

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 181**

**Representatives Hood, Brinkman**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.~~

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

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

(C) The ~~state board shall develop elementary and secondary~~ achievement assessments prescribed under section 3301.0710 and 3301.0712 of the Revised Code shall be aligned with the academic standards ~~and model curriculum~~ for each of the subject areas and grade levels required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code.

When any achievement assessment has been ~~completed~~ approved for use, the state board shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its ~~completion~~ approval, and the department shall make the achievement assessment available to the districts and schools.

(D) (1) The state board shall adopt a norm-referenced

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

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

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

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

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

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

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

the Revised Code. 196

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

<del>(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.</del>	280 281
<del>(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:</del>	282 283 284 285
<del>(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;</del>	286 287 288 289 290 291
<del>(ii) One parent or guardian appointed by the speaker of the house of representatives;</del>	292 293
<del>(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;</del>	294 295
<del>(iv) The chancellor, or the chancellor's designee;</del>	296
<del>(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.</del>	297 298
<del>(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.</del>	299 300 301 302 303 304 305 306 307 308

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



time on or after July 1, 2014. 455

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

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

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

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

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

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

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

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

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

(4) Administer the assessments prescribed under division 542

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

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

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

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

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

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

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

(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,  
except that a student with significant cognitive disabilities to  
whom an alternate assessment is administered in accordance with  
division (C) (1) of this section and a student determined to have  
a disability that includes an intellectual disability as  
outlined in guidance issued by the department shall not be  
required to take the assessment prescribed under division (B) (1)  
of section 3301.0712 of the Revised Code. 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~~ provide the student ~~from~~  
~~taking with an opportunity to take an assessment unless no~~  
~~reasonable accommodation can be made to enable the student to~~  
~~take the assessment~~ that is determined to approximate the  
student's grade level capacity, with reasonable accommodations.  
No board shall prohibit a student who is not required to take an  
assessment under division (C) (1) of this section from taking the  
assessment.

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

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

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

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

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

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

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

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

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

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

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



approved by the department. 692

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the student takes the assessment. 781

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

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

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

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

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

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

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

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

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

education school district. 840

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

~~each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.~~ 958  
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~~(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.~~ 962  
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~~(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.~~ 964  
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(M) (1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C) (1) (a) of this section. 974  
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(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent. 982  
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(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at 985  
986

least the proficient range on the mathematics assessment 987  
described by division (A) (1) (a) of section 3301.0710 of the 988  
Revised Code or on an assessment described by division (A) (1) 989  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 990  
Code as a factor in retaining that student in the current grade 991  
level. 992

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

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

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

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

~~(4) This division applies to the assessments prescribed by  
division (A) of section 3301.0710 of the Revised Code.~~ 1016  
1017

~~(a) The first administration of each assessment, as  
specified in former section 3301.0712 of the Revised Code, shall  
be a public record.~~ 1018  
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~~(b) For subsequent administrations of each assessment  
prior to the 2011-2012 school year, not less than forty per cent  
of the questions on the assessment that are used to compute a  
student's score shall be a public record. The department shall  
determine which questions will be needed for reuse on a future  
assessment and those questions shall not be public records and  
shall be redacted from the assessment prior to its release as a  
public record. However, for each redacted question, the  
department shall inform each city, local, and exempted village  
school district of the statewide academic standard adopted by  
the state board under section 3301.079 of the Revised Code and  
the corresponding benchmark to which the question relates. The  
preceding sentence does not apply to field test questions that  
are redacted under division (O) (3) of this section.~~ 1021  
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~~(c) The administrations of each assessment in the 2011-  
2012, 2012-2013, and 2013-2014 school years shall not be a  
public record.~~ 1035  
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~~(5) Each assessment prescribed by division (B) (1) of  
section 3301.0710 of the Revised Code shall not be a public  
record.~~ 1038  
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~~(6) Beginning with the spring administration for the 2014-  
2015 school year, questions on the assessments prescribed under  
division (A) of section 3301.0710 and division (B) (2) of section  
3301.0712 of the Revised Code and the corresponding preferred~~ 1041  
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~~answers that are used to compute a student's score shall become a public record as follows:—~~ 1045  
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~~(a) Forty per cent of the questions and preferred answers on the assessments on the thirty first day of July following the administration of the assessment;—~~ 1047  
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~~(b) Twenty per cent of the questions and preferred answers on the assessment on the thirty first day of July one year after the administration of the assessment;—~~ 1050  
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~~(c) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty first day of July two years after the administration of the assessment.—~~ 1053  
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~~The entire content of an assessment shall become a public record within three years of its administration.—~~ 1056  
1057

~~The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.—~~ 1058  
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(P) As used in this section: 1063

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 1064  
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. 1066  
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"Dropout" does not include a student who has departed the country. 1070  
1071

(3) "Graduation rate" means the ratio of students 1072

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

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

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

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

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

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

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

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

~~and American government may be used in lieu of end of course  
examinations in accordance with division (B) (4) (a) (ii) of this  
section.~~ 1133  
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1135

~~(3) (a) Not later than July 1, 2013, each school district  
board of education shall adopt interim end of course  
examinations that comply with the requirements of divisions (B)  
(3) (b) (i) and (ii) of this section to assess mastery of American  
history and American government standards adopted under division  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics  
required under division (M) of section 3313.603 of the Revised  
Code. Each high school of the district shall use the interim  
examinations until the state superintendent and chancellor  
select end of course examinations in American history and  
American government under division (B) (2) of this section.~~ 1136  
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~~(b) Not later than July 1, 2014, the state superintendent  
and the chancellor shall select the end of course examinations  
in American history and American government.~~ 1147  
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~~(i) The end of course examinations in American history and  
American government shall require demonstration of mastery of  
the American history and American government content for social  
studies standards adopted under division (A) (1) (b) of section  
3301.079 of the Revised Code and the topics required under  
division (M) of section 3313.603 of the Revised Code.~~ 1150  
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~~(ii) At least twenty per cent of the end of course  
examination in American government shall address the topics on  
American history and American government described in division  
(M) of section 3313.603 of the Revised Code.~~ 1156  
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~~(4) (a) Notwithstanding anything to the contrary in this  
section, beginning with the 2014-2015 school year, both of the~~ 1160  
1161



~~following shall apply:—~~ 1162

~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.—~~ 1163  
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~~(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.—~~ 1174  
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~~Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code.— It shall not apply to remedial or developmental courses.—~~ 1186  
1187  
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1189

~~(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section—~~ 1190  
1191

~~in place of the end of course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B) (2) of this section.~~ 1192  
1193  
1194

~~(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end of course examinations prescribed under division (B) (2) of this section.~~ 1195  
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1198

~~(5) The state board shall do all of the following:~~ 1199

~~(a) Determine and designate at least five ranges of scores on each of the end of course examinations prescribed under division (B) (2) of this section, and substitute examinations prescribed under division (B) (4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:~~ 1200  
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1204  
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1206

~~(i) An advanced level of skill;~~ 1207

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

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

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

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

~~(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end of course examinations or substitute examinations;~~ 1212  
1213  
1214

~~(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;~~ 1215  
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~~(d) Develop a table of corresponding score equivalents for~~ 1218

~~the end of course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.~~ 1219  
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1221

~~A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.~~ 1222  
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~~(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:~~ 1227  
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~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.~~ 1230  
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~~(ii) The examination was not available for administration prior to July 1, 2015.~~ 1233  
1234

~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.~~ 1235  
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~~(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:~~ 1240  
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1243  
1244

~~(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;~~ 1245  
1246  
1247

~~(ii) The student's final course grade shall be used in lieu of a score on the end of course examination from which the student is exempt.~~ 1248  
1249  
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~~The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~ 1251  
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~~(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end of course examination prescribed under division (B) (2) of this section with an algebra II end of course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.~~ 1256  
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~~(b) If the state board replaces the algebra I end of course examination with an algebra II end of course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:~~ 1262  
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1264  
1265

~~(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end of course examination.~~ 1266  
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~~(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end of course examination. Instead, that student's final course grade shall be used in lieu of the examination.~~ 1270  
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~~(c) If a school district or school utilizes an integrated~~ 1276

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

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

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

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

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

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

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

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

~~(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.~~ 1307  
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~~(D)~~ Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 1313  
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 1316  
1317  
1318

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 1319  
1320  
1321  
1322

~~(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;~~ 1323  
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~~(4)~~ The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 1328  
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~~(5)~~(4) The extent to which the assessment system applies 1335  
to students enrolled in a dropout recovery and prevention 1336  
program for purposes of division (F) of section 3313.603 and 1337  
section 3314.36 of the Revised Code. 1338

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The education management information system shall 1508

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

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

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

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

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

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

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

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

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

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

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

School districts shall report individual student data to 1628



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) As used in this section: 1713

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this purpose. 1834

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

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

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

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

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

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

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



and socioeconomic status of the students assessed. 1863

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

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

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

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

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

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

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

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

(B) The office shall do the following: 1932

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

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

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

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

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

**Sec. 3302.01.** As used in this chapter: 1956

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

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

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

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

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

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

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

(1) Major racial and ethnic groups; 1997

(2) Students with disabilities; 1998

(3) Economically disadvantaged students; 1999

(4) Limited English proficient students; 2000

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

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

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

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

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001." 2021  
2022  
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(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code. 2026  
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(G) (1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. 2034  
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(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

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

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

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

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

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

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

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

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

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

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

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



school year; 2097

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

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

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

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

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

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

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

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

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

(a) Annual measurable objectives; 2204

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Annual measurable objectives; 2329

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code. 2771

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Notwithstanding any provision to the contrary in 3184

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

(3) Mathematics; 3299

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

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

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

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

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

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

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

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

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

(f) Prescription opioid abuse prevention, with an emphasis

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

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

(6) Physical education; 3338

(7) The fine arts, including music; 3339

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

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

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

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

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

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

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

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

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

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child; 3391  
3392  
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(3) Any completed and graded test taken or survey or questionnaire filled out by the child; 3394  
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(4) Copies of the statewide academic content standards ~~and each model curriculum~~ developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building. 3396  
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**Sec. 3313.603.** (A) As used in this section: 3400

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 3401  
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 3405  
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 3409  
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(1) English language arts, four units; 3414

(2) Health, one-half unit; 3415

(3) Mathematics, three units; 3416

(4) Physical education, one-half unit; 3417

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Probability and statistics; 3598

(II) Computer programming; 3599

(III) Applied mathematics or quantitative reasoning; 3600

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

(ii) Elective units, five units; 3604

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

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

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

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

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

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

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

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

program meets all of the following conditions: 3648

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

or authority shall not require the student to complete any 3797  
physical education course as a condition to graduate. However, 3798  
the student shall be required to complete one-half unit, 3799  
consisting of at least sixty hours of instruction, in another 3800  
course of study. In the case of a student who has participated 3801  
in the junior reserve officer training corps for at least two 3802  
full school years, credit received for that participation may be 3803  
used to satisfy the requirement to complete one-half unit in 3804  
another course of study. 3805

(M) It is important that high school students learn and 3806  
understand United States history and the governments of both the 3807  
United States and the state of Ohio. Therefore, beginning with 3808  
students who enter ninth grade for the first time on or after 3809  
July 1, 2012, the study of American history and American 3810  
government required by divisions (B) (6) and (C) (6) of this 3811  
section shall include the study of all of the following 3812  
documents: 3813

(1) The Declaration of Independence; 3814

(2) The Northwest Ordinance; 3815

(3) The Constitution of the United States with emphasis on 3816  
the Bill of Rights; 3817

(4) The Ohio Constitution. 3818

The study of each of the documents prescribed in divisions 3819  
(M) (1) to (4) of this section shall include study of that 3820  
document in its original context. 3821

The study of American history and government required by 3822  
divisions (B) (6) and (C) (6) of this section shall include the 3823  
historical evidence of the role of documents such as the 3824  
Federalist Papers and the Anti-Federalist Papers to firmly 3825

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

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

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

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

(c) Retain the student in third grade. 3846

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

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

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

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

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

(d) All of the following apply: 3869

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Small group instruction; 3964

(ii) Reduced teacher-student ratios; 3965

(iii) More frequent progress monitoring; 3966

(iv) Tutoring or mentoring; 3967

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



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

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

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

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

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

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

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

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

(b) Provides scientifically based and reliable assessment; 4017

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

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

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

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

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

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

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

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

monitoring results of the remediation services. 4055

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



may sponsor; 4671

(vi) No territorial restrictions on sponsorship. 4672

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) "Sponsor" means the board of education of a school 4759  
district or the governing board of an educational service center 4760  
that agrees to the conversion of all or part of a school or 4761  
building under division (B) of this section, or an entity listed 4762  
in division (C) (1) of this section, which has been approved by 4763  
the department of education to sponsor community schools or is 4764  
exempted by section 3314.021 or 3314.027 of the Revised Code 4765  
from obtaining approval, and with which the governing authority 4766  
of a community school enters into a contract under section 4767  
3314.03 of the Revised Code. 4768

(2) "Pilot project area" means the school districts 4769  
included in the territory of the former community school pilot 4770  
project established by former Section 50.52 of Am. Sub. H.B. No. 4771  
215 of the 122nd general assembly. 4772

(3) "Challenged school district" means any of the 4773  
following: 4774

(a) A school district that is part of the pilot project 4775  
area; 4776

(b) A school district that meets one of the following 4777  
conditions: 4778

(i) On March 22, 2013, the district was in a state of 4779  
academic emergency or in a state of academic watch under section 4780  
3302.03 of the Revised Code, as that section existed prior to 4781  
March 22, 2013; 4782

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, ~~and~~ 4783  
2015-2016, 2016-2017, 2017-2018, and 2018-2019 school years, the 4784  
district received a grade of "D" or "F" for the performance 4785  
index score and a grade of "F" for the value-added progress 4786  
dimension under section 3302.03 of the Revised Code; 4787

