (A) (19) of section 3314.03 and 5201
divisions (C) and (H) of section 3314.06 of the Revised Code and 5202
for all other purposes of this chapter and shall notify the 5203
department of that designation. 5204

(5) Any facility used for a community school shall meet 5205
all health and safety standards established by law for school 5206
buildings. 5207

(C) In the case where a community school is proposed to be 5208
located in a facility owned by a school district or educational 5209
service center, the facility may not be used for such community 5210
school unless the district or service center board owning the 5211
facility enters into an agreement for the community school to 5212
utilize the facility. Use of the facility may be under any terms 5213
and conditions agreed to by the district or service center board 5214
and the school. 5215

(D) Two or more separate community schools may be located 5216
in the same facility. 5217

(E) In the case of a community school that is located in 5218
multiple facilities, beginning July 1, 2012, the department 5219
shall assign a unique identification number to the school and to 5220
each facility maintained by the school. Each number shall be 5221
used for identification purposes only. Nothing in this division 5222
shall be construed to require the department to calculate the 5223
amount of funds paid under this chapter, or to compute any data 5224
required for the report cards issued under section 3314.012 of 5225
the Revised Code, for each facility separately. The department 5226

shall make all such calculations or computations for the school 5227
as a whole. 5228

Sec. 3314.08. (A) As used in this section: 5229

(1) (a) "Category one career-technical education student" 5230
means a student who is receiving the career-technical education 5231
services described in division (A) of section 3317.014 of the 5232
Revised Code. 5233

(b) "Category two career-technical student" means a 5234
student who is receiving the career-technical education services 5235
described in division (B) of section 3317.014 of the Revised 5236
Code. 5237

(c) "Category three career-technical student" means a 5238
student who is receiving the career-technical education services 5239
described in division (C) of section 3317.014 of the Revised 5240
Code. 5241

(d) "Category four career-technical student" means a 5242
student who is receiving the career-technical education services 5243
described in division (D) of section 3317.014 of the Revised 5244
Code. 5245

(e) "Category five career-technical education student" 5246
means a student who is receiving the career-technical education 5247
services described in division (E) of section 3317.014 of the 5248
Revised Code. 5249

(2) (a) "Category one limited English proficient student" 5250
means a limited English proficient student described in division 5251
(A) of section 3317.016 of the Revised Code. 5252

(b) "Category two limited English proficient student" 5253
means a limited English proficient student described in division 5254

(B) of section 3317.016 of the Revised Code.	5255
(c) "Category three limited English proficient student"	5256
means a limited English proficient student described in division	5257
(C) of section 3317.016 of the Revised Code.	5258
(3) (a) "Category one special education student" means a	5259
student who is receiving special education services for a	5260
disability specified in division (A) of section 3317.013 of the	5261
Revised Code.	5262
(b) "Category two special education student" means a	5263
student who is receiving special education services for a	5264
disability specified in division (B) of section 3317.013 of the	5265
Revised Code.	5266
(c) "Category three special education student" means a	5267
student who is receiving special education services for a	5268
disability specified in division (C) of section 3317.013 of the	5269
Revised Code.	5270
(d) "Category four special education student" means a	5271
student who is receiving special education services for a	5272
disability specified in division (D) of section 3317.013 of the	5273
Revised Code.	5274
(e) "Category five special education student" means a	5275
student who is receiving special education services for a	5276
disability specified in division (E) of section 3317.013 of the	5277
Revised Code.	5278
(f) "Category six special education student" means a	5279
student who is receiving special education services for a	5280
disability specified in division (F) of section 3317.013 of the	5281
Revised Code.	5282

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	5283 5284
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	5285 5286
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	5287 5288 5289
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	5290 5291
(B) The state board of education shall adopt rules requiring both of the following:	5292 5293
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	5294 5295 5296 5297 5298 5299
(2) The governing authority of each community school established under this chapter to annually report all of the following:	5300 5301 5302
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	5303 5304 5305 5306
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	5307 5308 5309 5310

(c) The number of students reported under division (B) (2)	5311
(b) of this section receiving special education and related	5312
services pursuant to an IEP for a disability described in each	5313
of divisions (A) to (F) of section 3317.013 of the Revised Code;	5314
(d) The full-time equivalent number of students reported	5315
under divisions (B) (2) (a) and (b) of this section who are	5316
enrolled in career-technical education programs or classes	5317
described in each of divisions (A) to (E) of section 3317.014 of	5318
the Revised Code that are provided by the community school;	5319
(e) The number of students reported under divisions (B) (2)	5320
(a) and (b) of this section who are not reported under division	5321
(B) (2) (d) of this section but who are enrolled in career-	5322
technical education programs or classes described in each of	5323
divisions (A) to (E) of section 3317.014 of the Revised Code at	5324
a joint vocational school district or another district in the	5325
career-technical planning district to which the school is	5326
assigned;	5327
(f) The number of students reported under divisions (B) (2)	5328
(a) and (b) of this section who are category one to three	5329
limited English proficient students described in each of	5330
divisions (A) to (C) of section 3317.016 of the Revised Code;	5331
(g) The number of students reported under divisions (B) (2)	5332
(a) and (b) who are economically disadvantaged, as defined by	5333
the department. A student shall not be categorically excluded	5334
from the number reported under division (B) (2) (g) of this	5335
section based on anything other than family income.	5336
(h) For each student, the city, exempted village, or local	5337
school district in which the student is entitled to attend	5338
school under section 3313.64 or 3313.65 of the Revised Code.	5339

(i) The number of students enrolled in a preschool program 5340
operated by the school that is licensed by the department of 5341
education under sections 3301.52 to 3301.59 of the Revised Code 5342
who are not receiving special education and related services 5343
pursuant to an IEP. 5344

A school district board and a community school governing 5345
authority shall include in their respective reports under 5346
division (B) of this section any child admitted in accordance 5347
with division (A) (2) of section 3321.01 of the Revised Code. 5348

A governing authority of a community school shall not 5349
include in its report under divisions (B) (2) (a) to (h) of this 5350
section any student for whom tuition is charged under division 5351
(F) of this section. 5352

(C) (1) Except as provided in division (C) (2) of this 5353
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 5354
of this section, on a full-time equivalency basis, for each 5355
student enrolled in a community school established under this 5356
chapter, the department of education annually shall deduct from 5357
the state education aid of a student's resident district and, if 5358
necessary, from the payment made to the district under sections 5359
321.24 and 323.156 of the Revised Code and pay to the community 5360
school the sum of the following: 5361

(a) An opportunity grant in an amount equal to the formula 5362
amount; 5363

(b) The per pupil amount of targeted assistance funds 5364
calculated under division (A) of section 3317.0217 of the 5365
Revised Code for the student's resident district, as determined 5366
by the department, X 0.25; 5367

(c) Additional state aid for special education and related 5368

services provided under Chapter 3323. of the Revised Code as follows:	5369 5370
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	5371 5372 5373
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	5374 5375 5376
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	5377 5378 5379
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	5380 5381 5382
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	5383 5384 5385
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	5386 5387 5388
(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in fiscal year 2017;	5389 5390 5391
(e) If the student is economically disadvantaged, an additional amount equal to the following:	5392 5393
\$272 X the resident district's economically disadvantaged index	5394 5395

(f) Limited English proficiency funds as follows:	5396
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	5397 5398 5399
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	5400 5401 5402
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	5403 5404 5405
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	5406 5407
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	5408 5409 5410
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	5411 5412 5413
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	5414 5415 5416
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	5417 5418 5419
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	5420 5421 5422

Deduction and payment of funds under division (C) (1) (g) of 5423
this section is subject to approval by the lead district of a 5424
career-technical planning district or the department of 5425
education under section 3317.161 of the Revised Code. 5426

(2) When deducting from the state education aid of a 5427
student's resident district for students enrolled in an 5428
internet- or computer-based community school and making payments 5429
to such school under this section, the department shall make the 5430
deductions and payments described in only divisions (C) (1) (a), 5431
(c), and (g) of this section. 5432

No deductions or payments shall be made for a student 5433
enrolled in such school under division (C) (1) (b), (d), (e), or 5434
(f) of this section. 5435

(3) (a) If a community school's costs for a fiscal year for 5436
a student receiving special education and related services 5437
pursuant to an IEP for a disability described in divisions (B) 5438
to (F) of section 3317.013 of the Revised Code exceed the 5439
threshold catastrophic cost for serving the student as specified 5440
in division (B) of section 3317.0214 of the Revised Code, the 5441
school may submit to the superintendent of public instruction 5442
documentation, as prescribed by the superintendent, of all its 5443
costs for that student. Upon submission of documentation for a 5444
student of the type and in the manner prescribed, the department 5445
shall pay to the community school an amount equal to the 5446
school's costs for the student in excess of the threshold 5447
catastrophic costs. 5448

(b) The community school shall report under division (C) 5449
(3) (a) of this section, and the department shall pay for, only 5450
the costs of educational expenses and the related services 5451
provided to the student in accordance with the student's 5452

individualized education program. Any legal fees, court costs, 5453
or other costs associated with any cause of action relating to 5454
the student may not be included in the amount. 5455

(4) In any fiscal year, a community school receiving funds 5456
under division (C) (1) (g) of this section shall spend those funds 5457
only for the purposes that the department designates as approved 5458
for career-technical education expenses. Career-technical 5459
education expenses approved by the department shall include only 5460
expenses connected to the delivery of career-technical 5461
programming to career-technical students. The department shall 5462
require the school to report data annually so that the 5463
department may monitor the school's compliance with the 5464
requirements regarding the manner in which funding received 5465
under division (C) (1) (g) of this section may be spent. 5466

(5) Notwithstanding anything to the contrary in section 5467
3313.90 of the Revised Code, except as provided in division (C) 5468
(9) of this section, all funds received under division (C) (1) (g) 5469
of this section shall be spent in the following manner: 5470

