

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 3

Senators Hite, Faber

A BILL

To amend sections 3301.079, 3301.0711, 3301.0715, 1
3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 2
3314.03, 3326.11, and 3328.24 and to enact 3
sections 3301.0728 and 3302.16 of the Revised 4
Code to exempt high-performing school districts 5
from certain laws; to revise the law regarding 6
the administration of state primary and 7
secondary education assessments; to permit 8
school districts to contract with hospitals, 9
health care professionals, and educational 10
service centers for school health services; to 11
revise the competitive bidding threshold for 12
school building and repair contracts; and to 13
require the School Facilities Commission to 14
develop a legislative proposal assisting high- 15
performing school districts in purchasing 16
technology, building expansion, and physical 17
alterations to improve school safety or 18
security. 19

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

Section 1. That sections 3301.079, 3301.0711, 3301.0715, 20

3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 3314.03, 3326.11, 21
and 3328.24 be amended and sections 3301.0728 and 3302.16 of the 22
Revised Code be enacted to read as follows: 23

Sec. 3301.079. (A) (1) The state board of education 24
periodically shall adopt statewide academic standards with 25
emphasis on coherence, focus, and essential knowledge and that 26
are more challenging and demanding when compared to 27
international standards for each of grades kindergarten through 28
twelve in English language arts, mathematics, science, and 29
social studies. 30

(a) The state board shall ensure that the standards do all 31
of the following: 32

(i) Include the essential academic content and skills that 33
students are expected to know and be able to do at each grade 34
level that will allow each student to be prepared for 35
postsecondary instruction and the workplace for success in the 36
twenty-first century; 37

(ii) Include the development of skill sets that promote 38
information, media, and technological literacy; 39

(iii) Include interdisciplinary, project-based, real-world 40
learning opportunities; 41

(iv) Instill life-long learning by providing essential 42
knowledge and skills based in the liberal arts tradition, as 43
well as science, technology, engineering, mathematics, and 44
career-technical education; 45

(v) Be clearly written, transparent, and understandable by 46
parents, educators, and the general public. 47

(b) Not later than July 1, 2012, the state board shall 48

incorporate into the social studies standards for grades four to 49
twelve academic content regarding the original texts of the 50
Declaration of Independence, the Northwest Ordinance, the 51
Constitution of the United States and its amendments, with 52
emphasis on the Bill of Rights, and the Ohio Constitution, and 53
their original context. The state board shall revise the model 54
curricula and achievement assessments adopted under divisions 55
(B) and (C) of this section as necessary to reflect the 56
additional American history and American government content. The 57
state board shall make available a list of suggested grade- 58
appropriate supplemental readings that place the documents 59
prescribed by this division in their historical context, which 60
teachers may use as a resource to assist students in reading the 61
documents within that context. 62

(c) When the state board adopts or revises academic 63
content standards in social studies, American history, American 64
government, or science under division (A) (1) of this section, 65
the state board shall develop such standards independently and 66
not as part of a multistate consortium. 67

(2) After completing the standards required by division 68
(A) (1) of this section, the state board shall adopt standards 69
and model curricula for instruction in technology, financial 70
literacy and entrepreneurship, fine arts, and foreign language 71
for grades kindergarten through twelve. The standards shall meet 72
the same requirements prescribed in division (A) (1) (a) of this 73
section. 74

(3) The state board shall adopt the most recent standards 75
developed by the national association for sport and physical 76
education for physical education in grades kindergarten through 77
twelve or shall adopt its own standards for physical education 78

in those grades and revise and update them periodically. 79

The department of education shall employ a full-time 80
physical education coordinator to provide guidance and technical 81
assistance to districts, community schools, and STEM schools in 82
implementing the physical education standards adopted under this 83
division. The superintendent of public instruction shall 84
determine that the person employed as coordinator is qualified 85
for the position, as demonstrated by possessing an adequate 86
combination of education, license, and experience. 87

(4) When academic standards have been completed for any 88
subject area required by this section, the state board shall 89
inform all school districts, all community schools established 90
under Chapter 3314. of the Revised Code, all STEM schools 91
established under Chapter 3326. of the Revised Code, and all 92
nonpublic schools required to administer the assessments 93
prescribed by sections 3301.0710 and 3301.0712 of the Revised 94
Code of the content of those standards. Additionally, upon 95
completion of any academic standards under this section, the 96
department shall post those standards on the department's web 97
site. 98

(B) (1) The state board shall adopt a model curriculum for 99
instruction in each subject area for which updated academic 100
standards are required by division (A) (1) of this section and 101
for each of grades kindergarten through twelve that is 102
sufficient to meet the needs of students in every community. The 103
model curriculum shall be aligned with the standards, to ensure 104
that the academic content and skills specified for each grade 105
level are taught to students, and shall demonstrate vertical 106
articulation and emphasize coherence, focus, and rigor. When any 107
model curriculum has been completed, the state board shall 108

inform all school districts, community schools, and STEM schools 109
of the content of that model curriculum. 110

(2) Not later than June 30, 2013, the state board, in 111
consultation with any office housed in the governor's office 112
that deals with workforce development, shall adopt model 113
curricula for grades kindergarten through twelve that embed 114
career connection learning strategies into regular classroom 115
instruction. 116

(3) All school districts, community schools, and STEM 117
schools may utilize the state standards and the model curriculum 118
established by the state board, together with other relevant 119
resources, examples, or models to ensure that students have the 120
opportunity to attain the academic standards. Upon request, the 121
department shall provide technical assistance to any district, 122
community school, or STEM school in implementing the model 123
curriculum. 124

Nothing in this section requires any school district to 125
utilize all or any part of a model curriculum developed under 126
this section. 127

(C) The state board shall develop achievement assessments 128
aligned with the academic standards and model curriculum for 129
each of the subject areas and grade levels required by divisions 130
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 131

When any achievement assessment has been completed, the 132
state board shall inform all school districts, community 133
schools, STEM schools, and nonpublic schools required to 134
administer the assessment of its completion, and the department 135
shall make the achievement assessment available to the districts 136
and schools. 137

(D) (1) The state board shall adopt a diagnostic assessment 138
aligned with the academic standards and model curriculum for 139
each of grades kindergarten through two in reading, writing, and 140
mathematics and for grade three in reading and writing. The 141
diagnostic assessment shall be designed to measure student 142
comprehension of academic content and mastery of related skills 143
for the relevant subject area and grade level. Any diagnostic 144
assessment shall not include components to identify gifted 145
students. Blank copies of diagnostic assessments shall be public 146
records. 147

(2) When each diagnostic assessment has been completed, 148
the state board shall inform all school districts of its 149
completion and the department shall make the diagnostic 150
assessment available to the districts at no cost to the 151
district. ~~School~~ 152

(3) School districts shall administer the diagnostic 153
assessment pursuant to section 3301.0715 of the Revised Code 154
beginning the first school year following the development of the 155
assessment. 156

However, beginning with the 2015-2016 school year, both of 157
the following shall apply: 158

(a) In the case of the diagnostic assessments for grades 159
one or two in writing or mathematics or for grade three in 160
writing, a school district shall not be required to administer 161
any such assessment, but may do so at the discretion of the 162
district board; 163

(b) In the case of any diagnostic assessment that is not 164
for the grade levels and subject areas specified in division (D) 165
(3) (a) of this section, each school district shall administer 166

the assessment in the manner prescribed by section 3301.0715 of 167
the Revised Code. 168

(E) The state board shall not adopt a diagnostic or 169
achievement assessment for any grade level or subject area other 170
than those specified in this section. 171

(F) Whenever the state board or the department consults 172
with persons for the purpose of drafting or reviewing any 173
standards, diagnostic assessments, achievement assessments, or 174
model curriculum required under this section, the state board or 175
the department shall first consult with parents of students in 176
kindergarten through twelfth grade and with active Ohio 177
classroom teachers, other school personnel, and administrators 178
with expertise in the appropriate subject area. Whenever 179
practicable, the state board and department shall consult with 180
teachers recognized as outstanding in their fields. 181

If the department contracts with more than one outside 182
entity for the development of the achievement assessments 183
required by this section, the department shall ensure the 184
interchangeability of those assessments. 185

(G) Whenever the state board adopts standards or model 186
curricula under this section, the department also shall provide 187
information on the use of blended or digital learning in the 188
delivery of the standards or curricula to students in accordance 189
with division (A)(4) of this section. 190

(H) The fairness sensitivity review committee, established 191
by rule of the state board of education, shall not allow any 192
question on any achievement or diagnostic assessment developed 193
under this section or any proficiency test prescribed by former 194
section 3301.0710 of the Revised Code, as it existed prior to 195

September 11, 2001, to include, be written to promote, or 196
inquire as to individual moral or social values or beliefs. The 197
decision of the committee shall be final. This section does not 198
create a private cause of action. 199

(I) (1) (a) The English language arts academic standards 200
review committee is hereby created to review academic content 201
standards in the subject of English language arts. The committee 202
shall consist of the following members: 203

(i) Three experts who are residents of this state and who 204
primarily conduct research, provide instruction, currently work 205
in, or possess an advanced degree in the subject area. One 206
expert shall be appointed by each of the president of the 207
senate, the speaker of the house of representatives, and the 208
governor; 209

(ii) One parent or guardian appointed by the president of 210
the senate; 211

(iii) One educator who is currently teaching in a 212
classroom, appointed by the speaker of the house of 213
representatives; 214

(iv) The chancellor of the Ohio board of regents, or the 215
chancellor's designee; 216

(v) The state superintendent, or the superintendent's 217
designee, who shall serve as the chairperson of the committee. 218

(b) The mathematics academic standards review committee is 219
hereby created to review academic content standards in the 220
subject of mathematics. The committee shall consist of the 221
following members: 222

(i) Three experts who are residents of this state and who 223

primarily conduct research, provide instruction, currently work 224
in, or possess an advanced degree in the subject area. One 225
expert shall be appointed by each of the president of the 226
senate, the speaker of the house of representatives, and the 227
governor; 228

(ii) One parent or guardian appointed by the speaker of 229
the house of representatives; 230

(iii) One educator who is currently teaching in a 231
classroom, appointed by the president of the senate; 232

(iv) The chancellor, or the chancellor's designee; 233

(v) The state superintendent, or the superintendent's 234
designee, who shall serve as the chairperson of the committee. 235

(c) The science academic standards review committee is 236
hereby created to review academic content standards in the 237
subject of science. The committee shall consist of the following 238
members: 239

(i) Three experts who are residents of this state and who 240
primarily conduct research, provide instruction, currently work 241
in, or possess an advanced degree in the subject area. One 242
expert shall be appointed by each of the president of the 243
senate, the speaker of the house of representatives, and the 244
governor; 245

(ii) One parent or guardian appointed by the president of 246
the senate; 247

(iii) One educator who is currently teaching in a 248
classroom, appointed by the speaker of the house of 249
representatives; 250

(iv) The chancellor, or the chancellor's designee; 251

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	252 253
(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members:	254 255 256 257
(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;	258 259 260 261 262 263
(ii) One parent or guardian appointed by the speaker of the house of representatives;	264 265
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	266 267
(iv) The chancellor, or the chancellor's designee;	268
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	269 270
(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation.	271 272 273 274 275 276 277 278 279 280

(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.