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

(c) A big eight school district; 4795

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The board of education of any joint vocational school 4890  
district with territory in the county in which is located the 4891  
majority of the territory of the district in which the school is 4892  
proposed to be located; 4893

(c) The board of education of any other city, local, or 4894  
exempted village school district having territory in the same 4895  
county where the district in which the school is proposed to be 4896  
located has the major portion of its territory; 4897

(d) The governing board of any educational service center, 4898  
regardless of the location of the proposed school, may sponsor a 4899  
new start-up school in any challenged school district in the 4900  
state if all of the following are satisfied: 4901

(i) If applicable, it satisfies the requirements of 4902  
division (E) of section 3311.86 of the Revised Code; 4903



- (ii) It is approved to do so by the department; 4904
- (iii) It enters into an agreement with the department 4905  
under section 3314.015 of the Revised Code. 4906
- (e) A sponsoring authority designated by the board of 4907  
trustees of any of the thirteen state universities listed in 4908  
section 3345.011 of the Revised Code or the board of trustees 4909  
itself as long as a mission of the proposed school to be 4910  
specified in the contract under division (A) (2) of section 4911  
3314.03 of the Revised Code and as approved by the department 4912  
under division (B) (3) of section 3314.015 of the Revised Code 4913  
will be the practical demonstration of teaching methods, 4914  
educational technology, or other teaching practices that are 4915  
included in the curriculum of the university's teacher 4916  
preparation program approved by the state board of education; 4917
- (f) Any qualified tax-exempt entity under section 501(c) 4918  
(3) of the Internal Revenue Code as long as all of the following 4919  
conditions are satisfied: 4920
- (i) The entity has been in operation for at least five 4921  
years prior to applying to be a community school sponsor. 4922
- (ii) The entity has assets of at least five hundred 4923  
thousand dollars and a demonstrated record of financial 4924  
responsibility. 4925
- (iii) The department has determined that the entity is an 4926  
education-oriented entity under division (B) (4) of section 4927  
3314.015 of the Revised Code and the entity has a demonstrated 4928  
record of successful implementation of educational programs. 4929
- (iv) The entity is not a community school. 4930
- (g) The mayor of a city in which the majority of the 4931

territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division

(E) of this section for the school, and negotiate a contract 4963  
with the entity. Provided the proposing person or group adheres 4964  
to the preliminary agreement and all provisions of this chapter, 4965  
the entity shall negotiate in good faith to enter into a 4966  
contract in accordance with section 3314.03 of the Revised Code. 4967

(3) A new start-up school that is established in a school 4968  
district described in either division (A) (3) (b) or (d) of this 4969  
section may continue in existence once the school district no 4970  
longer meets the conditions described in either division, 4971  
provided there is a valid contract between the school and a 4972  
sponsor. 4973

(4) A copy of every preliminary agreement entered into 4974  
under this division shall be filed with the superintendent of 4975  
public instruction. 4976

(D) A majority vote of the board of a sponsoring entity 4977  
and a majority vote of the members of the governing authority of 4978  
a community school shall be required to adopt a contract and 4979  
convert the public school or educational service center building 4980  
to a community school or establish the new start-up school. 4981  
Beginning September 29, 2005, adoption of the contract shall 4982  
occur not later than the fifteenth day of March, and signing of 4983  
the contract shall occur not later than the fifteenth day of 4984  
May, prior to the school year in which the school will open. The 4985  
governing authority shall notify the department of education 4986  
when the contract has been signed. Subject to sections 3314.013 4987  
and 3314.016 of the Revised Code, an unlimited number of 4988  
community schools may be established in any school district 4989  
provided that a contract is entered into for each community 4990  
school pursuant to this chapter. 4991

(E) (1) As used in this division, "immediate relatives" are 4992

limited to spouses, children, parents, grandparents, and 4993  
siblings, as well as in-laws residing in the same household as 4994  
the person serving on the governing authority. 4995

Each new start-up community school established under this 4996  
chapter shall be under the direction of a governing authority 4997  
which shall consist of a board of not less than five 4998  
individuals. 4999

(2) (a) No person shall serve on the governing authority or 5000  
operate the community school under contract with the governing 5001  
authority under any of the following circumstances: 5002

(i) The person owes the state any money or is in a dispute 5003  
over whether the person owes the state any money concerning the 5004  
operation of a community school that has closed. 5005

(ii) The person would otherwise be subject to division (B) 5006  
of section 3319.31 of the Revised Code with respect to refusal, 5007  
limitation, or revocation of a license to teach, if the person 5008  
were a licensed educator. 5009

(iii) The person has pleaded guilty to or been convicted 5010  
of theft in office under section 2921.41 of the Revised Code, or 5011  
has pleaded guilty to or been convicted of a substantially 5012  
similar offense in another state. 5013

(b) No person shall serve on the governing authority or 5014  
engage in the financial day-to-day management of the community 5015  
school under contract with the governing authority unless and 5016  
until that person has submitted to a criminal records check in 5017  
the manner prescribed by section 3319.39 of the Revised Code. 5018

(c) Each sponsor of a community school shall annually 5019  
verify that a finding for recovery has not been issued by the 5020  
auditor of state against any individual or individuals who 5021

propose to create a community school or any member of the 5022  
governing authority, the operator, or any employee of each 5023  
community school. 5024

(3) No person shall serve on the governing authorities of 5025  
more than five start-up community schools at the same time. 5026

(4) (a) For a community school established under this 5027  
chapter that is not sponsored by a school district or an 5028  
educational service center, no present or former member, or 5029  
immediate relative of a present or former member, of the 5030  
governing authority shall be an owner, employee, or consultant 5031  
of the community school's sponsor or operator, unless at least 5032  
one year has elapsed since the conclusion of the person's 5033  
membership on the governing authority. 5034

(b) For a community school established under this chapter 5035  
that is sponsored by a school district or an educational service 5036  
center, no present or former member, or immediate relative of a 5037  
present or former member, of the governing authority shall: 5038

(i) Be an officer of the district board or service center 5039  
governing board that serves as the community school's sponsor, 5040  
unless at least one year has elapsed since the conclusion of the 5041  
person's membership on the governing authority; 5042

(ii) Serve as an employee of, or a consultant for, the 5043  
department, division, or section of the sponsoring district or 5044  
service center that is directly responsible for sponsoring 5045  
community schools, or have supervisory authority over such a 5046  
department, division, or section, unless at least one year has 5047  
elapsed since the conclusion of the person's membership on the 5048  
governing authority. 5049

(5) The governing authority of a start-up or conversion 5050

community school may provide by resolution for the compensation 5051  
of its members. However, no individual who serves on the 5052  
governing authority of a start-up or conversion community school 5053  
shall be compensated more than one hundred twenty-five dollars 5054  
per meeting of that governing authority and no such individual 5055  
shall be compensated more than a total amount of five thousand 5056  
dollars per year for all governing authorities upon which the 5057  
individual serves. Each member of the governing authority may be 5058  
paid compensation for attendance at an approved training 5059  
program, provided that such compensation shall not exceed sixty 5060  
dollars a day for attendance at a training program three hours 5061  
or less in length and one hundred twenty-five dollars a day for 5062  
attendance at a training program longer than three hours in 5063  
length. 5064

(6) No person who is the employee of a school district or 5065  
educational service center shall serve on the governing 5066  
authority of any community school sponsored by that school 5067  
district or service center. 5068

(7) Each member of the governing authority of a community 5069  
school shall annually file a disclosure statement setting forth 5070  
the names of any immediate relatives or business associates 5071  
employed by any of the following within the previous three 5072  
years: 5073

(a) The sponsor or operator of that community school; 5074

(b) A school district or educational service center that 5075  
has contracted with that community school; 5076

(c) A vendor that is or has engaged in business with that 5077  
community school. 5078

(8) No person who is a member of a school district board 5079

of education shall serve on the governing authority of any 5080  
community school. 5081

(F) (1) A new start-up school that is established prior to 5082  
August 15, 2003, in an urban school district that is not also a 5083  
big-eight school district may continue to operate after that 5084  
date and the contract between the school's governing authority 5085  
and the school's sponsor may be renewed, as provided under this 5086  
chapter, after that date, but no additional new start-up schools 5087  
may be established in such a district unless the district is a 5088  
challenged school district as defined in this section as it 5089  
exists on and after that date. 5090

(2) A community school that was established prior to June 5091  
29, 1999, and is located in a county contiguous to the pilot 5092  
project area and in a school district that is not a challenged 5093  
school district may continue to operate after that date, 5094  
provided the school complies with all provisions of this 5095  
chapter. The contract between the school's governing authority 5096  
and the school's sponsor may be renewed, but no additional 5097  
start-up community school may be established in that district 5098  
unless the district is a challenged school district. 5099

(3) Any educational service center that, on June 30, 2007, 5100  
sponsors a community school that is not located in a county 5101  
within the territory of the service center or in a county 5102  
contiguous to such county may continue to sponsor that community 5103  
school on and after June 30, 2007, and may renew its contract 5104  
with the school. However, the educational service center shall 5105  
not enter into a contract with any additional community school, 5106  
unless the governing board of the service center has entered 5107  
into an agreement with the department authorizing the service 5108  
center to sponsor a community school in any challenged school 5109

district in the state. 5110

**Sec. 3314.05.** (A) The contract between the community 5111  
school and the sponsor shall specify the facilities to be used 5112  
for the community school and the method of acquisition. Except 5113  
as provided in divisions (B) (3) and (4) of this section, no 5114  
community school shall be established in more than one school 5115  
district under the same contract. 5116

(B) Division (B) of this section shall not apply to 5117  
internet- or computer-based community schools. 5118

(1) A community school may be located in multiple 5119  
facilities under the same contract only if the limitations on 5120  
availability of space prohibit serving all the grade levels 5121  
specified in the contract in a single facility or division (B) 5122  
(2), (3), or (4) of this section applies to the school. The 5123  
school shall not offer the same grade level classrooms in more 5124  
than one facility. 5125

(2) A community school may be located in multiple 5126  
facilities under the same contract and, notwithstanding division 5127  
(B) (1) of this section, may assign students in the same grade 5128  
level to multiple facilities, as long as all of the following 5129  
apply: 5130

(a) The governing authority has entered into and maintains 5131  
a contract with an operator of the type described in division 5132  
(A) (8) (b) of section 3314.02 of the Revised Code. 5133

(b) The contract with that operator qualified the school 5134  
to be established pursuant to division (A) of former section 5135  
3314.016 of the Revised Code. 5136

(c) The school's rating under section 3302.03 of the 5137  
Revised Code does not fall below a combination of any of the 5138



following for two or more consecutive years: 5139

(i) A rating of "in need of continuous improvement" under 5140  
section 3302.03 of the Revised Code, as that section existed 5141  
prior to March 22, 2013; 5142

(ii) For the 2012-2013, 2013-2014, 2014-2015, ~~and 2015-~~ 5143  
2016, 2016-2017, 2017-2018, and 2018-2019 school years, a rating 5144  
of "C" for both the performance index score under division (A) 5145  
(1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) and the value-added 5146  
dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) 5147  
of section 3302.03 of the Revised Code; or if the building 5148  
serves only grades ten through twelve, the building received a 5149  
grade of "C" for the performance index score under division (A) 5150  
(1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the 5151  
Revised Code; 5152

(iii) For the ~~2016-2017-2019-2020~~ school year and for any 5153  
school year thereafter, an overall grade of "C" under division 5154  
(C) (3) of section 3302.03 of the Revised Code or an overall 5155  
performance designation of "meets standards" under division (E) 5156  
(3) (e) of section 3314.017 of the Revised Code. 5157

(3) A new start-up community school may be established in 5158  
two school districts under the same contract if all of the 5159  
following apply: 5160

(a) At least one of the school districts in which the 5161  
school is established is a challenged school district; 5162

(b) The school operates not more than one facility in each 5163  
school district and, in accordance with division (B) (1) of this 5164  
section, the school does not offer the same grade level 5165  
classrooms in both facilities; and 5166

(c) Transportation between the two facilities does not 5167

require more than thirty minutes of direct travel time as 5168  
measured by school bus. 5169

In the case of a community school to which division (B) (3) 5170  
of this section applies, if only one of the school districts in 5171  
which the school is established is a challenged school district, 5172  
that district shall be considered the school's primary location 5173  
and the district in which the school is located for the purposes 5174  
of division (A) (19) of section 3314.03 and divisions (C) and (H) 5175  
of section 3314.06 of the Revised Code and for all other 5176  
purposes of this chapter. If both of the school districts in 5177  
which the school is established are challenged school districts, 5178  
the school's governing authority shall designate one of those 5179  
districts to be considered the school's primary location and the 5180  
district in which the school is located for the purposes of 5181  
those divisions and all other purposes of this chapter and shall 5182  
notify the department of education of that designation. 5183

(4) A community school may be located in multiple 5184  
facilities under the same contract and, notwithstanding division 5185  
(B) (1) of this section, may assign students in the same grade 5186  
level to multiple facilities, as long as both of the following 5187  
apply: 5188

(a) The facilities are all located in the same county. 5189

(b) Either of the following conditions are satisfied: 5190

(i) The community school is sponsored by a board of 5191  
education of a city, local, or exempted village school district 5192  
having territory in the same county where the facilities of the 5193  
community school are located; 5194

(ii) The community school is managed by an operator. 5195

In the case of a community school to which division (B) (4) 5196

of this section applies and that maintains facilities in more 5197  
than one school district, the school's governing authority shall 5198  
designate one of those districts to be considered the school's 5199  
primary location and the district in which the school is located 5200  
for the purposes of division (A) (19) of section 3314.03 and 5201  
divisions (C) and (H) of section 3314.06 of the Revised Code and 5202  
for all other purposes of this chapter and shall notify the 5203  
department of that designation. 5204

(5) Any facility used for a community school shall meet 5205  
all health and safety standards established by law for school 5206  
buildings. 5207