(a) At least seventy-five per cent of the funds shall be 5471
spent on curriculum development, purchase, and implementation; 5472
instructional resources and supplies; industry-based program 5473
certification; student assessment, credentialing, and placement; 5474
curriculum specific equipment purchases and leases; career- 5475
technical student organization fees and expenses; home and 5476
agency linkages; work-based learning experiences; professional 5477
development; and other costs directly associated with career- 5478
technical education programs including development of new 5479
programs. 5480

(b) Not more than twenty-five per cent of the funds shall 5481
be used for personnel expenditures. 5482

(6) A community school shall spend the funds it receives 5483
under division (C) (1) (e) of this section in accordance with 5484
section 3317.25 of the Revised Code. 5485

(7) If the sum of the payments computed under divisions 5486
(C) (1) and (8) (a) of this section for the students entitled to 5487
attend school in a particular school district under sections 5488
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 5489
district's state education aid and its payment under sections 5490
321.24 and 323.156 of the Revised Code, the department shall 5491
calculate and apply a proration factor to the payments to all 5492
community schools under that division for the students entitled 5493
to attend school in that district. 5494

(8) (a) Subject to division (C) (7) of this section, the 5495
department annually shall pay to each community school, 5496
including each internet- or computer-based community school, an 5497
amount equal to the following: 5498

(The number of students reported by the community school 5499
under division (B) (2) (e) of this section X the formula amount 5500
X .20) 5501

(b) For each payment made to a community school under 5502
division (C) (8) (a) of this section, the department shall deduct 5503
from the state education aid of each city, local, and exempted 5504
village school district and, if necessary, from the payment made 5505
to the district under sections 321.24 and 323.156 of the Revised 5506
Code an amount equal to the following: 5507

(The number of the district's students reported by the 5508
community school under division (B) (2) (e) of this section X the 5509
formula amount X .20) 5510

(9) The department may waive the requirement in division 5511

(C) (5) of this section for any community school that exclusively 5512
provides one or more career-technical workforce development 5513
programs in arts and communications that are not equipment- 5514
intensive, as determined by the department. 5515

(D) A board of education sponsoring a community school may 5516
utilize local funds to make enhancement grants to the school or 5517
may agree, either as part of the contract or separately, to 5518
provide any specific services to the community school at no cost 5519
to the school. 5520

(E) A community school may not levy taxes or issue bonds 5521
secured by tax revenues. 5522

(F) No community school shall charge tuition for the 5523
enrollment of any student who is a resident of this state. A 5524
community school may charge tuition for the enrollment of any 5525
student who is not a resident of this state. 5526

(G) (1) (a) A community school may borrow money to pay any 5527
necessary and actual expenses of the school in anticipation of 5528
the receipt of any portion of the payments to be received by the 5529
school pursuant to division (C) of this section. The school may 5530
issue notes to evidence such borrowing. The proceeds of the 5531
notes shall be used only for the purposes for which the 5532
anticipated receipts may be lawfully expended by the school. 5533

(b) A school may also borrow money for a term not to 5534
exceed fifteen years for the purpose of acquiring facilities. 5535

(2) Except for any amount guaranteed under section 3318.50 5536
of the Revised Code, the state is not liable for debt incurred 5537
by the governing authority of a community school. 5538

(H) The department of education shall adjust the amounts 5539
subtracted and paid under division (C) of this section to 5540

reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee

of the community school. A student's enrollment shall be 5572
considered to cease on the date on which any of the following 5573
occur: 5574

(a) The community school receives documentation from a 5575
parent terminating enrollment of the student. 5576

(b) The community school is provided documentation of a 5577
student's enrollment in another public or private school. 5578

(c) The community school ceases to offer learning 5579
opportunities to the student pursuant to the terms of the 5580
contract with the sponsor or the operation of any provision of 5581
this chapter. 5582

Except as otherwise specified in this paragraph, beginning 5583
in the 2011-2012 school year, any student who completed the 5584
prior school year in an internet- or computer-based community 5585
school shall be considered to be enrolled in the same school in 5586
the subsequent school year until the student's enrollment has 5587
ceased as specified in division (H) (2) of this section. The 5588
department shall continue subtracting and paying amounts for the 5589
student under division (C) of this section without interruption 5590
at the start of the subsequent school year. However, if the 5591
student without a legitimate excuse fails to participate in the 5592
first one hundred five consecutive hours of learning 5593
opportunities offered to the student in that subsequent school 5594
year, the student shall be considered not to have re-enrolled in 5595
the school for that school year and the department shall 5596
recalculate the payments to the school for that school year to 5597
account for the fact that the student is not enrolled. 5598

(3) The department shall determine each community school 5599
student's percentage of full-time equivalency based on the 5600

percentage of learning opportunities offered by the community 5601
school to that student, reported either as number of hours or 5602
number of days, is of the total learning opportunities offered 5603
by the community school to a student who attends for the 5604
school's entire school year. However, no internet- or computer- 5605
based community school shall be credited for any time a student 5606
spends participating in learning opportunities beyond ten hours 5607
within any period of twenty-four consecutive hours. Whether it 5608
reports hours or days of learning opportunities, each community 5609
school shall offer not less than nine hundred twenty hours of 5610
learning opportunities during the school year. 5611

(4) With respect to the calculation of full-time 5612
equivalency under division (H) (3) of this section, the 5613
department shall waive the number of hours or days of learning 5614
opportunities not offered to a student because the community 5615
school was closed during the school year due to disease 5616
epidemic, hazardous weather conditions, law enforcement 5617
emergencies, inoperability of school buses or other equipment 5618
necessary to the school's operation, damage to a school 5619
building, or other temporary circumstances due to utility 5620
failure rendering the school building unfit for school use, so 5621
long as the school was actually open for instruction with 5622
students in attendance during that school year for not less than 5623
the minimum number of hours required by this chapter. The 5624
department shall treat the school as if it were open for 5625
instruction with students in attendance during the hours or days 5626
waived under this division. 5627

(I) The department of education shall reduce the amounts 5628
paid under this section to reflect payments made to colleges 5629
under section 3365.07 of the Revised Code. 5630

(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor 5660
shall jointly make recommendations to the general assembly for 5661
legislative changes that may be required to assure fiscal and 5662
academic accountability for such schools. 5663

(K) (1) If the department determines that a review of a 5664
community school's enrollment is necessary, such review shall be 5665
completed and written notice of the findings shall be provided 5666
to the governing authority of the community school and its 5667
sponsor within ninety days of the end of the community school's 5668
fiscal year, unless extended for a period not to exceed thirty 5669
additional days for one of the following reasons: 5670

(a) The department and the community school mutually agree 5671
to the extension. 5672

(b) Delays in data submission caused by either a community 5673
school or its sponsor. 5674

(2) If the review results in a finding that additional 5675
funding is owed to the school, such payment shall be made within 5676
thirty days of the written notice. If the review results in a 5677
finding that the community school owes moneys to the state, the 5678
following procedure shall apply: 5679

(a) Within ten business days of the receipt of the notice 5680
of findings, the community school may appeal the department's 5681
determination to the state board of education or its designee. 5682

(b) The board or its designee shall conduct an informal 5683
hearing on the matter within thirty days of receipt of such an 5684
appeal and shall issue a decision within fifteen days of the 5685
conclusion of the hearing. 5686

(c) If the board has enlisted a designee to conduct the 5687
hearing, the designee shall certify its decision to the board. 5688

The board may accept the decision of the designee or may reject 5689
the decision of the designee and issue its own decision on the 5690
matter. 5691

(d) Any decision made by the board under this division is 5692
final. 5693

(3) If it is decided that the community school owes moneys 5694
to the state, the department shall deduct such amount from the 5695
school's future payments in accordance with guidelines issued by 5696
the superintendent of public instruction. 5697

(L) The department shall not subtract from a school 5698
district's state aid account and shall not pay to a community 5699
school under division (C) of this section any amount for any of 5700
the following: 5701

(1) Any student who has graduated from the twelfth grade 5702
of a public or nonpublic high school; 5703

(2) Any student who is not a resident of the state; 5704

~~(3) Any student who was enrolled in the community school 5705
during the previous school year when assessments were 5706
administered under section 3301.0711 of the Revised Code but did 5707
not take one or more of the assessments required by that section 5708
and was not excused pursuant to division (C) (1) or (3) of that 5709
section, unless the superintendent of public instruction grants 5710
the student a waiver from the requirement to take the assessment 5711
and a parent is not paying tuition for the student pursuant to 5712
section 3314.26 of the Revised Code. The superintendent may 5713
grant a waiver only for good cause in accordance with rules 5714
adopted by the state board of education. 5715~~

~~(4) Any student who has attained the age of twenty-two 5716
years, except for veterans of the armed services whose 5717~~

attendance was interrupted before completing the recognized 5718
twelve-year course of the public schools by reason of induction 5719
or enlistment in the armed forces and who apply for enrollment 5720
in a community school not later than four years after 5721
termination of war or their honorable discharge. If, however, 5722
any such veteran elects to enroll in special courses organized 5723
for veterans for whom tuition is paid under federal law, or 5724
otherwise, the department shall not subtract from a school 5725
district's state aid account and shall not pay to a community 5726
school under division (C) of this section any amount for that 5727
veteran. 5728

Sec. 3314.26. This section shall not apply from the 5729
effective date of this amendment until July 1, 2019. 5730

(A) Each internet- or computer-based community school 5731
shall withdraw from the school any student who, for two 5732
consecutive school years, has failed to participate in the 5733
spring administration of any assessment prescribed under section 5734
3301.0710 or 3301.0712 of the Revised Code for the student's 5735
grade level and was not excused from the assessment pursuant to 5736
division (C)(1) or (3) of section 3301.0711 of the Revised Code, 5737
regardless of whether a waiver was granted for the student under 5738
division (L)~~(3)~~ of section 3314.08 of the Revised Code. The 5739
school shall report any such student's data verification code, 5740
as assigned pursuant to section 3301.0714 of the Revised Code, 5741
to the department of education. The department shall maintain a 5742
list of all data verification codes reported under this division 5743
and section 3313.6410 of the Revised Code and provide that list 5744
to each internet- or computer-based community school and to each 5745
school to which section 3313.6410 of the Revised Code applies. 5746