(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.

(4) Notwithstanding anything to the contrary in division (N) 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.

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 (N) of section 3301.0711 of the Revised Code.

(J) Not later than forty-five days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction

shall present the academic standards or model curricula, as 311
applicable, to the respective committees of the house of 312
representatives and senate that consider education legislation. 313

(K) As used in this section: 314

(1) "Blended learning" means the delivery of instruction 315
in a combination of time in a supervised physical location away 316
from home and online delivery whereby the student has some 317
element of control over time, place, path, or pace of learning. 318

(2) "Coherence" means a reflection of the structure of the 319
discipline being taught. 320

(3) "Digital learning" means learning facilitated by 321
technology that gives students some element of control over 322
time, place, path, or pace of learning. 323

(4) "Focus" means limiting the number of items included in 324
a curriculum to allow for deeper exploration of the subject 325
matter. 326

(5) "Vertical articulation" means key academic concepts 327
and skills associated with mastery in particular content areas 328
should be articulated and reinforced in a developmentally 329
appropriate manner at each grade level so that over time 330
students acquire a depth of knowledge and understanding in the 331
core academic disciplines. 332

Sec. 3301.0711. (A) The department of education shall: 333

(1) Annually furnish to, grade, and score all assessments 334
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 335
the Revised Code to be administered by city, local, exempted 336
village, and joint vocational school districts, except that each 337
district shall score any assessment administered pursuant to 338

division (B) (10) of this section. Each assessment so furnished 339
shall include the data verification code of the student to whom 340
the assessment will be administered, as assigned pursuant to 341
division (D) (2) of section 3301.0714 of the Revised Code. In 342
furnishing the practice versions of Ohio graduation tests 343
prescribed by division (D) of section 3301.0710 of the Revised 344
Code, the department shall make the tests available on its web 345
site for reproduction by districts. In awarding contracts for 346
grading assessments, the department shall give preference to 347
Ohio-based entities employing Ohio residents. 348

(2) Adopt rules for the ethical use of assessments and 349
prescribing the manner in which the assessments prescribed by 350
section 3301.0710 of the Revised Code shall be administered to 351
students. 352

(B) Except as provided in divisions (C) and (J) of this 353
section, the board of education of each city, local, and 354
exempted village school district shall, in accordance with rules 355
adopted under division (A) of this section: 356

~~(1) Administer~~ (a) Until the 2015-2016 school year, 357
administer the English language arts assessments prescribed 358
under division (A) (1) (a) of section 3301.0710 of the Revised 359
Code twice annually to all students in the third grade who have 360
not attained the score designated for that assessment under 361
division (A) (2) (c) of section 3301.0710 of the Revised Code. 362

(b) For the 2015-2016 school year, and for each school 363
year thereafter, administer the English language arts assessment 364
prescribed under division (A) (1) (a) of section 3301.0710 of the 365
Revised Code once annually to all students in the third grade. 366

The department shall not require districts to administer 367

<u>the assessment described in division (B) (1) (b) of this section</u>	368
<u>in the fall.</u>	369
(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	370 371 372
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	373 374 375
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	376 377 378
(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.	379 380 381
(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.	382 383 384
(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.	385 386 387
(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:	388 389 390
(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;	391 392 393 394
(b) To any person who has successfully completed the	395

curriculum in any high school or the individualized education 396
program developed for the person by any high school pursuant to 397
section 3323.08 of the Revised Code but has not received a high 398
school diploma and who requests to take such assessment, at any 399
time such assessment is administered in the district. 400

(9) In lieu of the board of education of any city, local, 401
or exempted village school district in which the student is also 402
enrolled, the board of a joint vocational school district shall 403
administer any assessment prescribed under division (B) (1) of 404
section 3301.0710 of the Revised Code at least twice annually to 405
any student enrolled in the joint vocational school district who 406
has not yet attained the score on that assessment designated 407
under that division. A board of a joint vocational school 408
district may also administer such an assessment to any student 409
described in division (B) (8) (b) of this section. 410

(10) If the district has a three-year average graduation 411
rate of not more than seventy-five per cent, administer each 412
assessment prescribed by division (D) of section 3301.0710 of 413
the Revised Code in September to all ninth grade students, 414
beginning in the school year that starts July 1, 2005. 415

Except as provided in section 3313.614 of the Revised Code 416
for administration of an assessment to a person who has 417
fulfilled the curriculum requirement for a high school diploma 418
but has not passed one or more of the required assessments, the 419
assessments prescribed under division (B) (1) of section 420
3301.0710 of the Revised Code and the practice assessments 421
prescribed under division (D) of that section and required to be 422
administered under divisions (B) (8), (9), and (10) of this 423
section shall not be administered after July 1, 2015. 424

(11) Administer the assessments prescribed by division (B) 425

(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D) (1) of section 3301.0712 of the Revised Code.

(C) (1) (a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

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

(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be

excused from taking any particular assessment required to be 456
administered under this section if a plan developed for the 457
student pursuant to rules adopted by the state board excuses the 458
student from taking that assessment. In the case of any student 459
so excused from taking an assessment, the chartered nonpublic 460
school shall not prohibit the student from taking the 461
assessment. 462

(2) A district board may, for medical reasons or other 463
good cause, excuse a student from taking an assessment 464
administered under this section on the date scheduled, but that 465
assessment shall be administered to the excused student not 466
later than nine days following the scheduled date. The district 467
board shall annually report the number of students who have not 468
taken one or more of the assessments required by this section to 469
the state board of education not later than the thirtieth day of 470
June. 471

(3) As used in this division, "limited English proficient 472
student" has the same meaning as in 20 U.S.C. 7801. 473

No school district board shall excuse any limited English 474
proficient student from taking any particular assessment 475
required to be administered under this section, except that any 476
limited English proficient student who has been enrolled in 477
United States schools for less than one full school year shall 478
not be required to take any reading, writing, or English 479
language arts assessment. However, no board shall prohibit a 480
limited English proficient student who is not required to take 481
an assessment under this division from taking the assessment. A 482
board may permit any limited English proficient student to take 483
an assessment required to be administered under this section 484
with appropriate accommodations, as determined by the 485

department. For each limited English proficient student, each 486
school district shall annually assess that student's progress in 487
learning English, in accordance with procedures approved by the 488
department. 489

The governing authority of a chartered nonpublic school 490
may excuse a limited English proficient student from taking any 491
assessment administered under this section. However, no 492
governing authority shall prohibit a limited English proficient 493
student from taking the assessment. 494

(D) (1) In the school year next succeeding the school year 495
in which the assessments prescribed by division (A) (1) or (B) (1) 496
of section 3301.0710 of the Revised Code or former division (A) 497
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 498
it existed prior to September 11, 2001, are administered to any 499
student, the board of education of any school district in which 500
the student is enrolled in that year shall provide to the 501
student intervention services commensurate with the student's 502
performance, including any intensive intervention required under 503
section 3313.608 of the Revised Code, in any skill in which the 504
student failed to demonstrate at least a score at the proficient 505
level on the assessment. 506

(2) Following any administration of the assessments 507
prescribed by division (D) of section 3301.0710 of the Revised 508
Code to ninth grade students, each school district that has a 509
three-year average graduation rate of not more than seventy-five 510
per cent shall determine for each high school in the district 511
whether the school shall be required to provide intervention 512
services to any students who took the assessments. In 513
determining which high schools shall provide intervention 514
services based on the resources available, the district shall 515

consider each school's graduation rate and scores on the 516
practice assessments. The district also shall consider the 517
scores received by ninth grade students on the English language 518
arts and mathematics assessments prescribed under division (A) 519
(1)(f) of section 3301.0710 of the Revised Code in the eighth 520
grade in determining which high schools shall provide 521
intervention services. 522

Each high school selected to provide intervention services 523
under this division shall provide intervention services to any 524
student whose results indicate that the student is failing to 525
make satisfactory progress toward being able to attain scores at 526
the proficient level on the Ohio graduation tests. Intervention 527
services shall be provided in any skill in which a student 528
demonstrates unsatisfactory progress and shall be commensurate 529
with the student's performance. Schools shall provide the 530
intervention services prior to the end of the school year, 531
during the summer following the ninth grade, in the next 532
succeeding school year, or at any combination of those times. 533

(E) Except as provided in section 3313.608 of the Revised 534
Code and division (M) of this section, no school district board 535
of education shall utilize any student's failure to attain a 536
specified score on an assessment administered under this section 537
as a factor in any decision to deny the student promotion to a 538
higher grade level. However, a district board may choose not to 539
promote to the next grade level any student who does not take an 540
assessment administered under this section or make up an 541
assessment as provided by division (C)(2) of this section and 542
who is not exempt from the requirement to take the assessment 543
under division (C)(3) of this section. 544

(F) No person shall be charged a fee for taking any 545

assessment administered under this section. 546

(G) (1) Each school district board shall designate one 547
location for the collection of assessments administered in the 548
spring under division (B) (1) of this section and those 549
administered under divisions (B) (2) to (7) of this section. Each 550
district board shall submit the assessments to the entity with 551
which the department contracts for the scoring of the 552
assessments as follows: 553