(C) In the case where a community school is proposed to be 5208  
located in a facility owned by a school district or educational 5209  
service center, the facility may not be used for such community 5210  
school unless the district or service center board owning the 5211  
facility enters into an agreement for the community school to 5212  
utilize the facility. Use of the facility may be under any terms 5213  
and conditions agreed to by the district or service center board 5214  
and the school. 5215

(D) Two or more separate community schools may be located 5216  
in the same facility. 5217

(E) In the case of a community school that is located in 5218  
multiple facilities, beginning July 1, 2012, the department 5219  
shall assign a unique identification number to the school and to 5220  
each facility maintained by the school. Each number shall be 5221  
used for identification purposes only. Nothing in this division 5222  
shall be construed to require the department to calculate the 5223  
amount of funds paid under this chapter, or to compute any data 5224  
required for the report cards issued under section 3314.012 of 5225  
the Revised Code, for each facility separately. The department 5226

shall make all such calculations or computations for the school 5227  
as a whole. 5228

**Sec. 3314.08.** (A) As used in this section: 5229

(1) (a) "Category one career-technical education student" 5230  
means a student who is receiving the career-technical education 5231  
services described in division (A) of section 3317.014 of the 5232  
Revised Code. 5233

(b) "Category two career-technical student" means a 5234  
student who is receiving the career-technical education services 5235  
described in division (B) of section 3317.014 of the Revised 5236  
Code. 5237

(c) "Category three career-technical student" means a 5238  
student who is receiving the career-technical education services 5239  
described in division (C) of section 3317.014 of the Revised 5240  
Code. 5241

(d) "Category four career-technical student" means a 5242  
student who is receiving the career-technical education services 5243  
described in division (D) of section 3317.014 of the Revised 5244  
Code. 5245

(e) "Category five career-technical education student" 5246  
means a student who is receiving the career-technical education 5247  
services described in division (E) of section 3317.014 of the 5248  
Revised Code. 5249

(2) (a) "Category one limited English proficient student" 5250  
means a limited English proficient student described in division 5251  
(A) of section 3317.016 of the Revised Code. 5252

(b) "Category two limited English proficient student" 5253  
means a limited English proficient student described in division 5254

(B) of section 3317.016 of the Revised Code.	5255
(c) "Category three limited English proficient student"	5256
means a limited English proficient student described in division	5257
(C) of section 3317.016 of the Revised Code.	5258
(3) (a) "Category one special education student" means a	5259
student who is receiving special education services for a	5260
disability specified in division (A) of section 3317.013 of the	5261
Revised Code.	5262
(b) "Category two special education student" means a	5263
student who is receiving special education services for a	5264
disability specified in division (B) of section 3317.013 of the	5265
Revised Code.	5266
(c) "Category three special education student" means a	5267
student who is receiving special education services for a	5268
disability specified in division (C) of section 3317.013 of the	5269
Revised Code.	5270
(d) "Category four special education student" means a	5271
student who is receiving special education services for a	5272
disability specified in division (D) of section 3317.013 of the	5273
Revised Code.	5274
(e) "Category five special education student" means a	5275
student who is receiving special education services for a	5276
disability specified in division (E) of section 3317.013 of the	5277
Revised Code.	5278
(f) "Category six special education student" means a	5279
student who is receiving special education services for a	5280
disability specified in division (F) of section 3317.013 of the	5281
Revised Code.	5282

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	5283 5284
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	5285 5286
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	5287 5288 5289
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	5290 5291
(B) The state board of education shall adopt rules requiring both of the following:	5292 5293
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	5294 5295 5296 5297 5298 5299
(2) The governing authority of each community school established under this chapter to annually report all of the following:	5300 5301 5302
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	5303 5304 5305 5306
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	5307 5308 5309 5310

(c) The number of students reported under division (B) (2)	5311
(b) of this section receiving special education and related	5312
services pursuant to an IEP for a disability described in each	5313
of divisions (A) to (F) of section 3317.013 of the Revised Code;	5314
(d) The full-time equivalent number of students reported	5315
under divisions (B) (2) (a) and (b) of this section who are	5316
enrolled in career-technical education programs or classes	5317
described in each of divisions (A) to (E) of section 3317.014 of	5318
the Revised Code that are provided by the community school;	5319
(e) The number of students reported under divisions (B) (2)	5320
(a) and (b) of this section who are not reported under division	5321
(B) (2) (d) of this section but who are enrolled in career-	5322
technical education programs or classes described in each of	5323
divisions (A) to (E) of section 3317.014 of the Revised Code at	5324
a joint vocational school district or another district in the	5325
career-technical planning district to which the school is	5326
assigned;	5327
(f) The number of students reported under divisions (B) (2)	5328
(a) and (b) of this section who are category one to three	5329
limited English proficient students described in each of	5330
divisions (A) to (C) of section 3317.016 of the Revised Code;	5331
(g) The number of students reported under divisions (B) (2)	5332
(a) and (b) who are economically disadvantaged, as defined by	5333
the department. A student shall not be categorically excluded	5334
from the number reported under division (B) (2) (g) of this	5335
section based on anything other than family income.	5336
(h) For each student, the city, exempted village, or local	5337
school district in which the student is entitled to attend	5338
school under section 3313.64 or 3313.65 of the Revised Code.	5339

(i) The number of students enrolled in a preschool program 5340  
operated by the school that is licensed by the department of 5341  
education under sections 3301.52 to 3301.59 of the Revised Code 5342  
who are not receiving special education and related services 5343  
pursuant to an IEP. 5344

A school district board and a community school governing 5345  
authority shall include in their respective reports under 5346  
division (B) of this section any child admitted in accordance 5347  
with division (A) (2) of section 3321.01 of the Revised Code. 5348

A governing authority of a community school shall not 5349  
include in its report under divisions (B) (2) (a) to (h) of this 5350  
section any student for whom tuition is charged under division 5351  
(F) of this section. 5352

(C) (1) Except as provided in division (C) (2) of this 5353  
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 5354  
of this section, on a full-time equivalency basis, for each 5355  
student enrolled in a community school established under this 5356  
chapter, the department of education annually shall deduct from 5357  
the state education aid of a student's resident district and, if 5358  
necessary, from the payment made to the district under sections 5359  
321.24 and 323.156 of the Revised Code and pay to the community 5360  
school the sum of the following: 5361

(a) An opportunity grant in an amount equal to the formula 5362  
amount; 5363

(b) The per pupil amount of targeted assistance funds 5364  
calculated under division (A) of section 3317.0217 of the 5365  
Revised Code for the student's resident district, as determined 5366  
by the department, X 0.25; 5367

(c) Additional state aid for special education and related 5368



services provided under Chapter 3323. of the Revised Code as follows:	5369 5370
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	5371 5372 5373
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	5374 5375 5376
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	5377 5378 5379
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	5380 5381 5382
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	5383 5384 5385
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	5386 5387 5388
(d) If the student is in kindergarten through third grade, an additional amount of \$305, in fiscal year 2016, and \$320, in fiscal year 2017;	5389 5390 5391
(e) If the student is economically disadvantaged, an additional amount equal to the following:	5392 5393
\$272 X the resident district's economically disadvantaged index	5394 5395

(f) Limited English proficiency funds as follows:	5396
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	5397 5398 5399
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	5400 5401 5402
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	5403 5404 5405
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	5406 5407
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	5408 5409 5410
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	5411 5412 5413
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	5414 5415 5416
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	5417 5418 5419
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	5420 5421 5422

Deduction and payment of funds under division (C) (1) (g) of 5423  
this section is subject to approval by the lead district of a 5424  
career-technical planning district or the department of 5425  
education under section 3317.161 of the Revised Code. 5426

(2) When deducting from the state education aid of a 5427  
student's resident district for students enrolled in an 5428  
internet- or computer-based community school and making payments 5429  
to such school under this section, the department shall make the 5430  
deductions and payments described in only divisions (C) (1) (a), 5431  
(c), and (g) of this section. 5432

No deductions or payments shall be made for a student 5433  
enrolled in such school under division (C) (1) (b), (d), (e), or 5434  
(f) of this section. 5435

(3) (a) If a community school's costs for a fiscal year for 5436  
a student receiving special education and related services 5437  
pursuant to an IEP for a disability described in divisions (B) 5438  
to (F) of section 3317.013 of the Revised Code exceed the 5439  
threshold catastrophic cost for serving the student as specified 5440  
in division (B) of section 3317.0214 of the Revised Code, the 5441  
school may submit to the superintendent of public instruction 5442  
documentation, as prescribed by the superintendent, of all its 5443  
costs for that student. Upon submission of documentation for a 5444  
student of the type and in the manner prescribed, the department 5445  
shall pay to the community school an amount equal to the 5446  
school's costs for the student in excess of the threshold 5447  
catastrophic costs. 5448

(b) The community school shall report under division (C) 5449  
(3) (a) of this section, and the department shall pay for, only 5450  
the costs of educational expenses and the related services 5451  
provided to the student in accordance with the student's 5452

individualized education program. Any legal fees, court costs, 5453  
or other costs associated with any cause of action relating to 5454  
the student may not be included in the amount. 5455

(4) In any fiscal year, a community school receiving funds 5456  
under division (C) (1) (g) of this section shall spend those funds 5457  
only for the purposes that the department designates as approved 5458  
for career-technical education expenses. Career-technical 5459  
education expenses approved by the department shall include only 5460  
expenses connected to the delivery of career-technical 5461  
programming to career-technical students. The department shall 5462  
require the school to report data annually so that the 5463  
department may monitor the school's compliance with the 5464  
requirements regarding the manner in which funding received 5465  
under division (C) (1) (g) of this section may be spent. 5466

(5) Notwithstanding anything to the contrary in section 5467  
3313.90 of the Revised Code, except as provided in division (C) 5468  
(9) of this section, all funds received under division (C) (1) (g) 5469  
of this section shall be spent in the following manner: 5470

(a) At least seventy-five per cent of the funds shall be 5471  
spent on curriculum development, purchase, and implementation; 5472  
instructional resources and supplies; industry-based program 5473  
certification; student assessment, credentialing, and placement; 5474  
curriculum specific equipment purchases and leases; career- 5475  
technical student organization fees and expenses; home and 5476  
agency linkages; work-based learning experiences; professional 5477  
development; and other costs directly associated with career- 5478  
technical education programs including development of new 5479  
programs. 5480

(b) Not more than twenty-five per cent of the funds shall 5481  
be used for personnel expenditures. 5482

(6) A community school shall spend the funds it receives 5483  
under division (C) (1) (e) of this section in accordance with 5484  
section 3317.25 of the Revised Code. 5485

(7) If the sum of the payments computed under divisions 5486  
(C) (1) and (8) (a) of this section for the students entitled to 5487  
attend school in a particular school district under sections 5488  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 5489  
district's state education aid and its payment under sections 5490  
321.24 and 323.156 of the Revised Code, the department shall 5491  
calculate and apply a proration factor to the payments to all 5492  
community schools under that division for the students entitled 5493  
to attend school in that district. 5494

(8) (a) Subject to division (C) (7) of this section, the 5495  
department annually shall pay to each community school, 5496  
including each internet- or computer-based community school, an 5497  
amount equal to the following: 5498

(The number of students reported by the community school 5499  
under division (B) (2) (e) of this section X the formula amount 5500  
X .20) 5501

(b) For each payment made to a community school under 5502  
division (C) (8) (a) of this section, the department shall deduct 5503  
from the state education aid of each city, local, and exempted 5504  
village school district and, if necessary, from the payment made 5505  
to the district under sections 321.24 and 323.156 of the Revised 5506  
Code an amount equal to the following: 5507

(The number of the district's students reported by the 5508  
community school under division (B) (2) (e) of this section X the 5509  
formula amount X .20) 5510

(9) The department may waive the requirement in division 5511

(C) (5) of this section for any community school that exclusively 5512  
provides one or more career-technical workforce development 5513  
programs in arts and communications that are not equipment- 5514  
intensive, as determined by the department. 5515

(D) A board of education sponsoring a community school may 5516  
utilize local funds to make enhancement grants to the school or 5517  
may agree, either as part of the contract or separately, to 5518  
provide any specific services to the community school at no cost 5519  
to the school. 5520

(E) A community school may not levy taxes or issue bonds 5521  
secured by tax revenues. 5522

(F) No community school shall charge tuition for the 5523  
enrollment of any student who is a resident of this state. A 5524  
community school may charge tuition for the enrollment of any 5525  
student who is not a resident of this state. 5526

(G) (1) (a) A community school may borrow money to pay any 5527  
necessary and actual expenses of the school in anticipation of 5528  
the receipt of any portion of the payments to be received by the 5529  
school pursuant to division (C) of this section. The school may 5530  
issue notes to evidence such borrowing. The proceeds of the 5531  
notes shall be used only for the purposes for which the 5532  
anticipated receipts may be lawfully expended by the school. 5533

(b) A school may also borrow money for a term not to 5534  
exceed fifteen years for the purpose of acquiring facilities. 5535

(2) Except for any amount guaranteed under section 3318.50 5536  
of the Revised Code, the state is not liable for debt incurred 5537  
by the governing authority of a community school. 5538

(H) The department of education shall adjust the amounts 5539  
subtracted and paid under division (C) of this section to 5540

reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee

of the community school. A student's enrollment shall be 5572  
considered to cease on the date on which any of the following 5573  
occur: 5574

(a) The community school receives documentation from a 5575  
parent terminating enrollment of the student. 5576

(b) The community school is provided documentation of a 5577  
student's enrollment in another public or private school. 5578

(c) The community school ceases to offer learning 5579  
opportunities to the student pursuant to the terms of the 5580  
contract with the sponsor or the operation of any provision of 5581  
this chapter. 5582