(B) No internet- or computer-based community school shall 5747

receive any state funds under this chapter for any enrolled 5748
student whose data verification code appears on the list 5749
maintained by the department under division (A) of this section. 5750

Notwithstanding any provision of the Revised Code to the 5751
contrary, the parent of any such student shall pay tuition to 5752
the internet- or computer-based community school in an amount 5753
equal to the state funds the school otherwise would receive for 5754
that student, as determined by the department. An internet- or 5755
computer-based community school may withdraw any student for 5756
whom the parent does not pay tuition as required by this 5757
division. 5758

Sec. 3317.03. (A) The superintendent of each city, local, 5759
and exempted village school district shall report to the state 5760
board of education as of the last day of October, March, and 5761
June of each year the enrollment of students receiving services 5762
from schools under the superintendent's supervision, and the 5763
numbers of other students entitled to attend school in the 5764
district under section 3313.64 or 3313.65 of the Revised Code 5765
the superintendent is required to report under this section, so 5766
that the department of education can calculate the district's 5767
formula ADM, total ADM, category one through five career- 5768
technical education ADM, category one through three limited 5769
English proficient ADM, category one through six special 5770
education ADM, preschool scholarship ADM, transportation ADM, 5771
and, for purposes of provisions of law outside of Chapter 3317. 5772
of the Revised Code, average daily membership. 5773

(1) The enrollment reported by the superintendent during 5774
the reporting period shall consist of the number of students in 5775
grades kindergarten through twelve receiving any educational 5776
services from the district, except that the following categories 5777

of students shall not be included in the determination: 5778

(a) Students enrolled in adult education classes; 5779

(b) Adjacent or other district students enrolled in the 5780
district under an open enrollment policy pursuant to section 5781
3313.98 of the Revised Code; 5782

(c) Students receiving services in the district pursuant 5783
to a compact, cooperative education agreement, or a contract, 5784
but who are entitled to attend school in another district 5785
pursuant to section 3313.64 or 3313.65 of the Revised Code; 5786

(d) Students for whom tuition is payable pursuant to 5787
sections 3317.081 and 3323.141 of the Revised Code; 5788

(e) Students receiving services in the district through a 5789
scholarship awarded under either section 3310.41 or sections 5790
3310.51 to 3310.64 of the Revised Code. 5791

When reporting students under division (A) (1) of this 5792
section, the superintendent also shall report the district where 5793
each student is entitled to attend school pursuant to sections 5794
3313.64 and 3313.65 of the Revised Code. 5795

(2) The department of education shall compile a list of 5796
all students reported to be enrolled in a district under 5797
division (A) (1) of this section and of the students entitled to 5798
attend school in the district pursuant to section 3313.64 or 5799
3313.65 of the Revised Code on an FTE basis but receiving 5800
educational services in grades kindergarten through twelve from 5801
one or more of the following entities: 5802

(a) A community school pursuant to Chapter 3314. of the 5803
Revised Code, including any participation in a college pursuant 5804
to Chapter 3365. of the Revised Code while enrolled in such 5805

community school;	5806
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I) (2) (a) or (b) of this section;	5807 5808 5809
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	5810 5811 5812 5813 5814 5815 5816
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	5817 5818 5819
(e) An educational service center or cooperative education district;	5820 5821
(f) Another school district under a cooperative education agreement, compact, or contract;	5822 5823
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	5824 5825 5826 5827
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	5828 5829 5830
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	5831 5832 5833

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A) (2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day

classes included in the report under division (A) (1) or (2) of 5863
this section for each of the individual grades kindergarten 5864
through twelve in schools under the superintendent's 5865
supervision; 5866

(2) The unduplicated count of the number of preschool 5867
children with disabilities enrolled in the district for whom the 5868
district is eligible to receive funding under section 3317.0213 5869
of the Revised Code adjusted for the portion of the year each 5870
child is so enrolled, in accordance with the disability 5871
categories prescribed in section 3317.013 of the Revised Code; 5872

(3) The number of children entitled to attend school in 5873
the district pursuant to section 3313.64 or 3313.65 of the 5874
Revised Code who are: 5875

(a) Participating in a pilot project scholarship program 5876
established under sections 3313.974 to 3313.979 of the Revised 5877
Code as described in division (I) (2) (a) or (b) of this section; 5878

(b) Enrolled in a college under Chapter 3365. of the 5879
Revised Code, except when the student is enrolled in the college 5880
while also enrolled in a community school pursuant to Chapter 5881
3314. of the Revised Code, a science, technology, engineering, 5882
and mathematics school established under Chapter 3326., or a 5883
college-preparatory boarding school established under Chapter 5884
3328. of the Revised Code; 5885

(c) Enrolled in an adjacent or other school district under 5886
section 3313.98 of the Revised Code; 5887

(d) Enrolled in a community school established under 5888
Chapter 3314. of the Revised Code that is not an internet- or 5889
computer-based community school as defined in section 3314.02 of 5890
the Revised Code, including any participation in a college 5891

pursuant to Chapter 3365. of the Revised Code while enrolled in	5892
such community school;	5893
(e) Enrolled in an internet- or computer-based community	5894
school, as defined in section 3314.02 of the Revised Code,	5895
including any participation in a college pursuant to Chapter	5896
3365. of the Revised Code while enrolled in the school;	5897
(f) Enrolled in a chartered nonpublic school with a	5898
scholarship paid under section 3310.08 of the Revised Code and	5899
who qualified for the scholarship under section 3310.03 of the	5900
Revised Code;	5901
(g) Enrolled in kindergarten through grade twelve in an	5902
alternative public provider or a registered private provider	5903
with a scholarship awarded under section 3310.41 of the Revised	5904
Code;	5905
(h) Enrolled as a preschool child with a disability in an	5906
alternative public provider or a registered private provider	5907
with a scholarship awarded under section 3310.41 of the Revised	5908
Code;	5909
(i) Participating in a program operated by a county board	5910
of developmental disabilities or a state institution;	5911
(j) Enrolled in a science, technology, engineering, and	5912
mathematics school established under Chapter 3326. of the	5913
Revised Code, including any participation in a college pursuant	5914
to Chapter 3365. of the Revised Code while enrolled in the	5915
school;	5916
(k) Enrolled in a college-preparatory boarding school	5917
established under Chapter 3328. of the Revised Code, including	5918
any participation in a college pursuant to Chapter 3365. of the	5919
Revised Code while enrolled in the school;	5920

(1) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	5921 5922 5923
(4) The total enrollment of pupils in joint vocational schools;	5924 5925
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5926 5927 5928 5929 5930 5931 5932 5933
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5934 5935 5936 5937 5938 5939 5940 5941
(7) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5942 5943 5944 5945 5946 5947 5948 5949

(8) The combined enrollment of children with disabilities 5950
reported under division (A) (1) or (2) of this section receiving 5951
special education services for category four disabilities 5952
described in division (D) of section 3317.013 of the Revised 5953
Code, including children attending a special education program 5954
operated by an alternative public provider or a registered 5955
private provider with a scholarship awarded under sections 5956
3310.51 to 3310.64 of the Revised Code; 5957

(9) The combined enrollment of children with disabilities 5958
reported under division (A) (1) or (2) of this section receiving 5959
special education services for the category five disabilities 5960
described in division (E) of section 3317.013 of the Revised 5961
Code, including children attending a special education program 5962
operated by an alternative public provider or a registered 5963
private provider with a scholarship awarded under sections 5964
3310.51 to 3310.64 of the Revised Code; 5965

(10) The combined enrollment of children with disabilities 5966
reported under division (A) (1) or (2) and under division (B) (3) 5967
(h) of this section receiving special education services for 5968
category six disabilities described in division (F) of section 5969
3317.013 of the Revised Code, including children attending a 5970
special education program operated by an alternative public 5971
provider or a registered private provider with a scholarship 5972
awarded under either section 3310.41 or sections 3310.51 to 5973
3310.64 of the Revised Code; 5974

(11) The enrollment of pupils reported under division (A) 5975
(1) or (2) of this section on a full-time equivalency basis in 5976
category one career-technical education programs or classes, 5977
described in division (A) of section 3317.014 of the Revised 5978
Code, operated by the school district or by another district 5979

that is a member of the district's career-technical planning 5980
district, other than a joint vocational school district, or by 5981
an educational service center, notwithstanding division (G) of 5982
section 3317.02 of the Revised Code and division (C) (3) of this 5983
section; 5984

(12) The enrollment of pupils reported under division (A) 5985
(1) or (2) of this section on a full-time equivalency basis in 5986
category two career-technical education programs or services, 5987
described in division (B) of section 3317.014 of the Revised 5988
Code, operated by the school district or another school district 5989
that is a member of the district's career-technical planning 5990
district, other than a joint vocational school district, or by 5991
an educational service center, notwithstanding division (G) of 5992
section 3317.02 of the Revised Code and division (C) (3) of this 5993
section; 5994

(13) The enrollment of pupils reported under division (A) 5995
(1) or (2) of this section on a full-time equivalency basis in 5996
category three career-technical education programs or services, 5997
described in division (C) of section 3317.014 of the Revised 5998
Code, operated by the school district or another school district 5999
that is a member of the district's career-technical planning 6000
district, other than a joint vocational school district, or by 6001
an educational service center, notwithstanding division (G) of 6002
section 3317.02 of the Revised Code and division (C) (3) of this 6003
section; 6004

(14) The enrollment of pupils reported under division (A) 6005
(1) or (2) of this section on a full-time equivalency basis in 6006
category four career-technical education programs or services, 6007
described in division (D) of section 3317.014 of the Revised 6008
Code, operated by the school district or another school district 6009

that is a member of the district's career-technical planning 6010
district, other than a joint vocational school district, or by 6011
an educational service center, notwithstanding division (G) of 6012
section 3317.02 of the Revised Code and division (C) (3) of this 6013
section; 6014

