

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 216**

**Senator Huffman**

**Cosponsors: Senators Terhar, Jordan**

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**A BILL**

To amend sections 3301.078, 3301.079, 3301.0711, 1  
3301.0714, 3301.0715, 3301.163, 3301.52, 2  
3302.03, 3302.13, 3310.03, 3311.80, 3313.413, 3  
3313.608, 3314.35, 3319.075, 3319.081, 3319.088, 4  
3319.111, 3319.112, 3319.22, 3321.191, 3323.022, 5  
3333.0411, 3365.03, and 3365.07; to enact new 6  
section 3319.226 and sections 3301.68, 3319.361, 7  
3324.12, and 3365.072; and to repeal sections 8  
3319.114 and 3319.226 of the Revised Code to 9  
enact the "Ohio Public School Deregulation Act" 10  
regarding the administration of preschool and 11  
primary and secondary education programs. 12

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

**Section 1.** That sections 3301.078, 3301.079, 3301.0711, 13  
3301.0714, 3301.0715, 3301.163, 3301.52, 3302.03, 3302.13, 14  
3310.03, 3311.80, 3313.413, 3313.608, 3314.35, 3319.075, 15  
3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 3321.191, 16  
3323.022, 3333.0411, 3365.03, and 3365.07 be amended and new 17  
section 3319.226 and sections 3301.68, 3319.361, 3324.12, and 18  
3365.072 of the Revised Code be enacted to read as follows: 19

**Sec. 3301.078.** (A) No official or board of this state, 20  
whether appointed or elected, shall enter into any agreement or 21  
memorandum of understanding with any federal or private entity 22  
that would require the state to cede any measure of control over 23  
the development, adoption, or revision of academic content 24  
standards. 25

(B) No funds appropriated from the general revenue fund 26  
shall be used to purchase an assessment developed by the 27  
partnership for assessment of readiness for college and careers 28  
for use as the assessments prescribed under sections 3301.0710 29  
and 3301.0712 of the Revised Code. 30

(C) The department of education shall request the American 31  
institutes for research to provide an analysis explaining how 32  
questions on each of the assessments prescribed under sections 33  
3301.0710 and 3301.0712 of the Revised Code are aligned to the 34  
academic content standards adopted under section 3301.079 of the 35  
Revised Code. The analysis shall be provided to all school 36  
districts and schools for all grade levels for which assessments 37  
are prescribed under sections 3301.0710 and 3301.0712 of the 38  
Revised Code. The analysis shall be produced beginning with the 39  
2018-2019 school year and for each school year thereafter. 40

(D) The department shall request the American institutes 41  
for research to provide information and materials to school 42  
districts and schools for assistance with the state achievement 43  
assessments. The information and materials shall include 44  
practice assessments, study guides, and other preparatory 45  
materials. The information and materials shall be distributed to 46  
districts and schools beginning with the 2018-2019 school year 47  
and for each school year thereafter. 48

**Sec. 3301.079.** (A) (1) The state board of education 49

periodically shall adopt statewide academic standards with 50  
emphasis on coherence, focus, and essential knowledge and that 51  
are more challenging and demanding when compared to 52  
international standards for each of grades kindergarten through 53  
twelve in English language arts, mathematics, science, and 54  
social studies. 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 (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

(c) 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 adopt a model curriculum for 124  
instruction in each subject area for which updated academic 125  
standards are required by division (A) (1) of this section and 126  
for each of grades kindergarten through twelve that is 127  
sufficient to meet the needs of students in every community. The 128  
model curriculum shall be aligned with the standards, to ensure 129  
that the academic content and skills specified for each grade 130  
level are taught to students, and shall demonstrate vertical 131  
articulation and emphasize coherence, focus, and rigor. When any 132  
model curriculum has been completed, the state board shall 133  
inform all school districts, community schools, and STEM schools 134  
of the content of that model curriculum. 135

(2) Not later than June 30, 2013, the state board, in 136  
consultation with any office housed in the governor's office 137  
that deals with workforce development, shall adopt model 138

curricula for grades kindergarten through twelve that embed 139  
career connection learning strategies into regular classroom 140  
instruction. 141

(3) All school districts, community schools, and STEM 142  
schools may utilize the state standards and the model curriculum 143  
established by the state board, together with other relevant 144  
resources, examples, or models to ensure that students have the 145  
opportunity to attain the academic standards. Upon request, the 146  
department shall provide technical assistance to any district, 147  
community school, or STEM school in implementing the model 148  
curriculum. 149

Nothing in this section requires any school district to 150  
utilize all or any part of a model curriculum developed under 151  
this section. 152

(C) The state board shall develop achievement assessments 153  
aligned with the academic standards and model curriculum for 154  
each of the subject areas and grade levels required by divisions 155  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 156

When any achievement assessment has been completed, the 157  
state board shall inform all school districts, community 158  
schools, STEM schools, and nonpublic schools required to 159  
administer the assessment of its completion, and the department 160  
shall make the achievement assessment available to the districts 161  
and schools. 162

(D) (1) The state board shall adopt a diagnostic assessment 163  
aligned with the academic standards and model curriculum for 164  
each of grades ~~kindergarten through one and two~~ in reading, 165  
writing, and mathematics and for grade three in reading and 166  
writing. The diagnostic assessment shall be designed to measure 167

student comprehension of academic content and mastery of related 168  
skills for the relevant subject area and grade level. Any 169  
diagnostic assessment shall not include components to identify 170  
gifted students. Blank copies of diagnostic assessments shall be 171  
public records. 172

(2) When each diagnostic assessment has been completed, 173  
the state board shall inform all school districts of its 174  
completion and the department shall make the diagnostic 175  
assessment available to the districts at no cost to the 176  
district. 177

(3) School districts shall administer the diagnostic 178  
assessment pursuant to section 3301.0715 of the Revised Code 179  
beginning the first school year following the development of the 180  
assessment. 181

However, beginning with the 2017-2018 school year, both of 182  
the following shall apply: 183

(a) In the case of the diagnostic assessments for grades 184  
one or two in writing or mathematics or for grade three in 185  
writing, a school district shall not be required to administer 186  
any such assessment, but may do so at the discretion of the 187  
district board; 188

(b) In the case of any diagnostic assessment that is not 189  
for the grade levels and subject areas specified in division (D) 190  
(3) (a) of this section, each school district shall administer 191  
the assessment in the manner prescribed by section 3301.0715 of 192  
the Revised Code. 193

(E) The state board shall not adopt a diagnostic or 194  
achievement assessment for any grade level or subject area other 195  
than those specified in this section. 196

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

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

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

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

(I) (1) (a) The English language arts academic standards review committee is hereby created to review academic content



standards in the subject of English language arts. The committee	227
shall consist of the following members:	228
(i) Three experts who are residents of this state and who	229
primarily conduct research, provide instruction, currently work	230
in, or possess an advanced degree in the subject area. One	231
expert shall be appointed by each of the president of the	232
senate, the speaker of the house of representatives, and the	233
governor;	234
(ii) One parent or guardian appointed by the president of	235
the senate;	236
(iii) One educator who is currently teaching in a	237
classroom, appointed by the speaker of the house of	238
representatives;	239
(iv) The chancellor of the Ohio board of regents, or the	240
chancellor's designee;	241
(v) The state superintendent, or the superintendent's	242
designee, who shall serve as the chairperson of the committee.	243
(b) The mathematics academic standards review committee is	244
hereby created to review academic content standards in the	245
subject of mathematics. The committee shall consist of the	246
following members:	247
(i) Three experts who are residents of this state and who	248
primarily conduct research, provide instruction, currently work	249
in, or possess an advanced degree in the subject area. One	250
expert shall be appointed by each of the president of the	251
senate, the speaker of the house of representatives, and the	252
governor;	253
(ii) One parent or guardian appointed by the speaker of	254

the house of representatives;	255
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	256 257
(iv) The chancellor, or the chancellor's designee;	258
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	259 260
(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:	261 262 263 264
(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;	265 266 267 268 269 270
(ii) One parent or guardian appointed by the president of the senate;	271 272
(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;	273 274 275
(iv) The chancellor, or the chancellor's designee;	276
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	277 278
(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	279 280 281

following members:	282
(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;	283 284 285 286 287 288
(ii) One parent or guardian appointed by the speaker of the house of representatives;	289 290
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	291 292
(iv) The chancellor, or the chancellor's designee;	293
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	294 295
(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.	296 297 298 299 300 301 302 303 304 305
(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.	306 307 308 309 310

(3) The department of education shall provide 311  
administrative support for each committee created in division 312  
(I) (1) of this section. Members of each committee shall be 313  
reimbursed for reasonable and necessary expenses related to the 314  
operations of the committee. Members of each committee shall 315  
serve at the pleasure of the appointing authority. 316

(4) Notwithstanding anything to the contrary in division 317  
(O) of section 3301.0711 of the Revised Code, the department 318  
shall submit to the appropriate committee created under division 319  
(I) (1) of this section copies of the questions and corresponding 320  
answers on the relevant assessments required by section 321  
3301.0710 of the Revised Code on the first day of July following 322  
the school year that the assessments were administered. The 323  
department shall provide each committee with the entire content 324  
of each relevant assessment, including corresponding answers. 325

The assessments received by the committees are not public 326  
records of the committees and are not subject to release by the 327  
committees to any other person or entity under section 149.43 of 328  
the Revised Code. However, the assessments shall become public 329  
records in accordance with division (O) of section 3301.0711 of 330  
the Revised Code. 331

(J) Not later than sixty days prior to the adoption by the 332  
state board of updated academic standards under division (A) (1) 333  
of this section or updated model curricula under division (B) (1) 334  
of this section, the superintendent of public instruction shall 335  
present the academic standards or model curricula, as 336  
applicable, in person at a public hearing of the respective 337  
committees of the house of representatives and senate that 338  
consider education legislation. 339

(K) As used in this section: 340

(1) "Blended learning" means the delivery of instruction 341  
in a combination of time in a supervised physical location away 342  
from home and online delivery whereby the student has some 343  
element of control over time, place, path, or pace of learning. 344

(2) "Coherence" means a reflection of the structure of the 345  
discipline being taught. 346

(3) "Digital learning" means learning facilitated by 347  
technology that gives students some element of control over 348  
time, place, path, or pace of learning. 349

(4) "Focus" means limiting the number of items included in 350  
a curriculum to allow for deeper exploration of the subject 351  
matter. 352

(5) "Vertical articulation" means key academic concepts 353  
and skills associated with mastery in particular content areas 354  
should be articulated and reinforced in a developmentally 355  
appropriate manner at each grade level so that over time 356  
students acquire a depth of knowledge and understanding in the 357  
core academic disciplines. 358

**Sec. 3301.0711.** (A) The department of education shall: 359

(1) Annually furnish to, grade, and score all assessments 360  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 361  
the Revised Code to be administered by city, local, exempted 362  
village, and joint vocational school districts, except that each 363  
district shall score any assessment administered pursuant to 364  
division (B) (10) of this section. Each assessment so furnished 365  
shall include the data verification code of the student to whom 366  
the assessment will be administered, as assigned pursuant to 367  
division (D) (2) of section 3301.0714 of the Revised Code. In 368  
furnishing the practice versions of Ohio graduation tests 369

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 rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

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

(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.

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

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

(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(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.	399 400
(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.	401 402 403
(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.	404 405 406
(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:	407 408 409
(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;	410 411 412 413
(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.	414 415 416 417 418 419
(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 any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school	420 421 422 423 424 425 426 427

district may also administer such an assessment to any student 428  
described in division (B) (8) (b) of this section. 429

(10) If the district has a three-year average graduation 430  
rate of not more than seventy-five per cent, administer each 431  
assessment prescribed by division (D) of section 3301.0710 of 432  
the Revised Code in September to all ninth grade students who 433  
entered ninth grade prior to July 1, 2014. 434

Except as provided in section 3313.614 of the Revised Code 435  
for administration of an assessment to a person who has 436  
fulfilled the curriculum requirement for a high school diploma 437  
but has not passed one or more of the required assessments, the 438  
assessments prescribed under division (B) (1) of section 439  
3301.0710 of the Revised Code shall not be administered after 440  
the date specified in the rules adopted by the state board of 441  
education under division (D) (1) of section 3301.0712 of the 442  
Revised Code. 443

(11) (a) Except as provided in division (B) (11) (b) of this 444  
section, administer the assessments prescribed by division (B) 445  
(2) of section 3301.0710 and section 3301.0712 of the Revised 446  
Code in accordance with the timeline and plan for implementation 447  
of those assessments prescribed by rule of the state board 448  
adopted under division (D) (1) of section 3301.0712 of the 449  
Revised Code; 450

(b) A student who has presented evidence to the district 451  
or school of having satisfied the condition prescribed by 452  
division (A) (1) of section 3313.618 of the Revised Code to 453  
qualify for a high school diploma prior to the date of the 454  
administration of the assessment prescribed under division (B) 455  
(1) of section 3301.0712 of the Revised Code shall not be 456  
required to take that assessment. However, no board shall 457



prohibit a student who is not required to take such assessment 458  
from taking the assessment. 459

(C) (1) (a) In the case of a student receiving special 460  
education services under Chapter 3323. of the Revised Code, the 461  
individualized education program developed for the student under 462  
that chapter shall specify the manner in which the student will 463  
participate in the assessments administered under this section, 464  
except that a student with significant cognitive disabilities to 465  
whom an alternate assessment is administered in accordance with 466  
division (C) (1) of this section and a student determined to have 467  
a disability that includes an intellectual disability as 468  
outlined in guidance issued by the department shall not be 469  
required to take the assessment prescribed under division (B) (1) 470  
of section 3301.0712 of the Revised Code. The individualized 471  
education program may excuse the student from taking any 472  
particular assessment required to be administered under this 473  
section if it instead specifies an alternate assessment method 474  
approved by the department of education as conforming to 475  
requirements of federal law for receipt of federal funds for 476  
disadvantaged pupils. To the extent possible, the individualized 477  
education program shall not excuse the student from taking an 478  
assessment unless no reasonable accommodation can be made to 479  
enable the student to take the assessment. No board shall 480  
prohibit a student who is not required to take an assessment 481  
under division (C) (1) of this section from taking the 482  
assessment. 483

(b) Any alternate assessment approved by the department 484  
for a student under this division shall produce measurable 485  
results comparable to those produced by the assessment it 486  
replaces in order to allow for the student's results to be 487  
included in the data compiled for a school district or building 488

under section 3302.03 of the Revised Code. 489

(c) (i) Any student enrolled in a chartered nonpublic 490  
school who has been identified, based on an evaluation conducted 491  
in accordance with section 3323.03 of the Revised Code or 492  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 493  
29 U.S.C.A. 794, as amended, as a child with a disability shall 494  
be excused from taking any particular assessment required to be 495  
administered under this section if a plan developed for the 496  
student pursuant to rules adopted by the state board excuses the 497  
student from taking that assessment. 498

(ii) A student with significant cognitive disabilities to 499  
whom an alternate assessment is administered in accordance with 500  
division (C) (1) of this section and a student determined to have 501  
a disability that includes an intellectual disability as 502  
outlined in guidance issued by the department shall not be 503  
required to take the assessment prescribed under division (B) (1) 504  
of section 3301.0712 of the Revised Code. 505

(iii) In the case of any student so excused from taking an 506  
assessment under division (C) (1) (c) of this section, the 507  
chartered nonpublic school shall not prohibit the student from 508  
taking the assessment. 509

(2) A district board may, for medical reasons or other 510  
good cause, excuse a student from taking an assessment 511  
administered under this section on the date scheduled, but that 512  
assessment shall be administered to the excused student not 513  
later than nine days following the scheduled date. The district 514  
board shall annually report the number of students who have not 515  
taken one or more of the assessments required by this section to 516  
the state board not later than the thirtieth day of June. 517

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801. 518  
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No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows: 520  
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(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on 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. 524  
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(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment. 530  
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However, no board shall prohibit a limited English proficient student who is not required to take an assessment under division (C) (3) of this section from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 534  
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(4) (a) The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section. 544  
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(b) No governing authority shall require a limited English 547  
proficient student who has been enrolled in United States 548  
schools for less than two years and for whom no appropriate 549  
accommodations are available based on guidance issued by the 550  
department to take the assessment prescribed under division (B) 551  
(1) of section 3301.0712 of the Revised Code. 552

(c) No governing authority shall prohibit a limited 553  
English proficient student from taking an assessment from which 554  
the student was excused under division (C) (4) of this section. 555

(D) (1) In the school year next succeeding the school year 556  
in which the assessments prescribed by division (A) (1) or (B) (1) 557  
of section 3301.0710 of the Revised Code or former division (A) 558  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 559  
it existed prior to September 11, 2001, are administered to any 560  
student, the board of education of any school district in which 561  
the student is enrolled in that year shall provide to the 562  
student intervention services commensurate with the student's 563  
performance, including any intensive intervention required under 564  
section 3313.608 of the Revised Code, in any skill in which the 565  
student failed to demonstrate at least a score at the proficient 566  
level on the assessment. 567

(2) Following any administration of the assessments 568  
prescribed by division (D) of section 3301.0710 of the Revised 569  
Code to ninth grade students, each school district that has a 570  
three-year average graduation rate of not more than seventy-five 571  
per cent shall determine for each high school in the district 572  
whether the school shall be required to provide intervention 573  
services to any students who took the assessments. In 574  
determining which high schools shall provide intervention 575  
services based on the resources available, the district shall 576

consider each school's graduation rate and scores on the 577  
practice assessments. The district also shall consider the 578  
scores received by ninth grade students on the English language 579  
arts and mathematics assessments prescribed under division (A) 580  
(1)(f) of section 3301.0710 of the Revised Code in the eighth 581  
grade in determining which high schools shall provide 582  
intervention services. 583

Each high school selected to provide intervention services 584  
under this division shall provide intervention services to any 585  
student whose results indicate that the student is failing to 586  
make satisfactory progress toward being able to attain scores at 587  
the proficient level on the Ohio graduation tests. Intervention 588  
services shall be provided in any skill in which a student 589  
demonstrates unsatisfactory progress and shall be commensurate 590  
with the student's performance. Schools shall provide the 591  
intervention services prior to the end of the school year, 592  
during the summer following the ninth grade, in the next 593  
succeeding school year, or at any combination of those times. 594

(E) Except as provided in section 3313.608 of the Revised 595  
Code and division (N) of this section, no school district board 596  
of education shall utilize any student's failure to attain a 597  
specified score on an assessment administered under this section 598  
as a factor in any decision to deny the student promotion to a 599  
higher grade level. However, a district board may choose not to 600  
promote to the next grade level any student who does not take an 601  
assessment administered under this section or make up an 602  
assessment as provided by division (C)(2) of this section and 603  
who is not exempt from the requirement to take the assessment 604  
under division (C)(3) of this section. 605

(F) No person shall be charged a fee for taking any 606

assessment administered under this section. 607

(G) (1) Each school district board shall designate one 608  
location for the collection of assessments administered in the 609  
spring under division (B) (1) of this section and those 610  
administered under divisions (B) (2) to (7) of this section. Each 611  
district board shall submit the assessments to the entity with 612  
which the department contracts for the scoring of the 613  
assessments as follows: 614

(a) If the district's total enrollment in grades 615  
kindergarten through twelve during the first full school week of 616  
October was less than two thousand five hundred, not later than 617  
the Friday after all of the assessments have been administered; 618

(b) If the district's total enrollment in grades 619  
kindergarten through twelve during the first full school week of 620  
October was two thousand five hundred or more, but less than 621  
seven thousand, not later than the Monday after all of the 622  
assessments have been administered; 623

(c) If the district's total enrollment in grades 624  
kindergarten through twelve during the first full school week of 625  
October was seven thousand or more, not later than the Tuesday 626  
after all of the assessments have been administered. 627

However, any assessment that a student takes during the 628  
make-up period described in division (C) (2) of this section 629  
shall be submitted not later than the Friday following the day 630  
the student takes the assessment. 631

(2) The department or an entity with which the department 632  
contracts for the scoring of the assessment shall send to each 633  
school district board a list of the individual scores of all 634  
persons taking a state achievement assessment as follows: 635

(a) Except as provided in division (G) (2) (b) or (c) of 636  
this section, within forty-five days after the administration of 637  
the assessments prescribed by sections 3301.0710 and 3301.0712 638  
of the Revised Code, but in no case shall the scores be returned 639  
later than the thirtieth day of June following the 640  
administration; 641

(b) In the case of the third-grade English language arts 642  
assessment, within forty-five days after the administration of 643  
that assessment, but in no case shall the scores be returned 644  
later than the fifteenth day of June following the 645  
administration; 646

(c) In the case of the writing component of an assessment 647  
or end-of-course examination in the area of English language 648  
arts, except for the third-grade English language arts 649  
assessment, the results may be sent after forty-five days of the 650  
administration of the writing component, but in no case shall 651  
the scores be returned later than the thirtieth day of June 652  
following the administration. 653

(3) For assessments administered under this section by a 654  
joint vocational school district, the department or entity shall 655  
also send to each city, local, or exempted village school 656  
district a list of the individual scores of any students of such 657  
city, local, or exempted village school district who are 658  
attending school in the joint vocational school district. 659

(4) A school district, other public school, or chartered 660  
nonpublic school may administer in a paper format any assessment 661  
administered in the third, fourth, or fifth grade under this 662  
section. A district or school shall not be required to 663  
administer in an online format any such assessments. A district 664  
or school may administer any such assessments in any combination 665

of online and paper formats. A district or school may administer 666  
any such assessments in a particular format on a student-by- 667  
student basis. 668

(H) Individual scores on any assessments administered 669  
under this section shall be released by a district board only in 670  
accordance with section 3319.321 of the Revised Code and the 671  
rules adopted under division (A) of this section. No district 672  
board or its employees shall utilize individual or aggregate 673  
results in any manner that conflicts with rules for the ethical 674  
use of assessments adopted pursuant to division (A) of this 675  
section. 676

(I) Except as provided in division (G) of this section, 677  
the department or an entity with which the department contracts 678  
for the scoring of the assessment shall not release any 679  
individual scores on any assessment administered under this 680  
section. The state board shall adopt rules to ensure the 681  
protection of student confidentiality at all times. The rules 682  
may require the use of the data verification codes assigned to 683  
students pursuant to division (D)(2) of section 3301.0714 of the 684  
Revised Code to protect the confidentiality of student scores. 685

(J) Notwithstanding division (D) of section 3311.52 of the 686  
Revised Code, this section does not apply to the board of 687  
education of any cooperative education school district except as 688  
provided under rules adopted pursuant to this division. 689

(1) In accordance with rules that the state board shall 690  
adopt, the board of education of any city, exempted village, or 691  
local school district with territory in a cooperative education 692  
school district established pursuant to divisions (A) to (C) of 693  
section 3311.52 of the Revised Code may enter into an agreement 694  
with the board of education of the cooperative education school 695



district for administering any assessment prescribed under this 696  
section to students of the city, exempted village, or local 697  
school district who are attending school in the cooperative 698  
education school district. 699

(2) In accordance with rules that the state board shall 700  
adopt, the board of education of any city, exempted village, or 701  
local school district with territory in a cooperative education 702  
school district established pursuant to section 3311.521 of the 703  
Revised Code shall enter into an agreement with the cooperative 704  
district that provides for the administration of any assessment 705  
prescribed under this section to both of the following: 706