Except as otherwise specified in this paragraph, beginning 5583  
in the 2011-2012 school year, any student who completed the 5584  
prior school year in an internet- or computer-based community 5585  
school shall be considered to be enrolled in the same school in 5586  
the subsequent school year until the student's enrollment has 5587  
ceased as specified in division (H) (2) of this section. The 5588  
department shall continue subtracting and paying amounts for the 5589  
student under division (C) of this section without interruption 5590  
at the start of the subsequent school year. However, if the 5591  
student without a legitimate excuse fails to participate in the 5592  
first one hundred five consecutive hours of learning 5593  
opportunities offered to the student in that subsequent school 5594  
year, the student shall be considered not to have re-enrolled in 5595  
the school for that school year and the department shall 5596  
recalculate the payments to the school for that school year to 5597  
account for the fact that the student is not enrolled. 5598

(3) The department shall determine each community school 5599  
student's percentage of full-time equivalency based on the 5600



percentage of learning opportunities offered by the community 5601  
school to that student, reported either as number of hours or 5602  
number of days, is of the total learning opportunities offered 5603  
by the community school to a student who attends for the 5604  
school's entire school year. However, no internet- or computer- 5605  
based community school shall be credited for any time a student 5606  
spends participating in learning opportunities beyond ten hours 5607  
within any period of twenty-four consecutive hours. Whether it 5608  
reports hours or days of learning opportunities, each community 5609  
school shall offer not less than nine hundred twenty hours of 5610  
learning opportunities during the school year. 5611

(4) With respect to the calculation of full-time 5612  
equivalency under division (H) (3) of this section, the 5613  
department shall waive the number of hours or days of learning 5614  
opportunities not offered to a student because the community 5615  
school was closed during the school year due to disease 5616  
epidemic, hazardous weather conditions, law enforcement 5617  
emergencies, inoperability of school buses or other equipment 5618  
necessary to the school's operation, damage to a school 5619  
building, or other temporary circumstances due to utility 5620  
failure rendering the school building unfit for school use, so 5621  
long as the school was actually open for instruction with 5622  
students in attendance during that school year for not less than 5623  
the minimum number of hours required by this chapter. The 5624  
department shall treat the school as if it were open for 5625  
instruction with students in attendance during the hours or days 5626  
waived under this division. 5627

(I) The department of education shall reduce the amounts 5628  
paid under this section to reflect payments made to colleges 5629  
under section 3365.07 of the Revised Code. 5630

(J) (1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A) (23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted jointly by the superintendent of public instruction and the auditor of state, the department shall reduce the amounts otherwise payable under division (C) of this section to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor 5660  
shall jointly make recommendations to the general assembly for 5661  
legislative changes that may be required to assure fiscal and 5662  
academic accountability for such schools. 5663

(K) (1) If the department determines that a review of a 5664  
community school's enrollment is necessary, such review shall be 5665  
completed and written notice of the findings shall be provided 5666  
to the governing authority of the community school and its 5667  
sponsor within ninety days of the end of the community school's 5668  
fiscal year, unless extended for a period not to exceed thirty 5669  
additional days for one of the following reasons: 5670

(a) The department and the community school mutually agree 5671  
to the extension. 5672

(b) Delays in data submission caused by either a community 5673  
school or its sponsor. 5674

(2) If the review results in a finding that additional 5675  
funding is owed to the school, such payment shall be made within 5676  
thirty days of the written notice. If the review results in a 5677  
finding that the community school owes moneys to the state, the 5678  
following procedure shall apply: 5679

(a) Within ten business days of the receipt of the notice 5680  
of findings, the community school may appeal the department's 5681  
determination to the state board of education or its designee. 5682

(b) The board or its designee shall conduct an informal 5683  
hearing on the matter within thirty days of receipt of such an 5684  
appeal and shall issue a decision within fifteen days of the 5685  
conclusion of the hearing. 5686

(c) If the board has enlisted a designee to conduct the 5687  
hearing, the designee shall certify its decision to the board. 5688

The board may accept the decision of the designee or may reject 5689  
the decision of the designee and issue its own decision on the 5690  
matter. 5691

(d) Any decision made by the board under this division is 5692  
final. 5693

(3) If it is decided that the community school owes moneys 5694  
to the state, the department shall deduct such amount from the 5695  
school's future payments in accordance with guidelines issued by 5696  
the superintendent of public instruction. 5697

(L) The department shall not subtract from a school 5698  
district's state aid account and shall not pay to a community 5699  
school under division (C) of this section any amount for any of 5700  
the following: 5701

(1) Any student who has graduated from the twelfth grade 5702  
of a public or nonpublic high school; 5703

(2) Any student who is not a resident of the state; 5704

~~(3) Any student who was enrolled in the community school 5705  
during the previous school year when assessments were 5706  
administered under section 3301.0711 of the Revised Code but did 5707  
not take one or more of the assessments required by that section 5708  
and was not excused pursuant to division (C) (1) or (3) of that 5709  
section, unless the superintendent of public instruction grants 5710  
the student a waiver from the requirement to take the assessment 5711  
and a parent is not paying tuition for the student pursuant to 5712  
section 3314.26 of the Revised Code. The superintendent may 5713  
grant a waiver only for good cause in accordance with rules 5714  
adopted by the state board of education. 5715~~

~~(4) Any student who has attained the age of twenty-two 5716  
years, except for veterans of the armed services whose 5717~~

attendance was interrupted before completing the recognized 5718  
twelve-year course of the public schools by reason of induction 5719  
or enlistment in the armed forces and who apply for enrollment 5720  
in a community school not later than four years after 5721  
termination of war or their honorable discharge. If, however, 5722  
any such veteran elects to enroll in special courses organized 5723  
for veterans for whom tuition is paid under federal law, or 5724  
otherwise, the department shall not subtract from a school 5725  
district's state aid account and shall not pay to a community 5726  
school under division (C) of this section any amount for that 5727  
veteran. 5728

**Sec. 3314.26.** This section shall not apply from the 5729  
effective date of this amendment until July 1, 2019. 5730

(A) Each internet- or computer-based community school 5731  
shall withdraw from the school any student who, for two 5732  
consecutive school years, has failed to participate in the 5733  
spring administration of any assessment prescribed under section 5734  
3301.0710 or 3301.0712 of the Revised Code for the student's 5735  
grade level and was not excused from the assessment pursuant to 5736  
division (C)(1) or (3) of section 3301.0711 of the Revised Code, 5737  
regardless of whether a waiver was granted for the student under 5738  
division (L)~~(3)~~ of section 3314.08 of the Revised Code. The 5739  
school shall report any such student's data verification code, 5740  
as assigned pursuant to section 3301.0714 of the Revised Code, 5741  
to the department of education. The department shall maintain a 5742  
list of all data verification codes reported under this division 5743  
and section 3313.6410 of the Revised Code and provide that list 5744  
to each internet- or computer-based community school and to each 5745  
school to which section 3313.6410 of the Revised Code applies. 5746

(B) No internet- or computer-based community school shall 5747

receive any state funds under this chapter for any enrolled 5748  
student whose data verification code appears on the list 5749  
maintained by the department under division (A) of this section. 5750

Notwithstanding any provision of the Revised Code to the 5751  
contrary, the parent of any such student shall pay tuition to 5752  
the internet- or computer-based community school in an amount 5753  
equal to the state funds the school otherwise would receive for 5754  
that student, as determined by the department. An internet- or 5755  
computer-based community school may withdraw any student for 5756  
whom the parent does not pay tuition as required by this 5757  
division. 5758

**Sec. 3317.03.** (A) The superintendent of each city, local, 5759  
and exempted village school district shall report to the state 5760  
board of education as of the last day of October, March, and 5761  
June of each year the enrollment of students receiving services 5762  
from schools under the superintendent's supervision, and the 5763  
numbers of other students entitled to attend school in the 5764  
district under section 3313.64 or 3313.65 of the Revised Code 5765  
the superintendent is required to report under this section, so 5766  
that the department of education can calculate the district's 5767  
formula ADM, total ADM, category one through five career- 5768  
technical education ADM, category one through three limited 5769  
English proficient ADM, category one through six special 5770  
education ADM, preschool scholarship ADM, transportation ADM, 5771  
and, for purposes of provisions of law outside of Chapter 3317. 5772  
of the Revised Code, average daily membership. 5773

(1) The enrollment reported by the superintendent during 5774  
the reporting period shall consist of the number of students in 5775  
grades kindergarten through twelve receiving any educational 5776  
services from the district, except that the following categories 5777

of students shall not be included in the determination: 5778

(a) Students enrolled in adult education classes; 5779

(b) Adjacent or other district students enrolled in the 5780  
district under an open enrollment policy pursuant to section 5781  
3313.98 of the Revised Code; 5782

(c) Students receiving services in the district pursuant 5783  
to a compact, cooperative education agreement, or a contract, 5784  
but who are entitled to attend school in another district 5785  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 5786

(d) Students for whom tuition is payable pursuant to 5787  
sections 3317.081 and 3323.141 of the Revised Code; 5788

(e) Students receiving services in the district through a 5789  
scholarship awarded under either section 3310.41 or sections 5790  
3310.51 to 3310.64 of the Revised Code. 5791

When reporting students under division (A) (1) of this 5792  
section, the superintendent also shall report the district where 5793  
each student is entitled to attend school pursuant to sections 5794  
3313.64 and 3313.65 of the Revised Code. 5795

(2) The department of education shall compile a list of 5796  
all students reported to be enrolled in a district under 5797  
division (A) (1) of this section and of the students entitled to 5798  
attend school in the district pursuant to section 3313.64 or 5799  
3313.65 of the Revised Code on an FTE basis but receiving 5800  
educational services in grades kindergarten through twelve from 5801  
one or more of the following entities: 5802

(a) A community school pursuant to Chapter 3314. of the 5803  
Revised Code, including any participation in a college pursuant 5804  
to Chapter 3365. of the Revised Code while enrolled in such 5805

community school;	5806
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I) (2) (a) or (b) of this section;	5807 5808 5809
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	5810 5811 5812 5813 5814 5815 5816
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	5817 5818 5819
(e) An educational service center or cooperative education district;	5820 5821
(f) Another school district under a cooperative education agreement, compact, or contract;	5822 5823
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	5824 5825 5826 5827
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	5828 5829 5830
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	5831 5832 5833



(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A) (2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day

classes included in the report under division (A) (1) or (2) of 5863  
this section for each of the individual grades kindergarten 5864  
through twelve in schools under the superintendent's 5865  
supervision; 5866

(2) The unduplicated count of the number of preschool 5867  
children with disabilities enrolled in the district for whom the 5868  
district is eligible to receive funding under section 3317.0213 5869  
of the Revised Code adjusted for the portion of the year each 5870  
child is so enrolled, in accordance with the disability 5871  
categories prescribed in section 3317.013 of the Revised Code; 5872

(3) The number of children entitled to attend school in 5873  
the district pursuant to section 3313.64 or 3313.65 of the 5874  
Revised Code who are: 5875

(a) Participating in a pilot project scholarship program 5876  
established under sections 3313.974 to 3313.979 of the Revised 5877  
Code as described in division (I) (2) (a) or (b) of this section; 5878

(b) Enrolled in a college under Chapter 3365. of the 5879  
Revised Code, except when the student is enrolled in the college 5880  
while also enrolled in a community school pursuant to Chapter 5881  
3314. of the Revised Code, a science, technology, engineering, 5882  
and mathematics school established under Chapter 3326., or a 5883  
college-preparatory boarding school established under Chapter 5884  
3328. of the Revised Code; 5885

(c) Enrolled in an adjacent or other school district under 5886  
section 3313.98 of the Revised Code; 5887

(d) Enrolled in a community school established under 5888  
Chapter 3314. of the Revised Code that is not an internet- or 5889  
computer-based community school as defined in section 3314.02 of 5890  
the Revised Code, including any participation in a college 5891

pursuant to Chapter 3365. of the Revised Code while enrolled in	5892
such community school;	5893
(e) Enrolled in an internet- or computer-based community	5894
school, as defined in section 3314.02 of the Revised Code,	5895
including any participation in a college pursuant to Chapter	5896
3365. of the Revised Code while enrolled in the school;	5897
(f) Enrolled in a chartered nonpublic school with a	5898
scholarship paid under section 3310.08 of the Revised Code and	5899
who qualified for the scholarship under section 3310.03 of the	5900
Revised Code;	5901
(g) Enrolled in kindergarten through grade twelve in an	5902
alternative public provider or a registered private provider	5903
with a scholarship awarded under section 3310.41 of the Revised	5904
Code;	5905
(h) Enrolled as a preschool child with a disability in an	5906
alternative public provider or a registered private provider	5907
with a scholarship awarded under section 3310.41 of the Revised	5908
Code;	5909
(i) Participating in a program operated by a county board	5910
of developmental disabilities or a state institution;	5911
(j) Enrolled in a science, technology, engineering, and	5912
mathematics school established under Chapter 3326. of the	5913
Revised Code, including any participation in a college pursuant	5914
to Chapter 3365. of the Revised Code while enrolled in the	5915
school;	5916
(k) Enrolled in a college-preparatory boarding school	5917
established under Chapter 3328. of the Revised Code, including	5918
any participation in a college pursuant to Chapter 3365. of the	5919
Revised Code while enrolled in the school;	5920

(1) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	5921 5922 5923
(4) The total enrollment of pupils in joint vocational schools;	5924 5925
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5926 5927 5928 5929 5930 5931 5932 5933
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5934 5935 5936 5937 5938 5939 5940 5941
(7) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	5942 5943 5944 5945 5946 5947 5948 5949

(8) The combined enrollment of children with disabilities 5950  
reported under division (A) (1) or (2) of this section receiving 5951  
special education services for category four disabilities 5952  
described in division (D) of section 3317.013 of the Revised 5953  
Code, including children attending a special education program 5954  
operated by an alternative public provider or a registered 5955  
private provider with a scholarship awarded under sections 5956  
3310.51 to 3310.64 of the Revised Code; 5957

(9) The combined enrollment of children with disabilities 5958  
reported under division (A) (1) or (2) of this section receiving 5959  
special education services for the category five disabilities 5960  
described in division (E) of section 3317.013 of the Revised 5961  
Code, including children attending a special education program 5962  
operated by an alternative public provider or a registered 5963  
private provider with a scholarship awarded under sections 5964  
3310.51 to 3310.64 of the Revised Code; 5965