(15) The enrollment of pupils reported under division (A) 6015
(1) or (2) of this section on a full-time equivalency basis in 6016
category five career-technical education programs or services, 6017
described in division (E) of section 3317.014 of the Revised 6018
Code, operated by the school district or another school district 6019
that is a member of the district's career-technical planning 6020
district, other than a joint vocational school district, or by 6021
an educational service center, notwithstanding division (G) of 6022
section 3317.02 of the Revised Code and division (C) (3) of this 6023
section; 6024

(16) The enrollment of pupils reported under division (A) 6025
(1) or (2) of this section who are limited English proficient 6026
students described in division (A) of section 3317.016 of the 6027
Revised Code, excluding any student reported under division (B) 6028
(3) (e) of this section as enrolled in an internet- or computer- 6029
based community school; 6030

(17) The enrollment of pupils reported under division (A) 6031
(1) or (2) of this section who are limited English proficient 6032
students described in division (B) of section 3317.016 of the 6033
Revised Code, excluding any student reported under division (B) 6034
(3) (e) of this section as enrolled in an internet- or computer- 6035
based community school; 6036

(18) The enrollment of pupils reported under division (A) 6037
(1) or (2) of this section who are limited English proficient 6038
students described in division (C) of section 3317.016 of the 6039

Revised Code, excluding any student reported under division (B) 6040
(3) (e) of this section as enrolled in an internet- or computer- 6041
based community school; 6042

(19) The average number of children transported during the 6043
reporting period by the school district on board-owned or 6044
contractor-owned and -operated buses, reported in accordance 6045
with rules adopted by the department of education; 6046

(20) (a) The number of children, other than preschool 6047
children with disabilities, the district placed with a county 6048
board of developmental disabilities in fiscal year 1998. 6049
Division (B) (20) (a) of this section does not apply after fiscal 6050
year 2013. 6051

(b) The number of children with disabilities, other than 6052
preschool children with disabilities, placed with a county board 6053
of developmental disabilities in the current fiscal year to 6054
receive special education services for the category one 6055
disability described in division (A) of section 3317.013 of the 6056
Revised Code; 6057

(c) The number of children with disabilities, other than 6058
preschool children with disabilities, placed with a county board 6059
of developmental disabilities in the current fiscal year to 6060
receive special education services for category two disabilities 6061
described in division (B) of section 3317.013 of the Revised 6062
Code; 6063

(d) The number of children with disabilities, other than 6064
preschool children with disabilities, placed with a county board 6065
of developmental disabilities in the current fiscal year to 6066
receive special education services for category three 6067
disabilities described in division (C) of section 3317.013 of 6068

the Revised Code; 6069

(e) The number of children with disabilities, other than 6070
preschool children with disabilities, placed with a county board 6071
of developmental disabilities in the current fiscal year to 6072
receive special education services for category four 6073
disabilities described in division (D) of section 3317.013 of 6074
the Revised Code; 6075

(f) The number of children with disabilities, other than 6076
preschool children with disabilities, placed with a county board 6077
of developmental disabilities in the current fiscal year to 6078
receive special education services for the category five 6079
disabilities described in division (E) of section 3317.013 of 6080
the Revised Code; 6081

(g) The number of children with disabilities, other than 6082
preschool children with disabilities, placed with a county board 6083
of developmental disabilities in the current fiscal year to 6084
receive special education services for category six disabilities 6085
described in division (F) of section 3317.013 of the Revised 6086
Code. 6087

(21) The enrollment of students who are economically 6088
disadvantaged, as defined by the department, excluding any 6089
student reported under division (B) (3) (e) of this section as 6090
enrolled in an internet- or computer-based community school. A 6091
student shall not be categorically excluded from the number 6092
reported under division (B) (21) of this section based on 6093
anything other than family income. 6094

(C) (1) The state board of education shall adopt rules 6095
necessary for implementing divisions (A), (B), and (D) of this 6096
section. 6097

(2) A student enrolled in a community school established 6098
under Chapter 3314., a science, technology, engineering, and 6099
mathematics school established under Chapter 3326., or a 6100
college-preparatory boarding school established under Chapter 6101
3328. of the Revised Code shall be counted in the formula ADM 6102
and, if applicable, the category one, two, three, four, five, or 6103
six special education ADM of the school district in which the 6104
student is entitled to attend school under section 3313.64 or 6105
3313.65 of the Revised Code for the same proportion of the 6106
school year that the student is counted in the enrollment of the 6107
community school, the science, technology, engineering, and 6108
mathematics school, or the college-preparatory boarding school 6109
for purposes of section 3314.08, 3326.33, or 3328.24 of the 6110
Revised Code. Notwithstanding the enrollment of students 6111
certified pursuant to division (B)(3)(d), (e), (j), or (k) of 6112
this section, the department may adjust the formula ADM of a 6113
school district to account for students entitled to attend 6114
school in the district under section 3313.64 or 3313.65 of the 6115
Revised Code who are enrolled in a community school, a science, 6116
technology, engineering, and mathematics school, or a college- 6117
preparatory boarding school for only a portion of the school 6118
year. 6119

(3) No child shall be counted as more than a total of one 6120
child in the sum of the enrollment of students of a school 6121
district under division (A), divisions (B)(1) to (22), or 6122
division (D) of this section, except as follows: 6123

(a) A child with a disability described in section 6124
3317.013 of the Revised Code may be counted both in formula ADM 6125
and in category one, two, three, four, five, or six special 6126
education ADM and, if applicable, in category one, two, three, 6127
four, or five career-technical education ADM. As provided in 6128

division (G) of section 3317.02 of the Revised Code, such a 6129
child shall be counted in category one, two, three, four, five, 6130
or six special education ADM in the same proportion that the 6131
child is counted in formula ADM. 6132

(b) A child enrolled in career-technical education 6133
programs or classes described in section 3317.014 of the Revised 6134
Code may be counted both in formula ADM and category one, two, 6135
three, four, or five career-technical education ADM and, if 6136
applicable, in category one, two, three, four, five, or six 6137
special education ADM. Such a child shall be counted in category 6138
one, two, three, four, or five career-technical education ADM in 6139
the same proportion as the percentage of time that the child 6140
spends in the career-technical education programs or classes. 6141

(4) Based on the information reported under this section, 6142
the department of education shall determine the total student 6143
count, as defined in section 3301.011 of the Revised Code, for 6144
each school district. 6145

(D) (1) The superintendent of each joint vocational school 6146
district shall report and certify to the superintendent of 6147
public instruction as of the last day of October, March, and 6148
June of each year the enrollment of students receiving services 6149
from schools under the superintendent's supervision so that the 6150
department can calculate the district's formula ADM, total ADM, 6151
category one through five career-technical education ADM, 6152
category one through three limited English proficient ADM, 6153
category one through six special education ADM, and for purposes 6154
of provisions of law outside of Chapter 3317. of the Revised 6155
Code, average daily membership. 6156

The enrollment reported and certified by the 6157
superintendent, except as otherwise provided in this division, 6158

shall consist of the the number of students in grades six 6159
through twelve receiving any educational services from the 6160
district, except that the following categories of students shall 6161
not be included in the determination: 6162

(a) Students enrolled in adult education classes; 6163

(b) Adjacent or other district joint vocational students 6164
enrolled in the district under an open enrollment policy 6165
pursuant to section 3313.98 of the Revised Code; 6166

(c) Students receiving services in the district pursuant 6167
to a compact, cooperative education agreement, or a contract, 6168
but who are entitled to attend school in a city, local, or 6169
exempted village school district whose territory is not part of 6170
the territory of the joint vocational district; 6171

(d) Students for whom tuition is payable pursuant to 6172
sections 3317.081 and 3323.141 of the Revised Code. 6173

(2) To enable the department of education to obtain the 6174
data needed to complete the calculation of payments pursuant to 6175
this chapter, each superintendent shall certify from the report 6176
provided under division (D)(1) of this section the enrollment 6177
for each of the following categories of students: 6178

(a) Students enrolled in each individual grade included in 6179
the joint vocational district schools; 6180

(b) Children with disabilities receiving special education 6181
services for the category one disability described in division 6182
(A) of section 3317.013 of the Revised Code; 6183

(c) Children with disabilities receiving special education 6184
services for the category two disabilities described in division 6185
(B) of section 3317.013 of the Revised Code; 6186

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	6187 6188 6189
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	6190 6191 6192
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	6193 6194 6195
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	6196 6197 6198
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	6199 6200 6201
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	6202 6203 6204
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	6205 6206 6207
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	6208 6209 6210
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	6211 6212 6213
(m) Limited English proficient students described in	6214

division (A) of section 3317.016 of the Revised Code; 6215

(n) Limited English proficient students described in 6216
division (B) of section 3317.016 of the Revised Code; 6217

(o) Limited English proficient students described in 6218
division (C) of section 3317.016 of the Revised Code; 6219

(p) Students who are economically disadvantaged, as 6220
defined by the department. A student shall not be categorically 6221
excluded from the number reported under division (D) (2) (p) of 6222
this section based on anything other than family income. 6223

The superintendent of each joint vocational school 6224
district shall also indicate the city, local, or exempted 6225
village school district in which each joint vocational district 6226
pupil is entitled to attend school pursuant to section 3313.64 6227
or 3313.65 of the Revised Code. 6228

(E) In each school of each city, local, exempted village, 6229
joint vocational, and cooperative education school district 6230
there shall be maintained a record of school enrollment, which 6231
record shall accurately show, for each day the school is in 6232
session, the actual enrollment in regular day classes. For the 6233
purpose of determining the enrollment of students, the 6234
enrollment figure of any school shall not include any pupils 6235
except those pupils described by division (A) of this section. 6236
The record of enrollment for each school shall be maintained in 6237
such manner that no pupil shall be counted as enrolled prior to 6238
the actual date of entry in the school and also in such manner 6239
that where for any cause a pupil permanently withdraws from the 6240
school that pupil shall not be counted as enrolled from and 6241
after the date of such withdrawal. There shall not be included 6242
in the enrollment of any school any of the following: 6243