(a) Students who are attending school in the cooperative 707  
district and who, if the cooperative district were not 708  
established, would be entitled to attend school in the city, 709  
local, or exempted village school district pursuant to section 710  
3313.64 or 3313.65 of the Revised Code; 711

(b) Persons described in division (B) (8) (b) of this 712  
section. 713

Any assessment of students pursuant to such an agreement 714  
shall be in lieu of any assessment of such students or persons 715  
pursuant to this section. 716

(K) (1) Except as otherwise provided in division (K) (1) or 717  
(2) of this section, each chartered nonpublic school for which 718  
at least sixty-five per cent of its total enrollment is made up 719  
of students who are participating in state scholarship programs 720  
shall administer the elementary assessments prescribed by 721  
section 3301.0710 of the Revised Code. In accordance with 722  
procedures and deadlines prescribed by the department, the 723  
parent or guardian of a student enrolled in the school who is 724

not participating in a state scholarship program may submit 725  
notice to the chief administrative officer of the school that 726  
the parent or guardian does not wish to have the student take 727  
the elementary assessments prescribed for the student's grade 728  
level under division (A) of section 3301.0710 of the Revised 729  
Code. If a parent or guardian submits an opt-out notice, the 730  
school shall not administer the assessments to that student. 731  
This option does not apply to any assessment required for a high 732  
school diploma under section 3313.612 of the Revised Code. 733

(2) A chartered nonpublic school may submit to the 734  
superintendent of public instruction a request for a waiver from 735  
administering the elementary assessments prescribed by division 736  
(A) of section 3301.0710 of the Revised Code. The state 737  
superintendent shall approve or disapprove a request for a 738  
waiver submitted under division (K) (2) of this section. No 739  
waiver shall be approved for any school year prior to the 2015- 740  
2016 school year. 741

To be eligible to submit a request for a waiver, a 742  
chartered nonpublic school shall meet the following conditions: 743

(a) At least ninety-five per cent of the students enrolled 744  
in the school are children with disabilities, as defined under 745  
section 3323.01 of the Revised Code, or have received a 746  
diagnosis by a school district or from a physician, including a 747  
neuropsychiatrist or psychiatrist, or a psychologist who is 748  
authorized to practice in this or another state as having a 749  
condition that impairs academic performance, such as dyslexia, 750  
dyscalculia, attention deficit hyperactivity disorder, or 751  
Asperger's syndrome. 752

(b) The school has solely served a student population 753  
described in division (K) (1) (a) of this section for at least ten 754

years. 755

(c) The school provides to the department at least five 756  
years of records of internal testing conducted by the school 757  
that affords the department data required for accountability 758  
purposes, including diagnostic assessments and nationally 759  
standardized norm-referenced achievement assessments that 760  
measure reading and math skills. 761

(3) Any chartered nonpublic school that is not subject to 762  
division (K) (1) of this section may participate in the 763  
assessment program by administering any of the assessments 764  
prescribed by division (A) of section 3301.0710 of the Revised 765  
Code. The chief administrator of the school shall specify which 766  
assessments the school will administer. Such specification shall 767  
be made in writing to the superintendent of public instruction 768  
prior to the first day of August of any school year in which 769  
assessments are administered and shall include a pledge that the 770  
nonpublic school will administer the specified assessments in 771  
the same manner as public schools are required to do under this 772  
section and rules adopted by the department. 773

(4) The department of education shall furnish the 774  
assessments prescribed by section 3301.0710 of the Revised Code 775  
to each chartered nonpublic school that is subject to division 776  
(K) (1) of this section or participates under division (K) (3) of 777  
this section. 778

(L) If a chartered nonpublic school is educating students 779  
in grades nine through twelve, the following shall apply: 780

(1) For a student who is enrolled in a chartered nonpublic 781  
school that is accredited through the independent schools 782  
association of the central states and who is attending the 783

school under a state scholarship program, the student shall 784  
either take all of the assessments prescribed by division (B) of 785  
section 3301.0712 of the Revised Code or take an alternative 786  
assessment approved by the department under section 3313.619 of 787  
the Revised Code. However, a student who is excused from taking 788  
an assessment under division (C) of this section or has 789  
presented evidence to the chartered nonpublic school of having 790  
satisfied the condition prescribed by division (A) (1) of section 791  
3313.618 of the Revised Code to qualify for a high school 792  
diploma prior to the date of the administration of the 793  
assessment prescribed under division (B) (1) of section 3301.0712 794  
of the Revised Code shall not be required to take that 795  
assessment. No governing authority of a chartered nonpublic 796  
school shall prohibit a student who is not required to take such 797  
assessment from taking the assessment. 798

(2) For a student who is enrolled in a chartered nonpublic 799  
school that is accredited through the independent schools 800  
association of the central states, and who is not attending the 801  
school under a state scholarship program, the student shall not 802  
be required to take any assessment prescribed under section 803  
3301.0712 or 3313.619 of the Revised Code. 804

(3) (a) Except as provided in division (L) (3) (b) of this 805  
section, for a student who is enrolled in a chartered nonpublic 806  
school that is not accredited through the independent schools 807  
association of the central states, regardless of whether the 808  
student is attending or is not attending the school under a 809  
state scholarship program, the student shall do one of the 810  
following: 811

(i) Take all of the assessments prescribed by division (B) 812  
of section 3301.0712 of the Revised Code; 813

(ii) Take only the assessment prescribed by division (B) 814  
(1) of section 3301.0712 of the Revised Code, provided that the 815  
student's school publishes the results of that assessment for 816  
each graduating class. The published results of that assessment 817  
shall include the overall composite scores, mean scores, twenty- 818  
fifth percentile scores, and seventy-fifth percentile scores for 819  
each subject area of the assessment. 820

(iii) Take an alternative assessment approved by the 821  
department under section 3313.619 of the Revised Code. 822

(b) A student who is excused from taking an assessment 823  
under division (C) of this section or has presented evidence to 824  
the chartered nonpublic school of having satisfied the condition 825  
prescribed by division (A) (1) of section 3313.618 of the Revised 826  
Code to qualify for a high school diploma prior to the date of 827  
the administration of the assessment prescribed under division 828  
(B) (1) of section 3301.0712 of the Revised Code shall not be 829  
required to take that assessment. No governing authority of a 830  
chartered nonpublic school shall prohibit a student who is not 831  
required to take such assessment from taking the assessment. 832

(M) (1) The superintendent of the state school for the 833  
blind and the superintendent of the state school for the deaf 834  
shall administer the assessments described by sections 3301.0710 835  
and 3301.0712 of the Revised Code. Each superintendent shall 836  
administer the assessments in the same manner as district boards 837  
are required to do under this section and rules adopted by the 838  
department of education and in conformity with division (C) (1) 839  
(a) of this section. 840

(2) The department of education shall furnish the 841  
assessments described by sections 3301.0710 and 3301.0712 of the 842  
Revised Code to each superintendent. 843

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level. 844  
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(O) (1) In the manner specified in divisions (O) (3), (4), (6), and (7) of this section, the assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered. 852  
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(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty. 858  
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Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A) (1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code. 864  
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(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a 870  
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public record pursuant to division (O)(1) of this section. 874

(4) This division applies to the assessments prescribed by 875  
division (A) of section 3301.0710 of the Revised Code. 876

(a) The first administration of each assessment, as 877  
specified in former section 3301.0712 of the Revised Code, shall 878  
be a public record. 879

(b) For subsequent administrations of each assessment 880  
prior to the 2011-2012 school year, not less than forty per cent 881  
of the questions on the assessment that are used to compute a 882  
student's score shall be a public record. The department shall 883  
determine which questions will be needed for reuse on a future 884  
assessment and those questions shall not be public records and 885  
shall be redacted from the assessment prior to its release as a 886  
public record. However, for each redacted question, the 887  
department shall inform each city, local, and exempted village 888  
school district of the statewide academic standard adopted by 889  
the state board under section 3301.079 of the Revised Code and 890  
the corresponding benchmark to which the question relates. The 891  
preceding sentence does not apply to field test questions that 892  
are redacted under division (O)(3) of this section. 893

(c) The administrations of each assessment in the 2011- 894  
2012, 2012-2013, and 2013-2014 school years shall not be a 895  
public record. 896

(5) Each assessment prescribed by division (B)(1) of 897  
section 3301.0710 of the Revised Code shall not be a public 898  
record. 899

(6)(a) Except as provided in division (O)(6)(b) of this 900  
section, for the administrations in the 2014-2015, 2015-2016, 901  
and 2016-2017 school years, questions on the assessments 902

prescribed under division (A) of section 3301.0710 and division 903  
(B) (2) of section 3301.0712 of the Revised Code and the 904  
corresponding preferred answers that are used to compute a 905  
student's score shall become a public record as follows: 906

(i) Forty per cent of the questions and preferred answers 907  
on the assessments on the thirty-first day of July following the 908  
administration of the assessment; 909

(ii) Twenty per cent of the questions and preferred 910  
answers on the assessment on the thirty-first day of July one 911  
year after the administration of the assessment; 912

(iii) The remaining forty per cent of the questions and 913  
preferred answers on the assessment on the thirty-first day of 914  
July two years after the administration of the assessment. 915

The entire content of an assessment shall become a public 916  
record within three years of its administration. 917

The department shall make the questions that become a 918  
public record under this division readily accessible to the 919  
public on the department's web site. Questions on the spring 920  
administration of each assessment shall be released on an annual 921  
basis, in accordance with this division. 922

(b) No questions and corresponding preferred answers shall 923  
become a public record under division (O) (6) of this section 924  
after July 31, 2017. 925

(7) Division (O) (7) of this section applies to the 926  
assessments prescribed by division (A) of section 3301.0710 and 927  
division (B) (2) of section 3301.0712 of the Revised Code. 928

Beginning with the assessments administered in the spring 929  
of the 2017-2018 school year, not less than forty per cent of 930



the questions on each assessment that are used to compute a 931  
student's score shall be a public record. The department shall 932  
determine which questions will be needed for reuse on a future 933  
assessment and those questions shall not be public records and 934  
shall be redacted from the assessment prior to its release as a 935  
public record. However, for each redacted question, the 936  
department shall inform each city, local, and exempted village 937  
school district of the corresponding statewide academic standard 938  
adopted by the state board under section 3301.079 of the Revised 939  
Code and the corresponding benchmark to which the question 940  
relates. The department is not required to provide corresponding 941  
standards and benchmarks to field test questions that are 942  
redacted under division (O)(3) of this section. 943

(P) As used in this section: 944

(1) "Three-year average" means the average of the most 945  
recent consecutive three school years of data. 946

(2) "Dropout" means a student who withdraws from school 947  
before completing course requirements for graduation and who is 948  
not enrolled in an education program approved by the state board 949  
of education or an education program outside the state. 950  
"Dropout" does not include a student who has departed the 951  
country. 952

(3) "Graduation rate" means the ratio of students 953  
receiving a diploma to the number of students who entered ninth 954  
grade four years earlier. Students who transfer into the 955  
district are added to the calculation. Students who transfer out 956  
of the district for reasons other than dropout are subtracted 957  
from the calculation. If a student who was a dropout in any 958  
previous year returns to the same school district, that student 959  
shall be entered into the calculation as if the student had 960

entered ninth grade four years before the graduation year of the 961  
graduating class that the student joins. 962

(4) "State scholarship programs" means the educational 963  
choice scholarship pilot program established under sections 964  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 965  
program established under section 3310.41 of the Revised Code, 966  
the Jon Peterson special needs scholarship program established 967  
under sections 3310.51 to 3310.64 of the Revised Code, and the 968  
pilot project scholarship program established under sections 969  
3313.974 to 3313.979 of the Revised Code. 970

(5) "Other public school" means a community school 971  
established under Chapter 3314., a STEM school established under 972  
Chapter 3326., or a college-preparatory boarding school 973  
established under Chapter 3328. of the Revised Code. 974

**Sec. 3301.0714.** (A) The state board of education shall 975  
adopt rules for a statewide education management information 976  
system. The rules shall require the state board to establish 977  
guidelines for the establishment and maintenance of the system 978  
in accordance with this section and the rules adopted under this 979  
section. The guidelines shall include: 980

(1) Standards identifying and defining the types of data 981  
in the system in accordance with divisions (B) and (C) of this 982  
section; 983

(2) Procedures for annually collecting and reporting the 984  
data to the state board in accordance with division (D) of this 985  
section; 986

(3) Procedures for annually compiling the data in 987  
accordance with division (G) of this section; 988

(4) Procedures for annually reporting the data to the 989

public in accordance with division (H) of this section;	990
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	991 992
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	993 994 995
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	996 997 998
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C) (3) of this section.	999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016
(b) The numbers of students receiving support or extracurricular services for each of the support services or	1017 1018

extracurricular programs offered by the school district, such as 1019  
counseling services, health services, and extracurricular sports 1020  
and fine arts programs. The categories of services required by 1021  
the guidelines under this division shall be the same as the 1022  
categories of services used in determining cost units pursuant 1023  
to division (C) (4) (a) of this section. 1024

(c) Average student grades in each subject in grades nine 1025  
through twelve; 1026

(d) Academic achievement levels as assessed under sections 1027  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1028

(e) The number of students designated as having a 1029  
disabling condition pursuant to division (C) (1) of section 1030  
3301.0711 of the Revised Code; 1031

(f) The numbers of students reported to the state board 1032  
pursuant to division (C) (2) of section 3301.0711 of the Revised 1033  
Code; 1034

(g) Attendance rates and the average daily attendance for 1035  
the year. For purposes of this division, a student shall be 1036  
counted as present for any field trip that is approved by the 1037  
school administration. 1038

(h) Expulsion rates; 1039

(i) Suspension rates; 1040

(j) Dropout rates; 1041

(k) Rates of retention in grade; 1042

(l) For pupils in grades nine through twelve, the average 1043  
number of carnegie units, as calculated in accordance with state 1044  
board of education rules; 1045

(m) Graduation rates, to be calculated in a manner 1046  
specified by the department of education that reflects the rate 1047  
at which students who were in the ninth grade three years prior 1048  
to the current year complete school and that is consistent with 1049  
nationally accepted reporting requirements; 1050

(n) Results of diagnostic assessments administered to 1051  
kindergarten students as required under section 3301.0715 of the 1052  
Revised Code to permit a comparison of the academic readiness of 1053  
kindergarten students. However, no district shall be required to 1054  
report to the department the results of any diagnostic 1055  
assessment administered to a kindergarten student, except for 1056  
the language and reading assessment described in division (A) (2) 1057  
of section 3301.0715 of the Revised Code, if the parent of that 1058  
student requests the district not to report those results. 1059  
Division (B) (1) (n) of this section shall not apply after the 1060  
effective date of this amendment. 1061

~~(o) Beginning on the first day of July that next succeeds~~ 1062  
~~the effective date of this amendment~~ July 1, 2018, for each 1063  
disciplinary action which is required to be reported under 1064  
division (B) (4) of this section, districts and schools also 1065  
shall include an identification of the person or persons, if 1066  
any, at whom the student's violent behavior that resulted in 1067  
discipline was directed. The person or persons shall be 1068  
identified by the respective classification at the district or 1069  
school, such as student, teacher, or nonteaching employee, but 1070  
shall not be identified by name. 1071

Division (B) (1) (o) of this section does not apply after 1072  
the date that is two years following the submission of the 1073  
report required by Section 733.13 of H.B. 49 of the 132nd 1074  
general assembly. 1075

(2) Personnel and classroom enrollment data for each 1076  
school district, including: 1077

(a) The total numbers of licensed employees and 1078  
nonlicensed employees and the numbers of full-time equivalent 1079  
licensed employees and nonlicensed employees providing each 1080  
category of instructional service, instructional support 1081  
service, and administrative support service used pursuant to 1082  
division (C) (3) of this section. The guidelines adopted under 1083  
this section shall require these categories of data to be 1084  
maintained for the school district as a whole and, wherever 1085  
applicable, for each grade in the school district as a whole, 1086  
for each school building as a whole, and for each grade in each 1087  
school building. 1088

(b) The total number of employees and the number of full- 1089  
time equivalent employees providing each category of service 1090  
used pursuant to divisions (C) (4) (a) and (b) of this section, 1091  
and the total numbers of licensed employees and nonlicensed 1092  
employees and the numbers of full-time equivalent licensed 1093  
employees and nonlicensed employees providing each category used 1094  
pursuant to division (C) (4) (c) of this section. The guidelines 1095  
adopted under this section shall require these categories of 1096  
data to be maintained for the school district as a whole and, 1097  
wherever applicable, for each grade in the school district as a 1098  
whole, for each school building as a whole, and for each grade 1099  
in each school building. 1100

(c) The total number of regular classroom teachers 1101  
teaching classes of regular education and the average number of 1102  
pupils enrolled in each such class, in each of grades 1103  
kindergarten through five in the district as a whole and in each 1104  
school building in the school district. 1105

(d) The number of lead teachers employed by each school district and each school building. 1106  
1107

(3) (a) Student demographic data for each school district, 1108  
including information regarding the gender ratio of the school 1109  
district's pupils, the racial make-up of the school district's 1110  
pupils, the number of limited English proficient students in the 1111  
district, and an appropriate measure of the number of the school 1112  
district's pupils who reside in economically disadvantaged 1113  
households. The demographic data shall be collected in a manner 1114  
to allow correlation with data collected under division (B) (1) 1115  
of this section. Categories for data collected pursuant to 1116  
division (B) (3) of this section shall conform, where 1117  
appropriate, to standard practices of agencies of the federal 1118  
government. 1119

(b) With respect to each student entering kindergarten, 1120  
whether the student previously participated in a public 1121  
preschool program, a private preschool program, or a head start 1122  
program, and the number of years the student participated in 1123  
each of these programs. 1124

(4) Any data required to be collected pursuant to federal 1125  
law. 1126

(C) The education management information system shall 1127  
include cost accounting data for each district as a whole and 1128  
for each school building in each school district. The guidelines 1129  
adopted under this section shall require the cost data for each 1130  
school district to be maintained in a system of mutually 1131  
exclusive cost units and shall require all of the costs of each 1132  
school district to be divided among the cost units. The 1133  
guidelines shall require the system of mutually exclusive cost 1134  
units to include at least the following: 1135

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

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

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

(a) The cost of each instructional services category required by guidelines adopted under division (B) (1) (a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to



students in conjunction with each instructional services 1166  
category; 1167

(c) The cost of the administrative support services 1168  
related to each instructional services category, such as the 1169  
cost of personnel that develop the curriculum for the 1170  
instructional services category and the cost of personnel 1171  
supervising or coordinating the delivery of the instructional 1172  
services category. 1173

(4) Support or extracurricular services costs for each 1174  
category of service directly provided to students and required 1175  
by guidelines adopted pursuant to division (B) (1) (b) of this 1176  
section. The guidelines shall require the cost units under 1177  
division (C) (4) of this section to be designed so that each of 1178  
them may be compiled and reported in terms of average 1179  
expenditure per pupil receiving the service in the school 1180  
district as a whole and average expenditure per pupil receiving 1181  
the service in each building in the school district and in terms 1182  
of a total cost for each category of service and, as a breakdown 1183  
of the total cost, a cost for each of the following components: 1184

(a) The cost of each support or extracurricular services 1185  
category required by guidelines adopted under division (B) (1) (b) 1186  
of this section that is provided directly to students by a 1187  
licensed employee, such as services provided by a guidance 1188  
counselor or any services provided by a licensed employee under 1189  
a supplemental contract; 1190

(b) The cost of each such services category provided 1191  
directly to students by a nonlicensed employee, such as 1192  
janitorial services, cafeteria services, or services of a sports 1193  
trainer; 1194

(c) The cost of the administrative services related to 1195  
each services category in division (C) (4) (a) or (b) of this 1196  
section, such as the cost of any licensed or nonlicensed 1197  
employees that develop, supervise, coordinate, or otherwise are 1198  
involved in administering or aiding the delivery of each 1199  
services category. 1200

(D) (1) The guidelines adopted under this section shall 1201  
require school districts to collect information about individual 1202  
students, staff members, or both in connection with any data 1203  
required by division (B) or (C) of this section or other 1204  
reporting requirements established in the Revised Code. The 1205  
guidelines may also require school districts to report 1206  
information about individual staff members in connection with 1207  
any data required by division (B) or (C) of this section or 1208  
other reporting requirements established in the Revised Code. 1209  
The guidelines shall not authorize school districts to request 1210  
social security numbers of individual students. The guidelines 1211  
shall prohibit the reporting under this section of a student's 1212  
name, address, and social security number to the state board of 1213  
education or the department of education. The guidelines shall 1214  
also prohibit the reporting under this section of any personally 1215  
identifiable information about any student, except for the 1216  
purpose of assigning the data verification code required by 1217  
division (D) (2) of this section, to any other person unless such 1218  
person is employed by the school district or the information 1219  
technology center operated under section 3301.075 of the Revised 1220  
Code and is authorized by the district or technology center to 1221  
have access to such information or is employed by an entity with 1222  
which the department contracts for the scoring or the 1223  
development of state assessments. The guidelines may require 1224  
school districts to provide the social security numbers of 1225

individual staff members and the county of residence for a 1226  
student. Nothing in this section prohibits the state board of 1227  
education or department of education from providing a student's 1228  
county of residence to the department of taxation to facilitate 1229  
the distribution of tax revenue. 1230

(2) (a) The guidelines shall provide for each school 1231  
district or community school to assign a data verification code 1232  
that is unique on a statewide basis over time to each student 1233  
whose initial Ohio enrollment is in that district or school and 1234  
to report all required individual student data for that student 1235  
utilizing such code. The guidelines shall also provide for 1236  
assigning data verification codes to all students enrolled in 1237  
districts or community schools on the effective date of the 1238  
guidelines established under this section. The assignment of 1239  
data verification codes for other entities, as described in 1240  
division (D) (2) (d) of this section, the use of those codes, and 1241  
the reporting and use of associated individual student data 1242  
shall be coordinated by the department in accordance with state 1243  
and federal law. 1244

School districts shall report individual student data to 1245  
the department through the information technology centers 1246  
utilizing the code. The entities described in division (D) (2) (d) 1247  
of this section shall report individual student data to the 1248  
department in the manner prescribed by the department. 1249

(b) (i) Except as provided in sections 3301.941, 3310.11, 1250  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 1251  
in division (D) (2) (b) (ii) of this section, at no time shall the 1252  
state board or the department have access to information that 1253  
would enable any data verification code to be matched to 1254  
personally identifiable student data. 1255

(ii) For the purpose of making per-pupil payments to 1256  
community schools under division (C) of section 3314.08 of the 1257  
Revised Code, the department shall have access to information 1258  
that would enable any data verification code to be matched to 1259  
personally identifiable student data. 1260

(c) Each school district and community school shall ensure 1261  
that the data verification code is included in the student's 1262  
records reported to any subsequent school district, community 1263  
school, or state institution of higher education, as defined in 1264  
section 3345.011 of the Revised Code, in which the student 1265  
enrolls. Any such subsequent district or school shall utilize 1266  
the same identifier in its reporting of data under this section. 1267

(d) The director of any state agency that administers a 1268  
publicly funded program providing services to children who are 1269  
younger than compulsory school age, as defined in section 1270  
3321.01 of the Revised Code, including the directors of health, 1271  
job and family services, mental health and addiction services, 1272  
and developmental disabilities, shall request and receive, 1273  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 1274  
Code, a data verification code for a child who is receiving 1275  
those services. 1276