(a) If the district's total enrollment in grades 554
kindergarten through twelve during the first full school week of 555
October was less than two thousand five hundred, not later than 556
the Friday after all of the assessments have been administered; 557

(b) If the district's total enrollment in grades 558
kindergarten through twelve during the first full school week of 559
October was two thousand five hundred or more, but less than 560
seven thousand, not later than the Monday after all of the 561
assessments have been administered; 562

(c) If the district's total enrollment in grades 563
kindergarten through twelve during the first full school week of 564
October was seven thousand or more, not later than the Tuesday 565
after all of the assessments have been administered. 566

However, any assessment that a student takes during the 567
make-up period described in division (C) (2) of this section 568
shall be submitted not later than the Friday following the day 569
the student takes the assessment. 570

(2) The department or an entity with which the department 571
contracts for the scoring of the assessment shall send to each 572
school district board a list of the individual scores of all 573
persons taking an assessment prescribed by division (A) (1) or 574

(B) (1) of section 3301.0710 of the Revised Code within sixty 575
days after its administration, but in no case shall the scores 576
be returned later than the fifteenth day of June following the 577
administration. For assessments administered under this section 578
by a joint vocational school district, the department or entity 579
shall also send to each city, local, or exempted village school 580
district a list of the individual scores of any students of such 581
city, local, or exempted village school district who are 582
attending school in the joint vocational school district. 583

(H) Individual scores on any assessments administered 584
under this section shall be released by a district board only in 585
accordance with section 3319.321 of the Revised Code and the 586
rules adopted under division (A) of this section. No district 587
board or its employees shall utilize individual or aggregate 588
results in any manner that conflicts with rules for the ethical 589
use of assessments adopted pursuant to division (A) of this 590
section. 591

(I) Except as provided in division (G) of this section, 592
the department or an entity with which the department contracts 593
for the scoring of the assessment shall not release any 594
individual scores on any assessment administered under this 595
section. The state board of education shall adopt rules to 596
ensure the protection of student confidentiality at all times. 597
The rules may require the use of the data verification codes 598
assigned to students pursuant to division (D) (2) of section 599
3301.0714 of the Revised Code to protect the confidentiality of 600
student scores. 601

(J) Notwithstanding division (D) of section 3311.52 of the 602
Revised Code, this section does not apply to the board of 603
education of any cooperative education school district except as 604

provided under rules adopted pursuant to this division. 605

(1) In accordance with rules that the state board of 606
education shall adopt, the board of education of any city, 607
exempted village, or local school district with territory in a 608
cooperative education school district established pursuant to 609
divisions (A) to (C) of section 3311.52 of the Revised Code may 610
enter into an agreement with the board of education of the 611
cooperative education school district for administering any 612
assessment prescribed under this section to students of the 613
city, exempted village, or local school district who are 614
attending school in the cooperative education school district. 615

(2) In accordance with rules that the state board of 616
education shall adopt, the board of education of any city, 617
exempted village, or local school district with territory in a 618
cooperative education school district established pursuant to 619
section 3311.521 of the Revised Code shall enter into an 620
agreement with the cooperative district that provides for the 621
administration of any assessment prescribed under this section 622
to both of the following: 623

(a) Students who are attending school in the cooperative 624
district and who, if the cooperative district were not 625
established, would be entitled to attend school in the city, 626
local, or exempted village school district pursuant to section 627
3313.64 or 3313.65 of the Revised Code; 628

(b) Persons described in division (B) (8) (b) of this 629
section. 630

Any assessment of students pursuant to such an agreement 631
shall be in lieu of any assessment of such students or persons 632
pursuant to this section. 633

(K) (1) (a) Except as otherwise provided in division (K) (1) 634
(a) or (K) (1) (c) of this section, each chartered nonpublic 635
school for which at least sixty-five per cent of its total 636
enrollment is made up of students who are participating in state 637
scholarship programs shall administer the elementary assessments 638
prescribed by section 3301.0710 of the Revised Code. In 639
accordance with procedures and deadlines prescribed by the 640
department, the parent or guardian of a student enrolled in the 641
school who is not participating in a state scholarship program 642
may submit notice to the chief administrative officer of the 643
school that the parent or guardian does not wish to have the 644
student take the elementary assessments prescribed for the 645
student's grade level under division (A) of section 3301.0710 of 646
the Revised Code. If a parent or guardian submits an opt-out 647
notice, the school shall not administer the assessments to that 648
student. This option does not apply to any assessment required 649
for a high school diploma under section 3313.612 of the Revised 650
Code. 651

(b) If a chartered nonpublic school is educating students 652
in grades nine through twelve, it shall administer the 653
assessments prescribed by divisions (B) (1) and (2) of section 654
3301.0710 of the Revised Code as a condition of compliance with 655
section 3313.612 of the Revised Code. 656

(c) A chartered nonpublic school may submit to the 657
superintendent of public instruction a request for a waiver from 658
administering the elementary assessments prescribed by division 659
(A) of section 3301.0710 of the Revised Code. The state 660
superintendent shall approve or disapprove a request for a 661
waiver submitted under division (K) (1) (c) of this section. No 662
waiver shall be approved for any school year prior to the 2015- 663
2016 school year. 664

To be eligible to submit a request for a waiver, a 665
chartered nonpublic school shall meet the following conditions: 666

(i) At least ninety-five per cent of the students enrolled 667
in the school are children with disabilities, as defined under 668
section 3323.01 of the Revised Code, or have received a 669
diagnosis by a school district or from a physician, including a 670
neuropsychiatrist or psychiatrist, or a psychologist who is 671
authorized to practice in this or another state as having a 672
condition that impairs academic performance, such as dyslexia, 673
dyscalculia, attention deficit hyperactivity disorder, or 674
Asperger's syndrome. 675

(ii) The school has solely served a student population 676
described in division (K) (1) (c) (i) of this section for at least 677
ten years. 678

(iii) The school provides to the department at least five 679
years of records of internal testing conducted by the school 680
that affords the department data required for accountability 681
purposes, including diagnostic assessments and nationally 682
standardized norm-referenced achievement assessments that 683
measure reading and math skills. 684

(d) Any chartered nonpublic school that is not subject to 685
division (K) (1) (a) of this section may participate in the 686
assessment program by administering any of the assessments 687
prescribed by division (A) of section 3301.0710 of the Revised 688
Code. The chief administrator of the school shall specify which 689
assessments the school will administer. Such specification shall 690
be made in writing to the superintendent of public instruction 691
prior to the first day of August of any school year in which 692
assessments are administered and shall include a pledge that the 693
nonpublic school will administer the specified assessments in 694

the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each chartered nonpublic school that is subject to division (K) (1) (a) of this section or participates under division (K) (1) (b) of this section.

(L) (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.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(N) (1) In the manner specified in divisions (N) (3), (4), and (6) of this section, the assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become

public records pursuant to section 149.43 of the Revised Code on 724
the thirty-first day of July following the school year that the 725
assessments were administered. 726

(2) The department may field test proposed questions with 727
samples of students to determine the validity, reliability, or 728
appropriateness of questions for possible inclusion in a future 729
year's assessment. The department also may use anchor questions 730
on assessments to ensure that different versions of the same 731
assessment are of comparable difficulty. 732

Field test questions and anchor questions shall not be 733
considered in computing scores for individual students. Field 734
test questions and anchor questions may be included as part of 735
the administration of any assessment required by division (A) (1) 736
or (B) of section 3301.0710 and division (B) of section 737
3301.0712 of the Revised Code. 738

(3) Any field test question or anchor question 739
administered under division (N) (2) of this section shall not be 740
a public record. Such field test questions and anchor questions 741
shall be redacted from any assessments which are released as a 742
public record pursuant to division (N) (1) of this section. 743

(4) This division applies to the assessments prescribed by 744
division (A) of section 3301.0710 of the Revised Code. 745

(a) The first administration of each assessment, as 746
specified in former section 3301.0712 of the Revised Code, shall 747
be a public record. 748

(b) For subsequent administrations of each assessment 749
prior to the 2011-2012 school year, not less than forty per cent 750
of the questions on the assessment that are used to compute a 751
student's score shall be a public record. The department shall 752

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 of education 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 (N) (3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.

(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;

(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;

(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.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a

public record under this division readily accessible to the 782
public on the department's web site. Questions on the spring 783
administration of each assessment shall be released on an annual 784
basis, in accordance with this division. 785

(0) As used in this section: 786

(1) "Three-year average" means the average of the most 787
recent consecutive three school years of data. 788

(2) "Dropout" means a student who withdraws from school 789
before completing course requirements for graduation and who is 790
not enrolled in an education program approved by the state board 791
of education or an education program outside the state. 792
"Dropout" does not include a student who has departed the 793
country. 794

(3) "Graduation rate" means the ratio of students 795
receiving a diploma to the number of students who entered ninth 796
grade four years earlier. Students who transfer into the 797
district are added to the calculation. Students who transfer out 798
of the district for reasons other than dropout are subtracted 799
from the calculation. If a student who was a dropout in any 800
previous year returns to the same school district, that student 801
shall be entered into the calculation as if the student had 802
entered ninth grade four years before the graduation year of the 803
graduating class that the student joins. 804

(4) "State scholarship programs" means the educational 805
choice scholarship pilot program established under sections 806
3310.01 to 3310.17 of the Revised Code, the autism scholarship 807
program established under section 3310.41 of the Revised Code, 808
the Jon Peterson special needs scholarship program established 809
under sections 3310.51 to 3310.64 of the Revised Code, and the 810

pilot project scholarship program established under sections 811
3313.974 to 3313.979 of the Revised Code. 812

Sec. 3301.0715. (A) Except as ~~otherwise~~ required under 813
division (B) (1) of section 3313.608 or as specified in division 814
(D) (3) of section 3301.079 of the Revised Code, the board of 815
education of each city, local, and exempted village school 816
district shall administer each applicable diagnostic assessment 817
developed and provided to the district in accordance with 818
section 3301.079 of the Revised Code to the following: 819