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 6244
6245

(2) Any pupil who is not a resident of the state; 6246

~~(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section;~~ 6247
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~~(4)~~ Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge; 6253
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~~(5)~~ (4) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code. 6261
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If, however, any veteran described by division (E) ~~(4)~~ (3) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section. 6263
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~~Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and~~ 6268
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~~a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.~~

The formula ADM, total ADM, category one through five career-technical education ADM, category one through three limited English proficient ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F) (1) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C) (2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student

to the extent necessary to account for the deduction, and shall 6303
recalculate the school district's payments under this chapter 6304
for the entire fiscal year on the basis of that adjusted formula 6305
ADM. 6306

(3) If a student awarded a scholarship under the Jon 6307
Peterson special needs scholarship program is not included in 6308
the formula ADM of the school district from which the department 6309
deducts funds for the scholarship under section 3310.55 of the 6310
Revised Code, the department shall adjust the formula ADM of 6311
that school district to include the student to the extent 6312
necessary to account for the deduction, and shall recalculate 6313
the school district's payments under this chapter for the entire 6314
fiscal year on the basis of that adjusted formula ADM. 6315

(G) (1) (a) The superintendent of an institution operating a 6316
special education program pursuant to section 3323.091 of the 6317
Revised Code shall, for the programs under such superintendent's 6318
supervision, certify to the state board of education, in the 6319
manner prescribed by the superintendent of public instruction, 6320
both of the following: 6321

(i) The unduplicated count of the number of all children 6322
with disabilities other than preschool children with 6323
disabilities receiving services at the institution for each 6324
category of disability described in divisions (A) to (F) of 6325
section 3317.013 of the Revised Code adjusted for the portion of 6326
the year each child is so enrolled; 6327

(ii) The unduplicated count of the number of all preschool 6328
children with disabilities in classes or programs for whom the 6329
district is eligible to receive funding under section 3317.0213 6330
of the Revised Code adjusted for the portion of the year each 6331
child is so enrolled, reported according to the categories 6332

prescribed in section 3317.013 of the Revised Code. 6333

(b) The superintendent of an institution with career- 6334
technical education units approved under section 3317.05 of the 6335
Revised Code shall, for the units under the superintendent's 6336
supervision, certify to the state board of education the 6337
enrollment in those units, in the manner prescribed by the 6338
superintendent of public instruction. 6339

(2) The superintendent of each county board of 6340
developmental disabilities that maintains special education 6341
classes under section 3317.20 of the Revised Code or provides 6342
services to preschool children with disabilities pursuant to an 6343
agreement between the county board and the appropriate school 6344
district shall do both of the following: 6345

(a) Certify to the state board, in the manner prescribed 6346
by the board, the enrollment in classes under section 3317.20 of 6347
the Revised Code for each school district that has placed 6348
children in the classes; 6349

(b) Certify to the state board, in the manner prescribed 6350
by the board, the unduplicated count of the number of all 6351
preschool children with disabilities enrolled in classes for 6352
which the ~~DD~~ board is eligible to receive funding under section 6353
3317.0213 of the Revised Code adjusted for the portion of the 6354
year each child is so enrolled, reported according to the 6355
categories prescribed in section 3317.013 of the Revised Code, 6356
and the number of those classes. 6357

(H) Except as provided in division (I) of this section, 6358
when any city, local, or exempted village school district 6359
provides instruction for a nonresident pupil whose attendance is 6360
unauthorized attendance as defined in section 3327.06 of the 6361

Revised Code, that pupil's enrollment shall not be included in 6362
that district's enrollment figure used in calculating the 6363
district's payments under this chapter. The reporting official 6364
shall report separately the enrollment of all pupils whose 6365
attendance in the district is unauthorized attendance, and the 6366
enrollment of each such pupil shall be credited to the school 6367
district in which the pupil is entitled to attend school under 6368
division (B) of section 3313.64 or section 3313.65 of the 6369
Revised Code as determined by the department of education. 6370

(I) (1) A city, local, exempted village, or joint 6371
vocational school district admitting a scholarship student of a 6372
pilot project district pursuant to division (C) of section 6373
3313.976 of the Revised Code may count such student in its 6374
enrollment. 6375

(2) In any year for which funds are appropriated for pilot 6376
project scholarship programs, a school district implementing a 6377
state-sponsored pilot project scholarship program that year 6378
pursuant to sections 3313.974 to 3313.979 of the Revised Code 6379
may count in its enrollment: 6380

(a) All children residing in the district and utilizing a 6381
scholarship to attend kindergarten in any alternative school, as 6382
defined in section 3313.974 of the Revised Code; 6383

(b) All children who were enrolled in the district in the 6384
preceding year who are utilizing a scholarship to attend an 6385
alternative school. 6386

(J) The superintendent of each cooperative education 6387
school district shall certify to the superintendent of public 6388
instruction, in a manner prescribed by the state board of 6389
education, the applicable enrollments for all students in the 6390

cooperative education district, also indicating the city, local, 6391
or exempted village district where each pupil is entitled to 6392
attend school under section 3313.64 or 3313.65 of the Revised 6393
Code. 6394

(K) If the superintendent of public instruction determines 6395
that a component of the enrollment certified or reported by a 6396
district superintendent, or other reporting entity, is not 6397
correct, the superintendent of public instruction may order that 6398
the formula ADM used for the purposes of payments under any 6399
section of Title XXXVIII of the Revised Code be adjusted in the 6400
amount of the error. 6401

Sec. 3319.02. (A) (1) As used in this section, "other 6402
administrator" means any of the following: 6403

(a) Except as provided in division (A) (2) of this section, 6404
any employee in a position for which a board of education 6405
requires a license designated by rule of the department of 6406
education for being an administrator issued under section 6407
3319.22 of the Revised Code, including a professional pupil 6408
services employee or administrative specialist or an equivalent 6409
of either one who is not employed as a school counselor and 6410
spends less than fifty per cent of the time employed teaching or 6411
working with students; 6412

(b) Any nonlicensed employee whose job duties enable such 6413
employee to be considered as either a "supervisor" or a 6414
"management level employee," as defined in section 4117.01 of 6415
the Revised Code; 6416

(c) A business manager appointed under section 3319.03 of 6417
the Revised Code. 6418

(2) As used in this section, "other administrator" does 6419

not include a superintendent, assistant superintendent, 6420
principal, or assistant principal. 6421

(B) The board of education of each school district and the 6422
governing board of an educational service center may appoint one 6423
or more assistant superintendents and such other administrators 6424
as are necessary. An assistant educational service center 6425
superintendent or service center supervisor employed on a part- 6426
time basis may also be employed by a local board as a teacher. 6427
The board of each city, exempted village, and local school 6428
district shall employ principals for all high schools and for 6429
such other schools as the board designates, and those boards may 6430
appoint assistant principals for any school that they designate. 6431

(C) In educational service centers and in city, exempted 6432
village, and local school districts, assistant superintendents, 6433
principals, assistant principals, and other administrators shall 6434
only be employed or reemployed in accordance with nominations of 6435
the superintendent, except that a board of education of a school 6436
district or the governing board of a service center, by a three- 6437
fourths vote of its full membership, may reemploy any assistant 6438
superintendent, principal, assistant principal, or other 6439
administrator whom the superintendent refuses to nominate. 6440

The board of education or governing board shall execute a 6441
written contract of employment with each assistant 6442
superintendent, principal, assistant principal, and other 6443
administrator it employs or reemploys. The term of such contract 6444
shall not exceed three years except that in the case of a person 6445
who has been employed as an assistant superintendent, principal, 6446
assistant principal, or other administrator in the district or 6447
center for three years or more, the term of the contract shall 6448
be for not more than five years and, unless the superintendent 6449

of the district recommends otherwise, not less than two years. 6450
If the superintendent so recommends, the term of the contract of 6451
a person who has been employed by the district or service center 6452
as an assistant superintendent, principal, assistant principal, 6453
or other administrator for three years or more may be one year, 6454
but all subsequent contracts granted such person shall be for a 6455
term of not less than two years and not more than five years. 6456
When a teacher with continuing service status becomes an 6457
assistant superintendent, principal, assistant principal, or 6458
other administrator with the district or service center with 6459
which the teacher holds continuing service status, the teacher 6460
retains such status in the teacher's nonadministrative position 6461
as provided in sections 3311.77, 3319.08, and 3319.09 of the 6462
Revised Code. 6463

A board of education or governing board may reemploy an 6464
assistant superintendent, principal, assistant principal, or 6465
other administrator at any regular or special meeting held 6466
during the period beginning on the first day of January of the 6467
calendar year immediately preceding the year of expiration of 6468
the employment contract and ending on the first day of June of 6469
the year the employment contract expires. 6470

Except by mutual agreement of the parties thereto, no 6471
assistant superintendent, principal, assistant principal, or 6472
other administrator shall be transferred during the life of a 6473
contract to a position of lesser responsibility. No contract may 6474
be terminated by a board except pursuant to section 3319.16 of 6475
the Revised Code. No contract may be suspended except pursuant 6476
to section 3319.17 or 3319.171 of the Revised Code. The salaries 6477
and compensation prescribed by such contracts shall not be 6478
reduced by a board unless such reduction is a part of a uniform 6479
plan affecting the entire district or center. The contract shall 6480

specify the employee's administrative position and duties as 6481
included in the job description adopted under division (D) of 6482
this section, the salary and other compensation to be paid for 6483
performance of duties, the number of days to be worked, the 6484
number of days of vacation leave, if any, and any paid holidays 6485
in the contractual year. 6486

An assistant superintendent, principal, assistant 6487
principal, or other administrator is, at the expiration of the 6488
current term of employment, deemed reemployed at the same salary 6489
plus any increments that may be authorized by the board, unless 6490
such employee notifies the board in writing to the contrary on 6491
or before the fifteenth day of June, or unless such board, on or 6492
before the first day of June of the year in which the contract 6493
of employment expires, either reemploys such employee for a 6494
succeeding term or gives written notice of its intention not to 6495
reemploy the employee. The term of reemployment of a person 6496
reemployed under this paragraph shall be one year, except that 6497
if such person has been employed by the school district or 6498
service center as an assistant superintendent, principal, 6499
assistant principal, or other administrator for three years or 6500
more, the term of reemployment shall be two years. 6501