(E) The guidelines adopted under this section may require 1277  
school districts to collect and report data, information, or 1278  
reports other than that described in divisions (A), (B), and (C) 1279  
of this section for the purpose of complying with other 1280  
reporting requirements established in the Revised Code. The 1281  
other data, information, or reports may be maintained in the 1282  
education management information system but are not required to 1283  
be compiled as part of the profile formats required under 1284  
division (G) of this section or the annual statewide report 1285

required under division (H) of this section. 1286

(F) Beginning with the school year that begins July 1, 1287  
1991, the board of education of each school district shall 1288  
annually collect and report to the state board, in accordance 1289  
with the guidelines established by the board, the data required 1290  
pursuant to this section. A school district may collect and 1291  
report these data notwithstanding section 2151.357 or 3319.321 1292  
of the Revised Code. 1293

(G) The state board shall, in accordance with the 1294  
procedures it adopts, annually compile the data reported by each 1295  
school district pursuant to division (D) of this section. The 1296  
state board shall design formats for profiling each school 1297  
district as a whole and each school building within each 1298  
district and shall compile the data in accordance with these 1299  
formats. These profile formats shall: 1300

(1) Include all of the data gathered under this section in 1301  
a manner that facilitates comparison among school districts and 1302  
among school buildings within each school district; 1303

(2) Present the data on academic achievement levels as 1304  
assessed by the testing of student achievement maintained 1305  
pursuant to division (B)(1)(d) of this section. 1306

(H)(1) The state board shall, in accordance with the 1307  
procedures it adopts, annually prepare a statewide report for 1308  
all school districts and the general public that includes the 1309  
profile of each of the school districts developed pursuant to 1310  
division (G) of this section. Copies of the report shall be sent 1311  
to each school district. 1312

(2) The state board shall, in accordance with the 1313  
procedures it adopts, annually prepare an individual report for 1314

each school district and the general public that includes the 1315  
profiles of each of the school buildings in that school district 1316  
developed pursuant to division (G) of this section. Copies of 1317  
the report shall be sent to the superintendent of the district 1318  
and to each member of the district board of education. 1319

(3) Copies of the reports received from the state board 1320  
under divisions (H) (1) and (2) of this section shall be made 1321  
available to the general public at each school district's 1322  
offices. Each district board of education shall make copies of 1323  
each report available to any person upon request and payment of 1324  
a reasonable fee for the cost of reproducing the report. The 1325  
board shall annually publish in a newspaper of general 1326  
circulation in the school district, at least twice during the 1327  
two weeks prior to the week in which the reports will first be 1328  
available, a notice containing the address where the reports are 1329  
available and the date on which the reports will be available. 1330

(I) Any data that is collected or maintained pursuant to 1331  
this section and that identifies an individual pupil is not a 1332  
public record for the purposes of section 149.43 of the Revised 1333  
Code. 1334

(J) As used in this section: 1335

(1) "School district" means any city, local, exempted 1336  
village, or joint vocational school district and, in accordance 1337  
with section 3314.17 of the Revised Code, any community school. 1338  
As used in division (L) of this section, "school district" also 1339  
includes any educational service center or other educational 1340  
entity required to submit data using the system established 1341  
under this section. 1342

(2) "Cost" means any expenditure for operating expenses 1343

made by a school district excluding any expenditures for debt 1344  
retirement except for payments made to any commercial lending 1345  
institution for any loan approved pursuant to section 3313.483 1346  
of the Revised Code. 1347

(K) Any person who removes data from the information 1348  
system established under this section for the purpose of 1349  
releasing it to any person not entitled under law to have access 1350  
to such information is subject to section 2913.42 of the Revised 1351  
Code prohibiting tampering with data. 1352

(L) (1) In accordance with division (L) (2) of this section 1353  
and the rules adopted under division (L) (10) of this section, 1354  
the department of education may sanction any school district 1355  
that reports incomplete or inaccurate data, reports data that 1356  
does not conform to data requirements and descriptions published 1357  
by the department, fails to report data in a timely manner, or 1358  
otherwise does not make a good faith effort to report data as 1359  
required by this section. 1360

(2) If the department decides to sanction a school 1361  
district under this division, the department shall take the 1362  
following sequential actions: 1363

(a) Notify the district in writing that the department has 1364  
determined that data has not been reported as required under 1365  
this section and require the district to review its data 1366  
submission and submit corrected data by a deadline established 1367  
by the department. The department also may require the district 1368  
to develop a corrective action plan, which shall include 1369  
provisions for the district to provide mandatory staff training 1370  
on data reporting procedures. 1371

(b) Withhold up to ten per cent of the total amount of 1372

state funds due to the district for the current fiscal year and, 1373  
if not previously required under division (L) (2) (a) of this 1374  
section, require the district to develop a corrective action 1375  
plan in accordance with that division; 1376

(c) Withhold an additional amount of up to twenty per cent 1377  
of the total amount of state funds due to the district for the 1378  
current fiscal year; 1379

(d) Direct department staff or an outside entity to 1380  
investigate the district's data reporting practices and make 1381  
recommendations for subsequent actions. The recommendations may 1382  
include one or more of the following actions: 1383

(i) Arrange for an audit of the district's data reporting 1384  
practices by department staff or an outside entity; 1385

(ii) Conduct a site visit and evaluation of the district; 1386

(iii) Withhold an additional amount of up to thirty per 1387  
cent of the total amount of state funds due to the district for 1388  
the current fiscal year; 1389

(iv) Continue monitoring the district's data reporting; 1390

(v) Assign department staff to supervise the district's 1391  
data management system; 1392

(vi) Conduct an investigation to determine whether to 1393  
suspend or revoke the license of any district employee in 1394  
accordance with division (N) of this section; 1395

(vii) If the district is issued a report card under 1396  
section 3302.03 of the Revised Code, indicate on the report card 1397  
that the district has been sanctioned for failing to report data 1398  
as required by this section; 1399



(viii) If the district is issued a report card under 1400  
section 3302.03 of the Revised Code and incomplete or inaccurate 1401  
data submitted by the district likely caused the district to 1402  
receive a higher performance rating than it deserved under that 1403  
section, issue a revised report card for the district; 1404

(ix) Any other action designed to correct the district's 1405  
data reporting problems. 1406

(3) Any time the department takes an action against a 1407  
school district under division (L)(2) of this section, the 1408  
department shall make a report of the circumstances that 1409  
prompted the action. The department shall send a copy of the 1410  
report to the district superintendent or chief administrator and 1411  
maintain a copy of the report in its files. 1412

(4) If any action taken under division (L)(2) of this 1413  
section resolves a school district's data reporting problems to 1414  
the department's satisfaction, the department shall not take any 1415  
further actions described by that division. If the department 1416  
withheld funds from the district under that division, the 1417  
department may release those funds to the district, except that 1418  
if the department withheld funding under division (L)(2)(c) of 1419  
this section, the department shall not release the funds 1420  
withheld under division (L)(2)(b) of this section and, if the 1421  
department withheld funding under division (L)(2)(d) of this 1422  
section, the department shall not release the funds withheld 1423  
under division (L)(2)(b) or (c) of this section. 1424

(5) Notwithstanding anything in this section to the 1425  
contrary, the department may use its own staff or an outside 1426  
entity to conduct an audit of a school district's data reporting 1427  
practices any time the department has reason to believe the 1428  
district has not made a good faith effort to report data as 1429

required by this section. If any audit conducted by an outside 1430  
entity under division (L) (2) (d) (i) or (5) of this section 1431  
confirms that a district has not made a good faith effort to 1432  
report data as required by this section, the district shall 1433  
reimburse the department for the full cost of the audit. The 1434  
department may withhold state funds due to the district for this 1435  
purpose. 1436

(6) Prior to issuing a revised report card for a school 1437  
district under division (L) (2) (d) (viii) of this section, the 1438  
department may hold a hearing to provide the district with an 1439  
opportunity to demonstrate that it made a good faith effort to 1440  
report data as required by this section. The hearing shall be 1441  
conducted by a referee appointed by the department. Based on the 1442  
information provided in the hearing, the referee shall recommend 1443  
whether the department should issue a revised report card for 1444  
the district. If the referee affirms the department's contention 1445  
that the district did not make a good faith effort to report 1446  
data as required by this section, the district shall bear the 1447  
full cost of conducting the hearing and of issuing any revised 1448  
report card. 1449

(7) If the department determines that any inaccurate data 1450  
reported under this section caused a school district to receive 1451  
excess state funds in any fiscal year, the district shall 1452  
reimburse the department an amount equal to the excess funds, in 1453  
accordance with a payment schedule determined by the department. 1454  
The department may withhold state funds due to the district for 1455  
this purpose. 1456

(8) Any school district that has funds withheld under 1457  
division (L) (2) of this section may appeal the withholding in 1458  
accordance with Chapter 119. of the Revised Code. 1459

(9) In all cases of a disagreement between the department 1460  
and a school district regarding the appropriateness of an action 1461  
taken under division (L) (2) of this section, the burden of proof 1462  
shall be on the district to demonstrate that it made a good 1463  
faith effort to report data as required by this section. 1464

(10) The state board of education shall adopt rules under 1465  
Chapter 119. of the Revised Code to implement division (L) of 1466  
this section. 1467

(M) No information technology center or school district 1468  
shall acquire, change, or update its student administration 1469  
software package to manage and report data required to be 1470  
reported to the department unless it converts to a student 1471  
software package that is certified by the department. 1472

(N) The state board of education, in accordance with 1473  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1474  
or revoke a license as defined under division (A) of section 1475  
3319.31 of the Revised Code that has been issued to any school 1476  
district employee found to have willfully reported erroneous, 1477  
inaccurate, or incomplete data to the education management 1478  
information system. 1479

(O) No person shall release or maintain any information 1480  
about any student in violation of this section. Whoever violates 1481  
this division is guilty of a misdemeanor of the fourth degree. 1482

(P) The department shall disaggregate the data collected 1483  
under division (B) (1) (n) of this section according to the race 1484  
and socioeconomic status of the students assessed. 1485

(Q) If the department cannot compile any of the 1486  
information required by division (H) of section 3302.03 of the 1487  
Revised Code based upon the data collected under this section, 1488

the department shall develop a plan and a reasonable timeline 1489  
for the collection of any data necessary to comply with that 1490  
division. 1491

**Sec. 3301.0715.** (A) Except as required under division (B) 1492  
(1) of section 3313.608 or as specified in division (D)(3) of 1493  
section 3301.079 of the Revised Code, the board of education of 1494  
each city, local, and exempted village school district shall 1495  
administer each applicable diagnostic assessment developed and 1496  
provided to the district in accordance with section 3301.079 of 1497  
the Revised Code to the following: 1498

(1) Any student who transfers into the district or to a 1499  
different school within the district if each applicable 1500  
diagnostic assessment was not administered by the district or 1501  
school the student previously attended in the current school 1502  
year, within thirty days after the date of transfer. If the 1503  
district or school into which the student transfers cannot 1504  
determine whether the student has taken any applicable 1505  
diagnostic assessment in the current school year, the district 1506  
or school may administer the diagnostic assessment to the 1507  
student. However, if a student transfers into the district prior 1508  
to the administration of the diagnostic assessments to all 1509  
students under division (B) of this section, the district may 1510  
administer the diagnostic assessments to that student on the 1511  
date or dates determined under that division. 1512

~~(2) Each kindergarten student, not earlier than the first- 1513  
day of the school year and not later than the first day of- 1514  
November. However, a board of education may administer the- 1515  
selected response and performance task items portion of the- 1516  
diagnostic assessment up to two weeks prior to the first day of- 1517  
the school year.- 1518~~

~~For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.~~

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

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

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

(C) Any district that received a grade of "A" or "B" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for the immediately preceding school year may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)~~(3)~~(2) of this section.

(D) Each district board shall utilize and score any

diagnostic assessment administered under division (A) of this 1548  
section in accordance with rules established by the department. 1549  
After the administration of any diagnostic assessment, each 1550  
district shall provide a student's completed diagnostic 1551  
assessment, the results of such assessment, and any other 1552  
accompanying documents used during the administration of the 1553  
assessment to the parent of that student, and shall include all 1554  
such documents and information in any plan developed for the 1555  
student under division (C) of section 3313.608 of the Revised 1556  
Code. Each district shall submit to the department, in the 1557  
manner the department prescribes, the results of the diagnostic 1558  
assessments administered under this section, regardless of the 1559  
type of assessment used under section 3313.608 of the Revised 1560  
Code. The department may issue reports with respect to the data 1561  
collected. ~~The department may report school and district level-~~ 1562  
~~kindergarten diagnostic assessment data and use diagnostic-~~ 1563  
~~assessment data to calculate the measure prescribed by divisions-~~ 1564  
~~(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code.~~ 1565

(E) Each district board shall provide intervention 1566  
services to students whose diagnostic assessments show that they 1567  
are failing to make satisfactory progress toward attaining the 1568  
academic standards for their grade level. 1569

(F) Beginning in the ~~2018-2019~~ 2017-2018 school year, any 1570  
~~chartered nonpublic school may elect to administer the-~~ 1571  
~~kindergarten readiness assessment to all kindergarten students-~~ 1572  
~~enrolled in the school. If the school so elects, the chief-~~ 1573  
~~administrator of the school shall notify the superintendent of-~~ 1574  
~~public instruction not later than the thirty-first day of March-~~ 1575  
~~prior to any school year in which the school will administer the-~~ 1576  
~~assessment. The department shall furnish the assessment to the-~~ 1577  
~~school at no cost to the school. In administering the-~~ 1578

~~assessment, the school shall do all of the following:~~ 1579

~~(1) Enter into a written agreement with the department 1580  
specifying that the school will share each participating 1581  
student's assessment data with the department and, that for the 1582  
purpose of reporting the data to the department, each 1583  
participating student will be assigned a data verification code 1584  
as described in division (D) (2) of section 3301.0714 of the 1585  
Revised Code;~~ 1586

~~(2) Require the assessment to be administered by a teacher 1587  
certified under section 3301.071 of the Revised Code who either 1588  
has completed training on administering the kindergarten 1589  
readiness assessment provided by the department or has been 1590  
trained by another person who has completed such training;~~ 1591

~~(3) Administer the assessment in the same manner as school 1592  
districts are required to do under this section and the rules 1593  
established under division (D) of this section school district 1594  
in which less than eighty per cent of its students score at the 1595  
proficient level or higher on the third-grade English language 1596  
arts assessment prescribed under section 3301.0710 of the 1597  
Revised Code shall establish a reading improvement plan 1598  
supported by reading specialists. Prior to implementation, the 1599  
plan shall be approved by the school district board of 1600  
education. 1601~~

**Sec. 3301.163.** (A) Beginning July 1, 2015, any third-grade 1602  
student who attends a chartered nonpublic school with a 1603  
scholarship awarded under either the educational choice 1604  
scholarship pilot program, prescribed in sections 3310.01 to 1605  
3310.17, or the pilot project scholarship program prescribed in 1606  
sections 3313.974 to 3313.979 of the Revised Code, shall be 1607  
subject to the third-grade reading guarantee retention 1608

provisions under division (A) (2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A) (2) of section 3313.608 of the Revised Code.

As used in this section, "child with a disability" and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

(B) (1) Each chartered nonpublic school that enrolls students in any of grades kindergarten through three and that accepts students under the educational choice scholarship pilot program or the pilot project scholarship program shall adopt policies and procedures for the annual assessment of the reading skills of those students, except that no chartered nonpublic school shall be required to administer a diagnostic assessment to its kindergarten students. Each school may use the diagnostic assessment to measure reading ability for the appropriate grade level prescribed in division (D) of section 3301.079 of the Revised Code. If the school uses such assessments, the department of education shall furnish them to the chartered nonpublic school.

(2) For each student identified as having reading skills



below grade level, the school shall do both of the following: 1639

(a) Provide to the student's parent or guardian, in 1640  
writing, all of the following: 1641

(i) Notification that the student has been identified as 1642  
having a substantial deficiency in reading; 1643

(ii) Notification that if the student attains a score in 1644  
the range designated under division (A) (3) of section 3301.0710 1645  
of the Revised Code on the assessment prescribed under that 1646  
section to measure skill in English language arts expected at 1647  
the end of third grade, the student shall be retained unless the 1648  
student is exempt under division (A) (1) of section 3313.608 of 1649  
the Revised Code. 1650

(b) Provide intensive reading instruction services, as 1651  
determined appropriate by the school, to each student identified 1652  
under this section. 1653

(C) Each chartered nonpublic school subject to this 1654  
section annually shall report to the department the number of 1655  
students identified as reading at grade level and the number of 1656  
students identified as reading below grade level. 1657

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of 1658  
the Revised Code: 1659

(A) "Preschool program" means either of the following: 1660

(1) A child care program for preschool children that is 1661  
operated by a school district board of education or an eligible 1662  
nonpublic school. 1663

(2) A child care program for preschool children age three 1664  
or older that is operated by a county board of developmental 1665  
disabilities or a community school. 1666

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old. 1695  
1696  
1697

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program. 1698  
1699  
1700

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home. 1701  
1702  
1703  
1704  
1705  
1706

(M) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code. 1707  
1708  
1709

(N) "Community school" means either of the following: 1710

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code. 1711  
1712  
1713

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following: 1714  
1715  
1716

(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code; 1717  
1718  
1719  
1720  
1721

(b) If the school does not offer a grade level higher than 1722

three, a grade of "C" or better for making progress in improving 1723  
literacy in grades ~~kindergarten~~one through three under division 1724  
(C) (1) (g) of section 3302.03 of the Revised Code. 1725

Sec. 3301.68. (A) The department of education shall 1726  
establish a school mandate report for school districts. The 1727  
report shall be distributed and monitored by the department. 1728  
Each district or school shall complete and file the report on an 1729  
annual basis prior to the end of the school year. Each district 1730  
or school shall denote "yes" to indicate compliance or "no" to 1731  
indicate noncompliance with the items prescribed under division 1732  
(B) of this section. If a district or school denotes "no" on any 1733  
item, it shall provide, within thirty days, to its board of 1734  
education a written explanation for why that item was not 1735  
completed and a written plan of action for accurately and 1736  
efficiently addressing the problem. 1737

(B) The report shall contain the following items: 1738

(1) Training on the use of physical restraint or seclusion 1739  
on students pursuant to section 3319.46 of the Revised Code; 1740

(2) Training on harassment, intimidation, or bullying 1741  
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 1742  
Revised Code; 1743

(3) Training on the use of cardiopulmonary resuscitation 1744  
and an automated external defibrillator under sections 3313.60, 1745  
3313.6023, 3313.717, and 3314.16, and training on crisis 1746  
prevention intervention; 1747

(4) The establishment of a wellness committee; 1748

(5) The establishment and review of a school emergency 1749  
management plan pursuant to section 3313.536 of the Revised 1750  
Code; 1751

(6) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code. 1752  
1753  
1754

**Sec. 3302.03.** Annually, not later than the fifteenth day 1755  
of September or the preceding Friday when that day falls on a 1756  
Saturday or Sunday, the department of education shall assign a 1757  
letter grade for overall academic performance and for each 1758  
separate performance measure for each school district, and each 1759  
school building in a district, in accordance with this section. 1760  
The state board shall adopt rules pursuant to Chapter 119. of 1761  
the Revised Code to establish performance criteria for each 1762  
letter grade and prescribe a method by which the department 1763  
assigns each letter grade. For a school building to which any of 1764  
the performance measures do not apply, due to grade levels 1765  
served by the building, the state board shall designate the 1766  
performance measures that are applicable to the building and 1767  
that must be calculated separately and used to calculate the 1768  
building's overall grade. The department shall issue annual 1769  
report cards reflecting the performance of each school district, 1770  
each building within each district, and for the state as a whole 1771  
using the performance measures and letter grade system described 1772  
in this section. The department shall include on the report card 1773  
for each district and each building within each district the 1774  
most recent two-year trend data in student achievement for each 1775  
subject and each grade. 1776

(A) (1) For the 2012-2013 school year, the department shall 1777  
issue grades as described in division (E) of this section for 1778  
each of the following performance measures: 1779

(a) Annual measurable objectives; 1780

(b) Performance index score for a school district or 1781

building. Grades shall be awarded as a percentage of the total 1782  
possible points on the performance index system as adopted by 1783  
the state board. In adopting benchmarks for assigning letter 1784  
grades under division (A) (1) (b) of this section, the state board 1785  
of education shall designate ninety per cent or higher for an 1786  
"A," at least seventy per cent but not more than eighty per cent 1787  
for a "C," and less than fifty per cent for an "F." 1788

(c) The extent to which the school district or building 1789  
meets each of the applicable performance indicators established 1790  
by the state board under section 3302.02 of the Revised Code and 1791  
the percentage of applicable performance indicators that have 1792  
been achieved. In adopting benchmarks for assigning letter 1793  
grades under division (A) (1) (c) of this section, the state board 1794  
shall designate ninety per cent or higher for an "A." 1795

(d) The four- and five-year adjusted cohort graduation 1796  
rates. 1797

In adopting benchmarks for assigning letter grades under 1798  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1799  
department shall designate a four-year adjusted cohort 1800  
graduation rate of ninety-three per cent or higher for an "A" 1801  
and a five-year cohort graduation rate of ninety-five per cent 1802  
or higher for an "A." 1803

(e) The overall score under the value-added progress 1804  
dimension of a school district or building, for which the 1805  
department shall use up to three years of value-added data as 1806  
available. The letter grade assigned for this growth measure 1807  
shall be as follows: 1808

(i) A score that is at least two standard errors of 1809  
measure above the mean score shall be designated as an "A." 1810

(ii) A score that is at least one standard error of 1811  
measure but less than two standard errors of measure above the 1812  
mean score shall be designated as a "B." 1813

(iii) A score that is less than one standard error of 1814  
measure above the mean score but greater than or equal to one 1815  
standard error of measure below the mean score shall be 1816  
designated as a "C." 1817

(iv) A score that is not greater than one standard error 1818  
of measure below the mean score but is greater than or equal to 1819  
two standard errors of measure below the mean score shall be 1820  
designated as a "D." 1821

(v) A score that is not greater than two standard errors 1822  
of measure below the mean score shall be designated as an "F." 1823

Whenever the value-added progress dimension is used as a 1824  
graded performance measure, whether as an overall measure or as 1825  
a measure of separate subgroups, the grades for the measure 1826  
shall be calculated in the same manner as prescribed in division 1827  
(A) (1) (e) of this section. 1828

(f) The value-added progress dimension score for a school 1829  
district or building disaggregated for each of the following 1830  
subgroups: students identified as gifted, students with 1831  
disabilities, and students whose performance places them in the 1832  
lowest quintile for achievement on a statewide basis. Each 1833  
subgroup shall be a separate graded measure. 1834

(2) Not later than April 30, 2013, the state board of 1835  
education shall adopt a resolution describing the performance 1836  
measures, benchmarks, and grading system for the 2012-2013 1837  
school year and, not later than June 30, 2013, shall adopt rules 1838  
in accordance with Chapter 119. of the Revised Code that 1839

prescribe the methods by which the performance measures under 1840  
division (A) (1) of this section shall be assessed and assigned a 1841  
letter grade, including performance benchmarks for each letter 1842  
grade. 1843