(10) The combined enrollment of children with disabilities 5966  
reported under division (A) (1) or (2) and under division (B) (3) 5967  
(h) of this section receiving special education services for 5968  
category six disabilities described in division (F) of section 5969  
3317.013 of the Revised Code, including children attending a 5970  
special education program operated by an alternative public 5971  
provider or a registered private provider with a scholarship 5972  
awarded under either section 3310.41 or sections 3310.51 to 5973  
3310.64 of the Revised Code; 5974

(11) The enrollment of pupils reported under division (A) 5975  
(1) or (2) of this section on a full-time equivalency basis in 5976  
category one career-technical education programs or classes, 5977  
described in division (A) of section 3317.014 of the Revised 5978  
Code, operated by the school district or by another district 5979

that is a member of the district's career-technical planning 5980  
district, other than a joint vocational school district, or by 5981  
an educational service center, notwithstanding division (G) of 5982  
section 3317.02 of the Revised Code and division (C) (3) of this 5983  
section; 5984

(12) The enrollment of pupils reported under division (A) 5985  
(1) or (2) of this section on a full-time equivalency basis in 5986  
category two career-technical education programs or services, 5987  
described in division (B) of section 3317.014 of the Revised 5988  
Code, operated by the school district or another school district 5989  
that is a member of the district's career-technical planning 5990  
district, other than a joint vocational school district, or by 5991  
an educational service center, notwithstanding division (G) of 5992  
section 3317.02 of the Revised Code and division (C) (3) of this 5993  
section; 5994

(13) The enrollment of pupils reported under division (A) 5995  
(1) or (2) of this section on a full-time equivalency basis in 5996  
category three career-technical education programs or services, 5997  
described in division (C) of section 3317.014 of the Revised 5998  
Code, operated by the school district or another school district 5999  
that is a member of the district's career-technical planning 6000  
district, other than a joint vocational school district, or by 6001  
an educational service center, notwithstanding division (G) of 6002  
section 3317.02 of the Revised Code and division (C) (3) of this 6003  
section; 6004

(14) The enrollment of pupils reported under division (A) 6005  
(1) or (2) of this section on a full-time equivalency basis in 6006  
category four career-technical education programs or services, 6007  
described in division (D) of section 3317.014 of the Revised 6008  
Code, operated by the school district or another school district 6009

that is a member of the district's career-technical planning 6010  
district, other than a joint vocational school district, or by 6011  
an educational service center, notwithstanding division (G) of 6012  
section 3317.02 of the Revised Code and division (C) (3) of this 6013  
section; 6014

(15) The enrollment of pupils reported under division (A) 6015  
(1) or (2) of this section on a full-time equivalency basis in 6016  
category five career-technical education programs or services, 6017  
described in division (E) of section 3317.014 of the Revised 6018  
Code, operated by the school district or another school district 6019  
that is a member of the district's career-technical planning 6020  
district, other than a joint vocational school district, or by 6021  
an educational service center, notwithstanding division (G) of 6022  
section 3317.02 of the Revised Code and division (C) (3) of this 6023  
section; 6024

(16) The enrollment of pupils reported under division (A) 6025  
(1) or (2) of this section who are limited English proficient 6026  
students described in division (A) of section 3317.016 of the 6027  
Revised Code, excluding any student reported under division (B) 6028  
(3) (e) of this section as enrolled in an internet- or computer- 6029  
based community school; 6030

(17) The enrollment of pupils reported under division (A) 6031  
(1) or (2) of this section who are limited English proficient 6032  
students described in division (B) of section 3317.016 of the 6033  
Revised Code, excluding any student reported under division (B) 6034  
(3) (e) of this section as enrolled in an internet- or computer- 6035  
based community school; 6036

(18) The enrollment of pupils reported under division (A) 6037  
(1) or (2) of this section who are limited English proficient 6038  
students described in division (C) of section 3317.016 of the 6039

Revised Code, excluding any student reported under division (B) 6040  
(3) (e) of this section as enrolled in an internet- or computer- 6041  
based community school; 6042

(19) The average number of children transported during the 6043  
reporting period by the school district on board-owned or 6044  
contractor-owned and -operated buses, reported in accordance 6045  
with rules adopted by the department of education; 6046

(20) (a) The number of children, other than preschool 6047  
children with disabilities, the district placed with a county 6048  
board of developmental disabilities in fiscal year 1998. 6049  
Division (B) (20) (a) of this section does not apply after fiscal 6050  
year 2013. 6051

(b) The number of children with disabilities, other than 6052  
preschool children with disabilities, placed with a county board 6053  
of developmental disabilities in the current fiscal year to 6054  
receive special education services for the category one 6055  
disability described in division (A) of section 3317.013 of the 6056  
Revised Code; 6057

(c) The number of children with disabilities, other than 6058  
preschool children with disabilities, placed with a county board 6059  
of developmental disabilities in the current fiscal year to 6060  
receive special education services for category two disabilities 6061  
described in division (B) of section 3317.013 of the Revised 6062  
Code; 6063

(d) The number of children with disabilities, other than 6064  
preschool children with disabilities, placed with a county board 6065  
of developmental disabilities in the current fiscal year to 6066  
receive special education services for category three 6067  
disabilities described in division (C) of section 3317.013 of 6068



the Revised Code; 6069

(e) The number of children with disabilities, other than 6070  
preschool children with disabilities, placed with a county board 6071  
of developmental disabilities in the current fiscal year to 6072  
receive special education services for category four 6073  
disabilities described in division (D) of section 3317.013 of 6074  
the Revised Code; 6075

(f) The number of children with disabilities, other than 6076  
preschool children with disabilities, placed with a county board 6077  
of developmental disabilities in the current fiscal year to 6078  
receive special education services for the category five 6079  
disabilities described in division (E) of section 3317.013 of 6080  
the Revised Code; 6081

(g) The number of children with disabilities, other than 6082  
preschool children with disabilities, placed with a county board 6083  
of developmental disabilities in the current fiscal year to 6084  
receive special education services for category six disabilities 6085  
described in division (F) of section 3317.013 of the Revised 6086  
Code. 6087

(21) The enrollment of students who are economically 6088  
disadvantaged, as defined by the department, excluding any 6089  
student reported under division (B) (3) (e) of this section as 6090  
enrolled in an internet- or computer-based community school. A 6091  
student shall not be categorically excluded from the number 6092  
reported under division (B) (21) of this section based on 6093  
anything other than family income. 6094

(C) (1) The state board of education shall adopt rules 6095  
necessary for implementing divisions (A), (B), and (D) of this 6096  
section. 6097

(2) A student enrolled in a community school established 6098  
under Chapter 3314., a science, technology, engineering, and 6099  
mathematics school established under Chapter 3326., or a 6100  
college-preparatory boarding school established under Chapter 6101  
3328. of the Revised Code shall be counted in the formula ADM 6102  
and, if applicable, the category one, two, three, four, five, or 6103  
six special education ADM of the school district in which the 6104  
student is entitled to attend school under section 3313.64 or 6105  
3313.65 of the Revised Code for the same proportion of the 6106  
school year that the student is counted in the enrollment of the 6107  
community school, the science, technology, engineering, and 6108  
mathematics school, or the college-preparatory boarding school 6109  
for purposes of section 3314.08, 3326.33, or 3328.24 of the 6110  
Revised Code. Notwithstanding the enrollment of students 6111  
certified pursuant to division (B)(3)(d), (e), (j), or (k) of 6112  
this section, the department may adjust the formula ADM of a 6113  
school district to account for students entitled to attend 6114  
school in the district under section 3313.64 or 3313.65 of the 6115  
Revised Code who are enrolled in a community school, a science, 6116  
technology, engineering, and mathematics school, or a college- 6117  
preparatory boarding school for only a portion of the school 6118  
year. 6119

(3) No child shall be counted as more than a total of one 6120  
child in the sum of the enrollment of students of a school 6121  
district under division (A), divisions (B)(1) to (22), or 6122  
division (D) of this section, except as follows: 6123

(a) A child with a disability described in section 6124  
3317.013 of the Revised Code may be counted both in formula ADM 6125  
and in category one, two, three, four, five, or six special 6126  
education ADM and, if applicable, in category one, two, three, 6127  
four, or five career-technical education ADM. As provided in 6128

division (G) of section 3317.02 of the Revised Code, such a 6129  
child shall be counted in category one, two, three, four, five, 6130  
or six special education ADM in the same proportion that the 6131  
child is counted in formula ADM. 6132

(b) A child enrolled in career-technical education 6133  
programs or classes described in section 3317.014 of the Revised 6134  
Code may be counted both in formula ADM and category one, two, 6135  
three, four, or five career-technical education ADM and, if 6136  
applicable, in category one, two, three, four, five, or six 6137  
special education ADM. Such a child shall be counted in category 6138  
one, two, three, four, or five career-technical education ADM in 6139  
the same proportion as the percentage of time that the child 6140  
spends in the career-technical education programs or classes. 6141

(4) Based on the information reported under this section, 6142  
the department of education shall determine the total student 6143  
count, as defined in section 3301.011 of the Revised Code, for 6144  
each school district. 6145

(D) (1) The superintendent of each joint vocational school 6146  
district shall report and certify to the superintendent of 6147  
public instruction as of the last day of October, March, and 6148  
June of each year the enrollment of students receiving services 6149  
from schools under the superintendent's supervision so that the 6150  
department can calculate the district's formula ADM, total ADM, 6151  
category one through five career-technical education ADM, 6152  
category one through three limited English proficient ADM, 6153  
category one through six special education ADM, and for purposes 6154  
of provisions of law outside of Chapter 3317. of the Revised 6155  
Code, average daily membership. 6156

The enrollment reported and certified by the 6157  
superintendent, except as otherwise provided in this division, 6158

shall consist of the the number of students in grades six 6159  
through twelve receiving any educational services from the 6160  
district, except that the following categories of students shall 6161  
not be included in the determination: 6162

(a) Students enrolled in adult education classes; 6163

(b) Adjacent or other district joint vocational students 6164  
enrolled in the district under an open enrollment policy 6165  
pursuant to section 3313.98 of the Revised Code; 6166

(c) Students receiving services in the district pursuant 6167  
to a compact, cooperative education agreement, or a contract, 6168  
but who are entitled to attend school in a city, local, or 6169  
exempted village school district whose territory is not part of 6170  
the territory of the joint vocational district; 6171

(d) Students for whom tuition is payable pursuant to 6172  
sections 3317.081 and 3323.141 of the Revised Code. 6173

(2) To enable the department of education to obtain the 6174  
data needed to complete the calculation of payments pursuant to 6175  
this chapter, each superintendent shall certify from the report 6176  
provided under division (D)(1) of this section the enrollment 6177  
for each of the following categories of students: 6178

(a) Students enrolled in each individual grade included in 6179  
the joint vocational district schools; 6180

(b) Children with disabilities receiving special education 6181  
services for the category one disability described in division 6182  
(A) of section 3317.013 of the Revised Code; 6183

(c) Children with disabilities receiving special education 6184  
services for the category two disabilities described in division 6185  
(B) of section 3317.013 of the Revised Code; 6186

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	6187 6188 6189
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	6190 6191 6192
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	6193 6194 6195
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	6196 6197 6198
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	6199 6200 6201
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	6202 6203 6204
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	6205 6206 6207
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	6208 6209 6210
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	6211 6212 6213
(m) Limited English proficient students described in	6214

division (A) of section 3317.016 of the Revised Code; 6215

(n) Limited English proficient students described in 6216  
division (B) of section 3317.016 of the Revised Code; 6217

(o) Limited English proficient students described in 6218  
division (C) of section 3317.016 of the Revised Code; 6219

(p) Students who are economically disadvantaged, as 6220  
defined by the department. A student shall not be categorically 6221  
excluded from the number reported under division (D) (2) (p) of 6222  
this section based on anything other than family income. 6223

The superintendent of each joint vocational school 6224  
district shall also indicate the city, local, or exempted 6225  
village school district in which each joint vocational district 6226  
pupil is entitled to attend school pursuant to section 3313.64 6227  
or 3313.65 of the Revised Code. 6228

(E) In each school of each city, local, exempted village, 6229  
joint vocational, and cooperative education school district 6230  
there shall be maintained a record of school enrollment, which 6231  
record shall accurately show, for each day the school is in 6232  
session, the actual enrollment in regular day classes. For the 6233  
purpose of determining the enrollment of students, the 6234  
enrollment figure of any school shall not include any pupils 6235  
except those pupils described by division (A) of this section. 6236  
The record of enrollment for each school shall be maintained in 6237  
such manner that no pupil shall be counted as enrolled prior to 6238  
the actual date of entry in the school and also in such manner 6239  
that where for any cause a pupil permanently withdraws from the 6240  
school that pupil shall not be counted as enrolled from and 6241  
after the date of such withdrawal. There shall not be included 6242  
in the enrollment of any school any of the following: 6243

- (1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school; 6244  
6245
- (2) Any pupil who is not a resident of the state; 6246
- ~~(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section;~~ 6247  
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- ~~(4)~~ Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge; 6253  
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- ~~(5)~~ (4) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code. 6261  
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- If, however, any veteran described by division (E) ~~(4)~~ (3) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section. 6263  
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- ~~Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and~~ 6268  
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~~a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.~~

The formula ADM, total ADM, category one through five career-technical education ADM, category one through three limited English proficient ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F) (1) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C) (2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student



to the extent necessary to account for the deduction, and shall 6303  
recalculate the school district's payments under this chapter 6304  
for the entire fiscal year on the basis of that adjusted formula 6305  
ADM. 6306

(3) If a student awarded a scholarship under the Jon 6307  
Peterson special needs scholarship program is not included in 6308  
the formula ADM of the school district from which the department 6309  
deducts funds for the scholarship under section 3310.55 of the 6310  
Revised Code, the department shall adjust the formula ADM of 6311  
that school district to include the student to the extent 6312  
necessary to account for the deduction, and shall recalculate 6313  
the school district's payments under this chapter for the entire 6314  
fiscal year on the basis of that adjusted formula ADM. 6315