(D) ~~(1)~~ Each board shall adopt procedures for the 6502
evaluation of all assistant superintendents, principals, 6503
assistant principals, and other administrators and shall 6504
evaluate such employees in accordance with those procedures. ~~The~~ 6505
~~procedures for the evaluation of principals and assistant~~ 6506
~~principals shall be based on principles comparable to the~~ 6507
~~teacher evaluation policy adopted by the board under section~~ 6508
~~3319.111 of the Revised Code, but shall be tailored to the~~ 6509
~~duties and responsibilities of principals and assistant~~ 6510
~~principals and the environment in which they work. An evaluation~~ 6511

~~based upon procedures adopted under this division shall be~~ 6512
~~considered by the board in deciding whether to renew the~~ 6513
~~contract of employment of an assistant superintendent,~~ 6514
~~principal, assistant principal, or other administrator.~~ 6515

~~(2) The evaluation shall measure each assistant~~ 6516
~~superintendent's, principal's, assistant principal's, and other~~ 6517
~~administrator's effectiveness in performing the duties included~~ 6518
~~in the job description and the evaluation procedures shall~~ 6519
~~provide for, but not be limited to, the following:~~ 6520

~~(a) Each assistant superintendent, principal, assistant~~ 6521
~~principal, and other administrator shall be evaluated annually~~ 6522
~~through a written evaluation process.~~ 6523

~~(b) The evaluation shall be conducted by the~~ 6524
~~superintendent or designee.~~ 6525

~~(c) In order to provide time to show progress in~~ 6526
~~correcting the deficiencies identified in the evaluation~~ 6527
~~process, the evaluation process shall be completed as follows:~~ 6528

~~(i) In any school year that the employee's contract of~~ 6529
~~employment is not due to expire, at least one evaluation shall~~ 6530
~~be completed in that year. A written copy of the evaluation~~ 6531
~~shall be provided to the employee no later than the end of the~~ 6532
~~employee's contract year as defined by the employee's annual~~ 6533
~~salary notice.~~ 6534

~~(ii) In any school year that the employee's contract of~~ 6535
~~employment is due to expire, at least a preliminary evaluation~~ 6536
~~and at least a final evaluation shall be completed in that year.~~ 6537
~~A written copy of the preliminary evaluation shall be provided~~ 6538
~~to the employee at least sixty days prior to any action by the~~ 6539
~~board on the employee's contract of employment. The final~~ 6540

~~evaluation shall indicate the superintendent's intended
recommendation to the board regarding a contract of employment
for the employee. A written copy of the evaluation shall be
provided to the employee at least five days prior to the board's
acting to renew or not renew the contract.~~

~~(3) Termination of an assistant superintendent, principal,
assistant principal, or other administrator's contract shall be
pursuant to section 3319.16 of the Revised Code. Suspension of
any such employee shall be pursuant to section 3319.17 or
3319.171 of the Revised Code.~~

~~(4) Before taking action to renew or nonrenew the contract
of an assistant superintendent, principal, assistant principal,
or other administrator under this section and prior to the first
day of June of the year in which such employee's contract
expires, the board shall notify each such employee of the date
that the contract expires and that the employee may request a
meeting with the board. Upon request by such an employee, the
board shall grant the employee a meeting in executive session.
In that meeting, the board shall discuss its reasons for
considering renewal or nonrenewal of the contract. The employee
shall be permitted to have a representative, chosen by the
employee, present at the meeting.~~

~~(5) The establishment of an evaluation procedure shall not
create an expectancy of continued employment. Nothing in
division (D) of this section shall prevent a board from making
the final determination regarding the renewal or nonrenewal of
the contract of any assistant superintendent, principal,
assistant principal, or other administrator. However, if a board
fails to provide evaluations pursuant to division (D) (2) (c) (i)
or (ii) of this section, or if the board fails to provide at the~~

~~request of the employee a meeting as prescribed in division (D)
(4) of this section, the employee automatically shall be
reemployed at the same salary plus any increments that may be
authorized by the board for a period of one year, except that if
the employee has been employed by the district or service center
as an assistant superintendent, principal, assistant principal,
or other administrator for three years or more, the period of
reemployment shall be for two years.~~

(E) On nomination of the superintendent of a service
center a governing board may employ supervisors who shall be
employed under written contracts of employment for terms not to
exceed five years each. Such contracts may be terminated by a
governing board pursuant to section 3319.16 of the Revised Code.
Any supervisor employed pursuant to this division may terminate
the contract of employment at the end of any school year after
giving the board at least thirty days' written notice prior to
such termination. On the recommendation of the superintendent
the contract or contracts of any supervisor employed pursuant to
this division may be suspended for the remainder of the term of
any such contract pursuant to section 3319.17 or 3319.171 of the
Revised Code.

(F) A board may establish vacation leave for any
individuals employed under this section. Upon such an
individual's separation from employment, a board that has such
leave may compensate such an individual at the individual's
current rate of pay for all lawfully accrued and unused vacation
leave credited at the time of separation, not to exceed the
amount accrued within three years before the date of separation.
In case of the death of an individual employed under this
section, such unused vacation leave as the board would have paid
to the individual upon separation under this section shall be

paid in accordance with section 2113.04 of the Revised Code, or 6602
to the estate. 6603

(G) The board of education of any school district may 6604
contract with the governing board of the educational service 6605
center from which it otherwise receives services to conduct 6606
searches and recruitment of candidates for assistant 6607
superintendent, principal, assistant principal, and other 6608
administrator positions authorized under this section. 6609

Sec. 3319.111. Notwithstanding section 3319.09 of the 6610
Revised Code, this section applies to any person who is employed 6611
under a teacher license issued under this chapter, or under a 6612
professional or permanent teacher's certificate issued under 6613
former section 3319.222 of the Revised Code, and who spends at 6614
least fifty per cent of the time employed providing student 6615
instruction. However, this section does not apply to any person 6616
who is employed as a substitute teacher or as an instructor of 6617
adult education. 6618

(A) ~~Not later than July 1, 2013, the~~ The board of 6619
education of each school district, in consultation with teachers 6620
employed by the board and the district's teacher's labor 6621
organization, shall adopt a ~~standards-based~~ teacher evaluation 6622
~~policy that conforms with the framework for evaluation of~~ 6623
~~teachers developed under section 3319.112 of the Revised Code.~~ A 6624
policy may, but shall not be required to, use measures of 6625
student academic growth as a component of a teachers' 6626
evaluation. The policy shall become operative at the expiration 6627
of any collective bargaining agreement covering teachers 6628
employed by the board that is in effect on ~~September 29, 2011,~~ 6629
the effective date of this amendment and shall be included in 6630
any renewal or extension of such an agreement. 6631

~~(B) When using measures of~~ If a policy uses student 6632
academic growth as a component of a teacher's evaluation, ~~these~~ 6633
~~measures shall include~~ the policy shall include the value-added 6634
progress dimension prescribed by section 3302.021 of the Revised 6635
Code or an alternative student academic progress measure if 6636
adopted under division (C) (1) (e) of section 3302.03 of the 6637
Revised Code, except that the student academic growth component 6638
shall not account for more than twenty per cent of an 6639
evaluation. ~~For teachers of grade levels and subjects for which~~ 6640
~~the value-added progress dimension or alternative student~~ 6641
~~academic progress measure is not applicable, the board shall~~ 6642
~~administer assessments on the list developed under division (B)~~ 6643
~~(2) of section 3319.112 of the Revised Code.~~ 6644

~~(C) (1)~~ The board shall conduct an evaluation of each 6645
teacher employed by the board at least once each school year, ~~7~~ 6646
~~except as provided in division (C) (2) of this section.~~ The 6647
evaluation shall be completed by the first day of May and the 6648
teacher shall receive a written report of the results of the 6649
evaluation by the tenth day of May. 6650

~~(2) (a)~~ The board may evaluate each teacher who received a 6651
rating of accomplished on the teacher's most recent evaluation 6652
conducted under this section once every three school years, so 6653
long as the teacher's student academic growth measure, for the 6654
most recent school year for which data is available, is average 6655
or higher, as determined by the department of education. 6656

~~(b)~~ The board may evaluate each teacher who received a 6657
rating of skilled on the teacher's most recent evaluation 6658
conducted under this section once every two years, so long as 6659
the teacher's student academic growth measure, for the most 6660
recent school year for which data is available, is average or 6661

~~higher, as determined by the department of education.~~ 6662

~~(c) For each teacher who is evaluated pursuant to division
(C) (2) of this section, the evaluation shall be completed by the
first day of May of the applicable school year, and the teacher
shall receive a written report of the results of the evaluation
by the tenth day of May of that school year.~~ 6663
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~~(d) Beginning with the 2014-2015 school year, the board
may elect not to conduct an evaluation of a teacher who meets
one of the following requirements:~~ 6668
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~~(i) The teacher was on leave from the school district for
fifty per cent or more of the school year, as calculated by the
board.~~ 6671
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~~(ii) The teacher has submitted notice of retirement and
that notice has been accepted by the board not later than the
first day of December of the school year in which the evaluation
is otherwise scheduled to be conducted.~~ 6674
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~~(e) Beginning with the 2017-2018 school year, the board
may elect not to conduct an evaluation of a teacher who is
participating in the teacher residency program established under
section 3319.223 of the Revised Code for the year during which
that teacher takes, for the first time, at least half of the
performance-based assessment prescribed by the state board of
education for resident educators.~~ 6678
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~~(3) In any year that a teacher is not formally evaluated
pursuant to division (C) of this section as a result of
receiving a rating of accomplished or skilled on the teacher's
most recent evaluation, an individual qualified to evaluate a
teacher under division (D) of this section shall conduct at
least one observation of the teacher and hold at least one~~ 6685
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~~conference with the teacher.~~ 6691