At least forty-five days prior to the state board's 1844  
adoption of rules to prescribe the methods by which the 1845  
performance measures under division (A) (1) of this section shall 1846  
be assessed and assigned a letter grade, the department shall 1847  
conduct a public presentation before the standing committees of 1848  
the house of representatives and the senate that consider 1849  
education legislation describing such methods, including 1850  
performance benchmarks. 1851

(3) There shall not be an overall letter grade for a 1852  
school district or building for the 2012-2013 school year. 1853

(B) (1) For the 2013-2014 and 2014-2015 school years, the 1854  
department shall issue grades as described in division (E) of 1855  
this section for each of the following performance measures: 1856

(a) Annual measurable objectives; 1857

(b) Performance index score for a school district or 1858  
building. Grades shall be awarded as a percentage of the total 1859  
possible points on the performance index system as created by 1860  
the department. In adopting benchmarks for assigning letter 1861  
grades under division (B) (1) (b) of this section, the state board 1862  
shall designate ninety per cent or higher for an "A," at least 1863  
seventy per cent but not more than eighty per cent for a "C," 1864  
and less than fifty per cent for an "F." 1865

(c) The extent to which the school district or building 1866  
meets each of the applicable performance indicators established 1867  
by the state board under section 3302.03 of the Revised Code and 1868



the percentage of applicable performance indicators that have 1869  
been achieved. In adopting benchmarks for assigning letter 1870  
grades under division (B) (1) (c) of this section, the state board 1871  
shall designate ninety per cent or higher for an "A." 1872

(d) The four- and five-year adjusted cohort graduation 1873  
rates; 1874

(e) The overall score under the value-added progress 1875  
dimension of a school district or building, for which the 1876  
department shall use up to three years of value-added data as 1877  
available. 1878

(f) The value-added progress dimension score for a school 1879  
district or building disaggregated for each of the following 1880  
subgroups: students identified as gifted in superior cognitive 1881  
ability and specific academic ability fields under Chapter 3324. 1882  
of the Revised Code, students with disabilities, and students 1883  
whose performance places them in the lowest quintile for 1884  
achievement on a statewide basis. Each subgroup shall be a 1885  
separate graded measure. 1886

(g) Whether a school district or building is making 1887  
progress in improving literacy in grades ~~kindergarten-one~~ 1888  
through three, as determined using a method prescribed by the 1889  
state board. The state board shall adopt rules to prescribe 1890  
benchmarks and standards for assigning grades to districts and 1891  
buildings for purposes of division (B) (1) (g) of this section. In 1892  
adopting benchmarks for assigning letter grades under divisions 1893  
(B) (1) (g) and (C) (1) (g) of this section, the state board shall 1894  
determine progress made based on the reduction in the total 1895  
percentage of students scoring below grade level, or below 1896  
proficient, compared from year to year on the reading and 1897  
writing diagnostic assessments administered under section 1898

3301.0715 of the Revised Code and the third grade English 1899  
language arts assessment under section 3301.0710 of the Revised 1900  
Code, as applicable. The state board shall designate for a "C" 1901  
grade a value that is not lower than the statewide average value 1902  
for this measure. ~~No grade shall be issued under divisions (B)- 1903  
(1)(g) and (C) (1)(g) of this section for a district or building- 1904  
in which less than five per cent of students have scored below- 1905  
grade level on the diagnostic assessment administered to- 1906  
students in kindergarten under division (B) (1) of section- 1907  
3313.608 of the Revised Code.~~ 1908

(h) For a high mobility school district or building, an 1909  
additional value-added progress dimension score. For this 1910  
measure, the department shall use value-added data from the most 1911  
recent school year available and shall use assessment scores for 1912  
only those students to whom the district or building has 1913  
administered the assessments prescribed by section 3301.0710 of 1914  
the Revised Code for each of the two most recent consecutive 1915  
school years. 1916

As used in this division, "high mobility school district 1917  
or building" means a school district or building where at least 1918  
twenty-five per cent of its total enrollment is made up of 1919  
students who have attended that school district or building for 1920  
less than one year. 1921

(2) In addition to the graded measures in division (B) (1) 1922  
of this section, the department shall include on a school 1923  
district's or building's report card all of the following 1924  
without an assigned letter grade: 1925

(a) The percentage of students enrolled in a district or 1926  
building participating in advanced placement classes and the 1927  
percentage of those students who received a score of three or 1928

better on advanced placement examinations; 1929

(b) The number of a district's or building's students who 1930  
have earned at least three college credits through dual 1931  
enrollment or advanced standing programs, such as the post- 1932  
secondary enrollment options program under Chapter 3365. of the 1933  
Revised Code and state-approved career-technical courses offered 1934  
through dual enrollment or statewide articulation, that appear 1935  
on a student's transcript or other official document, either of 1936  
which is issued by the institution of higher education from 1937  
which the student earned the college credit. The credits earned 1938  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1939  
this section shall not include any that are remedial or 1940  
developmental and shall include those that count toward the 1941  
curriculum requirements established for completion of a degree. 1942

(c) The percentage of students enrolled in a district or 1943  
building who have taken a national standardized test used for 1944  
college admission determinations and the percentage of those 1945  
students who are determined to be remediation-free in accordance 1946  
with standards adopted under division (F) of section 3345.061 of 1947  
the Revised Code; 1948

(d) The percentage of the district's or the building's 1949  
students who receive industry-recognized credentials as approved 1950  
under section 3313.6113 of the Revised Code. 1951

(e) The percentage of students enrolled in a district or 1952  
building who are participating in an international baccalaureate 1953  
program and the percentage of those students who receive a score 1954  
of four or better on the international baccalaureate 1955  
examinations. 1956

(f) The percentage of the district's or building's 1957

students who receive an honors diploma under division (B) of 1958  
section 3313.61 of the Revised Code. 1959

(3) Not later than December 31, 2013, the state board 1960  
shall adopt rules in accordance with Chapter 119. of the Revised 1961  
Code that prescribe the methods by which the performance 1962  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1963  
will be assessed and assigned a letter grade, including 1964  
performance benchmarks for each grade. 1965

At least forty-five days prior to the state board's 1966  
adoption of rules to prescribe the methods by which the 1967  
performance measures under division (B) (1) of this section shall 1968  
be assessed and assigned a letter grade, the department shall 1969  
conduct a public presentation before the standing committees of 1970  
the house of representatives and the senate that consider 1971  
education legislation describing such methods, including 1972  
performance benchmarks. 1973

(4) There shall not be an overall letter grade for a 1974  
school district or building for the 2013-2014, 2014-2015, 2015- 1975  
2016, and 2016-2017 school years. 1976

(C) (1) For the 2014-2015 school year and each school year 1977  
thereafter, the department shall issue grades as described in 1978  
division (E) of this section for each of the performance 1979  
measures prescribed in division (C) (1) of this section. The 1980  
graded measures are as follows: 1981

(a) Annual measurable objectives; 1982

(b) Performance index score for a school district or 1983  
building. Grades shall be awarded as a percentage of the total 1984  
possible points on the performance index system as created by 1985  
the department. In adopting benchmarks for assigning letter 1986

grades under division (C) (1) (b) of this section, the state board 1987  
shall designate ninety per cent or higher for an "A," at least 1988  
seventy per cent but not more than eighty per cent for a "C," 1989  
and less than fifty per cent for an "F." 1990

(c) The extent to which the school district or building 1991  
meets each of the applicable performance indicators established 1992  
by the state board under section 3302.03 of the Revised Code and 1993  
the percentage of applicable performance indicators that have 1994  
been achieved. In adopting benchmarks for assigning letter 1995  
grades under division (C) (1) (c) of this section, the state board 1996  
shall designate ninety per cent or higher for an "A." 1997

(d) The four- and five-year adjusted cohort graduation 1998  
rates; 1999

(e) The overall score under the value-added progress 2000  
dimension, or another measure of student academic progress if 2001  
adopted by the state board, of a school district or building, 2002  
for which the department shall use up to three years of value- 2003  
added data as available. 2004

In adopting benchmarks for assigning letter grades for 2005  
overall score on value-added progress dimension under division 2006  
(C) (1) (e) of this section, the state board shall prohibit the 2007  
assigning of a grade of "A" for that measure unless the 2008  
district's or building's grade assigned for value-added progress 2009  
dimension for all subgroups under division (C) (1) (f) of this 2010  
section is a "B" or higher. 2011

For the metric prescribed by division (C) (1) (e) of this 2012  
section, the state board may adopt a student academic progress 2013  
measure to be used instead of the value-added progress 2014  
dimension. If the state board adopts such a measure, it also 2015

shall prescribe a method for assigning letter grades for the new 2016  
measure that is comparable to the method prescribed in division 2017  
(A) (1) (e) of this section. 2018

(f) The value-added progress dimension score of a school 2019  
district or building disaggregated for each of the following 2020  
subgroups: students identified as gifted in superior cognitive 2021  
ability and specific academic ability fields under Chapter 3324. 2022  
of the Revised Code, students with disabilities, and students 2023  
whose performance places them in the lowest quintile for 2024  
achievement on a statewide basis, as determined by a method 2025  
prescribed by the state board. Each subgroup shall be a separate 2026  
graded measure. 2027

The state board may adopt student academic progress 2028  
measures to be used instead of the value-added progress 2029  
dimension. If the state board adopts such measures, it also 2030  
shall prescribe a method for assigning letter grades for the new 2031  
measures that is comparable to the method prescribed in division 2032  
(A) (1) (e) of this section. 2033

(g) Whether a school district or building is making 2034  
progress in improving literacy in grades ~~kindergarten-one~~ 2035  
through three, as determined using a method prescribed by the 2036  
state board. The state board shall adopt rules to prescribe 2037  
benchmarks and standards for assigning grades to a district or 2038  
building for purposes of division (C) (1) (g) of this section. The 2039  
state board shall designate for a "C" grade a value that is not 2040  
lower than the statewide average value for this measure. ~~No-~~ 2041  
~~grade shall be issued under division (C) (1) (g) of this section-~~ 2042  
~~for a district or building in which less than five per cent of-~~ 2043  
~~students have scored below grade level on the kindergarten-~~ 2044  
~~diagnostic assessment under division (B) (1) of section 3313.608-~~ 2045

~~of the Revised Code.~~ 2046

(h) For a high mobility school district or building, an 2047  
additional value-added progress dimension score. For this 2048  
measure, the department shall use value-added data from the most 2049  
recent school year available and shall use assessment scores for 2050  
only those students to whom the district or building has 2051  
administered the assessments prescribed by section 3301.0710 of 2052  
the Revised Code for each of the two most recent consecutive 2053  
school years. 2054

As used in this division, "high mobility school district 2055  
or building" means a school district or building where at least 2056  
twenty-five per cent of its total enrollment is made up of 2057  
students who have attended that school district or building for 2058  
less than one year. 2059

(2) In addition to the graded measures in division (C) (1) 2060  
of this section, the department shall include on a school 2061  
district's or building's report card all of the following 2062  
without an assigned letter grade: 2063

(a) The percentage of students enrolled in a district or 2064  
building who have taken a national standardized test used for 2065  
college admission determinations and the percentage of those 2066  
students who are determined to be remediation-free in accordance 2067  
with the standards adopted under division (F) of section 2068  
3345.061 of the Revised Code; 2069

(b) The percentage of students enrolled in a district or 2070  
building participating in advanced placement classes and the 2071  
percentage of those students who received a score of three or 2072  
better on advanced placement examinations; 2073

(c) The percentage of a district's or building's students 2074

who have earned at least three college credits through advanced 2075  
standing programs, such as the college credit plus program under 2076  
Chapter 3365. of the Revised Code and state-approved career- 2077  
technical courses offered through dual enrollment or statewide 2078  
articulation, that appear on a student's college transcript 2079  
issued by the institution of higher education from which the 2080  
student earned the college credit. The credits earned that are 2081  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2082  
shall not include any that are remedial or developmental and 2083  
shall include those that count toward the curriculum 2084  
requirements established for completion of a degree. 2085

(d) The percentage of the district's or building's 2086  
students who receive an honor's diploma under division (B) of 2087  
section 3313.61 of the Revised Code; 2088

(e) The percentage of the district's or building's 2089  
students who receive industry-recognized credentials as approved 2090  
under section 3313.6113 of the Revised Code; 2091

(f) The percentage of students enrolled in a district or 2092  
building who are participating in an international baccalaureate 2093  
program and the percentage of those students who receive a score 2094  
of four or better on the international baccalaureate 2095  
examinations; 2096

(g) The results of the college and career-ready 2097  
assessments administered under division (B) (1) of section 2098  
3301.0712 of the Revised Code. 2099

(3) The state board shall adopt rules pursuant to Chapter 2100  
119. of the Revised Code that establish a method to assign an 2101  
overall grade for a school district or school building for the 2102  
2017-2018 school year and each school year thereafter. The rules 2103



shall group the performance measures in divisions (C) (1) and (2) 2104  
of this section into the following components: 2105

(a) Gap closing, which shall include the performance 2106  
measure in division (C) (1) (a) of this section; 2107

(b) Achievement, which shall include the performance 2108  
measures in divisions (C) (1) (b) and (c) of this section; 2109

(c) Progress, which shall include the performance measures 2110  
in divisions (C) (1) (e) and (f) of this section; 2111

(d) Graduation, which shall include the performance 2112  
measure in division (C) (1) (d) of this section; 2113

(e) ~~Kindergarten-First~~ through third-grade literacy, which 2114  
shall include the performance measure in division (C) (1) (g) of 2115  
this section; 2116

(f) Prepared for success, which shall include the 2117  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 2118  
and (f) of this section. The state board shall develop a method 2119  
to determine a grade for the component in division (C) (3) (f) of 2120  
this section using the performance measures in divisions (C) (2) 2121  
(a), (b), (c), (d), (e), and (f) of this section. When 2122  
available, the state board may incorporate the performance 2123  
measure under division (C) (2) (g) of this section into the 2124  
component under division (C) (3) (f) of this section. When 2125  
determining the overall grade for the prepared for success 2126  
component prescribed by division (C) (3) (f) of this section, no 2127  
individual student shall be counted in more than one performance 2128  
measure. However, if a student qualifies for more than one 2129  
performance measure in the component, the state board may, in 2130  
its method to determine a grade for the component, specify an 2131  
additional weight for such a student that is not greater than or 2132

equal to 1.0. In determining the overall score under division 2133  
(C) (3) (f) of this section, the state board shall ensure that the 2134  
pool of students included in the performance measures aggregated 2135  
under that division are all of the students included in the 2136  
four- and five-year adjusted graduation cohort. 2137

In the rules adopted under division (C) (3) of this 2138  
section, the state board shall adopt a method for determining a 2139  
grade for each component in divisions (C) (3) (a) to (f) of this 2140  
section. The state board also shall establish a method to assign 2141  
an overall grade of "A," "B," "C," "D," or "F" using the grades 2142  
assigned for each component. The method the state board adopts 2143  
for assigning an overall grade shall give equal weight to the 2144  
components in divisions (C) (3) (b) and (c) of this section. 2145

At least forty-five days prior to the state board's 2146  
adoption of rules to prescribe the methods for calculating the 2147  
overall grade for the report card, as required by this division, 2148  
the department shall conduct a public presentation before the 2149  
standing committees of the house of representatives and the 2150  
senate that consider education legislation describing the format 2151  
for the report card, weights that will be assigned to the 2152  
components of the overall grade, and the method for calculating 2153  
the overall grade. 2154

(D) On or after July 1, 2015, the state board may develop 2155  
a measure of student academic progress for high school students 2156  
using only data from assessments in English language arts and 2157  
mathematics. If the state board develops this measure, each 2158  
school district and applicable school building shall be assigned 2159  
a separate letter grade for it not sooner than the 2017-2018 2160  
school year. The district's or building's grade for that measure 2161  
shall not be included in determining the district's or 2162

building's overall letter grade.	2163
(E) The letter grades assigned to a school district or building under this section shall be as follows:	2164
(1) "A" for a district or school making excellent progress;	2165
(2) "B" for a district or school making above average progress;	2166
(3) "C" for a district or school making average progress;	2167
(4) "D" for a district or school making below average progress;	2168
(5) "F" for a district or school failing to meet minimum progress.	2169
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2170
(1) Performance of students by grade-level;	2171
(2) Performance of students by race and ethnic group;	2172
(3) Performance of students by gender;	2173
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2174
(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;	2175
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2176
(7) Performance of students grouped by those who are	2177

economically disadvantaged;	2189
(8) Performance of students grouped by those who are	2190
enrolled in a conversion community school established under	2191
Chapter 3314. of the Revised Code;	2192
(9) Performance of students grouped by those who are	2193
classified as limited English proficient;	2194
(10) Performance of students grouped by those who have	2195
disabilities;	2196
(11) Performance of students grouped by those who are	2197
classified as migrants;	2198
(12) Performance of students grouped by those who are	2199
identified as gifted in superior cognitive ability and the	2200
specific academic ability fields of reading and math pursuant to	2201
Chapter 3324. of the Revised Code. In disaggregating specific	2202
academic ability fields for gifted students, the department	2203
shall use data for those students with specific academic ability	2204
in math and reading. If any other academic field is assessed,	2205
the department shall also include data for students with	2206
specific academic ability in that field as well.	2207
(13) Performance of students grouped by those who perform	2208
in the lowest quintile for achievement on a statewide basis, as	2209
determined by a method prescribed by the state board.	2210
The department may disaggregate data on student	2211
performance according to other categories that the department	2212
determines are appropriate. To the extent possible, the	2213
department shall disaggregate data on student performance	2214
according to any combinations of two or more of the categories	2215
listed in divisions (F) (1) to (13) of this section that it deems	2216
relevant.	2217

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~~thirty students. If the department does not report student performance data for a group because it contains less than ~~ten~~thirty 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 2248  
shall combine data regarding the academic performance of 2249  
students enrolled in the community school with comparable data 2250  
from the schools of the district for the purpose of determining 2251  
the performance of the district as a whole on the report card 2252  
issued for the district under this section or section 3302.033 2253  
of the Revised Code. 2254

(b) The department shall not combine data from any 2255  
conversion community school that a district sponsors if a 2256  
majority of the students enrolled in the conversion community 2257  
school are enrolled in a dropout prevention and recovery program 2258  
that is operated by the school, as described in division (A) (4) 2259  
(a) of section 3314.35 of the Revised Code. The department shall 2260  
include as an addendum to the district's report card the ratings 2261  
and performance measures that are required under section 2262  
3314.017 of the Revised Code for any community school to which 2263  
division (I) (1) (b) of this section applies. This addendum shall 2264  
include, at a minimum, the data specified in divisions (C) (1) 2265  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 2266

(2) Any district that leases a building to a community 2267  
school located in the district or that enters into an agreement 2268  
with a community school located in the district whereby the 2269  
district and the school endorse each other's programs may elect 2270  
to have data regarding the academic performance of students 2271  
enrolled in the community school combined with comparable data 2272  
from the schools of the district for the purpose of determining 2273  
the performance of the district as a whole on the district 2274  
report card. Any district that so elects shall annually file a 2275  
copy of the lease or agreement with the department. 2276

(3) Any municipal school district, as defined in section 2277

3311.71 of the Revised Code, that sponsors a community school 2278  
located within the district's territory, or that enters into an 2279  
agreement with a community school located within the district's 2280  
territory whereby the district and the community school endorse 2281  
each other's programs, may exercise either or both of the 2282  
following elections: 2283

(a) To have data regarding the academic performance of 2284  
students enrolled in that community school combined with 2285  
comparable data from the schools of the district for the purpose 2286  
of determining the performance of the district as a whole on the 2287  
district's report card; 2288

(b) To have the number of students attending that 2289  
community school noted separately on the district's report card. 2290

The election authorized under division (I) (3) (a) of this 2291  
section is subject to approval by the governing authority of the 2292  
community school. 2293

Any municipal school district that exercises an election 2294  
to combine or include data under division (I) (3) of this 2295  
section, by the first day of October of each year, shall file 2296  
with the department documentation indicating eligibility for 2297  
that election, as required by the department. 2298

(J) The department shall include on each report card the 2299  
percentage of teachers in the district or building who are 2300  
highly qualified, as defined by the No Child Left Behind Act of 2301  
2001, and a comparison of that percentage with the percentages 2302  
of such teachers in similar districts and buildings. 2303

(K) (1) In calculating English language arts, mathematics, 2304  
or science assessment passage rates used to determine school 2305  
district or building performance under this section, the 2306

department shall include all students taking an assessment with 2307  
accommodation or to whom an alternate assessment is administered 2308  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2309  
Revised Code. 2310

(2) In calculating performance index scores, rates of 2311  
achievement on the performance indicators established by the 2312  
state board under section 3302.02 of the Revised Code, and 2313  
annual measurable objectives for determining adequate yearly 2314  
progress for school districts and buildings under this section, 2315  
the department shall do all of the following: 2316

(a) Include for each district or building only those 2317  
students who are included in the ADM certified for the first 2318  
full school week of October and are continuously enrolled in the 2319  
district or building through the time of the spring 2320  
administration of any assessment prescribed by division (A) (1) 2321  
or (B) (1) of section 3301.0710 or division (B) of section 2322  
3301.0712 of the Revised Code that is administered to the 2323  
student's grade level; 2324

(b) Include cumulative totals from both the fall and 2325  
spring administrations of the third grade English language arts 2326  
achievement assessment; 2327

(c) Except as required by the No Child Left Behind Act of 2328  
2001, exclude for each district or building any limited English 2329  
proficient student who has been enrolled in United States 2330  
schools for less than one full school year. 2331

(L) Beginning with the 2015-2016 school year and at least 2332  
once every three years thereafter, the state board of education 2333  
shall review and may adjust the benchmarks for assigning letter 2334  
grades to the performance measures and components prescribed 2335



under divisions (C) (3) and (D) of this section. 2336

**Sec. 3302.13.** (A) This section applies to any school 2337  
district or community school that meets both of the following 2338  
criteria, as reported on the past two consecutive report cards 2339  
issued for that district or school under section 3302.03 of the 2340  
Revised Code: 2341

(1) The district or school received a grade of "D" or "F" 2342  
on the ~~kindergarten~~ first through third-grade literacy progress 2343  
measure under division (C) (3) (e) of section 3302.03 of the 2344  
Revised Code. 2345

(2) Less than sixty per cent of the district's students 2346  
who took the third grade English language arts assessment 2347  
prescribed under section 3301.0710 of the Revised Code for that 2348  
school year attained at least a proficient score on that 2349  
assessment. 2350

(B) By December 31, 2016, and by the thirty-first day of 2351  
each December thereafter, any school district or community 2352  
school that meets the criteria set forth in division (A) of this 2353  
section shall submit to the department of education a school or 2354  
district reading achievement improvement plan, which shall 2355  
include all requirements prescribed by the state board of 2356  
education pursuant to division (C) of this section. 2357

(C) Not later than December 31, 2014, the state board 2358  
shall adopt rules in accordance with Chapter 119. of the Revised 2359  
Code prescribing the content of and deadlines for the reading 2360  
achievement improvement plans required under division (B) of 2361  
this section. The rules shall prescribe that each plan include, 2362  
at a minimum, an analysis of relevant student performance data, 2363  
measurable student performance goals, strategies to meet 2364

specific student needs, a staffing and professional development 2365  
plan, and instructional strategies for improving literacy. 2366

(D) Any school district or community school to which this 2367  
section applies shall no longer be required to submit an 2368  
improvement plan pursuant to division (B) of this section when 2369  
that district or school meets either of the following criteria, 2370  
as reported on the most recent report card issued for that 2371  
district or school under section 3302.03 of the Revised Code: 2372