(G) (1) (a) The superintendent of an institution operating a 6316  
special education program pursuant to section 3323.091 of the 6317  
Revised Code shall, for the programs under such superintendent's 6318  
supervision, certify to the state board of education, in the 6319  
manner prescribed by the superintendent of public instruction, 6320  
both of the following: 6321

(i) The unduplicated count of the number of all children 6322  
with disabilities other than preschool children with 6323  
disabilities receiving services at the institution for each 6324  
category of disability described in divisions (A) to (F) of 6325  
section 3317.013 of the Revised Code adjusted for the portion of 6326  
the year each child is so enrolled; 6327

(ii) The unduplicated count of the number of all preschool 6328  
children with disabilities in classes or programs for whom the 6329  
district is eligible to receive funding under section 3317.0213 6330  
of the Revised Code adjusted for the portion of the year each 6331  
child is so enrolled, reported according to the categories 6332

prescribed in section 3317.013 of the Revised Code. 6333

(b) The superintendent of an institution with career- 6334  
technical education units approved under section 3317.05 of the 6335  
Revised Code shall, for the units under the superintendent's 6336  
supervision, certify to the state board of education the 6337  
enrollment in those units, in the manner prescribed by the 6338  
superintendent of public instruction. 6339

(2) The superintendent of each county board of 6340  
developmental disabilities that maintains special education 6341  
classes under section 3317.20 of the Revised Code or provides 6342  
services to preschool children with disabilities pursuant to an 6343  
agreement between the county board and the appropriate school 6344  
district shall do both of the following: 6345

(a) Certify to the state board, in the manner prescribed 6346  
by the board, the enrollment in classes under section 3317.20 of 6347  
the Revised Code for each school district that has placed 6348  
children in the classes; 6349

(b) Certify to the state board, in the manner prescribed 6350  
by the board, the unduplicated count of the number of all 6351  
preschool children with disabilities enrolled in classes for 6352  
which the ~~DD~~ board is eligible to receive funding under section 6353  
3317.0213 of the Revised Code adjusted for the portion of the 6354  
year each child is so enrolled, reported according to the 6355  
categories prescribed in section 3317.013 of the Revised Code, 6356  
and the number of those classes. 6357

(H) Except as provided in division (I) of this section, 6358  
when any city, local, or exempted village school district 6359  
provides instruction for a nonresident pupil whose attendance is 6360  
unauthorized attendance as defined in section 3327.06 of the 6361

Revised Code, that pupil's enrollment shall not be included in 6362  
that district's enrollment figure used in calculating the 6363  
district's payments under this chapter. The reporting official 6364  
shall report separately the enrollment of all pupils whose 6365  
attendance in the district is unauthorized attendance, and the 6366  
enrollment of each such pupil shall be credited to the school 6367  
district in which the pupil is entitled to attend school under 6368  
division (B) of section 3313.64 or section 3313.65 of the 6369  
Revised Code as determined by the department of education. 6370

(I) (1) A city, local, exempted village, or joint 6371  
vocational school district admitting a scholarship student of a 6372  
pilot project district pursuant to division (C) of section 6373  
3313.976 of the Revised Code may count such student in its 6374  
enrollment. 6375

(2) In any year for which funds are appropriated for pilot 6376  
project scholarship programs, a school district implementing a 6377  
state-sponsored pilot project scholarship program that year 6378  
pursuant to sections 3313.974 to 3313.979 of the Revised Code 6379  
may count in its enrollment: 6380

(a) All children residing in the district and utilizing a 6381  
scholarship to attend kindergarten in any alternative school, as 6382  
defined in section 3313.974 of the Revised Code; 6383

(b) All children who were enrolled in the district in the 6384  
preceding year who are utilizing a scholarship to attend an 6385  
alternative school. 6386

(J) The superintendent of each cooperative education 6387  
school district shall certify to the superintendent of public 6388  
instruction, in a manner prescribed by the state board of 6389  
education, the applicable enrollments for all students in the 6390

cooperative education district, also indicating the city, local, 6391  
or exempted village district where each pupil is entitled to 6392  
attend school under section 3313.64 or 3313.65 of the Revised 6393  
Code. 6394

(K) If the superintendent of public instruction determines 6395  
that a component of the enrollment certified or reported by a 6396  
district superintendent, or other reporting entity, is not 6397  
correct, the superintendent of public instruction may order that 6398  
the formula ADM used for the purposes of payments under any 6399  
section of Title XXXVIII of the Revised Code be adjusted in the 6400  
amount of the error. 6401

**Sec. 3319.02.** (A) (1) As used in this section, "other 6402  
administrator" means any of the following: 6403

(a) Except as provided in division (A) (2) of this section, 6404  
any employee in a position for which a board of education 6405  
requires a license designated by rule of the department of 6406  
education for being an administrator issued under section 6407  
3319.22 of the Revised Code, including a professional pupil 6408  
services employee or administrative specialist or an equivalent 6409  
of either one who is not employed as a school counselor and 6410  
spends less than fifty per cent of the time employed teaching or 6411  
working with students; 6412

(b) Any nonlicensed employee whose job duties enable such 6413  
employee to be considered as either a "supervisor" or a 6414  
"management level employee," as defined in section 4117.01 of 6415  
the Revised Code; 6416

(c) A business manager appointed under section 3319.03 of 6417  
the Revised Code. 6418

(2) As used in this section, "other administrator" does 6419

not include a superintendent, assistant superintendent, 6420  
principal, or assistant principal. 6421

(B) The board of education of each school district and the 6422  
governing board of an educational service center may appoint one 6423  
or more assistant superintendents and such other administrators 6424  
as are necessary. An assistant educational service center 6425  
superintendent or service center supervisor employed on a part- 6426  
time basis may also be employed by a local board as a teacher. 6427  
The board of each city, exempted village, and local school 6428  
district shall employ principals for all high schools and for 6429  
such other schools as the board designates, and those boards may 6430  
appoint assistant principals for any school that they designate. 6431

(C) In educational service centers and in city, exempted 6432  
village, and local school districts, assistant superintendents, 6433  
principals, assistant principals, and other administrators shall 6434  
only be employed or reemployed in accordance with nominations of 6435  
the superintendent, except that a board of education of a school 6436  
district or the governing board of a service center, by a three- 6437  
fourths vote of its full membership, may reemploy any assistant 6438  
superintendent, principal, assistant principal, or other 6439  
administrator whom the superintendent refuses to nominate. 6440

The board of education or governing board shall execute a 6441  
written contract of employment with each assistant 6442  
superintendent, principal, assistant principal, and other 6443  
administrator it employs or reemploys. The term of such contract 6444  
shall not exceed three years except that in the case of a person 6445  
who has been employed as an assistant superintendent, principal, 6446  
assistant principal, or other administrator in the district or 6447  
center for three years or more, the term of the contract shall 6448  
be for not more than five years and, unless the superintendent 6449

of the district recommends otherwise, not less than two years. 6450  
If the superintendent so recommends, the term of the contract of 6451  
a person who has been employed by the district or service center 6452  
as an assistant superintendent, principal, assistant principal, 6453  
or other administrator for three years or more may be one year, 6454  
but all subsequent contracts granted such person shall be for a 6455  
term of not less than two years and not more than five years. 6456  
When a teacher with continuing service status becomes an 6457  
assistant superintendent, principal, assistant principal, or 6458  
other administrator with the district or service center with 6459  
which the teacher holds continuing service status, the teacher 6460  
retains such status in the teacher's nonadministrative position 6461  
as provided in sections 3311.77, 3319.08, and 3319.09 of the 6462  
Revised Code. 6463

A board of education or governing board may reemploy an 6464  
assistant superintendent, principal, assistant principal, or 6465  
other administrator at any regular or special meeting held 6466  
during the period beginning on the first day of January of the 6467  
calendar year immediately preceding the year of expiration of 6468  
the employment contract and ending on the first day of June of 6469  
the year the employment contract expires. 6470

Except by mutual agreement of the parties thereto, no 6471  
assistant superintendent, principal, assistant principal, or 6472  
other administrator shall be transferred during the life of a 6473  
contract to a position of lesser responsibility. No contract may 6474  
be terminated by a board except pursuant to section 3319.16 of 6475  
the Revised Code. No contract may be suspended except pursuant 6476  
to section 3319.17 or 3319.171 of the Revised Code. The salaries 6477  
and compensation prescribed by such contracts shall not be 6478  
reduced by a board unless such reduction is a part of a uniform 6479  
plan affecting the entire district or center. The contract shall 6480

specify the employee's administrative position and duties as 6481  
included in the job description adopted under division (D) of 6482  
this section, the salary and other compensation to be paid for 6483  
performance of duties, the number of days to be worked, the 6484  
number of days of vacation leave, if any, and any paid holidays 6485  
in the contractual year. 6486

An assistant superintendent, principal, assistant 6487  
principal, or other administrator is, at the expiration of the 6488  
current term of employment, deemed reemployed at the same salary 6489  
plus any increments that may be authorized by the board, unless 6490  
such employee notifies the board in writing to the contrary on 6491  
or before the fifteenth day of June, or unless such board, on or 6492  
before the first day of June of the year in which the contract 6493  
of employment expires, either reemploys such employee for a 6494  
succeeding term or gives written notice of its intention not to 6495  
reemploy the employee. The term of reemployment of a person 6496  
reemployed under this paragraph shall be one year, except that 6497  
if such person has been employed by the school district or 6498  
service center as an assistant superintendent, principal, 6499  
assistant principal, or other administrator for three years or 6500  
more, the term of reemployment shall be two years. 6501

(D) ~~(1)~~ Each board shall adopt procedures for the 6502  
evaluation of all assistant superintendents, principals, 6503  
assistant principals, and other administrators and shall 6504  
evaluate such employees in accordance with those procedures. ~~The~~ 6505  
~~procedures for the evaluation of principals and assistant~~ 6506  
~~principals shall be based on principles comparable to the~~ 6507  
~~teacher evaluation policy adopted by the board under section~~ 6508  
~~3319.111 of the Revised Code, but shall be tailored to the~~ 6509  
~~duties and responsibilities of principals and assistant~~ 6510  
~~principals and the environment in which they work. An evaluation~~ 6511

~~based upon procedures adopted under this division shall be~~ 6512  
~~considered by the board in deciding whether to renew the~~ 6513  
~~contract of employment of an assistant superintendent,~~ 6514  
~~principal, assistant principal, or other administrator.~~ 6515

~~(2) The evaluation shall measure each assistant~~ 6516  
~~superintendent's, principal's, assistant principal's, and other~~ 6517  
~~administrator's effectiveness in performing the duties included~~ 6518  
~~in the job description and the evaluation procedures shall~~ 6519  
~~provide for, but not be limited to, the following:~~ 6520

~~(a) Each assistant superintendent, principal, assistant~~ 6521  
~~principal, and other administrator shall be evaluated annually~~ 6522  
~~through a written evaluation process.~~ 6523

~~(b) The evaluation shall be conducted by the~~ 6524  
~~superintendent or designee.~~ 6525

~~(c) In order to provide time to show progress in~~ 6526  
~~correcting the deficiencies identified in the evaluation~~ 6527  
~~process, the evaluation process shall be completed as follows:~~ 6528

~~(i) In any school year that the employee's contract of~~ 6529  
~~employment is not due to expire, at least one evaluation shall~~ 6530  
~~be completed in that year. A written copy of the evaluation~~ 6531  
~~shall be provided to the employee no later than the end of the~~ 6532  
~~employee's contract year as defined by the employee's annual~~ 6533  
~~salary notice.~~ 6534

~~(ii) In any school year that the employee's contract of~~ 6535  
~~employment is due to expire, at least a preliminary evaluation~~ 6536  
~~and at least a final evaluation shall be completed in that year.~~ 6537  
~~A written copy of the preliminary evaluation shall be provided~~ 6538  
~~to the employee at least sixty days prior to any action by the~~ 6539  
~~board on the employee's contract of employment. The final~~ 6540



~~evaluation shall indicate the superintendent's intended  
recommendation to the board regarding a contract of employment  
for the employee. A written copy of the evaluation shall be  
provided to the employee at least five days prior to the board's  
acting to renew or not renew the contract.~~ 6541-6545

~~(3) Termination of an assistant superintendent, principal,  
assistant principal, or other administrator's contract shall be  
pursuant to section 3319.16 of the Revised Code. Suspension of  
any such employee shall be pursuant to section 3319.17 or  
3319.171 of the Revised Code.~~ 6546-6550

~~(4) Before taking action to renew or nonrenew the contract  
of an assistant superintendent, principal, assistant principal,  
or other administrator under this section and prior to the first  
day of June of the year in which such employee's contract  
expires, the board shall notify each such employee of the date  
that the contract expires and that the employee may request a  
meeting with the board. Upon request by such an employee, the  
board shall grant the employee a meeting in executive session.  
In that meeting, the board shall discuss its reasons for  
considering renewal or nonrenewal of the contract. The employee  
shall be permitted to have a representative, chosen by the  
employee, present at the meeting.~~ 6551-6562

~~(5) The establishment of an evaluation procedure shall not  
create an expectancy of continued employment. Nothing in  
division (D) of this section shall prevent a board from making  
the final determination regarding the renewal or nonrenewal of  
the contract of any assistant superintendent, principal,  
assistant principal, or other administrator. However, if a board  
fails to provide evaluations pursuant to division (D) (2) (c) (i)  
or (ii) of this section, or if the board fails to provide at the~~ 6563-6570

~~request of the employee a meeting as prescribed in division (D)  
(4) of this section, the employee automatically shall be  
reemployed at the same salary plus any increments that may be  
authorized by the board for a period of one year, except that if  
the employee has been employed by the district or service center  
as an assistant superintendent, principal, assistant principal,  
or other administrator for three years or more, the period of  
reemployment shall be for two years.~~

(E) On nomination of the superintendent of a service  
center a governing board may employ supervisors who shall be  
employed under written contracts of employment for terms not to  
exceed five years each. Such contracts may be terminated by a  
governing board pursuant to section 3319.16 of the Revised Code.  
Any supervisor employed pursuant to this division may terminate  
the contract of employment at the end of any school year after  
giving the board at least thirty days' written notice prior to  
such termination. On the recommendation of the superintendent  
the contract or contracts of any supervisor employed pursuant to  
this division may be suspended for the remainder of the term of  
any such contract pursuant to section 3319.17 or 3319.171 of the  
Revised Code.