(1) Any student who transfers into the district or to a 820
different school within the district if each applicable 821
diagnostic assessment was not administered by the district or 822
school the student previously attended in the current school 823
year, within thirty days after the date of transfer. If the 824
district or school into which the student transfers cannot 825
determine whether the student has taken any applicable 826
diagnostic assessment in the current school year, the district 827
or school may administer the diagnostic assessment to the 828
student. However, if a student transfers into the district prior 829
to the administration of the diagnostic assessments to all 830
students under division (B) of this section, the district may 831
administer the diagnostic assessments to that student on the 832
date or dates determined under that division. 833

(2) Each kindergarten student, not earlier than the first 834
day of the school year and not later than the first day of 835
November. 836

For the purpose of division (A) (2) of this section, the 837
district shall administer the kindergarten readiness assessment 838
provided by the department of education. In no case shall the 839
results of the readiness assessment be used to prohibit a 840

student from enrolling in kindergarten. 841

(3) Each student enrolled in first, second, or third 842
grade. 843

Division (A) of this section does not apply to students 844
with significant cognitive disabilities, as defined by the 845
department of education. 846

(B) Each district board shall administer each diagnostic 847
assessment when the board deems appropriate, provided the 848
administration complies with section 3313.608 of the Revised 849
Code. However, the board shall administer any diagnostic 850
assessment at least once annually to all students in the 851
appropriate grade level. A district board may administer any 852
diagnostic assessment in the fall and spring of a school year to 853
measure the amount of academic growth attributable to the 854
instruction received by students during that school year. 855

(C) Any district that received a grade of "A" or "B" for 856
the performance index score under division (A) (1) (b), (B) (1) (b), 857
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 858
value-added progress dimension under division (A) (1) (e), (B) (1) 859
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 860
immediately preceding school year may use different diagnostic 861
assessments from those adopted under division (D) of section 862
3301.079 of the Revised Code in order to satisfy the 863
requirements of division (A) (3) of this section. 864

(D) Each district board shall utilize and score any 865
diagnostic assessment administered under division (A) of this 866
section in accordance with rules established by the department. 867
After the administration of any diagnostic assessment, each 868
district shall provide a student's completed diagnostic 869

assessment, the results of such assessment, and any other 870
accompanying documents used during the administration of the 871
assessment to the parent of that student, and shall include all 872
such documents and information in any plan developed for the 873
student under division (C) of section 3313.608 of the Revised 874
Code. Each district shall submit to the department, in the 875
manner the department prescribes, the results of the diagnostic 876
assessments administered under this section, regardless of the 877
type of assessment used under section 3313.608 of the Revised 878
Code. The department may issue reports with respect to the data 879
collected. The department may report school and district level 880
kindergarten diagnostic assessment data and use diagnostic 881
assessment data to calculate the measure prescribed by divisions 882
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 883

(E) Each district board shall provide intervention 884
services to students whose diagnostic assessments show that they 885
are failing to make satisfactory progress toward attaining the 886
academic standards for their grade level. 887

Sec. 3301.0728. (A) Except as provided for in divisions 888
(B) and (C) of this section, beginning with assessments 889
administered on or after July 1, 2015, the board of education of 890
each city, local, and exempted village school district shall 891
ensure that no student is required to do either of the 892
following: 893

(1) Spend a cumulative amount of time in excess of two per 894
cent of the school year taking the following assessments 895
combined: 896

(a) The applicable state assessments prescribed by 897
division (A) of section 3301.0710 and division (B) (2) of section 898
3301.0712 of the Revised Code; 899

(b) Any assessment required by the district board to be administered district-wide to all students in a specified subject area or grade level. 900
901
902

(2) Spend a cumulative amount of time in excess of one per cent of the school year taking practice or diagnostic assessments used to prepare for assessments described in divisions (A) (1) (a) and (b) of this section. 903
904
905
906

(B) The limitations prescribed by division (A) of this section shall not apply to assessments for students with disabilities, any related diagnostic assessment for students who failed to attain a passing score on the English language arts achievement assessment prescribed by division (A) (1) (a) of section 3301.0710 of the Revised Code, or substitute examinations as prescribed by division (B) (4) of section 3301.0712 of the Revised Code. 907
908
909
910
911
912
913
914

(C) The board of education of each city, exempted village, and local school district may exceed the limitations prescribed by division (A) of this section by resolution of the district board. However, prior to the adoption of such a resolution, the board shall conduct at least one public hearing on the proposed resolution. 915
916
917
918
919
920

Sec. 3302.02. Not later than one year after the adoption of rules under division (D) 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 921
922
923
924
925
926
927
928
929

performance on assessments prescribed under section 3301.0710 or 930
3301.0712 of the Revised Code, rates of student improvement on 931
such assessments, the breadth of coursework available within the 932
district, and other indicators of student success. 933

Beginning with the report card for the 2014-2015 school 934
year, the performance indicators shall include an indicator that 935
reflects the level of services provided to, and the performance 936
of, students identified as gifted under Chapter 3324. of the 937
Revised Code. The indicator shall include the performance of 938
students identified as gifted on state assessments and value- 939
added growth measure disaggregated for students identified as 940
gifted. 941

For the 2013-2014 school year, except as otherwise 942
provided in this section, for any indicator based on the 943
percentage of students attaining a proficient score on the 944
assessments prescribed by divisions (A) and (B) (1) of section 945
3301.0710 of the Revised Code, a school district or building 946
shall be considered to have met the indicator if at least eighty 947
per cent of the tested students attain a score of proficient or 948
higher on the assessment. A school district or building shall be 949
considered to have met the indicator for the assessments 950
prescribed by division (B) (1) of section 3301.0710 of the 951
Revised Code and only as administered to eleventh grade 952
students, if at least eighty-five per cent of the tested 953
students attain a score of proficient or higher on the 954
assessment. Not later than July 1, 2014, the state board may 955
adopt rules, under Chapter 119. of the Revised Code, to 956
establish different proficiency percentages to meet each 957
indicator that is based on a state assessment, prescribed under 958
section 3301.0710 or 3301.0712 of the Revised Code, for the 959
2014-2015 school year and thereafter. 960

The superintendent shall not establish any performance 961
indicator for passage of the third or fourth grade English 962
language arts assessment that is solely based on the assessment 963
given in the fall, as authorized prior to the 2015-2016 school 964
year, for the purpose of determining whether students have met 965
the reading guarantee provisions of section 3313.608 of the 966
Revised Code. 967

Sec. 3302.03. Annually, not later than the fifteenth day 968
of September or the preceding Friday when that day falls on a 969
Saturday or Sunday, the department of education shall assign a 970
letter grade for overall academic performance and for each 971
separate performance measure for each school district, and each 972
school building in a district, in accordance with this section. 973
The state board shall adopt rules pursuant to Chapter 119. of 974
the Revised Code to establish performance criteria for each 975
letter grade and prescribe a method by which the department 976
assigns each letter grade. For a school building to which any of 977
the performance measures do not apply, due to grade levels 978
served by the building, the state board shall designate the 979
performance measures that are applicable to the building and 980
that must be calculated separately and used to calculate the 981
building's overall grade. The department shall issue annual 982
report cards reflecting the performance of each school district, 983
each building within each district, and for the state as a whole 984
using the performance measures and letter grade system described 985
in this section. The department shall include on the report card 986
for each district and each building within each district the 987
most recent two-year trend data in student achievement for each 988
subject and each grade. 989

(A) (1) For the 2012-2013 school year, the department shall 990
issue grades as described in division (E) of this section for 991

each of the following performance measures:	992
(a) Annual measurable objectives;	993
(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."	994 995 996 997 998 999 1000 1001
(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."	1002 1003 1004 1005 1006 1007 1008
(d) The four- and five-year adjusted cohort graduation rates.	1009 1010
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."	1011 1012 1013 1014 1015 1016
(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	1017 1018 1019 1020

shall be as follows: 1021

(i) A score that is at least two standard errors of 1022
measure above the mean score shall be designated as an "A." 1023

(ii) A score that is at least one standard error of 1024
measure but less than two standard errors of measure above the 1025
mean score shall be designated as a "B." 1026

(iii) A score that is less than one standard error of 1027
measure above the mean score but greater than or equal to one 1028
standard error of measure below the mean score shall be 1029
designated as a "C." 1030

(iv) A score that is not greater than one standard error 1031
of measure below the mean score but is greater than or equal to 1032
two standard errors of measure below the mean score shall be 1033
designated as a "D." 1034

(v) A score that is not greater than two standard errors 1035
of measure below the mean score shall be designated as an "F." 1036

Whenever the value-added progress dimension is used as a 1037
graded performance measure, whether as an overall measure or as 1038
a measure of separate subgroups, the grades for the measure 1039
shall be calculated in the same manner as prescribed in division 1040
(A) (1) (e) of this section. 1041

(f) The value-added progress dimension score for a school 1042
district or building disaggregated for each of the following 1043
subgroups: students identified as gifted, students with 1044
disabilities, and students whose performance places them in the 1045
lowest quintile for achievement on a statewide basis. Each 1046
subgroup shall be a separate graded measure. 1047

(2) Not later than April 30, 2013, the state board of 1048

education shall adopt a resolution describing the performance 1049
measures, benchmarks, and grading system for the 2012-2013 1050
school year and, not later than June 30, 2013, shall adopt rules 1051
in accordance with Chapter 119. of the Revised Code that 1052
prescribe the methods by which the performance measures under 1053
division (A) (1) of this section shall be assessed and assigned a 1054
letter grade, including performance benchmarks for each letter 1055
grade. 1056

At least forty-five days prior to the state board's 1057
adoption of rules to prescribe the methods by which the 1058
performance measures under division (A) (1) of this section shall 1059
be assessed and assigned a letter grade, the department shall 1060
conduct a public presentation before the standing committees of 1061
the house of representatives and the senate that consider 1062
education legislation describing such methods, including 1063
performance benchmarks. 1064

(3) There shall not be an overall letter grade for a 1065
school district or building for the 2012-2013 school year. 1066

(B) (1) For the 2013-2014 school year, the department shall 1067
issue grades as described in division (E) of this section for 1068
each of the following performance measures: 1069