(1) The district or school received a grade of "C" or 2373  
higher on the ~~kindergarten~~first through third-grade literacy 2374  
progress measure under division (C)(3)(e) of section 3302.03 of 2375  
the Revised Code. 2376

(2) Not less than sixty per cent of the district's 2377  
students who took the third grade English language arts 2378  
assessment prescribed under section 3301.0710 of the Revised 2379  
Code for that school year attained at least a proficient score 2380  
on that assessment. 2381

(E) The department of education shall post in a prominent 2382  
location on its web site all plans submitted pursuant to this 2383  
section. 2384

**Sec. 3310.03.** A student is an "eligible student" for 2385  
purposes of the educational choice scholarship pilot program if 2386  
the student's resident district is not a school district in 2387  
which the pilot project scholarship program is operating under 2388  
sections 3313.974 to 3313.979 of the Revised Code and the 2389  
student satisfies one of the conditions in division (A), (B), 2390  
(C), (D), or (E) of this section: 2391

(A) (1) The student is enrolled in a school building 2392  
operated by the student's resident district that, on the report 2393

card issued under section 3302.03 of the Revised Code published 2394  
prior to the first day of July of the school year for which a 2395  
scholarship is sought, did not receive a rating as described in 2396  
division (H) of this section, and to which any or a combination 2397  
of any of the following apply for two of the three most recent 2398  
report cards published prior to the first day of July of the 2399  
school year for which a scholarship is sought: 2400

(a) The building was declared to be in a state of academic 2401  
emergency or academic watch under section 3302.03 of the Revised 2402  
Code as that section existed prior to March 22, 2013. 2403

(b) The building received a grade of "D" or "F" for the 2404  
performance index score under division (A) (1) (b) or (B) (1) (b) of 2405  
section 3302.03 of the Revised Code and for the value-added 2406  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2407  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 2408  
2014, 2014-2015, or 2015-2016 school year; or if the building 2409  
serves only grades ten through twelve, the building received a 2410  
grade of "D" or "F" for the performance index score under 2411  
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 2412  
Revised Code and had a four-year adjusted cohort graduation rate 2413  
of less than seventy-five per cent. 2414

(c) The building received an overall grade of "D" or "F" 2415  
under division (C) (3) of section 3302.03 of the Revised Code or 2416  
a grade of "F" for the value-added progress dimension under 2417  
division (C) (1) (e) of section 3302.03 of the Revised Code for 2418  
the 2016-2017 school year or any school year thereafter. 2419

(2) The student will be enrolling in any of grades 2420  
kindergarten through twelve in this state for the first time in 2421  
the school year for which a scholarship is sought, will be at 2422  
least five years of age by the first day of January of the 2423

school year for which a scholarship is sought, and otherwise 2424  
would be assigned under section 3319.01 of the Revised Code in 2425  
the school year for which a scholarship is sought, to a school 2426  
building described in division (A) (1) of this section. 2427

(3) The student is enrolled in a community school 2428  
established under Chapter 3314. of the Revised Code but 2429  
otherwise would be assigned under section 3319.01 of the Revised 2430  
Code to a building described in division (A) (1) of this section. 2431

(4) The student is enrolled in a school building operated 2432  
by the student's resident district or in a community school 2433  
established under Chapter 3314. of the Revised Code and 2434  
otherwise would be assigned under section 3319.01 of the Revised 2435  
Code to a school building described in division (A) (1) of this 2436  
section in the school year for which the scholarship is sought. 2437

(5) The student will be both enrolling in any of grades 2438  
kindergarten through twelve in this state for the first time and 2439  
at least five years of age by the first day of January of the 2440  
school year for which a scholarship is sought, or is enrolled in 2441  
a community school established under Chapter 3314. of the 2442  
Revised Code, and all of the following apply to the student's 2443  
resident district: 2444

(a) The district has in force an intradistrict open 2445  
enrollment policy under which no student in the student's grade 2446  
level is automatically assigned to a particular school building; 2447

(b) In the most recent rating published prior to the first 2448  
day of July of the school year for which scholarship is sought, 2449  
the district did not receive a rating described in division (H) 2450  
of this section, and in at least two of the three most recent 2451  
report cards published prior to the first day of July of that 2452

school year, any or a combination of the following apply to the 2453  
district: 2454

(i) The district was declared to be in a state of academic 2455  
emergency under section 3302.03 of the Revised Code as it 2456  
existed prior to March 22, 2013. 2457

(ii) The district received a grade of "D" or "F" for the 2458  
performance index score under division (A) (1) (b) or (B) (1) (b) of 2459  
section 3302.03 of the Revised Code and for the value-added 2460  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2461  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 2462  
2014, 2014-2015, or 2015-2016 school year. 2463

(c) The district received an overall grade of "D" or "F" 2464  
under division (C) (3) of section 3302.03 of the Revised Code or 2465  
a grade of "F" for the value-added progress dimension under 2466  
division (C) (1) (e) of section 3302.03 of the Revised Code for 2467  
the 2016-2017 school year or any school year thereafter. 2468

(6) Beginning in the 2016-2017 school year, the student is 2469  
enrolled in or will be enrolling in a building in the school 2470  
year for which the scholarship is sought that serves any of 2471  
grades nine through twelve and that received a grade of "D" or 2472  
"F" for the four-year adjusted cohort graduation rate under 2473  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 2474  
of the Revised Code in two of the three most recent report cards 2475  
published prior to the first day of July of the school year for 2476  
which a scholarship is sought. 2477

(B) (1) The student is enrolled in a school building 2478  
operated by the student's resident district and to which both of 2479  
the following apply: 2480

(a) The building was ranked, for at least two of the three 2481

most recent rankings prior to the first day of July of the 2482  
school year for which a scholarship is sought, in the lowest ten 2483  
per cent of all buildings operated by city, local, and exempted 2484  
village school districts according to performance index score as 2485  
determined by the department of education. 2486

(b) The building was not declared to be excellent or 2487  
effective, or the equivalent of such ratings as determined by 2488  
the department, under section 3302.03 of the Revised Code in the 2489  
most recent rating published prior to the first day of July of 2490  
the school year for which a scholarship is sought. 2491

(2) The student will be enrolling in any of grades 2492  
kindergarten through twelve in this state for the first time in 2493  
the school year for which a scholarship is sought, will be at 2494  
least five years of age, as defined in section 3321.01 of the 2495  
Revised Code, by the first day of January of the school year for 2496  
which a scholarship is sought, and otherwise would be assigned 2497  
under section 3319.01 of the Revised Code in the school year for 2498  
which a scholarship is sought, to a school building described in 2499  
division (B)(1) of this section. 2500

(3) The student is enrolled in a community school 2501  
established under Chapter 3314. of the Revised Code but 2502  
otherwise would be assigned under section 3319.01 of the Revised 2503  
Code to a building described in division (B)(1) of this section. 2504

(4) The student is enrolled in a school building operated 2505  
by the student's resident district or in a community school 2506  
established under Chapter 3314. of the Revised Code and 2507  
otherwise would be assigned under section 3319.01 of the Revised 2508  
Code to a school building described in division (B)(1) of this 2509  
section in the school year for which the scholarship is sought. 2510

(C) The student is enrolled in a nonpublic school at the 2511  
time the school is granted a charter by the state board of 2512  
education under section 3301.16 of the Revised Code and the 2513  
student meets the standards of division (B) of section 3310.031 2514  
of the Revised Code. 2515

(D) For the 2016-2017 school year and each school year 2516  
thereafter, the student is in any of grades kindergarten through 2517  
three, is enrolled in a school building that is operated by the 2518  
student's resident district or will be enrolling in any of 2519  
grades kindergarten through twelve in this state for the first 2520  
time in the school year for which a scholarship is sought, and 2521  
to which both of the following apply: 2522

(1) The building, in at least two of the three most recent 2523  
ratings of school buildings published prior to the first day of 2524  
July of the school year for which a scholarship is sought, 2525  
received a grade of "D" or "F" for making progress in improving 2526  
literacy in grades ~~kindergarten~~one through three under division 2527  
(B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 2528

(2) The building did not receive a grade of "A" for making 2529  
progress in improving literacy in grades ~~kindergarten~~one 2530  
through three under division (B) (1) (g) or (C) (1) (g) of section 2531  
3302.03 of the Revised Code in the most recent rating published 2532  
prior to the first day of July of the school year for which a 2533  
scholarship is sought. 2534

(E) The student's resident district is subject to section 2535  
3302.10 of the Revised Code and the student either: 2536

(1) Is enrolled in a school building operated by the 2537  
resident district or in a community school established under 2538  
Chapter 3314. of the Revised Code; 2539

(2) Will be both enrolling in any of grades kindergarten 2540  
through twelve in this state for the first time and at least 2541  
five years of age by the first day of January of the school year 2542  
for which a scholarship is sought. 2543

(F) A student who receives a scholarship under the 2544  
educational choice scholarship pilot program remains an eligible 2545  
student and may continue to receive scholarships in subsequent 2546  
school years until the student completes grade twelve, so long 2547  
as all of the following apply: 2548

(1) The student's resident district remains the same, or 2549  
the student transfers to a new resident district and otherwise 2550  
would be assigned in the new resident district to a school 2551  
building described in division (A) (1), (B) (1), (D), or (E) of 2552  
this section. 2553

(2) Except as provided in divisions (K) (1) and (L) of 2554  
section 3301.0711 of the Revised Code, the student takes each 2555  
assessment prescribed for the student's grade level under 2556  
section 3301.0710 or 3301.0712 of the Revised Code while 2557  
enrolled in a chartered nonpublic school. 2558

(3) In each school year that the student is enrolled in a 2559  
chartered nonpublic school, the student is absent from school 2560  
for not more than twenty days that the school is open for 2561  
instruction, not including excused absences. 2562

(G) (1) The department shall cease awarding first-time 2563  
scholarships pursuant to divisions (A) (1) to (4) of this section 2564  
with respect to a school building that, in the most recent 2565  
ratings of school buildings published under section 3302.03 of 2566  
the Revised Code prior to the first day of July of the school 2567  
year, ceases to meet the criteria in division (A) (1) of this 2568



section. The department shall cease awarding first-time 2569  
scholarships pursuant to division (A) (5) of this section with 2570  
respect to a school district that, in the most recent ratings of 2571  
school districts published under section 3302.03 of the Revised 2572  
Code prior to the first day of July of the school year, ceases 2573  
to meet the criteria in division (A) (5) of this section. 2574

(2) The department shall cease awarding first-time 2575  
scholarships pursuant to divisions (B) (1) to (4) of this section 2576  
with respect to a school building that, in the most recent 2577  
ratings of school buildings under section 3302.03 of the Revised 2578  
Code prior to the first day of July of the school year, ceases 2579  
to meet the criteria in division (B) (1) of this section. 2580

(3) The department shall cease awarding first-time 2581  
scholarships pursuant to division (D) of this section with 2582  
respect to a school building that, in the most recent ratings of 2583  
school buildings under section 3302.03 of the Revised Code prior 2584  
to the first day of July of the school year, ceases to meet the 2585  
criteria in division (D) of this section. 2586

(4) The department shall cease awarding first-time 2587  
scholarships pursuant to division (E) of this section with 2588  
respect to a school district subject to section 3302.10 of the 2589  
Revised Code when the academic distress commission established 2590  
for the district ceases to exist. 2591

(5) However, students who have received scholarships in 2592  
the prior school year remain eligible students pursuant to 2593  
division (F) of this section. 2594

(H) The state board of education shall adopt rules 2595  
defining excused absences for purposes of division (F) (3) of 2596  
this section. 2597

(I) (1) A student who satisfies only the conditions 2598  
prescribed in divisions (A) (1) to (4) of this section shall not 2599  
be eligible for a scholarship if the student's resident building 2600  
meets any of the following in the most recent rating under 2601  
section 3302.03 of the Revised Code published prior to the first 2602  
day of July of the school year for which a scholarship is 2603  
sought: 2604

(a) The building has an overall designation of excellent 2605  
or effective under section 3302.03 of the Revised Code as it 2606  
existed prior to March 22, 2013. 2607

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 2608  
school year, the building has a grade of "A" or "B" for the 2609  
performance index score under division (A) (1) (b) or (B) (1) (b) of 2610  
section 3302.03 of the Revised Code and for the value-added 2611  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2612  
section 3302.03 of the Revised Code; or if the building serves 2613  
only grades ten through twelve, the building received a grade of 2614  
"A" or "B" for the performance index score under division (A) (1) 2615  
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 2616  
a four-year adjusted cohort graduation rate of greater than or 2617  
equal to seventy-five per cent. 2618

(c) For the 2016-2017 school year or any school year 2619  
thereafter, the building has a grade of "A" or "B" under 2620  
division (C) (3) of section 3302.03 of the Revised Code and a 2621  
grade of "A" for the value-added progress dimension under 2622  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 2623  
the building serves only grades ten through twelve, the building 2624  
received a grade of "A" or "B" for the performance index score 2625  
under division (C) (1) (b) of section 3302.03 of the Revised Code 2626  
and had a four-year adjusted cohort graduation rate of greater 2627

than or equal to seventy-five per cent. 2628

(2) A student who satisfies only the conditions prescribed 2629  
in division (A) (5) of this section shall not be eligible for a 2630  
scholarship if the student's resident district meets any of the 2631  
following in the most recent rating under section 3302.03 of the 2632  
Revised Code published prior to the first day of July of the 2633  
school year for which a scholarship is sought: 2634

(a) The district has an overall designation of excellent 2635  
or effective under section 3302.03 of the Revised Code as it 2636  
existed prior to March 22, 2013. 2637

(b) The district has a grade of "A" or "B" for the 2638  
performance index score under division (A) (1) (b) or (B) (1) (b) of 2639  
section 3302.03 of the Revised Code and for the value-added 2640  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 2641  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 2642  
2014, 2014-2015, and 2015-2016 school years. 2643

(c) The district has an overall grade of "A" or "B" under 2644  
division (C) (3) of section 3302.03 of the Revised Code and a 2645  
grade of "A" for the value-added progress dimension under 2646  
division (C) (1) (e) of section 3302.03 of the Revised Code for 2647  
the 2016-2017 school year or any school year thereafter. 2648

**Sec. 3311.80.** Notwithstanding any provision of the Revised 2649  
Code to the contrary, a municipal school district shall be 2650  
subject to this section instead of section 3319.111 of the 2651  
Revised Code. 2652

(A) ~~Not later than July 1, 2013, the~~ The board of 2653  
education of each municipal school district and the teachers' 2654  
labor organization shall develop and adopt standards-based 2655  
teacher evaluation procedures that conform with the framework 2656

for evaluation of teachers developed under section 3319.112 of 2657  
the Revised Code, as it existed prior to the effective date of 2658  
this amendment. The evaluation procedures shall include at least 2659  
formal observations and classroom walk-throughs, which may be 2660  
announced or unannounced; examinations of samples of work, such 2661  
as lesson plans or assessments designed by a teacher; and 2662  
multiple measures of student academic growth. 2663

(B) When using measures of student academic growth as a 2664  
component of a teacher's evaluation, those measures shall 2665  
include the value-added progress dimension prescribed by section 2666  
3302.021 of the Revised Code or the alternative student academic 2667  
progress measure if adopted under division (C) (1) (e) of section 2668  
3302.03 of the Revised Code. For teachers of grade levels and 2669  
subjects for which the value-added progress dimension or 2670  
alternative student academic achievement measure is not 2671  
applicable, the board shall administer assessments on the list 2672  
developed under former division (B) (2) of section 3319.112 of 2673  
the Revised Code as it existed prior to the effective date of 2674  
this amendment. 2675

(C) (1) Each teacher employed by the board shall be 2676  
evaluated at least once each school year, except as provided in 2677  
division (C) (2) of this section. The composite evaluation shall 2678  
be completed not later than the first day of June and the 2679  
teacher shall receive a written report of the results of the 2680  
composite evaluation not later than ten days after its 2681  
completion or the last teacher work day of the school year, 2682  
whichever is earlier. 2683

(2) Each teacher who received a rating of accomplished on 2684  
the teacher's most recent evaluation conducted under this 2685  
section may be evaluated once every two school years, except 2686

that the teacher shall be evaluated in any school year in which 2687  
the teacher's contract is due to expire. The biennial composite 2688  
evaluation shall be completed not later than the first day of 2689  
June of the applicable school year, and the teacher shall 2690  
receive a written report of the results of the composite 2691  
evaluation not later than ten days after its completion or the 2692  
last teacher work day of the school year, whichever is earlier. 2693

(D) Each evaluation conducted pursuant to this section 2694  
shall be conducted by one or more of the following persons who 2695  
have been trained to conduct evaluations in accordance with 2696  
criteria that shall be developed jointly by the chief executive 2697  
officer of the district, or the chief executive officer's 2698  
designee, and the teachers' labor organization: 2699

(1) The chief executive officer or a subordinate officer 2700  
of the district with responsibility for instruction or academic 2701  
affairs; 2702

(2) A person who is under contract with the board pursuant 2703  
to section 3319.02 of the Revised Code and holds a license 2704  
designated for being a principal issued under section 3319.22 of 2705  
the Revised Code; 2706

(3) A person who is under contract with the board pursuant 2707  
to section 3319.02 of the Revised Code and holds a license 2708  
designated for being a vocational director or a supervisor in 2709  
any educational area issued under section 3319.22 of the Revised 2710  
Code; 2711

(4) A person designated to conduct evaluations under an 2712  
agreement providing for peer assistance and review entered into 2713  
by the board and the teachers' labor organization. 2714

(E) The evaluation procedures shall describe how the 2715

evaluation results will be used for decisions regarding 2716  
compensation, retention, promotion, and reductions in force and 2717  
for removal of poorly performing teachers. 2718

(F) A teacher may challenge any violations of the 2719  
evaluation procedures in accordance with the grievance procedure 2720  
specified in any applicable collective bargaining agreement. A 2721  
challenge under this division is limited to the determination of 2722  
procedural errors that have resulted in substantive harm to the 2723  
teacher and to ordering the correction of procedural errors. The 2724  
failure of the board or a person conducting an evaluation to 2725  
strictly comply with any deadline or evaluation forms 2726  
established as part of the evaluation process shall not be cause 2727  
for an arbitrator to determine that a procedural error occurred, 2728  
unless the arbitrator finds that the failure resulted in 2729  
substantive harm to the teacher. The arbitrator shall have no 2730  
jurisdiction to modify the evaluation results, but the 2731  
arbitrator may stay any decision taken pursuant to division (E) 2732  
of this section pending the board's correction of any procedural 2733  
error. The board shall correct any procedural error within 2734  
fifteen business days after the arbitrator's determination that 2735  
a procedural error occurred. 2736

(G) Notwithstanding any provision to the contrary in 2737  
Chapter 4117. of the Revised Code, the requirements of this 2738  
section prevail over any conflicting provisions of a collective 2739  
bargaining agreement entered into on or after October 1, 2012. 2740  
However, the board and the teachers' labor organization may 2741  
negotiate additional evaluation procedures, including an 2742  
evaluation process incorporating peer assistance and review, 2743  
provided the procedures are consistent with this section. 2744

(H) This section does not apply to administrators 2745

appointed by the chief executive officer of a municipal school 2746  
district under section 3311.72 of the Revised Code, 2747  
administrators subject to evaluation procedures under section 2748  
3311.84 or 3319.02 of the Revised Code, or to any teacher 2749  
employed as a substitute for less than one hundred twenty days 2750  
during a school year pursuant to section 3319.10 of the Revised 2751  
Code. 2752

**Sec. 3313.413.** (A) As used in this section, "high- 2753  
performing community school" means either of the following: 2754

(1) A community school established under Chapter 3314. of 2755  
the Revised Code that meets the following conditions: 2756

(a) Except as provided in division (A) (1) (b) or (c) of 2757  
this section, the school both: 2758

(i) Has received a grade of "A," "B," or "C" for the 2759  
performance index score under division (C) (1) (b) of section 2760  
3302.03 of the Revised Code or has increased its performance 2761  
index score under division (C) (1) (b) of section 3302.03 of the 2762  
Revised Code in each of the previous three years of operation; 2763  
and 2764

(ii) Has received a grade of "A" or "B" for the value- 2765  
added progress dimension under division (C) (1) (e) of section 2766  
3302.03 of the Revised Code on its most recent report card 2767  
rating issued under that section. 2768

(b) If the school serves only grades kindergarten through 2769  
three, the school received a grade of "A" or "B" for making 2770  
progress in improving literacy in grades ~~kindergarten~~one 2771  
through three under division (C) (1) (g) of section 3302.03 of the 2772  
Revised Code on its most recent report card issued under that 2773  
section. 2774

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools established under Chapter 3328., and the governing bodies of any STEM schools established under Chapter 3326. of the Revised Code that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(1) If more than one governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall conduct a public auction in the manner required for auctions of district property under division



(A) of section 3313.41 of the Revised Code. Only the governing 2805  
authorities of high-performing community schools that notified 2806  
the district treasurer pursuant to division (B) of this section 2807  
are eligible to bid at the auction. 2808

(2) If no governing authority of a high-performing 2809  
community school notifies the district treasurer of its 2810  
intention to purchase the property pursuant to division (B) of 2811  
this section, the board shall then proceed with the offers from 2812  
all other start-up community schools, college-preparatory 2813  
boarding schools, and STEM schools made pursuant to that 2814  
division. If more than one such entity notifies the district 2815  
treasurer of its intention to purchase the property pursuant to 2816  
division (B) of this section, the board shall conduct a public 2817  
auction in the manner required for auctions of district property 2818  
under division (A) of section 3313.41 of the Revised Code. Only 2819  
the entities that notified the district treasurer pursuant to 2820  
division (B) of this section are eligible to bid at the auction. 2821

(3) If no governing authority, board of trustees, or 2822  
governing body notifies the district treasurer of its intention 2823  
to purchase the property pursuant to division (B) of this 2824  
section, the district may then offer the property for sale in 2825  
the manner prescribed under divisions (A) to (F) of section 2826  
3313.41 of the Revised Code. 2827

(C) Notwithstanding anything to the contrary in sections 2828  
3313.41 and 3313.411 of the Revised Code, the purchase price of 2829  
any real property sold to any of the entities in accordance with 2830  
division (B) of this section shall not be more than the 2831  
appraised fair market value of that property as determined in an 2832  
appraisal of the property that is not more than one year old. 2833

(D) Not later than the first day of October of each year, 2834

the department of education shall post in a prominent location 2835  
on its web site a list of schools that qualify as high- 2836  
performing community schools for purposes of this section and 2837  
section 3313.411 of the Revised Code. 2838

**Sec. 3313.608.** (A) (1) Beginning with students who enter 2839  
third grade in the school year that starts July 1, 2009, and 2840  
until June 30, 2013, unless the student is excused under 2841  
division (C) of section 3301.0711 of the Revised Code from 2842  
taking the assessment described in this section, for any student 2843  
who does not attain at least the equivalent level of achievement 2844  
designated under division (A) (3) of section 3301.0710 of the 2845  
Revised Code on the assessment prescribed under that section to 2846  
measure skill in English language arts expected at the end of 2847  
third grade, each school district, in accordance with the policy 2848  
adopted under section 3313.609 of the Revised Code, shall do one 2849  
of the following: 2850