~~(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the department of education for being an evaluator:~~ 6692
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~~(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;~~ 6696
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~~(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;~~ 6701
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~~(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;~~ 6706
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~~(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.~~ 6710
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~~(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code:~~ 6716
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~~(1) The board shall require at least three formal observations of each teacher who is under consideration for~~ 6718
6719

~~nonrenewal and with whom the board has entered into a limited- 6720
contract or an extended limited contract under section 3319.11- 6721
of the Revised Code. 6722~~

~~(2) The board may elect, by adoption of a resolution, to 6723
require only one formal observation of a teacher who received a 6724
rating of accomplished on the teacher's most recent evaluation- 6725
conducted under this section, provided the teacher completes a 6726
project that has been approved by the board to demonstrate the 6727
teacher's continued growth and practice at the accomplished- 6728
level. 6729~~

~~(F) The board shall include in its evaluation policy- 6730
procedures for using the evaluation results for retention and- 6731
promotion decisions and for removal of poorly performing- 6732
teachers. Seniority shall not be the basis for a decision to- 6733
retain a teacher, except when making a decision between teachers- 6734
who have comparable evaluations. 6735~~

~~(G) For purposes of section 3333.0411 of the Revised Code,- 6736
the board annually shall report to the department of education- 6737
the number of teachers for whom an evaluation was conducted- 6738
under this section and the number of teachers assigned each- 6739
rating prescribed under division (B) (1) of section 3319.112 of- 6740
the Revised Code, aggregated by the teacher preparation programs- 6741
from which and the years in which the teachers graduated. The- 6742
department shall establish guidelines for reporting the- 6743
information required by this division. The guidelines shall not- 6744
permit or require that the name of, or any other personally- 6745
identifiable information about, any teacher be reported under- 6746
this division. 6747~~

~~(H) A teacher may appeal the result of the teacher's 6748
evaluation conducted under this section to the educational 6749~~

service center with which the district has an agreement or, if 6750
the district of the teacher does not have an agreement with an 6751
educational service center, an educational service center of an 6752
adjacent district or an educational service center selected by 6753
the teacher. 6754

(D) Notwithstanding any provision to the contrary in 6755
Chapter 4117. of the Revised Code, the requirements of this 6756
section prevail over any conflicting provisions of a collective 6757
bargaining agreement entered into on or after ~~September 24, 2012~~ 6758
effective date of this amendment. 6759

Sec. 3319.23. A valid educator license for teaching social 6760
studies in the applicable grade shall be considered sufficient 6761
to teach the additional American history and American government 6762
content adopted under division (A) (1) ~~(b)~~ of section 3301.079 of 6763
the Revised Code. 6764

Sec. 3319.324. (A) Each school district or school shall 6765
provide students or the parents or guardians of a student who is 6766
less than eighteen years of age a formal written explanation of 6767
the goals and capabilities of any digital-learning platform that 6768
is used by the school. The explanation shall include the 6769
following: 6770

(1) How the platform works and its principal purposes; 6771

(2) The title and business address of the school official 6772
who is responsible for the platform and the name and business 6773
address of any contractor or other outside party maintaining the 6774
platform for or on behalf of the school; 6775

(3) The information the software is designed to collect 6776
from or record about the student, including any data matches 6777
with other personally identifiable information; 6778

(4) Every element of data that the platform or software will collect or record about the student, including any personal psychological characteristics, noncognitive attributes or skills, such as collaboration, resilience, and perseverance; and physiological measurements; 6779
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(5) The purpose of collecting and recording such data; 6784

(6) Every contemplated use or disclosure of such data, the categories of recipients, and the purpose of such use or disclosure; 6785
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(7) A full explanation of the privacy policy maintained by the provider of the digital-learning platform; and 6788
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(8) The policies and practices of the school regarding storage, retrievability, access controls, retention, and disposal of the records collected or recorded by the platform. 6790
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(B) (1) No digital-learning platform, or any instructional material in digital format, shall be used unless it includes a portal or other mechanism allowing parents access to the platform and all the content available to the student users. 6793
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(2) Any data of any type collected on a student through his or her use of a digital-learning platform shall be destroyed at the end of the course in which the platform is used. 6797
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(3) Students or parents or guardians shall be allowed to opt out of using any digital-learning platform. Students or parents or guardians who opt out shall be provided traditional instruction in the academic content covered by such digital-learning platform. 6800
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(C) As used in this section: 6805

(1) "Digital-learning platform" or "platform" means an 6806

interactive digital platform that collects and records students' 6807
personally identifiable information, whether maintained or 6808
hosted externally by the school or by a third-party provider, 6809
and includes any video-gaming platform. 6810

(2) "Personally identifiable information" means student 6811
data that personally identifies a student that, alone or in 6812
combination, is linked to information that would allow a 6813
reasonable person who does not have personal knowledge of the 6814
relevant circumstances to identify the student. 6815

Sec. 3326.37. The department of education shall not pay to 6816
a science, technology, engineering, and mathematics school any 6817
amount for any of the following: 6818

(A) Any student who has graduated from the twelfth grade 6819
of a public or nonpublic school; 6820

(B) Any student who is not a resident of the state; 6821

~~(C) Any student who was enrolled in a STEM school during~~ 6822
~~the previous school year when assessments were administered~~ 6823
~~under section 3301.0711 of the Revised Code but did not take one~~ 6824
~~or more of the assessments required by that section and was not~~ 6825
~~excused pursuant to division (C) (1) or (3) of that section,~~ 6826
~~unless the superintendent of public instruction grants the~~ 6827
~~student a waiver from the requirement to take the assessment.~~ 6828
~~The superintendent may grant a waiver only for good cause in~~ 6829
~~accordance with rules adopted by the state board of education.~~ 6830

~~(D)~~ Any student who has attained the age of twenty-two 6831
years, except for veterans of the armed services whose 6832
attendance was interrupted before completing the recognized 6833
twelve-year course of the public schools by reason of induction 6834
or enlistment in the armed forces and who apply for enrollment 6835

in a STEM school not later than four years after termination of 6836
war or their honorable discharge. If, however, any such veteran 6837
elects to enroll in special courses organized for veterans for 6838
whom tuition is paid under federal law, or otherwise, the 6839
department shall not pay to the school any amount for that 6840
veteran. 6841

Sec. 3328.01. As used in this chapter: 6842

(A) "Board of trustees" means the board of trustees 6843
established for a college-preparatory boarding school in 6844
accordance with section 3328.15 of the Revised Code. 6845

(B) "Child with a disability," "IEP," and "school district 6846
of residence" have the same meanings as in section 3323.01 of 6847
the Revised Code. 6848

(C) "Eligible student" means a student who is entitled to 6849
attend school in a participating school district; is at risk of 6850
academic failure; is from a family whose income is below two 6851
hundred per cent of the federal poverty guidelines, as defined 6852
in section 5101.46 of the Revised Code; meets any additional 6853
criteria prescribed by agreement between the state board of 6854
education and the operator of the college-preparatory boarding 6855
school in which the student seeks enrollment; and meets at least 6856
two of the following additional conditions: 6857

(1) The student has a record of in-school disciplinary 6858
actions, suspensions, expulsions, or truancy. 6859

(2) The student has not attained at least a proficient 6860
score on the state achievement assessments in English language 6861
arts, reading, or mathematics prescribed under section 3301.0710 6862
of the Revised Code, after those assessments have been 6863
administered to the student at least once, or the student has 6864

not attained at least a score designated by the board of 6865
trustees of the college-preparatory boarding school in which the 6866
student seeks enrollment under this chapter on an ~~end-of-course-~~ 6867
~~examination~~ assessment in English language arts or mathematics 6868
prescribed under division (B) of section 3301.0712 of the 6869
Revised Code. 6870

(3) The student is a child with a disability. 6871

(4) The student has been referred for academic 6872
intervention services. 6873

(5) The student's head of household is a single parent. As 6874
used in this division and in division (C) (6) of this section, 6875
"head of household" means a person who occupies the same 6876
household as the student and who is financially responsible for 6877
the student. 6878

(6) The student's head of household is not the student's 6879
custodial parent. 6880

(7) A member of the student's family has been imprisoned, 6881
as defined in section 1.05 of the Revised Code. 6882

(D) "Entitled to attend school" means entitled to attend 6883
school in a school district under section 3313.64 or 3313.65 of 6884
the Revised Code. 6885

(E) "Formula ADM," "category one through six special 6886
education ADM," and "state education aid" have the same meanings 6887
as in section 3317.02 of the Revised Code. 6888

(F) "Operator" means the operator of a college-preparatory 6889
boarding school selected under section 3328.11 of the Revised 6890
Code. 6891

(G) "Participating school district" means either of the 6892

following: 6893

(1) The school district in which a college-preparatory 6894
boarding school established under this chapter is located; 6895

(2) A school district other than one described in division 6896
(G) (1) of this section that, pursuant to procedures adopted by 6897
the state board of education under section 3328.04 of the 6898
Revised Code, agrees to be a participating school district so 6899
that eligible students entitled to attend school in that 6900
district may enroll in a college-preparatory boarding school 6901
established under this chapter. 6902

Sec. 3333.0411. ~~Not~~ The final report made under this 6903
section shall be for teacher evaluations conducted for the 2016- 6904
2017 school year. Beginning with teacher evaluations conducted 6905
for the 2017-2018 school year, no report shall be made under 6906
this section. 6907

Not later than December 31, 2014, and annually thereafter, 6908
the chancellor of higher education shall report for each 6909
approved teacher preparation program, the number and percentage 6910
of all graduates of the program who were rated at each of the 6911
performance levels prescribed by division (B) (1) of former 6912
section 3319.112 of the Revised Code on an evaluation conducted 6913
in accordance with section 3319.111 of the Revised Code in the 6914
previous school year. 6915

In no case shall the report identify any individual 6916
graduate. The department of education shall share any data 6917
necessary for the report with the chancellor. 6918

Sec. 3365.05. Each public and participating private 6919
college shall do all of the following with respect to the 6920
college credit plus program: 6921

(A) Apply established standards and procedures for 6922
admission to the college and for course placement for 6923
participants. When determining admission and course placement, 6924
the college shall do all of the following: 6925