(a) Annual measurable objectives; 1070

(b) Performance index score for a school district or 1071
building. Grades shall be awarded as a percentage of the total 1072
possible points on the performance index system as created by 1073
the department. In adopting benchmarks for assigning letter 1074
grades under division (B) (1) (b) of this section, the state board 1075
shall designate ninety per cent or higher for an "A," at least 1076
seventy per cent but not more than eighty per cent for a "C," 1077

and less than fifty per cent for an "F." 1078

(c) The extent to which the school district or building 1079
meets each of the applicable performance indicators established 1080
by the state board under section 3302.03 of the Revised Code and 1081
the percentage of applicable performance indicators that have 1082
been achieved. In adopting benchmarks for assigning letter 1083
grades under division (B) (1) (c) of this section, the state board 1084
shall designate ninety per cent or higher for an "A." 1085

(d) The four- and five-year adjusted cohort graduation 1086
rates; 1087

(e) The overall score under the value-added progress 1088
dimension of a school district or building, for which the 1089
department shall use up to three years of value-added data as 1090
available. 1091

(f) The value-added progress dimension score for a school 1092
district or building disaggregated for each of the following 1093
subgroups: students identified as gifted in superior cognitive 1094
ability and specific academic ability fields under Chapter 3324. 1095
of the Revised Code, students with disabilities, and students 1096
whose performance places them in the lowest quintile for 1097
achievement on a statewide basis. Each subgroup shall be a 1098
separate graded measure. 1099

(g) Whether a school district or building is making 1100
progress in improving literacy in grades kindergarten through 1101
three, as determined using a method prescribed by the state 1102
board. The state board shall adopt rules to prescribe benchmarks 1103
and standards for assigning grades to districts and buildings 1104
for purposes of division (B) (1) (g) of this section. In adopting 1105
benchmarks for assigning letter grades under divisions (B) (1) (g) 1106

and (C) (1) (g) of this section, the state board shall determine 1107
progress made based on the reduction in the total percentage of 1108
students scoring below grade level, or below proficient, 1109
compared from year to year on the reading and writing diagnostic 1110
assessments administered under section 3301.0715 of the Revised 1111
Code and the third grade English language arts assessment under 1112
section 3301.0710 of the Revised Code, as applicable. The state 1113
board shall designate for a "C" grade a value that is not lower 1114
than the statewide average value for this measure. No grade 1115
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1116
section for a district or building in which less than five per 1117
cent of students have scored below grade level on the diagnostic 1118
assessment administered to students in kindergarten under 1119
division (B) (1) of section 3313.608 of the Revised Code. 1120

(h) For a high mobility school district or building, an 1121
additional value-added progress dimension score. For this 1122
measure, the department shall use value-added data from the most 1123
recent school year available and shall use assessment scores for 1124
only those students to whom the district or building has 1125
administered the assessments prescribed by section 3301.0710 of 1126
the Revised Code for each of the two most recent consecutive 1127
school years. 1128

As used in this division, "high mobility school district 1129
or building" means a school district or building where at least 1130
twenty-five per cent of its total enrollment is made up of 1131
students who have attended that school district or building for 1132
less than one year. 1133

(2) In addition to the graded measures in division (B) (1) 1134
of this section, the department shall include on a school 1135
district's or building's report card all of the following 1136

without an assigned letter grade: 1137

(a) The percentage of students enrolled in a district or 1138
building participating in advanced placement classes and the 1139
percentage of those students who received a score of three or 1140
better on advanced placement examinations; 1141

(b) The number of a district's or building's students who 1142
have earned at least three college credits through dual 1143
enrollment or advanced standing programs, such as the post- 1144
secondary enrollment options program under Chapter 3365. of the 1145
Revised Code and state-approved career-technical courses offered 1146
through dual enrollment or statewide articulation, that appear 1147
on a student's transcript or other official document, either of 1148
which is issued by the institution of higher education from 1149
which the student earned the college credit. The credits earned 1150
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1151
this section shall not include any that are remedial or 1152
developmental and shall include those that count toward the 1153
curriculum requirements established for completion of a degree. 1154

(c) The percentage of students enrolled in a district or 1155
building who have taken a national standardized test used for 1156
college admission determinations and the percentage of those 1157
students who are determined to be remediation-free in accordance 1158
with standards adopted under division (F) of section 3345.061 of 1159
the Revised Code; 1160

(d) The percentage of the district's or the building's 1161
students who receive industry-recognized credentials. The state 1162
board shall adopt criteria for acceptable industry-recognized 1163
credentials. 1164

(e) The percentage of students enrolled in a district or 1165

building who are participating in an international baccalaureate 1166
program and the percentage of those students who receive a score 1167
of four or better on the international baccalaureate 1168
examinations. 1169

(f) The percentage of the district's or building's 1170
students who receive an honors diploma under division (B) of 1171
section 3313.61 of the Revised Code. 1172

(3) Not later than December 31, 2013, the state board 1173
shall adopt rules in accordance with Chapter 119. of the Revised 1174
Code that prescribe the methods by which the performance 1175
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1176
will be assessed and assigned a letter grade, including 1177
performance benchmarks for each grade. 1178

At least forty-five days prior to the state board's 1179
adoption of rules to prescribe the methods by which the 1180
performance measures under division (B) (1) of this section shall 1181
be assessed and assigned a letter grade, the department shall 1182
conduct a public presentation before the standing committees of 1183
the house of representatives and the senate that consider 1184
education legislation describing such methods, including 1185
performance benchmarks. 1186

(4) There shall not be an overall letter grade for a 1187
school district or building for the 2013-2014 school year. 1188

(C) (1) For the 2014-2015 school year and each school year 1189
thereafter, the department shall issue grades as described in 1190
division (E) of this section for each of the performance 1191
measures prescribed in division (C) (1) of this section and an 1192
overall letter grade based on an aggregate of those measures, 1193
except for the performance measure set forth in division (C) (1) 1194

(h) of this section. The graded measures are as follows:	1195
(a) Annual measurable objectives;	1196
(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 created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the state board 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."	1197 1198 1199 1200 1201 1202 1203 1204
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	1205 1206 1207 1208 1209 1210 1211
(d) The four- and five-year adjusted cohort graduation rates;	1212 1213
(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.	1214 1215 1216 1217 1218
In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress	1219 1220 1221 1222 1223

dimension for all subgroups under division (C) (1) (f) of this 1224
section is a "B" or higher. 1225

For the metric prescribed by division (C) (1) (e) of this 1226
section, the state board may adopt a student academic progress 1227
measure to be used instead of the value-added progress 1228
dimension. If the state board adopts such a measure, it also 1229
shall prescribe a method for assigning letter grades for the new 1230
measure that is comparable to the method prescribed in division 1231
(A) (1) (e) of this section. 1232

(f) The value-added progress dimension score of a school 1233
district or building disaggregated for each of the following 1234
subgroups: students identified as gifted in superior cognitive 1235
ability and specific academic ability fields under Chapter 3324. 1236
of the Revised Code, students with disabilities, and students 1237
whose performance places them in the lowest quintile for 1238
achievement on a statewide basis, as determined by a method 1239
prescribed by the state board. Each subgroup shall be a separate 1240
graded measure. 1241

The state board may adopt student academic progress 1242
measures to be used instead of the value-added progress 1243
dimension. If the state board adopts such measures, it also 1244
shall prescribe a method for assigning letter grades for the new 1245
measures that is comparable to the method prescribed in division 1246
(A) (1) (e) of this section. 1247

(g) Whether a school district or building is making 1248
progress in improving literacy in grades kindergarten through 1249
three, as determined using a method prescribed by the state 1250
board. The state board shall adopt rules to prescribe benchmarks 1251
and standards for assigning grades to a district or building for 1252
purposes of division (C) (1) (g) of this section. The state board 1253

shall designate for a "C" grade a value that is not lower than 1254
the statewide average value for this measure. No grade shall be 1255
issued under division (C) (1) (g) of this section for a district 1256
or building in which less than five per cent of students have 1257
scored below grade level on the kindergarten diagnostic 1258
assessment under division (B) (1) of section 3313.608 of the 1259
Revised Code. 1260

(h) For a high mobility school district or building, an 1261
additional value-added progress dimension score. For this 1262
measure, the department shall use value-added data from the most 1263
recent school year available and shall use assessment scores for 1264
only those students to whom the district or building has 1265
administered the assessments prescribed by section 3301.0710 of 1266
the Revised Code for each of the two most recent consecutive 1267
school years. 1268

As used in this division, "high mobility school district 1269
or building" means a school district or building where at least 1270
twenty-five per cent of its total enrollment is made up of 1271
students who have attended that school district or building for 1272
less than one year. 1273

(2) In addition to the graded measures in division (C) (1) 1274
of this section, the department shall include on a school 1275
district's or building's report card all of the following 1276
without an assigned letter grade: 1277

(a) The percentage of students enrolled in a district or 1278
building who have taken a national standardized test used for 1279
college admission determinations and the percentage of those 1280
students who are determined to be remediation-free in accordance 1281
with the standards adopted under division (F) of section 1282
3345.061 of the Revised Code; 1283

(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;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

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

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

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

(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.