(a) Promote the student to fourth grade if the student's 2851  
principal and reading teacher agree that other evaluations of 2852  
the student's skill in reading demonstrate that the student is 2853  
academically prepared to be promoted to fourth grade; 2854

(b) Promote the student to fourth grade but provide the 2855  
student with intensive intervention services in fourth grade; 2856

(c) Retain the student in third grade. 2857

(2) Beginning with students who enter third grade in the 2858  
2013-2014 school year, unless the student is excused under 2859  
division (C) of section 3301.0711 of the Revised Code from 2860  
taking the assessment described in this section, no school 2861  
district shall promote to fourth grade any student who does not 2862  
attain at least the equivalent level of achievement designated 2863

under division (A) (3) of section 3301.0710 of the Revised Code 2864  
on the assessment prescribed under that section to measure skill 2865  
in English language arts expected at the end of third grade, 2866  
unless one of the following applies: 2867

(a) The student is a limited English proficient student 2868  
who has been enrolled in United States schools for less than 2869  
three full school years and has had less than three years of 2870  
instruction in an English as a second language program. 2871

(b) The student is a child with a disability entitled to 2872  
special education and related services under Chapter 3323. of 2873  
the Revised Code and the student's individualized education 2874  
program exempts the student from retention under this division. 2875

(c) The student demonstrates an acceptable level of 2876  
performance on an alternative standardized reading assessment as 2877  
determined by the department of education. 2878

(d) All of the following apply: 2879

(i) The student is a child with a disability entitled to 2880  
special education and related services under Chapter 3323. of 2881  
the Revised Code. 2882

(ii) The student has taken the third grade English 2883  
language arts achievement assessment prescribed under section 2884  
3301.0710 of the Revised Code. 2885

(iii) The student's individualized education program or 2886  
plan under section 504 of the "Rehabilitation Act of 1973," 87 2887  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 2888  
received intensive remediation in reading for two school years 2889  
but still demonstrates a deficiency in reading. 2890

(iv) The student previously was retained in any of grades 2891

kindergarten to three. 2892

(e) (i) The student received intensive remediation for 2893  
reading for two school years but still demonstrates a deficiency 2894  
in reading and was previously retained in any of grades 2895  
kindergarten to three. 2896

(ii) A student who is promoted under division (A) (2) (e) (i) 2897  
of this section shall continue to receive intensive reading 2898  
instruction in grade four. The instruction shall include an 2899  
altered instructional day that includes specialized diagnostic 2900  
information and specific research-based reading strategies for 2901  
the student that have been successful in improving reading among 2902  
low-performing readers. 2903

(B) (1) Beginning in the 2012-2013 school year, to assist 2904  
students in meeting the third grade guarantee established by 2905  
this section, each school district board of education shall 2906  
adopt policies and procedures with which it annually shall 2907  
assess the reading skills of each student, except those students 2908  
with significant cognitive disabilities or other disabilities as 2909  
authorized by the department on a case-by-case basis, enrolled 2910  
in ~~kindergarten-first~~ to third grade and shall identify students 2911  
who are reading below their grade level. The reading skills 2912  
assessment shall be completed by the thirtieth day of September 2913  
~~for students in grades one to three, and by the first day of~~ 2914  
~~November for students in kindergarten.~~ Each district shall use 2915  
the diagnostic assessment to measure reading ability for the 2916  
appropriate grade level adopted under section 3301.079 of the 2917  
Revised Code, or a comparable tool approved by the department of 2918  
education, to identify such students. The policies and 2919  
procedures shall require the students' classroom teachers to be 2920  
involved in the assessment and the identification of students 2921

reading below grade level. The assessment may be administered 2922  
electronically using live, two-way video and audio connections 2923  
whereby the teacher administering the assessment may be in a 2924  
separate location from the student. 2925

(2) For each student identified by the diagnostic 2926  
assessment prescribed under this section as having reading 2927  
skills below grade level, the district shall do both of the 2928  
following: 2929

(a) Provide to the student's parent or guardian, in 2930  
writing, all of the following: 2931

(i) Notification that the student has been identified as 2932  
having a substantial deficiency in reading; 2933

(ii) A description of the current services that are 2934  
provided to the student; 2935

(iii) A description of the proposed supplemental 2936  
instructional services and supports that will be provided to the 2937  
student that are designed to remediate the identified areas of 2938  
reading deficiency; 2939

(iv) Notification that if the student attains a score in 2940  
the range designated under division (A) (3) of section 3301.0710 2941  
of the Revised Code on the assessment prescribed under that 2942  
section to measure skill in English language arts expected at 2943  
the end of third grade, the student shall be retained unless the 2944  
student is exempt under division (A) of this section. The 2945  
notification shall specify that the assessment under section 2946  
3301.0710 of the Revised Code is not the sole determinant of 2947  
promotion and that additional evaluations and assessments are 2948  
available to the student to assist parents and the district in 2949  
knowing when a student is reading at or above grade level and 2950

ready for promotion. 2951

(b) Provide intensive reading instruction services and 2952  
regular diagnostic assessments to the student immediately 2953  
following identification of a reading deficiency until the 2954  
development of the reading improvement and monitoring plan 2955  
required by division (C) of this section. These intervention 2956  
services shall include research-based reading strategies that 2957  
have been shown to be successful in improving reading among low- 2958  
performing readers and instruction targeted at the student's 2959  
identified reading deficiencies. 2960

(3) For each student retained under division (A) of this 2961  
section, the district shall do all of the following: 2962

(a) Provide intense remediation services until the student 2963  
is able to read at grade level. The remediation services shall 2964  
include intensive interventions in reading that address the 2965  
areas of deficiencies identified under this section including, 2966  
but not limited to, not less than ninety minutes of reading 2967  
instruction per day, and may include any of the following: 2968

(i) Small group instruction; 2969

(ii) Reduced teacher-student ratios; 2970

(iii) More frequent progress monitoring; 2971

(iv) Tutoring or mentoring; 2972

(v) Transition classes containing third and fourth grade 2973  
students; 2974

(vi) Extended school day, week, or year; 2975

(vii) Summer reading camps. 2976

(b) Establish a policy for the mid-year promotion of a 2977

student retained under division (A) of this section who 2978  
demonstrates that the student is reading at or above grade 2979  
level; 2980

(c) Provide each student with a teacher who satisfies one 2981  
or more of the criteria set forth in division (H) of this 2982  
section. 2983

The district shall offer the option for students to 2984  
receive applicable services from one or more providers other 2985  
than the district. Providers shall be screened and approved by 2986  
the district or the department of education. If the student 2987  
participates in the remediation services and demonstrates 2988  
reading proficiency in accordance with standards adopted by the 2989  
department prior to the start of fourth grade, the district 2990  
shall promote the student to that grade. 2991

(4) For each student retained under division (A) of this 2992  
section who has demonstrated proficiency in a specific academic 2993  
ability field, each district shall provide instruction 2994  
commensurate with student achievement levels in that specific 2995  
academic ability field. 2996

As used in this division, "specific academic ability 2997  
field" has the same meaning as in section 3324.01 of the Revised 2998  
Code. 2999

(C) For each student required to be provided intervention 3000  
services under this section, the district shall develop a 3001  
reading improvement and monitoring plan within sixty days after 3002  
receiving the student's results on the diagnostic assessment or 3003  
comparable tool administered under division (B)(1) of this 3004  
section. The district shall involve the student's parent or 3005  
guardian and classroom teacher in developing the plan. The plan 3006

shall include all of the following: 3007

(1) Identification of the student's specific reading 3008  
deficiencies; 3009

(2) A description of the additional instructional services 3010  
and support that will be provided to the student to remediate 3011  
the identified reading deficiencies; 3012

(3) Opportunities for the student's parent or guardian to 3013  
be involved in the instructional services and support described 3014  
in division (C) (2) of this section; 3015

(4) A process for monitoring the extent to which the 3016  
student receives the instructional services and support 3017  
described in division (C) (2) of this section; 3018

(5) A reading curriculum during regular school hours that 3019  
does all of the following: 3020

(a) Assists students to read at grade level; 3021

(b) Provides scientifically based and reliable assessment; 3022

(c) Provides initial and ongoing analysis of each 3023  
student's reading progress. 3024

(6) A statement that if the student does not attain at 3025  
least the equivalent level of achievement designated under 3026  
division (A) (3) of section 3301.0710 of the Revised Code on the 3027  
assessment prescribed under that section to measure skill in 3028  
English language arts expected by the end of third grade, the 3029  
student may be retained in third grade. 3030

Each student with a reading improvement and monitoring 3031  
plan under this division who enters third grade after July 1, 3032  
2013, shall be assigned to a teacher who satisfies one or more 3033



of the criteria set forth in division (H) of this section. 3034

The district shall report any information requested by the 3035  
department about the reading improvement monitoring plans 3036  
developed under this division in the manner required by the 3037  
department. 3038

(D) Each school district shall report annually to the 3039  
department on its implementation and compliance with this 3040  
section using guidelines prescribed by the superintendent of 3041  
public instruction. The superintendent of public instruction 3042  
annually shall report to the governor and general assembly the 3043  
number and percentage of students in grades kindergarten through 3044  
four reading below grade level based on the diagnostic 3045  
assessments administered under division (B) of this section and 3046  
the achievement assessments administered under divisions (A) (1) 3047  
(a) and (b) of section 3301.0710 of the Revised Code in English 3048  
language arts, aggregated by school district and building; the 3049  
types of intervention services provided to students; and, if 3050  
available, an evaluation of the efficacy of the intervention 3051  
services provided. 3052

(E) Any summer remediation services funded in whole or in 3053  
part by the state and offered by school districts to students 3054  
under this section shall meet the following conditions: 3055

(1) The remediation methods are based on reliable 3056  
educational research. 3057

(2) The school districts conduct assessment before and 3058  
after students participate in the program to facilitate 3059  
monitoring results of the remediation services. 3060

(3) The parents of participating students are involved in 3061  
programming decisions. 3062

(F) Any intervention or remediation services required by 3063  
this section shall include intensive, explicit, and systematic 3064  
instruction. 3065

(G) This section does not create a new cause of action or 3066  
a substantive legal right for any person. 3067

(H) (1) Except as provided under divisions (H) (2), (3), and 3068  
(4) of this section, each student described in division (B) (3) 3069  
or (C) of this section who enters third grade for the first time 3070  
on or after July 1, 2013, shall be assigned a teacher who has at 3071  
least one year of teaching experience and who satisfies one or 3072  
more of the following criteria: 3073

(a) The teacher holds a reading endorsement on the 3074  
teacher's license and has attained a passing score on the 3075  
corresponding assessment for that endorsement, as applicable. 3076

(b) The teacher has completed a master's degree program 3077  
with a major in reading. 3078

(c) The teacher was rated "most effective" for reading 3079  
instruction consecutively for the most recent two years based on 3080  
assessments of student growth measures developed by a vendor and 3081  
that is on the list of student assessments approved by the state 3082  
board under former division (B) (2) of section 3319.112 of the 3083  
Revised Code as it existed prior to the effective date of this 3084  
amendment. 3085

(d) The teacher was rated "above expected value added," in 3086  
reading instruction, as determined by criteria established by 3087  
the department, for the most recent, consecutive two years. 3088

(e) The teacher has earned a passing score on a rigorous 3089  
test of principles of scientifically research-based reading 3090  
instruction as approved by the state board. 3091

(f) The teacher holds an educator license for teaching 3092  
grades pre-kindergarten through three or four through nine 3093  
issued on or after July 1, 2017. 3094

(2) Notwithstanding division (H)(1) of this section, a 3095  
student described in division (B)(3) or (C) of this section who 3096  
enters third grade for the first time on or after July 1, 2013, 3097  
may be assigned to a teacher with less than one year of teaching 3098  
experience provided that the teacher meets one or more of the 3099  
criteria described in divisions (H)(1)(a) to (f) of this section 3100  
and that teacher is assigned a teacher mentor who meets the 3101  
qualifications of division (H)(1) of this section. 3102

(3) Notwithstanding division (H)(1) of this section, a 3103  
student described in division (B)(3) or (C) of this section who 3104  
enters third grade for the first time on or after July 1, 2013, 3105  
but prior to July 1, 2016, may be assigned to a teacher who 3106  
holds an alternative credential approved by the department or 3107  
who has successfully completed training that is based on 3108  
principles of scientifically research-based reading instruction 3109  
that has been approved by the department. Beginning on July 1, 3110  
2014, the alternative credentials and training described in 3111  
division (H)(3) of this section shall be aligned with the 3112  
reading competencies adopted by the state board of education 3113  
under section 3301.077 of the Revised Code. 3114

(4) Notwithstanding division (H)(1) of this section, a 3115  
student described in division (B)(3) or (C) of this section who 3116  
enters third grade for the first time on or after July 1, 2013, 3117  
may receive reading intervention or remediation services under 3118  
this section from an individual employed as a speech-language 3119  
pathologist who holds a license issued by the state speech and 3120  
hearing professionals board under Chapter 4753. of the Revised 3121

Code and a professional pupil services license as a school 3122  
speech-language pathologist issued by the state board of 3123  
education. 3124

(5) A teacher, other than a student's teacher of record, 3125  
may provide any services required under this section, so long as 3126  
that other teacher meets the requirements of division (H) of 3127  
this section and the teacher of record and the school principal 3128  
agree to the assignment. Any such assignment shall be documented 3129  
in the student's reading improvement and monitoring plan. 3130

As used in this division, "teacher of record" means the 3131  
classroom teacher to whom a student is assigned. 3132

(I) Notwithstanding division (H) of this section, a 3133  
teacher may teach reading to any student who is an English 3134  
language learner, and has been in the United States for three 3135  
years or less, or to a student who has an individualized 3136  
education program developed under Chapter 3323. of the Revised 3137  
Code if that teacher holds an alternative credential approved by 3138  
the department or has successfully completed training that is 3139  
based on principles of scientifically research-based reading 3140  
instruction that has been approved by the department. Beginning 3141  
on July 1, 2014, the alternative credentials and training 3142  
described in this division shall be aligned with the reading 3143  
competencies adopted by the state board of education under 3144  
section 3301.077 of the Revised Code. 3145

(J) If, on or after June 4, 2013, a school district or 3146  
community school cannot furnish the number of teachers needed 3147  
who satisfy one or more of the criteria set forth in division 3148  
(H) of this section for the 2013-2014 school year, the school 3149  
district or community school shall develop and submit a staffing 3150  
plan by June 30, 2013. The staffing plan shall include criteria 3151

that will be used to assign a student described in division (B) 3152  
(3) or (C) of this section to a teacher, credentials or training 3153  
held by teachers currently teaching at the school, and how the 3154  
school district or community school will meet the requirements 3155  
of this section. The school district or community school shall 3156  
post the staffing plan on its web site for the applicable school 3157  
year. 3158

Not later than March 1, 2014, and on the first day of 3159  
March in each year thereafter, a school district or community 3160  
school that has submitted a plan under this division shall 3161  
submit to the department a detailed report of the progress the 3162  
district or school has made in meeting the requirements under 3163  
this section. 3164

A school district or community school may request an 3165  
extension of a staffing plan beyond the 2013-2014 school year. 3166  
Extension requests must be submitted to the department not later 3167  
than the thirtieth day of April prior to the start of the 3168  
applicable school year. The department may grant extensions 3169  
valid through the 2015-2016 school year. 3170

Until June 30, 2015, the department annually shall review 3171  
all staffing plans and report to the state board not later than 3172  
the thirtieth day of June of each year the progress of school 3173  
districts and community schools in meeting the requirements of 3174  
this section. 3175

(K) The department of education shall designate one or 3176  
more staff members to provide guidance and assistance to school 3177  
districts and community schools in implementing the third grade 3178  
guarantee established by this section, including any standards 3179  
or requirements adopted to implement the guarantee and to 3180  
provide information and support for reading instruction and 3181

achievement.	3182
<b>Sec. 3314.35.</b> (A) (1) Except as provided in division (A) (4)	3183
of this section, this section applies to any community school	3184
that meets one of the following criteria after July 1, 2009, but	3185
before July 1, 2011:	3186
(a) The school does not offer a grade level higher than	3187
three and has been declared to be in a state of academic	3188
emergency under section 3302.03 of the Revised Code for three of	3189
the four most recent school years.	3190
(b) The school satisfies all of the following conditions:	3191
(i) The school offers any of grade levels four to eight	3192
but does not offer a grade level higher than nine.	3193
(ii) The school has been declared to be in a state of	3194
academic emergency under section 3302.03 of the Revised Code for	3195
two of the three most recent school years.	3196
(iii) In at least two of the three most recent school	3197
years, the school showed less than one standard year of academic	3198
growth in either reading or mathematics, as determined by the	3199
department of education in accordance with rules adopted under	3200
division (A) of section 3302.021 of the Revised Code.	3201
(c) The school offers any of grade levels ten to twelve	3202
and has been declared to be in a state of academic emergency	3203
under section 3302.03 of the Revised Code for three of the four	3204
most recent school years.	3205
(2) Except as provided in division (A) (4) of this section,	3206
this section applies to any community school that meets one of	3207
the following criteria after July 1, 2011, but before July 1,	3208
2013:	3209

(a) The school does not offer a grade level higher than 3210  
three and has been declared to be in a state of academic 3211  
emergency under section 3302.03 of the Revised Code for two of 3212  
the three most recent school years. 3213

(b) The school satisfies all of the following conditions: 3214

(i) The school offers any of grade levels four to eight 3215  
but does not offer a grade level higher than nine. 3216

(ii) The school has been declared to be in a state of 3217  
academic emergency under section 3302.03 of the Revised Code for 3218  
two of the three most recent school years. 3219

(iii) In at least two of the three most recent school 3220  
years, the school showed less than one standard year of academic 3221  
growth in either reading or mathematics, as determined by the 3222  
department in accordance with rules adopted under division (A) 3223  
of section 3302.021 of the Revised Code. 3224

(c) The school offers any of grade levels ten to twelve 3225  
and has been declared to be in a state of academic emergency 3226  
under section 3302.03 of the Revised Code for two of the three 3227  
most recent school years. 3228

(3) Except as provided in division (A) (4) of this section, 3229  
this section applies to any community school that meets one of 3230  
the following criteria on or after July 1, 2013: 3231

(a) The school does not offer a grade level higher than 3232  
three and, for two of the three most recent school years, 3233  
satisfies any of the following criteria: 3234

(i) The school has been declared to be in a state of 3235  
academic emergency under section 3302.03 of the Revised Code, as 3236  
it existed prior to March 22, 2013; 3237

(ii) The school has received a grade of "F" in improving 3238  
literacy in grades ~~kindergarten~~one through three under division 3239  
(B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 3240

(iii) The school has received an overall grade of "F" 3241  
under division (C) of section 3302.03 of the Revised Code. 3242

(b) The school offers any of grade levels four to eight 3243  
but does not offer a grade level higher than nine and, for two 3244  
of the three most recent school years, satisfies any of the 3245  
following criteria: 3246

(i) The school has been declared to be in a state of 3247  
academic emergency under section 3302.03 of the Revised Code, as 3248  
it existed prior to March 22, 2013, and the school showed less 3249  
than one standard year of academic growth in either reading or 3250  
mathematics, as determined by the department in accordance with 3251  
rules adopted under division (A) of section 3302.021 of the 3252  
Revised Code; 3253

(ii) The school has received a grade of "F" for the 3254  
performance index score under division (A) (1) (b), (B) (1) (b), or 3255  
(C) (1) (b) and a grade of "F" for the value-added progress 3256  
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 3257  
section 3302.03 of the Revised Code; 3258

(iii) The school has received an overall grade of "F" 3259  
under division (C) and a grade of "F" for the value-added 3260  
progress dimension under division (C) (1) (e) of section 3302.03 3261  
of the Revised Code. 3262

(c) The school offers any of grade levels ten to twelve 3263  
and, for two of the three most recent school years, satisfies 3264  
any of the following criteria: 3265

(i) The school has been declared to be in a state of 3266



academic emergency under section 3302.03 of the Revised Code, as 3267  
it existed prior to March 22, 2013; 3268

(ii) The school has received a grade of "F" for the 3269  
performance index score under division (A) (1) (b), (B) (1) (b), or 3270  
(C) (1) (b) and has not met annual measurable objectives under 3271  
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 3272  
of the Revised Code; 3273

(iii) The school has received an overall grade of "F" 3274  
under division (C) and a grade of "F" for the value-added 3275  
progress dimension under division (C) (1) (e) of section 3302.03 3276  
of the Revised Code. 3277

For purposes of division (A) (3) of this section only, the 3278  
department of education shall calculate the value-added progress 3279  
dimension for a community school using assessment scores for 3280  
only those students to whom the school has administered the 3281  
achievement assessments prescribed by section 3301.0710 of the 3282  
Revised Code for at least the two most recent school years but 3283  
using value-added data from only the most recent school year. 3284

(4) This section does not apply to either of the 3285  
following: 3286

(a) Any community school in which a majority of the 3287  
students are enrolled in a dropout prevention and recovery 3288  
program that is operated by the school. Rather, such schools 3289  
shall be subject to closure only as provided in section 3314.351 3290  
of the Revised Code. However, prior to July 1, 2014, a community 3291  
school in which a majority of the students are enrolled in a 3292  
dropout prevention and recovery program shall be exempt from 3293  
this section only if it has been granted a waiver under section 3294  
3314.36 of the Revised Code. 3295

(b) Any community school in which a majority of the 3296  
enrolled students are children with disabilities receiving 3297  
special education and related services in accordance with 3298  
Chapter 3323. of the Revised Code. 3299

(B) Any community school to which this section applies 3300  
shall permanently close at the conclusion of the school year in 3301  
which the school first becomes subject to this section. The 3302  
sponsor and governing authority of the school shall comply with 3303  
all procedures for closing a community school adopted by the 3304  
department under division (E) of section 3314.015 of the Revised 3305  
Code. The governing authority of the school shall not enter into 3306  
a contract with any other sponsor under section 3314.03 of the 3307  
Revised Code after the school closes. 3308

(C) In accordance with division (B) of section 3314.012 of 3309  
the Revised Code, the department shall not consider the 3310  
performance ratings assigned to a community school for its first 3311  
two years of operation when determining whether the school meets 3312  
the criteria prescribed by division (A)(1) or (2) of this 3313  
section. 3314

(D) Nothing in this section or in any other provision of 3315  
the Revised Code prohibits the sponsor of a community school 3316  
from exercising its option not to renew a contract for any 3317  
reason or from terminating a contract prior to its expiration 3318  
for any of the reasons set forth in section 3314.07 of the 3319  
Revised Code. 3320

**Sec. 3319.075.** Once the state board of education adopts 3321  
professional development standards pursuant to section 3319.61 3322  
of the Revised Code, the board of education of each school 3323  
district shall use the standards for the following purposes: 3324

(A) To guide the design of teacher education programs	3325
serving both teacher candidates and experienced teachers;	3326
(B) To guide school-based professional development that is	3327
aligned with student achievement;	3328
(C) To determine what types of professional development	3329
the school district and the schools within the district should	3330
provide;	3331
(D) To guide how state and federal funding for	3332
professional development should be spent;	3333
(E) To develop criteria for decision making by the local	3334
professional development committees established under section	3335
3319.22 of the Revised Code;	3336
(F) To guide the school district in the hiring of third-	3337
party providers of instructional services who use or meet the	3338
professional development standards;	3339
(G) To guide all licensed school personnel in developing	3340
their own plans for professional growth;	3341
<u>(H) To guide the development of professional growth plans</u>	3342
<u>and improvement plans resulting from the teacher evaluations</u>	3343
<u>conducted under section 3319.111 of the Revised Code.</u>	3344
<b>Sec. 3319.081.</b> Except as otherwise provided in division	3345
(G) of this section, in all school districts wherein the	3346
provisions of Chapter 124. of the Revised Code do not apply, the	3347
following employment contract system shall control for employees	3348
whose contracts of employment are not otherwise provided by law:	3349
(A) Newly hired regular nonteaching school employees,	3350
including regular hourly rate and per diem employees, shall	3351
enter into written contracts for their employment which shall be	3352

for a period of not more than one year. If such employees are 3353  
rehired, their three subsequent ~~contract~~-contracts shall be for 3354  
a period of two years each. 3355

(B) After the termination of the third two-year contract 3356  
provided in division (A) of this section, if the contract of a 3357  
nonteaching employee is renewed, the employee shall be continued 3358  
in employment, and the salary provided in the contract may be 3359  
increased but not reduced unless such reduction is a part of a 3360  
uniform plan affecting the nonteaching employees of the entire 3361  
district. 3362

(C) The contracts as provided for in this section may be 3363  
terminated by a majority vote of the board of education. Except 3364  
as provided in sections 3319.0810 and 3319.172 of the Revised 3365  
Code, the contracts may be terminated only for violation of 3366  
written rules and regulations as set forth by the board of 3367  
education or for incompetency, inefficiency, dishonesty, 3368  
drunkenness, immoral conduct, insubordination, discourteous 3369  
treatment of the public, neglect of duty, or any other acts of 3370  
misfeasance, malfeasance, or nonfeasance. In addition to the 3371  
right of the board of education to terminate the contract of an 3372  
employee, the board may suspend an employee for a definite 3373  
period of time or demote the employee for the reasons set forth 3374  
in this division. The action of the board of education 3375  
terminating the contract of an employee or suspending or 3376  
demoting the employee shall be served upon the employee by 3377  
certified mail. Within ten days following the receipt of such 3378  
notice by the employee, the employee may file an appeal, in 3379  
writing, with the court of common pleas of the county in which 3380  
such school board is situated. After hearing the appeal the 3381  
common pleas court may affirm, disaffirm, or modify the action 3382  
of the school board. 3383

A violation of division (A) (7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this division.