(1) Consider all available student data that may be an 6926
indicator of college readiness, including grade point average 6927
and ~~end of course examination scores~~ on assessments prescribed 6928
under division (B) of section 3301.0712 of the Revised Code, if 6929
applicable; 6930

(2) Give priority to its current students regarding 6931
enrollment in courses. However, once a participant has been 6932
accepted into a course, the college shall not displace the 6933
participant for another student. 6934

(3) Adhere to any capacity limitations that the college 6935
has established for specified courses. 6936

(B) Send written notice to a participant, the 6937
participant's parent, the participant's secondary school, and 6938
the superintendent of public instruction, not later than 6939
fourteen calendar days prior to the first day of classes for 6940
that term, of the participant's admission to the college and to 6941
specified courses under the program. 6942

(C) Provide both of the following, not later than twenty- 6943
one calendar days after the first day of classes for that term, 6944
to each participant, participant's secondary school, and the 6945
superintendent of public instruction: 6946

(1) The courses and hours of enrollment of the 6947
participant; 6948

(2) The option elected by the participant under division 6949
(A) or (B) of section 3365.06 of the Revised Code for each 6950

course. 6951

The college shall also provide to each partnering school a 6952
roster of participants from that school that are enrolled in the 6953
college and a list of course assignments for each participant. 6954

(D) Promote the program on the college's web site, 6955
including the details of the college's current agreements with 6956
partnering secondary schools. 6957

(E) Coordinate with each partnering secondary school that 6958
is located within thirty miles of the college to present at 6959
least one informational session per school year for interested 6960
students and parents. The session shall include the benefits and 6961
consequences of participation and shall outline any changes or 6962
additions to the requirements of the program. If there are no 6963
partnering schools located within thirty miles of the college, 6964
the college shall coordinate with the closest partnering school 6965
to offer an informational session. 6966

(F) Assign an academic advisor that is employed by the 6967
college to each participant enrolled in that college. Prior to 6968
the date on which a withdrawal from a course would negatively 6969
affect a participant's transcribed grade, as prescribed by the 6970
college's established withdrawal policy, the college shall 6971
ensure that the academic advisor and the participant meet at 6972
least once to discuss the program and the courses in which the 6973
participant is enrolled. 6974

(G) Do both of the following with regard to high school 6975
teachers that are teaching courses for the college at a 6976
secondary school under the program: 6977

(1) Provide at least one professional development session 6978
per school year; 6979

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Section 2. That existing sections 3301.078, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0718, 3301.0722, 3301.0728, 3302.01, 3302.02, 3302.03, 3302.036, 3302.05, 3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 3313.603, 3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 3314.016, 3314.02, 3314.05, 3314.08, 3314.26, 3317.03, 3319.02, 3319.111, 3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 and sections 3301.0721, 3319.112, and 3319.114 of the Revised Code are hereby repealed.

Section 3. (A) (1) Notwithstanding anything in the Revised Code to the contrary and except as provided in division (A) (2) of this section, the board of education of a school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing authority of a STEM school established under Chapter 3326. of the Revised Code shall not use the value-added progress dimension rating that is based on the results of the assessments prescribed under

sections 3301.0710 and 3301.0712 of the Revised Code 7010
administered in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 7011
and 2018-2019 school years for purposes of assessing student 7012
academic growth for teacher and principal evaluations conducted 7013
under sections 3311.80, 3319.02, and 3319.111 and former section 7014
3319.112 of the Revised Code or when making decisions regarding 7015
the dismissal, retention, tenure, or compensation of the 7016
district's or school's teachers and principals. 7017

(2) A school district, community school, or STEM school 7018
may enter into a memorandum of understanding collectively with 7019
its teachers or principals stipulating that the value-added 7020
progress dimension rating that is based on the results of the 7021
assessments prescribed under sections 3301.0710 and 3301.0712 of 7022
the Revised Code administered in the 2014-2015, 2015-2016, 2016- 7023
2017, 2017-2018, and 2018-2019 school years may be used to 7024
assess student academic growth for purposes of teacher and 7025
principal evaluations or when making decisions regarding the 7026
dismissal, retention, tenure, or compensation of the district's 7027
or school's teachers and principals. 7028

(3) For a teacher of a grade level and subject area for 7029
which the value-added progress dimension is applicable, if no 7030
other measure is available to determine student academic growth 7031
as required under section 3311.80 or 3319.114 or former section 7032
3319.112 of the Revised Code, teacher and principal evaluations 7033
shall be based solely on teacher or principal performance. 7034

(B) As used in this section, "value-added progress 7035
dimension" means the value-added progress dimension prescribed 7036
by section 3302.021 of the Revised Code or an alternative 7037
student academic progress measure if adopted under division (C) 7038
(1) (e) of section 3303.03 of the Revised Code. 7039

Section 4. Not later than thirty days after the effective 7040
date of this section, the State Board of Education shall provide 7041
on the web site of the Department of Education an online 7042
opportunity to make comments on specific academic content 7043
standards adopted under section 3301.079 of the Revised Code. 7044

Section 5. (A) (1) Not later than thirty days after the 7045
effective date of this section, the Department of Education 7046
shall issue a request for proposals to provide the elementary 7047
assessments prescribed by section 3301.0710 of the Revised Code 7048
and the assessments prescribed by section 3301.0712 of the 7049
Revised Code for administration by school districts and schools 7050
beginning with the 2018-2019 school year. In reviewing 7051
proposals, the Department shall consider for the elementary- 7052
level assessments, only nationally normed, standardized 7053
assessments that were developed prior to 2010 and have specific 7054
attributes, which include validity, reliability, percentile 7055
scores, identified stanine ranges, and useful diagnostic 7056
information. For the secondary-level assessments, the Department 7057
shall give preference to nationally norm-referenced assessments 7058
and assessments that were developed prior to 2010. The 7059
Department shall solicit input from teachers and administrators 7060
when reviewing proposals. Multistate consortia, a subsidiary of 7061
multistate consortia, or affiliate acting on behalf of 7062
multistate consortia shall not be eligible to submit a proposal. 7063

(2) The Department shall submit assessments that meet the 7064
conditions prescribed under this section to the Joint Education 7065
Oversight Committee established under section 103.45 of the 7066
Revised Code and to the Legislative Office of Education 7067
Oversight established under section 3301.65 of the Revised Code. 7068

(B) The Legislative Office of Education Oversight shall 7069

evaluate the academic content standards aligned to the 7070
assessments submitted by the Department under division (A) (2) of 7071
this section. Based on the evaluation, the Legislative Office of 7072
Education Oversight shall present its findings to the Joint 7073
Education Oversight Committee. 7074

(C) The Joint Education Oversight Committee, using the 7075
findings presented by the Department and Legislative Office of 7076
Education Oversight, shall submit to the State Board of 7077
Education recommendations on the assessments to be used for 7078
purposes of sections 3301.0710 and 3301.0712 of the Revised 7079
Code. 7080

(D) The State Board of Education shall select the 7081
assessments from the list provided by the Joint Education 7082
Oversight Committee, except that it shall not adopt any 7083
assessments unless, by concurrent resolution, the assessments 7084
are approved by both houses of the general assembly. 7085

(E) An entity that provides the assessments prescribed by 7086
sections 3301.0710 and 3301.0712 of the Revised Code shall 7087
ensure that the assessments are aligned with the academic 7088
content standards adopted under section 3301.079 or 3301.65 of 7089
the Revised Code, as applicable. 7090

As used in this section, "norm-referenced" has the same 7091
meaning as in section 3301.079 of the Revised Code. 7092

Section 6. Not later than one hundred eighty days after 7093
the effective date of this section, the Department of Education 7094
shall convene a group of experts in norm-referenced assessments 7095
to make recommendations to the State Board of Education on how 7096
to incorporate aggregate data from the results of norm- 7097
referenced assessments into a format similar to the report card 7098

ratings issued under section 3302.03 of the Revised Code. 7099

As used in this section, "norm-referenced" has the same 7100
meaning as in section 3301.079 of the Revised Code. 7101

Section 7. Notwithstanding anything in the Revised Code to 7102
the contrary or in any rule or directive of the State Board of 7103
Education, Superintendent of Public Instruction, or Department 7104
of Education, upon the effective date of this section, the State 7105
Board of Education, Superintendent of Public Instruction, and 7106
the Department of Education shall forthwith take the steps 7107
necessary to terminate the contract entered into by the State of 7108
Ohio that is effective from October 21, 2014, to June 30, 2018, 7109
and that is used for the use, facilitation, delivery, and 7110
administration of the assessments prescribed under section 7111
3301.0710 and 3301.0712 of the Revised Code. 7112

Section 8. Notwithstanding anything in the Revised Code to 7113
the contrary, for the 2016-2017, 2017-2018, and 2018-2019 school 7114
years only, if, for any reason, a student enrolled in an 7115
internet- or computer-based community school does not take an 7116
assessment prescribed under sections 3301.0710 or 3301.0712 of 7117
the Revised Code, the school shall require that student to take 7118
an assessment equivalent to the assessment for which the student 7119
was absent. The school shall report to the Department of 7120
Education which assessment a student did not take, proof that 7121
the student took an equivalent assessment, and results of that 7122
equivalent assessment. 7123

Section 9. The General Assembly, applying the principle 7124
stated in division (B) of section 1.52 of the Revised Code that 7125
amendments are to be harmonized if reasonably capable of 7126
simultaneous operation, finds that the following sections, 7127
presented in this act as composites of the sections as amended 7128

by the acts indicated, are the resulting versions of the 7129
sections in effect prior to the effective date of the sections 7130
as presented in this act: 7131

Section 3302.03 of the Revised Code as amended by both Am. 7132
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly. 7133

Section 3302.036 of the Revised Code as amended by both 7134
Am. Sub. H.B. 64 and Am. Sub. S.B. 70 of the 131st General 7135
Assembly. 7136

Section 3317.03 of the Revised Code as amended by both 7137
Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly. 7138

Section 3319.02 of the Revised Code as amended by both 7139
Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General 7140
Assembly. 7141