(3) The state board shall adopt rules pursuant to Chapter 1313
119. of the Revised Code that establish a method to assign an 1314
overall grade for a school district or school building for the 1315
2014-2015 school year and each school year thereafter. The rules 1316
shall group the performance measures in divisions (C)(1) and (2) 1317
of this section into the following components: 1318

(a) Gap closing, which shall include the performance 1319
measure in division (C)(1)(a) of this section; 1320

(b) Achievement, which shall include the performance 1321
measures in divisions (C)(1)(b) and (c) of this section; 1322

(c) Progress, which shall include the performance measures 1323
in divisions (C)(1)(e) and (f) of this section; 1324

(d) Graduation, which shall include the performance 1325
measure in division (C)(1)(d) of this section; 1326

(e) Kindergarten through third-grade literacy, which shall 1327
include the performance measure in division (C)(1)(g) of this 1328
section; 1329

(f) Prepared for success, which shall include the 1330
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1331
and (f) of this section. The state board shall develop a method 1332
to determine a grade for the component in division (C)(3)(f) of 1333
this section using the performance measures in divisions (C)(2) 1334
(a), (b), (c), (d), (e), and (f) of this section. When 1335
available, the state board may incorporate the performance 1336
measure under division (C)(2)(g) of this section into the 1337
component under division (C)(3)(f) of this section. When 1338
determining the overall grade for the prepared for success 1339
component prescribed by division (C)(3)(f) of this section, no 1340
individual student shall be counted in more than one performance 1341

measure. However, if a student qualifies for more than one 1342
performance measure in the component, the state board may, in 1343
its method to determine a grade for the component, specify an 1344
additional weight for such a student that is not greater than or 1345
equal to 1.0. In determining the overall score under division 1346
(C) (3) (f) of this section, the state board shall ensure that the 1347
pool of students included in the performance measures aggregated 1348
under that division are all of the students included in the 1349
four- and five-year adjusted graduation cohort. 1350

In the rules adopted under division (C) (3) of this 1351
section, the state board shall adopt a method for determining a 1352
grade for each component in divisions (C) (3) (a) to (f) of this 1353
section. The state board also shall establish a method to assign 1354
an overall grade of "A," "B," "C," "D," or "F" using the grades 1355
assigned for each component. The method the state board adopts 1356
for assigning an overall grade shall give equal weight to the 1357
components in divisions (C) (3) (b) and (c) of this section. 1358

At least forty-five days prior to the state board's 1359
adoption of rules to prescribe the methods for calculating the 1360
overall grade for the report card, as required by this division, 1361
the department shall conduct a public presentation before the 1362
standing committees of the house of representatives and the 1363
senate that consider education legislation describing the format 1364
for the report card, weights that will be assigned to the 1365
components of the overall grade, and the method for calculating 1366
the overall grade. 1367

(D) Not later than July 1, 2015, the state board shall 1368
develop a measure of student academic progress for high school 1369
students using only data from assessments in English language 1370
arts and mathematics. For the 2014-2015 school year, the 1371

department shall include this measure on a school district or 1372
building's report card, as applicable, without an assigned 1373
letter grade. Beginning with the report card for the 2015-2016 1374
school year, each school district and applicable school building 1375
shall be assigned a separate letter grade for this measure and 1376
the district's or building's grade for that measure shall be 1377
included in determining the district's or building's overall 1378
letter grade. This measure shall be included within the measure 1379
prescribed in division (C) (3) (c) of this section in the 1380
calculation for the overall letter grade. 1381

(E) The letter grades assigned to a school district or 1382
building under this section shall be as follows: 1383

(1) "A" for a district or school making excellent 1384
progress; 1385

(2) "B" for a district or school making above average 1386
progress; 1387

(3) "C" for a district or school making average progress; 1388

(4) "D" for a district or school making below average 1389
progress; 1390

(5) "F" for a district or school failing to meet minimum 1391
progress. 1392

(F) When reporting data on student achievement and 1393
progress, the department shall disaggregate that data according 1394
to the following categories: 1395

(1) Performance of students by grade-level; 1396

(2) Performance of students by race and ethnic group; 1397

(3) Performance of students by gender; 1398

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1399 1400
(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;	1401 1402 1403
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1404 1405
(7) Performance of students grouped by those who are economically disadvantaged;	1406 1407
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1408 1409 1410
(9) Performance of students grouped by those who are classified as limited English proficient;	1411 1412
(10) Performance of students grouped by those who have disabilities;	1413 1414
(11) Performance of students grouped by those who are classified as migrants;	1415 1416
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	1417 1418 1419 1420 1421 1422 1423 1424 1425
(13) Performance of students grouped by those who perform	1426

in the lowest quintile for achievement on a statewide basis, as 1427
determined by a method prescribed by the state board. 1428

The department may disaggregate data on student 1429
performance according to other categories that the department 1430
determines are appropriate. To the extent possible, the 1431
department shall disaggregate data on student performance 1432
according to any combinations of two or more of the categories 1433
listed in divisions (F) (1) to (13) of this section that it deems 1434
relevant. 1435

In reporting data pursuant to division (F) of this 1436
section, the department shall not include in the report cards 1437
any data statistical in nature that is statistically unreliable 1438
or that could result in the identification of individual 1439
students. For this purpose, the department shall not report 1440
student performance data for any group identified in division 1441
(F) of this section that contains less than ten students. If the 1442
department does not report student performance data for a group 1443
because it contains less than ten students, the department shall 1444
indicate on the report card that is why data was not reported. 1445

(G) The department may include with the report cards any 1446
additional education and fiscal performance data it deems 1447
valuable. 1448

(H) The department shall include on each report card a 1449
list of additional information collected by the department that 1450
is available regarding the district or building for which the 1451
report card is issued. When available, such additional 1452
information shall include student mobility data disaggregated by 1453
race and socioeconomic status, college enrollment data, and the 1454
reports prepared under section 3302.031 of the Revised Code. 1455

The department shall maintain a site on the world wide 1456
web. The report card shall include the address of the site and 1457
shall specify that such additional information is available to 1458
the public at that site. The department shall also provide a 1459
copy of each item on the list to the superintendent of each 1460
school district. The district superintendent shall provide a 1461
copy of any item on the list to anyone who requests it. 1462

(I) Division (I) of this section does not apply to 1463
conversion community schools that primarily enroll students 1464
between sixteen and twenty-two years of age who dropped out of 1465
high school or are at risk of dropping out of high school due to 1466
poor attendance, disciplinary problems, or suspensions. 1467

(1) For any district that sponsors a conversion community 1468
school under Chapter 3314. of the Revised Code, the department 1469
shall combine data regarding the academic performance of 1470
students enrolled in the community school with comparable data 1471
from the schools of the district for the purpose of determining 1472
the performance of the district as a whole on the report card 1473
issued for the district under this section or section 3302.033 1474
of the Revised Code. 1475

(2) Any district that leases a building to a community 1476
school located in the district or that enters into an agreement 1477
with a community school located in the district whereby the 1478
district and the school endorse each other's programs may elect 1479
to have data regarding the academic performance of students 1480
enrolled in the community school combined with comparable data 1481
from the schools of the district for the purpose of determining 1482
the performance of the district as a whole on the district 1483
report card. Any district that so elects shall annually file a 1484
copy of the lease or agreement with the department. 1485

(3) Any municipal school district, as defined in section 1486
3311.71 of the Revised Code, that sponsors a community school 1487
located within the district's territory, or that enters into an 1488
agreement with a community school located within the district's 1489
territory whereby the district and the community school endorse 1490
each other's programs, may exercise either or both of the 1491
following elections: 1492

(a) To have data regarding the academic performance of 1493
students enrolled in that community school combined with 1494
comparable data from the schools of the district for the purpose 1495
of determining the performance of the district as a whole on the 1496
district's report card; 1497

(b) To have the number of students attending that 1498
community school noted separately on the district's report card. 1499

The election authorized under division (I) (3) (a) of this 1500
section is subject to approval by the governing authority of the 1501
community school. 1502

Any municipal school district that exercises an election 1503
to combine or include data under division (I) (3) of this 1504
section, by the first day of October of each year, shall file 1505
with the department documentation indicating eligibility for 1506
that election, as required by the department. 1507

(J) The department shall include on each report card the 1508
percentage of teachers in the district or building who are 1509
highly qualified, as defined by the No Child Left Behind Act of 1510
2001, and a comparison of that percentage with the percentages 1511
of such teachers in similar districts and buildings. 1512

(K) (1) In calculating English language arts, mathematics, 1513
social studies, or science assessment passage rates used to 1514

determine school district or building performance under this 1515
section, the department shall include all students taking an 1516
assessment with accommodation or to whom an alternate assessment 1517
is administered pursuant to division (C) (1) or (3) of section 1518
3301.0711 of the Revised Code. 1519

(2) In calculating performance index scores, rates of 1520
achievement on the performance indicators established by the 1521
state board under section 3302.02 of the Revised Code, and 1522
annual measurable objectives for determining adequate yearly 1523
progress for school districts and buildings under this section, 1524
the department shall do all of the following: 1525

(a) Include for each district or building only those 1526
students who are included in the ADM certified for the first 1527
full school week of October and are continuously enrolled in the 1528
district or building through the time of the spring 1529
administration of any assessment prescribed by division (A) (1) 1530
or (B) (1) of section 3301.0710 or division (B) of section 1531
3301.0712 of the Revised Code that is administered to the 1532
student's grade level; 1533

(b) ~~Include~~ For the 2013-2014 and 2014-2015 school year, 1534
include cumulative totals from both the fall and spring 1535
administrations of the third grade English language arts 1536
achievement assessment; 1537

(c) Except as required by the No Child Left Behind Act of 1538
2001, exclude for each district or building any limited English 1539
proficient student who has been enrolled in United States 1540
schools for less than one full school year. 1541

(L) Beginning with the 2015-2016 school year and at least 1542
once every three years thereafter, the state board of education 1543

shall review and may adjust the benchmarks for assigning letter 1544
grades to the performance measures and components prescribed 1545
under divisions (C) (3) and (D) of this section. 1546

Sec. 3302.13. (A) This section applies to any school 1547
district or community school that meets both of the following 1548
criteria, as reported on the past two consecutive report cards 1549
issued for that district or school under section 3302.03 of the 1550
Revised Code: 1551

(1) The district or school received a grade of "D" or "F" 1552
on the kindergarten through third-grade literacy progress 1553
measure under division (C) (3) (e) of section 3302.03 of the 1554
Revised Code. 1555

(2) Less than sixty per cent of the district's students 1556
who took the third grade English language arts assessment 1557
prescribed under section 3301.0710 of the Revised Code ~~during~~ 1558
~~the most recent fall and spring administrations of that~~ 1559
~~assessment for that school year~~ attained at least a proficient 1560
score on that assessment. 1561

(B) By December 31, 2016, and by the thirty-first day of 1562
each December thereafter, any school district or community 1563
school that meets the criteria set forth in division (A) of this 1564
section shall submit to the department of education a school or 1565
district reading achievement improvement plan, which shall 1566
include all requirements prescribed by the state board of 1567
education pursuant to division (C) of this section. 1568