(D) All employees who have been employed by a school district where the provisions of Chapter 124. of the Revised Code do not apply, for a period of at least three years on November 24, 1967, shall hold continuing contracts of employment pursuant to this section.

(E) Any nonteaching school employee may terminate the nonteaching school employee's contract of employment thirty days subsequent to the filing of a written notice of such termination with the treasurer of the board.

(F) A person hired exclusively for the purpose of replacing a nonteaching school employee while such employee is on leave of absence granted under section 3319.13 of the Revised Code is not a regular nonteaching school employee under this section.

(G) All nonteaching employees employed pursuant to this section and Chapter 124. of the Revised Code shall be paid for all time lost when the schools in which they are employed are closed owing to an epidemic or other public calamity. Nothing in this division shall be construed as requiring payment in excess of an employee's regular wage rate or salary for any time worked while the school in which the employee is employed is officially closed for the reasons set forth in this division.

**Sec. 3319.088.** As used in this section, "educational assistant" means any nonteaching employee working in a federally funded program in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by

performing duties for which a license issued pursuant to 3413  
sections 3319.22 to 3319.30 of the Revised Code is not required. 3414

(A) The state board of education shall issue educational 3415  
aide permits and educational paraprofessional licenses for 3416  
educational assistants ~~and to applicants who undergo criminal~~ 3417  
records checks in accordance with section 3319.291 of the 3418  
Revised Code that do not indicate a plea of guilty, a finding of 3419  
guilt by a jury or court of, or a conviction of any of the 3420  
offenses listed in divisions (B) and (C) of section 3319.31 of 3421  
the Revised Code. The state board shall adopt rules for the 3422  
issuance and renewal of such permits and licenses which shall be 3423  
consistent with the provisions of this section. Educational aide 3424  
permits and educational paraprofessional licenses may be of 3425  
several types ~~and the rules shall prescribe the minimum~~ 3426  
~~qualifications of education, health, and character for the~~ 3427  
~~service to be authorized under each type. The prescribed minimum~~ 3428  
~~qualifications may require special training or educational~~ 3429  
~~courses designed to qualify a person to perform effectively the~~ 3430  
~~duties authorized under an educational aide permit or~~ 3431  
educational paraprofessional license as prescribed in the rules 3432  
adopted by the state board. 3433

(B) (1) Any application for a permit or license, or a 3434  
renewal or duplicate of a permit or license, under this section 3435  
shall be accompanied by the payment of a fee in the amount 3436  
established under division (A) of section 3319.51 of the Revised 3437  
Code. Any fees received under this division shall be paid into 3438  
the state treasury to the credit of the state board of education 3439  
licensure fund established under division (B) of section 3319.51 3440  
of the Revised Code. 3441

(2) Any person applying for or holding a permit or license 3442

pursuant to this section is subject to sections 3123.41 to 3443  
3123.50 of the Revised Code and any applicable rules adopted 3444  
under section 3123.63 of the Revised Code and sections 3319.31 3445  
and 3319.311 of the Revised Code. 3446

(C) Educational assistants shall at all times while in the 3447  
performance of their duties be under the supervision and 3448  
direction of a teacher as defined in section 3319.09 of the 3449  
Revised Code. Educational assistants may assist a teacher to 3450  
whom assigned in the supervision of pupils, in assisting with 3451  
instructional tasks, and in the performance of duties which, in 3452  
the judgment of the teacher to whom the assistant is assigned, 3453  
may be performed by a person not licensed pursuant to sections 3454  
3319.22 to 3319.30 of the Revised Code and for which a teaching 3455  
license, issued pursuant to sections 3319.22 to 3319.30 of the 3456  
Revised Code is not required. The duties of an educational 3457  
assistant shall not include the assignment of grades to pupils. 3458  
The duties of an educational assistant need not be performed in 3459  
the physical presence of the teacher to whom assigned, but the 3460  
activity of an educational assistant shall at all times be under 3461  
the direction of the teacher to whom assigned. The assignment of 3462  
an educational assistant need not be limited to assisting a 3463  
single teacher. In the event an educational assistant is 3464  
assigned to assist more than one teacher the assignments shall 3465  
be clearly delineated and so arranged that the educational 3466  
assistant shall never be subject to simultaneous supervision or 3467  
direction by more than one teacher. 3468

Educational assistants assigned to supervise children 3469  
shall, when the teacher to whom assigned is not physically 3470  
present, maintain the degree of control and discipline that 3471  
would be maintained by the teacher. 3472

Educational assistants may not be used in place of 3473  
classroom teachers or other employees and any payment of 3474  
compensation by boards of education to educational assistants 3475  
for such services is prohibited. The ratio between the number of 3476  
licensed teachers and the pupils in a school district may not be 3477  
decreased by utilization of educational assistants and no 3478  
grouping, or other organization of pupils, for utilization of 3479  
educational assistants shall be established which is 3480  
inconsistent with sound educational practices and procedures. A 3481  
school district may employ up to one full time equivalent 3482  
educational assistant for each six full time equivalent licensed 3483  
employees of the district. Educational assistants shall not be 3484  
counted as licensed employees for purposes of state support in 3485  
the school foundation program and no grouping or regrouping of 3486  
pupils with educational assistants may be counted as a class or 3487  
unit for school foundation program purposes. Neither special 3488  
courses required by the regulations of the state board of 3489  
education, prescribing minimum qualifications of education for 3490  
an educational assistant, nor years of service as an educational 3491  
assistant shall be counted in any way toward qualifying for a 3492  
teacher license, for a teacher contract of any type, or for 3493  
determining placement on a salary schedule in a school district 3494  
as a teacher. 3495

(D) Educational assistants employed by a board of 3496  
education shall have all rights, benefits, and legal protection 3497  
available to other nonteaching employees in the school district, 3498  
except that provisions of Chapter 124. of the Revised Code shall 3499  
not apply to any person employed as an educational assistant, 3500  
and shall be members of the school employees retirement system. 3501  
Educational assistants shall be compensated according to a 3502  
salary plan adopted annually by the board. 3503



Except as provided in this section nonteaching employees 3504  
shall not serve as educational assistants without first 3505  
obtaining an appropriate educational aide permit or educational 3506  
paraprofessional license from the state board of education. A 3507  
nonteaching employee who is the holder of a valid educational 3508  
aide permit or educational paraprofessional license shall 3509  
neither render nor be required to render services inconsistent 3510  
with the type of services authorized by the permit or license 3511  
held. No person shall receive compensation from a board of 3512  
education for services rendered as an educational assistant in 3513  
violation of this provision. 3514

Nonteaching employees whose functions are solely 3515  
secretarial-clerical and who do not perform any other duties as 3516  
educational assistants, even though they assist a teacher and 3517  
work under the direction of a teacher shall not be required to 3518  
hold a permit or license issued pursuant to this section. 3519  
Students preparing to become licensed teachers or educational 3520  
assistants shall not be required to hold an educational aide 3521  
permit or paraprofessional license for such periods of time as 3522  
such students are assigned, as part of their training program, 3523  
to work with a teacher in a school district. Such students shall 3524  
not be compensated for such services. 3525

Nonteaching employees whose services are needed to 3526  
substitute for educational assistants shall not be required to 3527  
hold a permit or license issued pursuant to this section. 3528

Following the determination of the assignment and general 3529  
job description of an educational assistant and subject to 3530  
supervision by the teacher's immediate administrative officer, a 3531  
teacher to whom an educational assistant is assigned shall make 3532  
all final determinations of the duties to be assigned to such 3533

assistant. Teachers shall not be required to hold a license 3534  
designated for being a supervisor or administrator in order to 3535  
perform the necessary supervision of educational assistants. 3536

(E) No person who is, or who has been employed as an 3537  
educational assistant shall divulge, except to the teacher to 3538  
whom assigned, or the administrator of the school in the absence 3539  
of the teacher to whom assigned, or when required to testify in 3540  
a court or proceedings, any personal information concerning any 3541  
pupil in the school district which was obtained or obtainable by 3542  
the educational assistant while so employed. Violation of this 3543  
provision is grounds for disciplinary action or dismissal, or 3544  
both. 3545

(F) Notwithstanding anything to the contrary in this 3546  
section, the superintendent of a school district may allow an 3547  
employee who does not hold a permit or license issued under this 3548  
section to work as a substitute for an educational assistant who 3549  
is absent on account of illness or on a leave of absence, or to 3550  
fill a temporary position created by an emergency, provided that 3551  
the superintendent believes the employee's application materials 3552  
indicate that the employee is qualified to obtain a permit or 3553  
license under this section. 3554

An employee shall begin work as a substitute under this 3555  
division not earlier than on the date on which the employee 3556  
files an application with the state board for a permit or 3557  
license under this section. An employee shall cease working as a 3558  
substitute under this division on the earliest of the following: 3559

(1) The date on which the employee files a valid permit or 3560  
license issued under this section with the superintendent; 3561

(2) The date on which the employee is denied a permit or 3562

license under this section; 3563

(3) Sixty days following the date on which the employee 3564  
began work as a substitute under this division. 3565

The superintendent shall ensure that an employee assigned 3566  
to work as a substitute under division (F) of this section has 3567  
undergone a criminal records check in accordance with section 3568  
3319.391 of the Revised Code. 3569

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 3570  
Revised Code, this section applies to any person who is employed 3571  
under a teacher license issued under this chapter, or under a 3572  
professional or permanent teacher's certificate issued under 3573  
former section 3319.222 of the Revised Code, and who spends at 3574  
least fifty per cent of the time employed providing student 3575  
instruction. However, this section does not apply to any person 3576  
who is employed as a substitute teacher or as an instructor of 3577  
adult education. 3578

(A) Not later than July 1, ~~2013~~ 2018, the board of 3579  
education of each school district, in consultation with teachers 3580  
employed by the board, shall ~~adopt a~~ update its standards-based 3581  
teacher evaluation policy ~~that conforms to conform~~ with the 3582  
framework for evaluation of teachers ~~developed~~ adopted under 3583  
section 3319.112 of the Revised Code. The policy shall become 3584  
operative at the expiration of any collective bargaining 3585  
agreement covering teachers employed by the board that is in 3586  
effect on ~~September 29, 2011~~ the effective date of this 3587  
amendment, and shall be included in any renewal or extension of 3588  
such an agreement. 3589

(B) When using measures of student ~~academic growth as a~~ 3590  
~~component of performance as evidence in a~~ teacher's evaluation, 3591

those measures shall ~~include the value added progress dimension~~ 3592  
~~prescribed by section 3302.021 of the Revised Code or an~~ 3593  
~~alternative student academic progress measure if adopted under~~ 3594  
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 3595  
~~teachers of grade levels and subjects for which the value added~~ 3596  
~~progress dimension or alternative student academic progress~~ 3597  
~~measure is not applicable, the board shall administer~~ 3598  
~~assessments on the list developed under division (B) (2) be high-~~ 3599  
~~quality student data, as defined under division (A) (6) of~~ 3600  
section 3319.112 of the Revised Code. 3601

(C) (1) The board shall conduct an evaluation of each 3602  
teacher employed by the board at least once each school year, 3603  
except as provided in division (C) (2) of this section. The 3604  
evaluation shall be completed by the first day of May and the 3605  
teacher shall receive a written report of the results of the 3606  
evaluation by the tenth day of May. 3607

(2) (a) The board may evaluate each teacher who received a 3608  
rating of accomplished on the teacher's most recent evaluation 3609  
conducted under this section once every three school years, so 3610  
long as the ~~teacher's student academic growth measure, for the~~ 3611  
~~most recent school year for which data is available, is average-~~ 3612  
~~or higher, as determined by the department of education teacher~~ 3613  
~~submits a self-directed professional growth plan to the~~ 3614  
~~evaluator that focuses on specific areas identified in the~~ 3615  
~~observations and evaluation and the evaluator determines that~~ 3616  
~~the teacher is making progress on that plan.~~ 3617

(b) The board may evaluate each teacher who received a 3618  
rating of skilled on the teacher's most recent evaluation 3619  
conducted under this section once every two years, so long as 3620  
the ~~teacher's student academic growth measure, for the most~~ 3621

~~recent school year for which data is available, is average or~~ 3622  
~~higher, as determined by the department of education~~ 3623  
~~teacher and~~  
~~evaluator jointly develop a professional growth plan for the~~ 3624  
~~teacher that focuses on specific areas identified in the~~ 3625  
~~observations and evaluation and the evaluator determines that~~ 3626  
~~the teacher is making progress on that plan.~~ 3627

(c) For each teacher who is evaluated pursuant to division 3628  
(C) (2) of this section, the evaluation shall be completed by the 3629  
first day of May of the applicable school year, and the teacher 3630  
shall receive a written report of the results of the evaluation 3631  
by the tenth day of May of that school year. 3632

~~(d) Beginning with the 2014-2015 school year, the~~ 3633  
~~The~~  
board may elect not to conduct an evaluation of a teacher who 3634  
meets one of the following requirements: 3635

(i) The teacher was on leave from the school district for 3636  
fifty per cent or more of the school year, as calculated by the 3637  
board. 3638

(ii) The teacher has submitted notice of retirement and 3639  
that notice has been accepted by the board not later than the 3640  
first day of December of the school year in which the evaluation 3641  
is otherwise scheduled to be conducted. 3642

(e) Beginning with the 2017-2018 school year, the board 3643  
may elect not to conduct an evaluation of a teacher who is 3644  
participating in the teacher residency program established under 3645  
section 3319.223 of the Revised Code for the year during which 3646  
that teacher takes, for the first time, at least half of the 3647  
performance-based assessment prescribed by the state board of 3648  
education for resident educators. 3649

(3) In any year that a teacher is not formally evaluated 3650

pursuant to division (C) of this section as a result of 3651  
receiving a rating of accomplished or skilled on the teacher's 3652  
most recent evaluation, an individual qualified to evaluate a 3653  
teacher under division (D) of this section shall conduct at 3654  
least one observation of the teacher and hold at least one 3655  
conference with the teacher. The conference shall include a 3656  
discussion of progress on the teacher's professional growth 3657  
plan. 3658

(D) Each evaluation conducted pursuant to this section 3659  
shall be conducted by one or more of the following persons who 3660  
hold a credential established by the department of education for 3661  
being an evaluator: 3662

(1) A person who is under contract with the board pursuant 3663  
to section 3319.01 or 3319.02 of the Revised Code and holds a 3664  
license designated for being a superintendent, assistant 3665  
superintendent, or principal issued under section 3319.22 of the 3666  
Revised Code; 3667

(2) A person who is under contract with the board pursuant 3668  
to section 3319.02 of the Revised Code and holds a license 3669  
designated for being a vocational director, administrative 3670  
specialist, or supervisor in any educational area issued under 3671  
section 3319.22 of the Revised Code; 3672

(3) A person designated to conduct evaluations under an 3673  
agreement entered into by the board, including an agreement 3674  
providing for peer review entered into by the board and 3675  
representatives of teachers employed by the board; 3676

(4) A person who is employed by an entity contracted by 3677  
the board to conduct evaluations and who holds a license 3678  
designated for being a superintendent, assistant superintendent, 3679

principal, vocational director, administrative specialist, or 3680  
supervisor in any educational area issued under section 3319.22 3681  
of the Revised Code or is qualified to conduct evaluations. 3682

(E) Notwithstanding division (A) (3) of section 3319.112 of 3683  
the Revised Code: 3684

~~(1) The, the~~ board shall require at least three formal 3685  
observations of each teacher who is under consideration for 3686  
nonrenewal and with whom the board has entered into a limited 3687  
contract or an extended limited contract under section 3319.11 3688  
of the Revised Code. 3689

~~(2) The board may elect, by adoption of a resolution, to 3690  
require only one formal observation of a teacher who received a 3691  
rating of accomplished on the teacher's most recent evaluation 3692  
conducted under this section, provided the teacher completes a 3693  
project that has been approved by the board to demonstrate the 3694  
teacher's continued growth and practice at the accomplished 3695  
level. 3696~~

(F) The board shall include in its evaluation policy 3697  
procedures for using the evaluation results for retention and 3698  
promotion decisions and for removal of poorly performing 3699  
teachers. Seniority shall not be the basis for a decision to 3700  
retain a teacher, except when making a decision between teachers 3701  
who have comparable evaluations. 3702

(G) For purposes of section 3333.0411 of the Revised Code, 3703  
the board annually shall report to the department of education 3704  
the number of teachers for whom an evaluation was conducted 3705  
under this section and the number of teachers assigned each 3706  
rating prescribed under division (B) ~~(1)~~ of section 3319.112 of 3707  
the Revised Code, aggregated by the teacher preparation programs 3708

from which and the years in which the teachers graduated. The 3709  
department shall establish guidelines for reporting the 3710  
information required by this division. The guidelines shall not 3711  
permit or require that the name of, or any other personally 3712  
identifiable information about, any teacher be reported under 3713  
this division. 3714

(H) Notwithstanding any provision to the contrary in 3715  
Chapter 4117. of the Revised Code, the requirements of this 3716  
section prevail over any conflicting provisions of a collective 3717  
bargaining agreement entered into on or after ~~September 24, 2012~~ 3718  
the effective date of this amendment. 3719

**Sec. 3319.112.** (A) ~~Not later than December 31, 2011, The~~ 3720  
department of education shall revise the state board of 3721  
~~education shall develop a~~ education's standards-based state 3722  
framework for the evaluation of teachers, based on the 3723  
recommendations of the educator standards board established 3724  
under section 3319.60 of the Revised Code, and shall submit a 3725  
summary of the revisions to the state board for review. Not 3726  
later than May 1, 2018, the state board shall adopt the revised 3727  
framework. The state board may update the framework periodically 3728  
by adoption of a resolution. The framework shall establish an 3729  
evaluation system that does the following: 3730

(1) Provides for multiple evaluation factors. ~~One factor~~ 3731  
~~shall be student academic growth which shall account for fifty~~ 3732  
~~per cent of each evaluation, except as otherwise prescribed by~~ 3733  
~~the alternative framework under section 3319.114 of the Revised~~ 3734  
~~Code. When applicable to the grade level or subject area taught~~ 3735  
~~by a teacher, the value-added progress dimension established~~ 3736  
~~under section 3302.021 of the Revised Code or an alternative~~ 3737  
~~student academic progress measure if adopted under division (C)~~ 3738



~~(1) (e) of section 3302.03 of the Revised Code shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value added progress dimension is applicable.~~ 3739  
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~~If a teacher's schedule is comprised only of courses or subjects for which the value added progress dimension is applicable, one of the following applies:~~ 3744  
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~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value added progress dimension.~~ 3747  
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~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty five or more excused or unexcused absences during the full academic year.;~~ 3750  
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(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3756  
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(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom ~~walkthroughs~~ walk-throughs; 3758  
3759  
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(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised Code, whichever is applicable;~~ 3762  
3763  
3764

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3765  
3766

~~(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;~~ 3767  
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~~(7) Implements a classroom level, value added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code;~~ 3773  
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~~(8) Uses student assessment instruments approved by the district board of education;~~ 3778  
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(7) Prohibits the shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group; 3780  
3781  
3782

(8) Includes development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under the "Elementary and Secondary Education Act of 1965," as amended by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 20 U.S.C. 6301 et seq.; 3783  
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(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers; 3790  
3791  
3792

~~(9)-(10) Provides for the allocation of financial resources to support professional development.~~ 3793  
3794

(B) For purposes of the framework ~~developed~~ adopted under 3795

this section, the ~~state board department~~ also shall ~~do the~~ 3796  
~~following:~~ 3797

~~(1) Develop revise, as necessary, specific standards and~~ 3798  
criteria that distinguish between the following levels of 3799  
performance for teachers and principals for the purpose of 3800  
assigning ratings on the evaluations conducted under sections 3801  
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code: 3802

~~(a) (1) Accomplished;~~ 3803

~~(b) (2) Skilled;~~ 3804

~~(c) (3) Developing;~~ 3805

~~(d) (4) Ineffective.~~ 3806

~~(2) For grade levels and subjects for which the~~ 3807  
~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 3808  
~~the Revised Code and the value-added progress dimension~~ 3809  
~~prescribed by section 3302.021 of the Revised Code, or~~ 3810  
~~alternative student academic progress measure, do not apply,~~ 3811  
~~develop a list of student assessments that measure mastery of~~ 3812  
~~the course content for the appropriate grade level, which may~~ 3813  
~~include nationally normed standardized assessments, industry~~ 3814  
~~certification examinations, or end-of-course examinations.~~ 3815

(C) The ~~state board department~~ shall consult with experts, 3816  
teachers and principals employed in public schools, the educator 3817  
standards board, and representatives of stakeholder groups in 3818  
~~developing revising~~ the standards and criteria required by 3819  
division (B) ~~(1)~~ of this section. 3820

(D) To assist school districts in developing evaluation 3821  
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 3822  
of the Revised Code, the department shall do ~~both~~ all of the 3823

following: 3824

(1) Serve as a clearinghouse of promising evaluation 3825  
procedures and evaluation models that districts may use; 3826

(2) Provide technical assistance to districts in creating 3827  
evaluation policies; 3828