(F) A board may establish vacation leave for any  
individuals employed under this section. Upon such an  
individual's separation from employment, a board that has such  
leave may compensate such an individual at the individual's  
current rate of pay for all lawfully accrued and unused vacation  
leave credited at the time of separation, not to exceed the  
amount accrued within three years before the date of separation.  
In case of the death of an individual employed under this  
section, such unused vacation leave as the board would have paid  
to the individual upon separation under this section shall be

paid in accordance with section 2113.04 of the Revised Code, or 6602  
to the estate. 6603

(G) The board of education of any school district may 6604  
contract with the governing board of the educational service 6605  
center from which it otherwise receives services to conduct 6606  
searches and recruitment of candidates for assistant 6607  
superintendent, principal, assistant principal, and other 6608  
administrator positions authorized under this section. 6609

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 6610  
Revised Code, this section applies to any person who is employed 6611  
under a teacher license issued under this chapter, or under a 6612  
professional or permanent teacher's certificate issued under 6613  
former section 3319.222 of the Revised Code, and who spends at 6614  
least fifty per cent of the time employed providing student 6615  
instruction. However, this section does not apply to any person 6616  
who is employed as a substitute teacher or as an instructor of 6617  
adult education. 6618

(A) ~~Not later than July 1, 2013, the~~ The board of 6619  
education of each school district, in consultation with teachers 6620  
employed by the board and the district's teacher's labor 6621  
organization, shall adopt a ~~standards-based~~ teacher evaluation 6622  
~~policy that conforms with the framework for evaluation of~~ 6623  
~~teachers developed under section 3319.112 of the Revised Code.~~ A 6624  
policy may, but shall not be required to, use measures of 6625  
student academic growth as a component of a teachers' 6626  
evaluation. The policy shall become operative at the expiration 6627  
of any collective bargaining agreement covering teachers 6628  
employed by the board that is in effect on ~~September 29, 2011,~~ 6629  
the effective date of this amendment and shall be included in 6630  
any renewal or extension of such an agreement. 6631

(B) ~~When using measures of~~ If a policy uses student 6632  
academic growth as a component of a teacher's evaluation, ~~these~~ 6633  
~~measures shall include~~ the policy shall include the value-added 6634  
progress dimension prescribed by section 3302.021 of the Revised 6635  
Code or an alternative student academic progress measure if 6636  
adopted under division (C) (1) (e) of section 3302.03 of the 6637  
Revised Code, except that the student academic growth component 6638  
shall not account for more than twenty per cent of an 6639  
evaluation. ~~For teachers of grade levels and subjects for which~~ 6640  
~~the value-added progress dimension or alternative student~~ 6641  
~~academic progress measure is not applicable, the board shall~~ 6642  
~~administer assessments on the list developed under division (B)~~ 6643  
~~(2) of section 3319.112 of the Revised Code.~~ 6644

(C) ~~(1)~~ The board shall conduct an evaluation of each 6645  
teacher employed by the board at least once each school year, ~~7~~ 6646  
~~except as provided in division (C) (2) of this section. The~~ 6647  
~~evaluation shall be completed by the first day of May and the~~ 6648  
~~teacher shall receive a written report of the results of the~~ 6649  
~~evaluation by the tenth day of May.~~ 6650

~~(2) (a) The board may evaluate each teacher who received a~~ 6651  
~~rating of accomplished on the teacher's most recent evaluation~~ 6652  
~~conducted under this section once every three school years, so~~ 6653  
~~long as the teacher's student academic growth measure, for the~~ 6654  
~~most recent school year for which data is available, is average~~ 6655  
~~or higher, as determined by the department of education.~~ 6656

~~(b) The board may evaluate each teacher who received a~~ 6657  
~~rating of skilled on the teacher's most recent evaluation~~ 6658  
~~conducted under this section once every two years, so long as~~ 6659  
~~the teacher's student academic growth measure, for the most~~ 6660  
~~recent school year for which data is available, is average or~~ 6661

~~higher, as determined by the department of education.~~ 6662

~~(c) For each teacher who is evaluated pursuant to division  
(C) (2) of this section, the evaluation shall be completed by the  
first day of May of the applicable school year, and the teacher  
shall receive a written report of the results of the evaluation  
by the tenth day of May of that school year.~~ 6663  
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~~(d) Beginning with the 2014-2015 school year, the board  
may elect not to conduct an evaluation of a teacher who meets  
one of the following requirements:~~ 6668  
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~~(i) The teacher was on leave from the school district for  
fifty per cent or more of the school year, as calculated by the  
board.~~ 6671  
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~~(ii) The teacher has submitted notice of retirement and  
that notice has been accepted by the board not later than the  
first day of December of the school year in which the evaluation  
is otherwise scheduled to be conducted.~~ 6674  
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~~(e) Beginning with the 2017-2018 school year, the board  
may elect not to conduct an evaluation of a teacher who is  
participating in the teacher residency program established under  
section 3319.223 of the Revised Code for the year during which  
that teacher takes, for the first time, at least half of the  
performance-based assessment prescribed by the state board of  
education for resident educators.~~ 6678  
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~~(3) In any year that a teacher is not formally evaluated  
pursuant to division (C) of this section as a result of  
receiving a rating of accomplished or skilled on the teacher's  
most recent evaluation, an individual qualified to evaluate a  
teacher under division (D) of this section shall conduct at  
least one observation of the teacher and hold at least one~~ 6685  
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~~conference with the teacher.~~ 6691

~~(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the department of education for being an evaluator:~~ 6692  
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~~(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;~~ 6696  
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~~(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;~~ 6701  
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~~(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;~~ 6706  
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~~(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.~~ 6710  
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~~(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code:~~ 6716  
6717

~~(1) The board shall require at least three formal observations of each teacher who is under consideration for~~ 6718  
6719

~~nonrenewal and with whom the board has entered into a limited- 6720  
contract or an extended limited contract under section 3319.11- 6721  
of the Revised Code. 6722~~

~~(2) The board may elect, by adoption of a resolution, to 6723  
require only one formal observation of a teacher who received a 6724  
rating of accomplished on the teacher's most recent evaluation- 6725  
conducted under this section, provided the teacher completes a 6726  
project that has been approved by the board to demonstrate the 6727  
teacher's continued growth and practice at the accomplished- 6728  
level. 6729~~

~~(F) The board shall include in its evaluation policy- 6730  
procedures for using the evaluation results for retention and- 6731  
promotion decisions and for removal of poorly performing- 6732  
teachers. Seniority shall not be the basis for a decision to- 6733  
retain a teacher, except when making a decision between teachers- 6734  
who have comparable evaluations. 6735~~

~~(G) For purposes of section 3333.0411 of the Revised Code,- 6736  
the board annually shall report to the department of education- 6737  
the number of teachers for whom an evaluation was conducted- 6738  
under this section and the number of teachers assigned each- 6739  
rating prescribed under division (B) (1) of section 3319.112 of- 6740  
the Revised Code, aggregated by the teacher preparation programs- 6741  
from which and the years in which the teachers graduated. The- 6742  
department shall establish guidelines for reporting the- 6743  
information required by this division. The guidelines shall not- 6744  
permit or require that the name of, or any other personally- 6745  
identifiable information about, any teacher be reported under- 6746  
this division. 6747~~

~~(H) A teacher may appeal the result of the teacher's 6748  
evaluation conducted under this section to the educational 6749~~

service center with which the district has an agreement or, if 6750  
the district of the teacher does not have an agreement with an 6751  
educational service center, an educational service center of an 6752  
adjacent district or an educational service center selected by 6753  
the teacher. 6754

(D) Notwithstanding any provision to the contrary in 6755  
Chapter 4117. of the Revised Code, the requirements of this 6756  
section prevail over any conflicting provisions of a collective 6757  
bargaining agreement entered into on or after ~~September 24, 2012~~ 6758  
effective date of this amendment. 6759

**Sec. 3319.23.** A valid educator license for teaching social 6760  
studies in the applicable grade shall be considered sufficient 6761  
to teach the additional American history and American government 6762  
content adopted under division (A) (1) ~~(b)~~ of section 3301.079 of 6763  
the Revised Code. 6764

**Sec. 3319.324.** (A) Each school district or school shall 6765  
provide students or the parents or guardians of a student who is 6766  
less than eighteen years of age a formal written explanation of 6767  
the goals and capabilities of any digital-learning platform that 6768  
is used by the school. The explanation shall include the 6769  
following: 6770

(1) How the platform works and its principal purposes; 6771

(2) The title and business address of the school official 6772  
who is responsible for the platform and the name and business 6773  
address of any contractor or other outside party maintaining the 6774  
platform for or on behalf of the school; 6775

(3) The information the software is designed to collect 6776  
from or record about the student, including any data matches 6777  
with other personally identifiable information; 6778



(4) Every element of data that the platform or software will collect or record about the student, including any personal psychological characteristics, noncognitive attributes or skills, such as collaboration, resilience, and perseverance; and physiological measurements; 6779  
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(5) The purpose of collecting and recording such data; 6784

(6) Every contemplated use or disclosure of such data, the categories of recipients, and the purpose of such use or disclosure; 6785  
6786  
6787

(7) A full explanation of the privacy policy maintained by the provider of the digital-learning platform; and 6788  
6789

(8) The policies and practices of the school regarding storage, retrievability, access controls, retention, and disposal of the records collected or recorded by the platform. 6790  
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(B) (1) No digital-learning platform, or any instructional material in digital format, shall be used unless it includes a portal or other mechanism allowing parents access to the platform and all the content available to the student users. 6793  
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(2) Any data of any type collected on a student through his or her use of a digital-learning platform shall be destroyed at the end of the course in which the platform is used. 6797  
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(3) Students or parents or guardians shall be allowed to opt out of using any digital-learning platform. Students or parents or guardians who opt out shall be provided traditional instruction in the academic content covered by such digital-learning platform. 6800  
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(C) As used in this section: 6805

(1) "Digital-learning platform" or "platform" means an 6806

interactive digital platform that collects and records students' 6807  
personally identifiable information, whether maintained or 6808  
hosted externally by the school or by a third-party provider, 6809  
and includes any video-gaming platform. 6810

(2) "Personally identifiable information" means student 6811  
data that personally identifies a student that, alone or in 6812  
combination, is linked to information that would allow a 6813  
reasonable person who does not have personal knowledge of the 6814  
relevant circumstances to identify the student. 6815

**Sec. 3326.37.** The department of education shall not pay to 6816  
a science, technology, engineering, and mathematics school any 6817  
amount for any of the following: 6818

(A) Any student who has graduated from the twelfth grade 6819  
of a public or nonpublic school; 6820

(B) Any student who is not a resident of the state; 6821

~~(C) Any student who was enrolled in a STEM school during~~ 6822  
~~the previous school year when assessments were administered~~ 6823  
~~under section 3301.0711 of the Revised Code but did not take one~~ 6824  
~~or more of the assessments required by that section and was not~~ 6825  
~~excused pursuant to division (C) (1) or (3) of that section,~~ 6826  
~~unless the superintendent of public instruction grants the~~ 6827  
~~student a waiver from the requirement to take the assessment.~~ 6828  
~~The superintendent may grant a waiver only for good cause in~~ 6829  
~~accordance with rules adopted by the state board of education.~~ 6830

~~(D)~~ Any student who has attained the age of twenty-two 6831  
years, except for veterans of the armed services whose 6832  
attendance was interrupted before completing the recognized 6833  
twelve-year course of the public schools by reason of induction 6834  
or enlistment in the armed forces and who apply for enrollment 6835

in a STEM school not later than four years after termination of 6836  
war or their honorable discharge. If, however, any such veteran 6837  
elects to enroll in special courses organized for veterans for 6838  
whom tuition is paid under federal law, or otherwise, the 6839  
department shall not pay to the school any amount for that 6840  
veteran. 6841

**Sec. 3328.01.** As used in this chapter: 6842

(A) "Board of trustees" means the board of trustees 6843  
established for a college-preparatory boarding school in 6844  
accordance with section 3328.15 of the Revised Code. 6845

(B) "Child with a disability," "IEP," and "school district 6846  
of residence" have the same meanings as in section 3323.01 of 6847  
the Revised Code. 6848

(C) "Eligible student" means a student who is entitled to 6849  
attend school in a participating school district; is at risk of 6850  
academic failure; is from a family whose income is below two 6851  
hundred per cent of the federal poverty guidelines, as defined 6852  
in section 5101.46 of the Revised Code; meets any additional 6853  
criteria prescribed by agreement between the state board of 6854  
education and the operator of the college-preparatory boarding 6855  
school in which the student seeks enrollment; and meets at least 6856  
two of the following additional conditions: 6857

(1) The student has a record of in-school disciplinary 6858  
actions, suspensions, expulsions, or truancy. 6859

(2) The student has not attained at least a proficient 6860  
score on the state achievement assessments in English language 6861  
arts, reading, or mathematics prescribed under section 3301.0710 6862  
of the Revised Code, after those assessments have been 6863  
administered to the student at least once, or the student has 6864

not attained at least a score designated by the board of 6865  
trustees of the college-preparatory boarding school in which the 6866  
student seeks enrollment under this chapter on an ~~end-of-course-~~ 6867  
~~examination~~ assessment in English language arts or mathematics 6868  
prescribed under division (B) of section 3301.0712 of the 6869  
Revised Code. 6870