(C) Not later than December 31, 2014, the state board 1569
shall adopt rules in accordance with Chapter 119. of the Revised 1570
Code prescribing the content of and deadlines for the reading 1571
achievement improvement plans required under division (B) of 1572

this section. The rules shall prescribe that each plan include, 1573
at a minimum, an analysis of relevant student performance data, 1574
measurable student performance goals, strategies to meet 1575
specific student needs, a staffing and professional development 1576
plan, and instructional strategies for improving literacy. 1577

(D) Any school district or community school to which this 1578
section applies shall no longer be required to submit an 1579
improvement plan pursuant to division (B) of this section when 1580
that district or school meets either of the following criteria, 1581
as reported on the most recent report card issued for that 1582
district or school under section 3302.03 of the Revised Code: 1583

(1) The district or school received a grade of "C" or 1584
higher on the kindergarten through third-grade literacy progress 1585
measure under division (C) (3) (e) of section 3302.03 of the 1586
Revised Code. 1587

(2) Not less than sixty per cent of the district's 1588
students who took the third grade English language arts 1589
assessment prescribed under section 3301.0710 of the Revised 1590
Code ~~during the most recent fall and spring administrations of~~ 1591
~~that assessment for that school year attain~~ attained at least a 1592
proficient score on that assessment. 1593

(E) The department of education shall post in a prominent 1594
location on its web site all plans submitted pursuant to this 1595
section. 1596

Sec. 3302.16. (A) Notwithstanding anything to the contrary 1597
in the Revised Code, a high-performing school district shall be 1598
exempt from all of the following: 1599

(1) The teacher qualification requirements under the 1600
third-grade reading guarantee, as prescribed under divisions (B) 1601

(3) (c) and (H) of section 3313.608 of the Revised Code. This 1602
exemption does not relieve a teacher from holding a valid Ohio 1603
license in a subject area and grade level determined appropriate 1604
by the board of education of that district. 1605

(2) The mentoring component of the Ohio teacher residency 1606
program established under division (A) (1) of section 3319.223 of 1607
the Revised Code, so long as the district utilizes a local 1608
approach to train and support new teachers; 1609

(3) Any provision of the Revised Code or rule or standard 1610
of the state board of education prescribing a minimum or maximum 1611
class size; 1612

(4) Any provision of the Revised Code or rule or standard 1613
of the state board requiring teachers to be licensed 1614
specifically in the subject area or grade level in which they 1615
are teaching, except unless otherwise prescribed by federal law. 1616
This exemption does not relieve a teacher from holding a valid 1617
Ohio license in at least some subject area or grade level 1618
determined appropriate by the district board. 1619

(B) (1) Notwithstanding anything to the contrary in the 1620
Revised Code, including sections 3319.30 and 3319.36 of the 1621
Revised Code, the superintendent of a high-performing school 1622
district may employ an individual who is not licensed as 1623
required by sections 3319.22 to 3319.30 of the Revised Code, but 1624
who is otherwise qualified based on experience, to teach classes 1625
in the district, so long as the board of education of the school 1626
district approves the individual's employment and provides 1627
mentoring and professional development opportunities to that 1628
individual, as determined necessary by the board. 1629

(2) As a condition of employment under this section, an 1630

individual shall be subject to a criminal records check as 1631
prescribed by section 3319.391 of the Revised Code. 1632

(C) Notwithstanding anything to the contrary in the 1633
Revised Code, noncompliance with any of the requirements listed 1634
in divisions (A) or (B) of this section shall not disqualify a 1635
high-performing school district from receiving funds under 1636
Chapter 3317. of the Revised Code. 1637

(D) As used in this section: 1638

(1) "High-performing school district" means a city, local, 1639
or exempted village school district that meets all of the 1640
following benchmarks on the most recent report card issued for 1641
that district under section 3302.03 of the Revised Code: 1642

(a) The district received at least eighty-five per cent of 1643
the total possible points for the performance index score 1644
calculated under division (C) (1) (b) of that section; 1645

(b) The district received a grade of an "A" for 1646
performance indicators met under division (C) (1) (c) of that 1647
section; 1648

(c) The district has a four-year adjusted cohort 1649
graduation rate of at least ninety-three per cent and a five- 1650
year adjusted cohort graduation rate of at least ninety-five per 1651
cent, as calculated under division (C) (1) (d) of that section. 1652

(2) "License" has the same meaning as in section 3319.31 1653
of the Revised Code. 1654

Sec. 3313.46. (A) In addition to any other law governing 1655
the bidding for contracts by the board of education of any 1656
school district, when any such board determines to build, 1657
repair, enlarge, improve, or demolish any school building, the 1658

cost of which will exceed ~~twenty-five~~fifty thousand dollars, 1659
except in cases of urgent necessity, or for the security and 1660
protection of school property, and except as otherwise provided 1661
in division (D) of section 713.23 and in section 125.04 of the 1662
Revised Code, all of the following shall apply: 1663

(1) The board shall cause to be prepared the plans, 1664
specifications, and related information as required in divisions 1665
(A) (1), (2), and (3) of section 153.01 of the Revised Code 1666
unless the board determines that other information is sufficient 1667
to inform any bidders of the board's requirements. However, if 1668
the board determines that such other information is sufficient 1669
for bidding a project, the board shall not engage in the 1670
construction of any such project involving the practice of 1671
professional engineering, professional surveying, or 1672
architecture, for which plans, specifications, and estimates 1673
have not been made by, and the construction thereof inspected 1674
by, a licensed professional engineer, licensed professional 1675
surveyor, or registered architect. 1676

(2) The board shall advertise for bids once each week for 1677
a period of not less than two consecutive weeks, or as provided 1678
in section 7.16 of the Revised Code, in a newspaper of general 1679
circulation in the district before the date specified by the 1680
board for receiving bids. The board may also cause notice to be 1681
inserted in trade papers or other publications designated by it 1682
or to be distributed by electronic means, including posting the 1683
notice on the board's internet web site. If the board posts the 1684
notice on its web site, it may eliminate the second notice 1685
otherwise required to be published in a newspaper of general 1686
circulation within the school district, provided that the first 1687
notice published in such newspaper meets all of the following 1688
requirements: 1689

(a) It is published at least two weeks before the opening of bids. 1690
1691

(b) It includes a statement that the notice is posted on the board of education's internet web site. 1692
1693

(c) It includes the internet address of the board's internet web site. 1694
1695

(d) It includes instructions describing how the notice may be accessed on the board's internet web site. 1696
1697

(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 1698
1699
1700

(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 1701
1702
1703

(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 1704
1705
1706
1707

(6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 1708
1709
1710
1711
1712
1713
1714

(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The 1715
1716
1717

board shall approve and retain the estimates referred to in 1718
section 153.13 of the Revised Code and make them available to 1719
the auditor of state upon request. 1720

(8) When two or more bids are equal, in the whole, or in 1721
any part thereof, and are lower than any others, either may be 1722
accepted, but in no case shall the work be divided between such 1723
bidders. 1724

(9) When there is reason to believe there is collusion or 1725
combination among the bidders, or any number of them, the bids 1726
of those concerned therein shall be rejected. 1727

(B) Division (A) of this section does not apply to the 1728
board of education of any school district in any of the 1729
following situations: 1730

(1) The acquisition of educational materials used in 1731
teaching. 1732

(2) If the board determines and declares by resolution 1733
adopted by two-thirds of all its members that any item is 1734
available and can be acquired only from a single source. 1735

(3) If the board declares by resolution adopted by two- 1736
thirds of all its members that division (A) of this section does 1737
not apply to any installation, modification, or remodeling 1738
involved in any energy conservation measure undertaken through 1739
an installment payment contract under section 3313.372 of the 1740
Revised Code or undertaken pursuant to division (G) of section 1741
133.06 of the Revised Code. 1742

(4) The acquisition of computer software for instructional 1743
purposes and computer hardware for instructional purposes 1744
pursuant to division (B) (4) of section 3313.37 of the Revised 1745
Code. 1746

(C) No resolution adopted pursuant to division (B) (2) or 1747
(3) of this section shall have any effect on whether sections 1748
153.12 to 153.14 and 153.54 of the Revised Code apply to the 1749
board of education of any school district with regard to any 1750
item. 1751

Sec. 3313.72. The board of education of a city, exempted 1752
village, or local school district may enter into a contract with 1753
a health district, a hospital registered under section 3701.07 1754
of the Revised Code, an appropriately licensed health care 1755
professional, or an educational service center for the purpose 1756
of providing the services of a school physician, dentist, or 1757
nurse. 1758

Sec. 3314.03. A copy of every contract entered into under 1759
this section shall be filed with the superintendent of public 1760
instruction. The department of education shall make available on 1761
its web site a copy of every approved, executed contract filed 1762
with the superintendent under this section. 1763

(A) Each contract entered into between a sponsor and the 1764
governing authority of a community school shall specify the 1765
following: 1766

(1) That the school shall be established as either of the 1767
following: 1768

(a) A nonprofit corporation established under Chapter 1769
1702. of the Revised Code, if established prior to April 8, 1770
2003; 1771

(b) A public benefit corporation established under Chapter 1772
1702. of the Revised Code, if established after April 8, 2003. 1773

(2) The education program of the school, including the 1774
school's mission, the characteristics of the students the school 1775

is expected to attract, the ages and grades of students, and the focus of the curriculum;	1776 1777
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	1778 1779 1780 1781
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	1782 1783
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	1784 1785 1786
(6) (a) Dismissal procedures;	1787
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	1788 1789 1790 1791 1792 1793
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1794 1795
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	1796 1797 1798 1799 1800 1801
(9) The facilities to be used and their locations;	1802
(10) Qualifications of teachers, including a requirement	1803

that the school's classroom teachers be licensed in accordance 1804
with sections 3319.22 to 3319.31 of the Revised Code, except 1805
that a community school may engage noncertificated persons to 1806
teach up to twelve hours per week pursuant to section 3319.301 1807
of the Revised Code. 1808

(11) That the school will comply with the following 1809
requirements: 1810

(a) The school will provide learning opportunities to a 1811
minimum of twenty-five students for a minimum of nine hundred 1812
twenty hours per school year. 1813