(3) The student is a child with a disability. 6871

(4) The student has been referred for academic 6872  
intervention services. 6873

(5) The student's head of household is a single parent. As 6874  
used in this division and in division (C) (6) of this section, 6875  
"head of household" means a person who occupies the same 6876  
household as the student and who is financially responsible for 6877  
the student. 6878

(6) The student's head of household is not the student's 6879  
custodial parent. 6880

(7) A member of the student's family has been imprisoned, 6881  
as defined in section 1.05 of the Revised Code. 6882

(D) "Entitled to attend school" means entitled to attend 6883  
school in a school district under section 3313.64 or 3313.65 of 6884  
the Revised Code. 6885

(E) "Formula ADM," "category one through six special 6886  
education ADM," and "state education aid" have the same meanings 6887  
as in section 3317.02 of the Revised Code. 6888

(F) "Operator" means the operator of a college-preparatory 6889  
boarding school selected under section 3328.11 of the Revised 6890  
Code. 6891

(G) "Participating school district" means either of the 6892

following: 6893

(1) The school district in which a college-preparatory 6894  
boarding school established under this chapter is located; 6895

(2) A school district other than one described in division 6896  
(G) (1) of this section that, pursuant to procedures adopted by 6897  
the state board of education under section 3328.04 of the 6898  
Revised Code, agrees to be a participating school district so 6899  
that eligible students entitled to attend school in that 6900  
district may enroll in a college-preparatory boarding school 6901  
established under this chapter. 6902

**Sec. 3333.0411.** ~~Not~~ The final report made under this 6903  
section shall be for teacher evaluations conducted for the 2016- 6904  
2017 school year. Beginning with teacher evaluations conducted 6905  
for the 2017-2018 school year, no report shall be made under 6906  
this section. 6907

Not later than December 31, 2014, and annually thereafter, 6908  
the chancellor of higher education shall report for each 6909  
approved teacher preparation program, the number and percentage 6910  
of all graduates of the program who were rated at each of the 6911  
performance levels prescribed by division (B) (1) of former 6912  
section 3319.112 of the Revised Code on an evaluation conducted 6913  
in accordance with section 3319.111 of the Revised Code in the 6914  
previous school year. 6915

In no case shall the report identify any individual 6916  
graduate. The department of education shall share any data 6917  
necessary for the report with the chancellor. 6918

**Sec. 3365.05.** Each public and participating private 6919  
college shall do all of the following with respect to the 6920  
college credit plus program: 6921

(A) Apply established standards and procedures for 6922  
admission to the college and for course placement for 6923  
participants. When determining admission and course placement, 6924  
the college shall do all of the following: 6925

(1) Consider all available student data that may be an 6926  
indicator of college readiness, including grade point average 6927  
and ~~end of course examination scores~~ on assessments prescribed 6928  
under division (B) of section 3301.0712 of the Revised Code, if 6929  
applicable; 6930

(2) Give priority to its current students regarding 6931  
enrollment in courses. However, once a participant has been 6932  
accepted into a course, the college shall not displace the 6933  
participant for another student. 6934

(3) Adhere to any capacity limitations that the college 6935  
has established for specified courses. 6936

(B) Send written notice to a participant, the 6937  
participant's parent, the participant's secondary school, and 6938  
the superintendent of public instruction, not later than 6939  
fourteen calendar days prior to the first day of classes for 6940  
that term, of the participant's admission to the college and to 6941  
specified courses under the program. 6942

(C) Provide both of the following, not later than twenty- 6943  
one calendar days after the first day of classes for that term, 6944  
to each participant, participant's secondary school, and the 6945  
superintendent of public instruction: 6946

(1) The courses and hours of enrollment of the 6947  
participant; 6948

(2) The option elected by the participant under division 6949  
(A) or (B) of section 3365.06 of the Revised Code for each 6950

course. 6951

The college shall also provide to each partnering school a 6952  
roster of participants from that school that are enrolled in the 6953  
college and a list of course assignments for each participant. 6954

(D) Promote the program on the college's web site, 6955  
including the details of the college's current agreements with 6956  
partnering secondary schools. 6957

(E) Coordinate with each partnering secondary school that 6958  
is located within thirty miles of the college to present at 6959  
least one informational session per school year for interested 6960  
students and parents. The session shall include the benefits and 6961  
consequences of participation and shall outline any changes or 6962  
additions to the requirements of the program. If there are no 6963  
partnering schools located within thirty miles of the college, 6964  
the college shall coordinate with the closest partnering school 6965  
to offer an informational session. 6966

(F) Assign an academic advisor that is employed by the 6967  
college to each participant enrolled in that college. Prior to 6968  
the date on which a withdrawal from a course would negatively 6969  
affect a participant's transcribed grade, as prescribed by the 6970  
college's established withdrawal policy, the college shall 6971  
ensure that the academic advisor and the participant meet at 6972  
least once to discuss the program and the courses in which the 6973  
participant is enrolled. 6974

(G) Do both of the following with regard to high school 6975  
teachers that are teaching courses for the college at a 6976  
secondary school under the program: 6977

(1) Provide at least one professional development session 6978  
per school year; 6979

(2) Conduct at least one classroom observation per school 6980  
year for each course that is authorized by the college and 6981  
taught by a high school teacher to ensure that the course meets 6982  
the quality of a college-level course. 6983

(H) Annually collect, report, and track specified data 6984  
related to the program according to data reporting guidelines 6985  
adopted by the chancellor and the superintendent of public 6986  
instruction pursuant to section 3365.15 of the Revised Code. 6987

(I) With the exception of divisions (D) and (E) of this 6988  
section, any eligible out-of-state college participating in the 6989  
college credit plus program shall be subject to the same 6990  
requirements as a participating private college under this 6991  
section. 6992

**Section 2.** That existing sections 3301.078, 3301.079, 6993  
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0718, 6994  
3301.0722, 3301.0728, 3302.01, 3302.02, 3302.03, 3302.036, 6995  
3302.05, 3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 6996  
3313.603, 3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 6997  
3313.618, 3314.016, 3314.02, 3314.05, 3314.08, 3314.26, 3317.03, 6998  
3319.02, 3319.111, 3319.23, 3326.37, 3328.01, 3333.0411, and 6999  
3365.05 and sections 3301.0721, 3319.112, and 3319.114 of the 7000  
Revised Code are hereby repealed. 7001

**Section 3.** (A) (1) Notwithstanding anything in the Revised 7002  
Code to the contrary and except as provided in division (A) (2) 7003  
of this section, the board of education of a school district, 7004  
the governing authority of a community school established under 7005  
Chapter 3314. of the Revised Code, or the governing authority of 7006  
a STEM school established under Chapter 3326. of the Revised 7007  
Code shall not use the value-added progress dimension rating 7008  
that is based on the results of the assessments prescribed under 7009



sections 3301.0710 and 3301.0712 of the Revised Code 7010  
administered in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 7011  
and 2018-2019 school years for purposes of assessing student 7012  
academic growth for teacher and principal evaluations conducted 7013  
under sections 3311.80, 3319.02, and 3319.111 and former section 7014  
3319.112 of the Revised Code or when making decisions regarding 7015  
the dismissal, retention, tenure, or compensation of the 7016  
district's or school's teachers and principals. 7017

(2) A school district, community school, or STEM school 7018  
may enter into a memorandum of understanding collectively with 7019  
its teachers or principals stipulating that the value-added 7020  
progress dimension rating that is based on the results of the 7021  
assessments prescribed under sections 3301.0710 and 3301.0712 of 7022  
the Revised Code administered in the 2014-2015, 2015-2016, 2016- 7023  
2017, 2017-2018, and 2018-2019 school years may be used to 7024  
assess student academic growth for purposes of teacher and 7025  
principal evaluations or when making decisions regarding the 7026  
dismissal, retention, tenure, or compensation of the district's 7027  
or school's teachers and principals. 7028

(3) For a teacher of a grade level and subject area for 7029  
which the value-added progress dimension is applicable, if no 7030  
other measure is available to determine student academic growth 7031  
as required under section 3311.80 or 3319.114 or former section 7032  
3319.112 of the Revised Code, teacher and principal evaluations 7033  
shall be based solely on teacher or principal performance. 7034

(B) As used in this section, "value-added progress 7035  
dimension" means the value-added progress dimension prescribed 7036  
by section 3302.021 of the Revised Code or an alternative 7037  
student academic progress measure if adopted under division (C) 7038  
(1) (e) of section 3303.03 of the Revised Code. 7039

**Section 4.** Not later than thirty days after the effective 7040  
date of this section, the State Board of Education shall provide 7041  
on the web site of the Department of Education an online 7042  
opportunity to make comments on specific academic content 7043  
standards adopted under section 3301.079 of the Revised Code. 7044

**Section 5.** (A) (1) Not later than thirty days after the 7045  
effective date of this section, the Department of Education 7046  
shall issue a request for proposals to provide the elementary 7047  
assessments prescribed by section 3301.0710 of the Revised Code 7048  
and the assessments prescribed by section 3301.0712 of the 7049  
Revised Code for administration by school districts and schools 7050  
beginning with the 2018-2019 school year. In reviewing 7051  
proposals, the Department shall consider for the elementary- 7052  
level assessments, only nationally normed, standardized 7053  
assessments that were developed prior to 2010 and have specific 7054  
attributes, which include validity, reliability, percentile 7055  
scores, identified stanine ranges, and useful diagnostic 7056  
information. For the secondary-level assessments, the Department 7057  
shall give preference to nationally norm-referenced assessments 7058  
and assessments that were developed prior to 2010. The 7059  
Department shall solicit input from teachers and administrators 7060  
when reviewing proposals. Multistate consortia, a subsidiary of 7061  
multistate consortia, or affiliate acting on behalf of 7062  
multistate consortia shall not be eligible to submit a proposal. 7063

(2) The Department shall submit assessments that meet the 7064  
conditions prescribed under this section to the Joint Education 7065  
Oversight Committee established under section 103.45 of the 7066  
Revised Code and to the Legislative Office of Education 7067  
Oversight established under section 3301.65 of the Revised Code. 7068

(B) The Legislative Office of Education Oversight shall 7069

evaluate the academic content standards aligned to the 7070  
assessments submitted by the Department under division (A) (2) of 7071  
this section. Based on the evaluation, the Legislative Office of 7072  
Education Oversight shall present its findings to the Joint 7073  
Education Oversight Committee. 7074

(C) The Joint Education Oversight Committee, using the 7075  
findings presented by the Department and Legislative Office of 7076  
Education Oversight, shall submit to the State Board of 7077  
Education recommendations on the assessments to be used for 7078  
purposes of sections 3301.0710 and 3301.0712 of the Revised 7079  
Code. 7080

(D) The State Board of Education shall select the 7081  
assessments from the list provided by the Joint Education 7082  
Oversight Committee, except that it shall not adopt any 7083  
assessments unless, by concurrent resolution, the assessments 7084  
are approved by both houses of the general assembly. 7085

(E) An entity that provides the assessments prescribed by 7086  
sections 3301.0710 and 3301.0712 of the Revised Code shall 7087  
ensure that the assessments are aligned with the academic 7088  
content standards adopted under section 3301.079 or 3301.65 of 7089  
the Revised Code, as applicable. 7090

As used in this section, "norm-referenced" has the same 7091  
meaning as in section 3301.079 of the Revised Code. 7092

**Section 6.** Not later than one hundred eighty days after 7093  
the effective date of this section, the Department of Education 7094  
shall convene a group of experts in norm-referenced assessments 7095  
to make recommendations to the State Board of Education on how 7096  
to incorporate aggregate data from the results of norm- 7097  
referenced assessments into a format similar to the report card 7098

ratings issued under section 3302.03 of the Revised Code. 7099

As used in this section, "norm-referenced" has the same 7100  
meaning as in section 3301.079 of the Revised Code. 7101

**Section 7.** Notwithstanding anything in the Revised Code to 7102  
the contrary or in any rule or directive of the State Board of 7103  
Education, Superintendent of Public Instruction, or Department 7104  
of Education, upon the effective date of this section, the State 7105  
Board of Education, Superintendent of Public Instruction, and 7106  
the Department of Education shall forthwith take the steps 7107  
necessary to terminate the contract entered into by the State of 7108  
Ohio that is effective from October 21, 2014, to June 30, 2018, 7109  
and that is used for the use, facilitation, delivery, and 7110  
administration of the assessments prescribed under section 7111  
3301.0710 and 3301.0712 of the Revised Code. 7112

**Section 8.** Notwithstanding anything in the Revised Code to 7113  
the contrary, for the 2016-2017, 2017-2018, and 2018-2019 school 7114  
years only, if, for any reason, a student enrolled in an 7115  
internet- or computer-based community school does not take an 7116  
assessment prescribed under sections 3301.0710 or 3301.0712 of 7117  
the Revised Code, the school shall require that student to take 7118  
an assessment equivalent to the assessment for which the student 7119  
was absent. The school shall report to the Department of 7120  
Education which assessment a student did not take, proof that 7121  
the student took an equivalent assessment, and results of that 7122  
equivalent assessment. 7123

**Section 9.** The General Assembly, applying the principle 7124  
stated in division (B) of section 1.52 of the Revised Code that 7125  
amendments are to be harmonized if reasonably capable of 7126  
simultaneous operation, finds that the following sections, 7127  
presented in this act as composites of the sections as amended 7128

by the acts indicated, are the resulting versions of the 7129  
sections in effect prior to the effective date of the sections 7130  
as presented in this act: 7131

Section 3302.03 of the Revised Code as amended by both Am. 7132  
Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly. 7133

Section 3302.036 of the Revised Code as amended by both 7134  
Am. Sub. H.B. 64 and Am. Sub. S.B. 70 of the 131st General 7135  
Assembly. 7136

Section 3317.03 of the Revised Code as amended by both 7137  
Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly. 7138

Section 3319.02 of the Revised Code as amended by both 7139  
Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General 7140  
Assembly. 7141