(b) The governing authority will purchase liability 1814
insurance, or otherwise provide for the potential liability of 1815
the school. 1816

(c) The school will be nonsectarian in its programs, 1817
admission policies, employment practices, and all other 1818
operations, and will not be operated by a sectarian school or 1819
religious institution. 1820

(d) The school will comply with sections 9.90, 9.91, 1821
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1822
3301.0711, 3301.0712, 3301.0715, 3301.0728, 3301.948, 3313.472, 1823
3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 1824
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 1825
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1826
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 1827
3313.716, 3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 1828
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 1829
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 1830
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1831
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1832

1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 1833
the Revised Code as if it were a school district and will comply 1834
with section 3301.0714 of the Revised Code in the manner 1835
specified in section 3314.17 of the Revised Code. 1836

(e) The school shall comply with Chapter 102. and section 1837
2921.42 of the Revised Code. 1838

(f) The school will comply with sections 3313.61, 1839
3313.611, and 3313.614 of the Revised Code, except that for 1840
students who enter ninth grade for the first time before July 1, 1841
2010, the requirement in sections 3313.61 and 3313.611 of the 1842
Revised Code that a person must successfully complete the 1843
curriculum in any high school prior to receiving a high school 1844
diploma may be met by completing the curriculum adopted by the 1845
governing authority of the community school rather than the 1846
curriculum specified in Title XXXVIII of the Revised Code or any 1847
rules of the state board of education. Beginning with students 1848
who enter ninth grade for the first time on or after July 1, 1849
2010, the requirement in sections 3313.61 and 3313.611 of the 1850
Revised Code that a person must successfully complete the 1851
curriculum of a high school prior to receiving a high school 1852
diploma shall be met by completing the requirements prescribed 1853
in division (C) of section 3313.603 of the Revised Code, unless 1854
the person qualifies under division (D) or (F) of that section. 1855
Each school shall comply with the plan for awarding high school 1856
credit based on demonstration of subject area competency, 1857
adopted by the state board of education under division (J) of 1858
section 3313.603 of the Revised Code. 1859

(g) The school governing authority will submit within four 1860
months after the end of each school year a report of its 1861
activities and progress in meeting the goals and standards of 1862

divisions (A) (3) and (4) of this section and its financial 1863
status to the sponsor and the parents of all students enrolled 1864
in the school. 1865

(h) The school, unless it is an internet- or computer- 1866
based community school, will comply with section 3313.801 of the 1867
Revised Code as if it were a school district. 1868

(i) If the school is the recipient of moneys from a grant 1869
awarded under the federal race to the top program, Division (A), 1870
Title XIV, Sections 14005 and 14006 of the "American Recovery 1871
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1872
the school will pay teachers based upon performance in 1873
accordance with section 3317.141 and will comply with section 1874
3319.111 of the Revised Code as if it were a school district. 1875

(12) Arrangements for providing health and other benefits 1876
to employees; 1877

(13) The length of the contract, which shall begin at the 1878
beginning of an academic year. No contract shall exceed five 1879
years unless such contract has been renewed pursuant to division 1880
(E) of this section. 1881

(14) The governing authority of the school, which shall be 1882
responsible for carrying out the provisions of the contract; 1883

(15) A financial plan detailing an estimated school budget 1884
for each year of the period of the contract and specifying the 1885
total estimated per pupil expenditure amount for each such year. 1886

(16) Requirements and procedures regarding the disposition 1887
of employees of the school in the event the contract is 1888
terminated or not renewed pursuant to section 3314.07 of the 1889
Revised Code; 1890

(17) Whether the school is to be created by converting all 1891
or part of an existing public school or educational service 1892
center building or is to be a new start-up school, and if it is 1893
a converted public school or service center building, 1894
specification of any duties or responsibilities of an employer 1895
that the board of education or service center governing board 1896
that operated the school or building before conversion is 1897
delegating to the governing authority of the community school 1898
with respect to all or any specified group of employees provided 1899
the delegation is not prohibited by a collective bargaining 1900
agreement applicable to such employees; 1901

(18) Provisions establishing procedures for resolving 1902
disputes or differences of opinion between the sponsor and the 1903
governing authority of the community school; 1904

(19) A provision requiring the governing authority to 1905
adopt a policy regarding the admission of students who reside 1906
outside the district in which the school is located. That policy 1907
shall comply with the admissions procedures specified in 1908
sections 3314.06 and 3314.061 of the Revised Code and, at the 1909
sole discretion of the authority, shall do one of the following: 1910

(a) Prohibit the enrollment of students who reside outside 1911
the district in which the school is located; 1912

(b) Permit the enrollment of students who reside in 1913
districts adjacent to the district in which the school is 1914
located; 1915

(c) Permit the enrollment of students who reside in any 1916
other district in the state. 1917

(20) A provision recognizing the authority of the 1918
department of education to take over the sponsorship of the 1919

school in accordance with the provisions of division (C) of 1920
section 3314.015 of the Revised Code; 1921

(21) A provision recognizing the sponsor's authority to 1922
assume the operation of a school under the conditions specified 1923
in division (B) of section 3314.073 of the Revised Code; 1924

(22) A provision recognizing both of the following: 1925

(a) The authority of public health and safety officials to 1926
inspect the facilities of the school and to order the facilities 1927
closed if those officials find that the facilities are not in 1928
compliance with health and safety laws and regulations; 1929

(b) The authority of the department of education as the 1930
community school oversight body to suspend the operation of the 1931
school under section 3314.072 of the Revised Code if the 1932
department has evidence of conditions or violations of law at 1933
the school that pose an imminent danger to the health and safety 1934
of the school's students and employees and the sponsor refuses 1935
to take such action. 1936

(23) A description of the learning opportunities that will 1937
be offered to students including both classroom-based and non- 1938
classroom-based learning opportunities that is in compliance 1939
with criteria for student participation established by the 1940
department under division (H) (2) of section 3314.08 of the 1941
Revised Code; 1942

(24) The school will comply with sections 3302.04 and 1943
3302.041 of the Revised Code, except that any action required to 1944
be taken by a school district pursuant to those sections shall 1945
be taken by the sponsor of the school. However, the sponsor 1946
shall not be required to take any action described in division 1947
(F) of section 3302.04 of the Revised Code. 1948

(25) Beginning in the 2006-2007 school year, the school 1949
will open for operation not later than the thirtieth day of 1950
September each school year, unless the mission of the school as 1951
specified under division (A)(2) of this section is solely to 1952
serve dropouts. In its initial year of operation, if the school 1953
fails to open by the thirtieth day of September, or within one 1954
year after the adoption of the contract pursuant to division (D) 1955
of section 3314.02 of the Revised Code if the mission of the 1956
school is solely to serve dropouts, the contract shall be void. 1957

(26) Whether the school's governing authority is planning 1958
to seek designation for the school as a STEM school equivalent 1959
under section 3326.032 of the Revised Code. 1960

(B) The community school shall also submit to the sponsor 1961
a comprehensive plan for the school. The plan shall specify the 1962
following: 1963

(1) The process by which the governing authority of the 1964
school will be selected in the future; 1965

(2) The management and administration of the school; 1966

(3) If the community school is a currently existing public 1967
school or educational service center building, alternative 1968
arrangements for current public school students who choose not 1969
to attend the converted school and for teachers who choose not 1970
to teach in the school or building after conversion; 1971

(4) The instructional program and educational philosophy 1972
of the school; 1973

(5) Internal financial controls. 1974

(C) A contract entered into under section 3314.02 of the 1975
Revised Code between a sponsor and the governing authority of a 1976

community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section

3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65,

121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2036
3301.0714, 3301.0715, 3301.0728, 3301.948, 3313.14, 3313.15, 2037
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 2038
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 2039
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 2040
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 2041
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2042
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2043
3313.718, 3313.719, 3313.7112, 3313.80, 3313.801, 3313.814, 2044
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 2045
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 2046
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 2047
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 2048
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 2049
4112., 4123., 4141., and 4167. of the Revised Code as if it were 2050
a school district. 2051

Sec. 3328.24. A college-preparatory boarding school 2052
established under this chapter and its board of trustees shall 2053
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 2054
3301.0714, 3301.0728, 3301.948, 3313.536, 3313.6013, 3313.6411, 2055
3313.7112, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of 2056
the Revised Code as if the school were a school district and the 2057
school's board of trustees were a district board of education. 2058

Section 2. That existing sections 3301.079, 3301.0711, 2059
3301.0715, 3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 3314.03, 2060
3326.11, and 3328.24 of the Revised Code are hereby repealed. 2061

Section 3. (A) Not later than December 15, 2015, the Ohio 2062
School Facilities Commission shall develop and submit to the 2063
General Assembly, in accordance with section 101.68 of the 2064
Revised Code, a proposal for legislative provisions under which 2065

high-performing school districts that have not yet received 2066
assistance under the Classroom Facilities Assistance Program, 2067
upon becoming eligible for assistance under that program, based 2068
on the annual percentile rankings under section 3318.011 of the 2069
Revised Code, may apply for and receive a portion of the state 2070
funds they are eligible for under that program to use for 2071
technology, building expansion, and physical alterations to 2072
improve school safety or security. 2073

(B) As used in this section: 2074

(1) "High-performing school district" has the same meaning 2075
as in division (D) (1) of section 3302.16 of the Revised Code. 2076

(2) The "Classroom Facilities Assistance Program" means 2077
the program authorized under sections 3318.01 to 3318.20 of the 2078
Revised Code. 2079

Section 4. The General Assembly, applying the principle 2080
stated in division (B) of section 1.52 of the Revised Code that 2081
amendments are to be harmonized if reasonably capable of 2082
simultaneous operation, finds that the following sections, 2083
presented in this act as composites of the sections as amended 2084
by the acts indicated, are the resulting versions of the 2085
sections in effect prior to the effective date of the sections 2086
as presented in this act: 2087

Section 3326.11 of the Revised Code as amended by Sub. 2088
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th 2089
General Assembly. 2090

Section 3328.24 of the Revised Code as amended by Sub. 2091
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th 2092
General Assembly. 2093