(3) Provide guidance to districts on how high-quality 3829  
student data may be used as evidence of student learning 3830  
attributable to a particular teacher, including examples of 3831  
appropriate use of that data within the framework adopted under 3832  
this section; 3833

(4) Provide guidance to districts on how information from 3834  
student surveys, student portfolios, peer review evaluations, 3835  
teacher self-evaluations, and other components determined 3836  
appropriate by the district may be used as part of the 3837  
evaluation process. 3838

(E) Not later than ~~June 30, 2013~~ July 1, 2018, the ~~state-~~ 3839  
~~board~~ department, in consultation with other state agencies that 3840  
employ teachers, shall ~~develop a~~ update its standards-based 3841  
framework for the evaluation of teachers employed by those 3842  
agencies. Each state agency that employs teachers shall adopt a 3843  
standards-based teacher evaluation policy ~~that conforms to~~ 3844  
conform with the framework ~~developed under this division~~. The 3845  
policy shall become operative at the expiration of any 3846  
collective bargaining agreement covering teachers employed by 3847  
the agency that is in effect on ~~September 24, 2012~~ the effective 3848  
date of this amendment, and shall be included in any renewal or 3849  
extension of such an agreement. However, this division does not 3850  
apply to any person who is employed as a substitute teacher or 3851  
as an instructor of adult education. 3852

**Sec. 3319.22.** (A) (1) The state board of education shall 3853  
issue the following educator licenses: 3854

(a) A resident educator license, which shall be valid for 3855  
four years and shall be renewable for reasons specified by rules 3856  
adopted by the state board pursuant to division (A) (3) of this 3857  
section. The state board, on a case-by-case basis, may extend 3858  
the license's duration as necessary to enable the license holder 3859  
to complete the Ohio teacher residency program established under 3860  
section 3319.223 of the Revised Code; 3861

(b) A professional educator license, which shall be valid 3862  
for five years and shall be renewable; 3863

(c) A senior professional educator license, which shall be 3864  
valid for five years and shall be renewable; 3865

(d) A lead professional educator license, which shall be 3866  
valid for five years and shall be renewable. 3867

Licenses issued under division (A) (1) of this section 3868  
shall specify whether the educator is licensed to teach grades 3869  
kindergarten through eight or to teach grades six through 3870  
twelve. 3871

(2) The state board may issue any additional educator 3872  
licenses of categories, types, and levels the board elects to 3873  
provide. 3874

(3) The state board shall adopt rules establishing the 3875  
standards and requirements for obtaining each educator license 3876  
issued under this section. The rules shall also include the 3877  
reasons for which a resident educator license may be renewed 3878  
under division (A) (1) (a) of this section. 3879

(B) The rules adopted under this section shall require at 3880

least the following standards and qualifications for the 3881  
educator licenses described in division (A) (1) of this section: 3882

(1) An applicant for a resident educator license shall 3883  
hold at least a bachelor's degree from an accredited teacher 3884  
preparation program or be a participant in the teach for America 3885  
program and meet the qualifications required under section 3886  
3319.227 of the Revised Code. 3887

(2) An applicant for a professional educator license 3888  
shall: 3889

(a) Hold at least a bachelor's degree from an institution 3890  
of higher education accredited by a regional accrediting 3891  
organization; 3892

(b) Have successfully completed the Ohio teacher residency 3893  
program established under section 3319.223 of the Revised Code, 3894  
if the applicant's current or most recently issued license is a 3895  
resident educator license issued under this section or an 3896  
alternative resident educator license issued under section 3897  
3319.26 of the Revised Code. 3898

(3) An applicant for a senior professional educator 3899  
license shall: 3900

(a) Hold at least a master's degree from an institution of 3901  
higher education accredited by a regional accrediting 3902  
organization; 3903

(b) Have previously held a professional educator license 3904  
issued under this section or section 3319.222 or under former 3905  
section 3319.22 of the Revised Code; 3906

(c) Meet the criteria for the accomplished or 3907  
distinguished level of performance, as described in the 3908

standards for teachers adopted by the state board under section 3909  
3319.61 of the Revised Code. 3910

(4) An applicant for a lead professional educator license 3911  
shall: 3912

(a) Hold at least a master's degree from an institution of 3913  
higher education accredited by a regional accrediting 3914  
organization; 3915

(b) Have previously held a professional educator license 3916  
or a senior professional educator license issued under this 3917  
section or a professional educator license issued under section 3918  
3319.222 or former section 3319.22 of the Revised Code; 3919

(c) Meet the criteria for the distinguished level of 3920  
performance, as described in the standards for teachers adopted 3921  
by the state board under section 3319.61 of the Revised Code; 3922

(d) Either hold a valid certificate issued by the national 3923  
board for professional teaching standards or meet the criteria 3924  
for a master teacher or other criteria for a lead teacher 3925  
adopted by the educator standards board under division (F) (4) or 3926  
(5) of section 3319.61 of the Revised Code. 3927

(C) The state board shall align the standards and 3928  
qualifications for obtaining a principal license with the 3929  
standards for principals adopted by the state board under 3930  
section 3319.61 of the Revised Code. 3931

(D) If the state board requires any examinations for 3932  
educator licensure, the department of education shall provide 3933  
the results of such examinations received by the department to 3934  
the chancellor of higher education, in the manner and to the 3935  
extent permitted by state and federal law. 3936

(E) Any rules the state board of education adopts, amends, 3937  
or rescinds for educator licenses under this section, division 3938  
(D) of section 3301.07 of the Revised Code, or any other law 3939  
shall be adopted, amended, or rescinded under Chapter 119. of 3940  
the Revised Code except as follows: 3941

(1) Notwithstanding division (E) of section 119.03 and 3942  
division (A)(1) of section 119.04 of the Revised Code, in the 3943  
case of the adoption of any rule or the amendment or rescission 3944  
of any rule that necessitates institutions' offering preparation 3945  
programs for educators and other school personnel that are 3946  
approved by the chancellor of higher education under section 3947  
3333.048 of the Revised Code to revise the curriculum of those 3948  
programs, the effective date shall not be as prescribed in 3949  
division (E) of section 119.03 and division (A)(1) of section 3950  
119.04 of the Revised Code. Instead, the effective date of such 3951  
rules, or the amendment or rescission of such rules, shall be 3952  
the date prescribed by section 3333.048 of the Revised Code. 3953

(2) Notwithstanding the authority to adopt, amend, or 3954  
rescind emergency rules in division (G) of section 119.03 of the 3955  
Revised Code, this authority shall not apply to the state board 3956  
of education with regard to rules for educator licenses. 3957

(F)(1) The rules adopted under this section establishing 3958  
standards requiring additional coursework for the renewal of any 3959  
educator license shall require a school district and a chartered 3960  
nonpublic school to establish local professional development 3961  
committees. In a nonpublic school, the chief administrative 3962  
officer shall establish the committees in any manner acceptable 3963  
to such officer. The committees established under this division 3964  
shall determine whether coursework that a district or chartered 3965  
nonpublic school teacher proposes to complete meets the 3966



requirement of the rules. The department of education shall 3967  
provide technical assistance and support to committees as the 3968  
committees incorporate the professional development standards 3969  
adopted by the state board of education pursuant to section 3970  
3319.61 of the Revised Code into their review of coursework that 3971  
is appropriate for license renewal. The rules shall establish a 3972  
procedure by which a teacher may appeal the decision of a local 3973  
professional development committee. 3974

(2) In any school district in which there is no exclusive 3975  
representative established under Chapter 4117. of the Revised 3976  
Code, the professional development committees shall be 3977  
established as described in division (F)(2) of this section. 3978

Not later than the effective date of the rules adopted 3979  
under this section, the board of education of each school 3980  
district shall establish the structure for one or more local 3981  
professional development committees to be operated by such 3982  
school district. The committee structure so established by a 3983  
district board shall remain in effect unless within thirty days 3984  
prior to an anniversary of the date upon which the current 3985  
committee structure was established, the board provides notice 3986  
to all affected district employees that the committee structure 3987  
is to be modified. Professional development committees may have 3988  
a district-level or building-level scope of operations, and may 3989  
be established with regard to particular grade or age levels for 3990  
which an educator license is designated. 3991

Each professional development committee shall consist of 3992  
at least three classroom teachers employed by the district, one 3993  
principal employed by the district, and one other employee of 3994  
the district appointed by the district superintendent. For 3995  
committees with a building-level scope, the teacher and 3996

principal members shall be assigned to that building, and the 3997  
teacher members shall be elected by majority vote of the 3998  
classroom teachers assigned to that building. For committees 3999  
with a district-level scope, the teacher members shall be 4000  
elected by majority vote of the classroom teachers of the 4001  
district, and the principal member shall be elected by a 4002  
majority vote of the principals of the district, unless there 4003  
are two or fewer principals employed by the district, in which 4004  
case the one or two principals employed shall serve on the 4005  
committee. If a committee has a particular grade or age level 4006  
scope, the teacher members shall be licensed to teach such grade 4007  
or age levels, and shall be elected by majority vote of the 4008  
classroom teachers holding such a license and the principal 4009  
shall be elected by all principals serving in buildings where 4010  
any such teachers serve. The district superintendent shall 4011  
appoint a replacement to fill any vacancy that occurs on a 4012  
professional development committee, except in the case of 4013  
vacancies among the elected classroom teacher members, which 4014  
shall be filled by vote of the remaining members of the 4015  
committee so selected. 4016

Terms of office on professional development committees 4017  
shall be prescribed by the district board establishing the 4018  
committees. The conduct of elections for members of professional 4019  
development committees shall be prescribed by the district board 4020  
establishing the committees. A professional development 4021  
committee may include additional members, except that the 4022  
majority of members on each such committee shall be classroom 4023  
teachers employed by the district. Any member appointed to fill 4024  
a vacancy occurring prior to the expiration date of the term for 4025  
which a predecessor was appointed shall hold office as a member 4026  
for the remainder of that term. 4027

The initial meeting of any professional development 4028  
committee, upon election and appointment of all committee 4029  
members, shall be called by a member designated by the district 4030  
superintendent. At this initial meeting, the committee shall 4031  
select a chairperson and such other officers the committee deems 4032  
necessary, and shall adopt rules for the conduct of its 4033  
meetings. Thereafter, the committee shall meet at the call of 4034  
the chairperson or upon the filing of a petition with the 4035  
district superintendent signed by a majority of the committee 4036  
members calling for the committee to meet. 4037

(3) In the case of a school district in which an exclusive 4038  
representative has been established pursuant to Chapter 4117. of 4039  
the Revised Code, professional development committees shall be 4040  
established in accordance with any collective bargaining 4041  
agreement in effect in the district that includes provisions for 4042  
such committees. 4043

If the collective bargaining agreement does not specify a 4044  
different method for the selection of teacher members of the 4045  
committees, the exclusive representative of the district's 4046  
teachers shall select the teacher members. 4047

If the collective bargaining agreement does not specify a 4048  
different structure for the committees, the board of education 4049  
of the school district shall establish the structure, including 4050  
the number of committees and the number of teacher and 4051  
administrative members on each committee; the specific 4052  
administrative members to be part of each committee; whether the 4053  
scope of the committees will be district levels, building 4054  
levels, or by type of grade or age levels for which educator 4055  
licenses are designated; the lengths of terms for members; the 4056  
manner of filling vacancies on the committees; and the frequency 4057

and time and place of meetings. However, in all cases, except as 4058  
provided in division (F) (4) of this section, there shall be a 4059  
majority of teacher members of any professional development 4060  
committee, there shall be at least five total members of any 4061  
professional development committee, and the exclusive 4062  
representative shall designate replacement members in the case 4063  
of vacancies among teacher members, unless the collective 4064  
bargaining agreement specifies a different method of selecting 4065  
such replacements. 4066

(4) Whenever an administrator's coursework plan is being 4067  
discussed or voted upon, the local professional development 4068  
committee shall, at the request of one of its administrative 4069  
members, cause a majority of the committee to consist of 4070  
administrative members by reducing the number of teacher members 4071  
voting on the plan. 4072

(G) (1) The department of education, educational service 4073  
centers, county boards of developmental disabilities, regional 4074  
professional development centers, special education regional 4075  
resource centers, college and university departments of 4076  
education, head start programs, and the Ohio education computer 4077  
network may establish local professional development committees 4078  
to determine whether the coursework proposed by their employees 4079  
who are licensed or certificated under this section or section 4080  
3319.222 of the Revised Code, or under the former version of 4081  
either section as it existed prior to October 16, 2009, meet the 4082  
requirements of the rules adopted under this section. They may 4083  
establish local professional development committees on their own 4084  
or in collaboration with a school district or other agency 4085  
having authority to establish them. 4086

Local professional development committees established by 4087

county boards of developmental disabilities shall be structured 4088  
in a manner comparable to the structures prescribed for school 4089  
districts in divisions (F) (2) and (3) of this section, as shall 4090  
the committees established by any other entity specified in 4091  
division (G) (1) of this section that provides educational 4092  
services by employing or contracting for services of classroom 4093  
teachers licensed or certificated under this section or section 4094  
3319.222 of the Revised Code, or under the former version of 4095  
either section as it existed prior to October 16, 2009. All 4096  
other entities specified in division (G) (1) of this section 4097  
shall structure their committees in accordance with guidelines 4098  
which shall be issued by the state board. 4099

(2) Any public agency that is not specified in division 4100  
(G) (1) of this section but provides educational services and 4101  
employs or contracts for services of classroom teachers licensed 4102  
or certificated under this section or section 3319.222 of the 4103  
Revised Code, or under the former version of either section as 4104  
it existed prior to October 16, 2009, may establish a local 4105  
professional development committee, subject to the approval of 4106  
the department of education. The committee shall be structured 4107  
in accordance with guidelines issued by the state board. 4108

(H) Not later than July 1, 2016, the state board, in 4109  
accordance with Chapter 119. of the Revised Code, shall adopt 4110  
rules pursuant to division (A) (3) of this section that do both 4111  
of the following: 4112

(1) Exempt consistently high-performing teachers from the 4113  
requirement to complete any additional coursework for the 4114  
renewal of an educator license issued under this section or 4115  
section 3319.26 of the Revised Code. The rules also shall 4116  
specify that such teachers are exempt from any requirements 4117

prescribed by professional development committees established 4118  
under divisions (F) and (G) of this section. 4119

(2) For purposes of division (H)(1) of this section, the 4120  
state board shall define the term "consistently high-performing 4121  
teacher." 4122

Sec. 3319.226. (A) Beginning July 1, 2018, the state board 4123  
of education shall issue educator licenses for substitute 4124  
teaching only under this section. 4125

(B) The state board shall adopt rules establishing 4126  
standards and requirements for obtaining a license under this 4127  
section and for renewal of the license. The rules shall not 4128  
require an applicant to hold a post-secondary degree in any 4129  
specified subject area. The rules also shall not restrict the 4130  
number of school days that the holder of a license issued under 4131  
this section may work. 4132

(C) Any license issued or renewed under former section 4133  
3319.226 of the Revised Code that was still in force on the 4134  
effective date of this section shall remain in force for the 4135  
remainder of the term for which it was issued or renewed. Upon 4136  
the expiration of that term, the holder of that license shall be 4137  
subject to licensure under the rules adopted under this section. 4138

Sec. 3319.361. Notwithstanding any provision of the 4139  
Revised Code or any rule of the state board of education to the 4140  
contrary, a superintendent of a city, local, or exempted village 4141  
school district may employ a person licensed under section 4142  
3319.22 of the Revised Code to teach a subject area or grade 4143  
level for which the person is not licensed. 4144

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 4145  
school year, the board of education of each city, exempted 4146

village, local, joint vocational, and cooperative education 4147  
school district and the governing board of each educational 4148  
service center shall adopt a new or amended policy to guide 4149  
employees of the school district or service center in addressing 4150  
and ameliorating student absences. In developing the policy, the 4151  
appropriate board shall consult with the judge of the juvenile 4152  
court of the county or counties in which the district or service 4153  
center is located, with the parents, guardians, or other persons 4154  
having care of the pupils attending school in the district, and 4155  
with appropriate state and local agencies. 4156

(B) The policy developed under division (A) of this 4157  
section shall include as an intervention strategy all of the 4158  
following actions, if applicable: 4159

(1) Providing a truancy intervention plan for any student 4160  
who is excessively absent from school, as described in the first 4161  
paragraph of division (C) of this section; 4162

(2) Providing counseling for an habitual truant; 4163

(3) Requesting or requiring a parent, guardian, or other 4164  
person having care of an habitual truant to attend parental 4165  
involvement programs, including programs adopted under section 4166  
3313.472 or 3313.663 of the Revised Code; 4167

(4) Requesting or requiring a parent, guardian, or other 4168  
person having care of an habitual truant to attend truancy 4169  
prevention mediation programs; 4170

(5) Notification of the registrar of motor vehicles under 4171  
section 3321.13 of the Revised Code; 4172

(6) Taking legal action under section 2919.222, 3321.20, 4173  
or 3321.38 of the Revised Code. 4174

(C) (1) In the event that a child of compulsory school age 4175  
is absent ~~with or~~ without legitimate excuse from the public 4176  
school the child is supposed to attend for thirty-eight or more 4177  
hours in one school month, or sixty-five or more hours in a 4178  
school year, the attendance officer of that school shall notify 4179  
the child's parent, guardian, or custodian of the child's 4180  
absences, in writing, within seven days after the date after the 4181  
absence that triggered the notice requirement. At the time 4182  
notice is given, the school also may take any appropriate action 4183  
as an intervention strategy contained in the policy developed by 4184  
the board pursuant to division (A) of this section. 4185

(2) (a) If the absences of a student surpass the threshold 4186  
for an habitual truant as set forth in section 2151.011 of the 4187  
Revised Code, the principal or chief administrator of the school 4188  
or the superintendent of the school district shall assign the 4189  
student to an absence intervention team. Within fourteen school 4190  
days after the assignment of a student to an absence 4191  
intervention team, the team shall develop an intervention plan 4192  
for that student in an effort to reduce or eliminate further 4193  
absences. Each intervention plan shall vary based on the 4194  
individual needs of the student, but the plan shall state that 4195  
the attendance officer shall file a complaint not later than 4196  
sixty-one days after the date the plan was implemented, if the 4197  
child has refused to participate in, or failed to make 4198  
satisfactory progress on, the intervention plan or an 4199  
alternative to adjudication under division (C) (2) (b) of section 4200  
3321.191 of the Revised Code. Within seven days after the 4201  
development of the plan, the school district or school shall 4202  
make reasonable efforts to provide the student's parent, 4203  
guardian, custodian, guardian ad litem, or temporary custodian 4204  
with written notice of the plan. 4205



(b) As part of the absence intervention plan described in 4206  
division (C) (2) of this section, the school district or school, 4207  
in its discretion, may contact the appropriate juvenile court 4208  
and ask to have a student informally enrolled in any alternative 4209  
to adjudication described in division (G) of section 2151.27 of 4210  
the Revised Code. If the school district or school chooses to 4211  
have students informally enrolled in an alternative to 4212  
adjudication, the school district or school shall develop a 4213  
written policy regarding the use of, and selection process for, 4214  
offering alternatives to adjudication to ensure fairness. 4215

(c) The superintendent of each school district, or the 4216  
superintendent's designee, shall establish an absence 4217  
intervention team for the district to be used by any schools of 4218  
the district that do not establish their own absence 4219  
intervention team as permitted under division (C) (2) (d) of this 4220  
section. Membership of each absence intervention team may vary 4221  
based on the needs of each individual student but shall include 4222  
a representative from the child's school district or school, 4223  
another representative from the child's school district or 4224  
school who knows the child, and the child's parent or parent's 4225  
designee, or the child's guardian, custodian, guardian ad litem, 4226  
or temporary custodian. The team also may include a school 4227  
psychologist, counselor, social worker, or representative of a 4228  
public or nonprofit agency designed to assist students and their 4229  
families in reducing absences. 4230

(d) The principal or chief administrator of each school 4231  
may establish an absence intervention team or series of teams to 4232  
be used in lieu of the district team established pursuant to 4233  
division (C) (2) (c) of this section. Membership of each absence 4234  
intervention team may vary based on the needs of each individual 4235  
student but shall include a representative from the child's 4236

school district or school, another representative from the 4237  
child's school district or school who knows the child, and the 4238  
child's parent or parent's designee, or the child's guardian, 4239  
custodian, guardian ad litem, or temporary custodian. The team 4240  
also may include a school psychologist, counselor, social 4241  
worker, or representative of a public or nonprofit agency 4242  
designed to assist students and their families in reducing 4243  
absences. 4244

(e) A superintendent, as described in division (C) (2) (c) 4245  
of this section, or principal or chief administrator, as 4246  
described in division (C) (2) (d) of this section, shall select 4247  
the members of an absence intervention team within seven school 4248  
days of the triggering event described in division (C) (2) (a) of 4249  
this section. The superintendent, principal, or chief 4250  
administrator, within the same period of seven school days, 4251  
shall make at least three meaningful, good faith attempts to 4252  
secure the participation of the student's parent, guardian, 4253  
custodian, guardian ad litem, or temporary custodian on that 4254  
team. If the student's parent responds to any of those attempts, 4255  
but is unable to participate for any reason, the representative 4256  
of the school district shall inform the parent of the parent's 4257  
right to appear by designee. If seven school days elapse and the 4258  
student's parent, guardian, custodian, guardian ad litem, or 4259  
temporary custodian fails to respond to the attempts to secure 4260  
participation, the school district or school shall do both of 4261  
the following: 4262

(i) Investigate whether the failure to respond triggers 4263  
mandatory reporting to the public children services agency for 4264  
the county in which the child resides in the manner described in 4265  
section 2151.421 of the Revised Code; 4266

(ii) Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

(f) In the event that a student becomes habitually truant within twenty-one school days prior to the last day of instruction of a school year, the school district or school may, in its discretion, assign one school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the school district or school selects this method, the plan shall be implemented not later than seven days prior to the first day of instruction of the next school year. In the alternative, the school district or school may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

(3) For purposes of divisions (C) (2) (c) and (d) of this section, the state board of education shall develop a format for parental permission to ensure compliance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code.

(D) Each school district or school may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

(E) Beginning with the 2017-2018 school year, each school district shall report to the department of education, as soon as practicable, and in a format and manner determined by the department, any of the following occurrences:

(1) When a notice required by division (C) (1) of this section is submitted to a parent, guardian, or custodian;	4297 4298
(2) When a child of compulsory school age has been absent without legitimate excuse from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year;	4299 4300 4301 4302 4303
(3) When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;	4304 4305 4306
(4) When an absence intervention plan has been implemented for a child under this section.	4307 4308
(F) Nothing in this section shall be construed to limit the duty or authority of a district board of education or governing body of an educational service center to develop other policies related to truancy or to limit the duty or authority of any employee of the school district or service center to respond to pupil truancy. However, a board shall be subject to the prohibition against suspending, expelling, or otherwise preventing a student from attending school for excessive absences as prescribed by section 3313.668 of the Revised Code.	4309 4310 4311 4312 4313 4314 4315 4316 4317
<b>Sec. 3323.022.</b> The rules of the state board of education for staffing ratios for programs with preschool children with disabilities shall require the following:	4318 4319 4320
(A) A full-time staff member shall be provided when there are eight full-day or <del>sixteen</del> <u>twelve</u> half-day preschool children eligible for special education enrolled in a center-based preschool special education program.	4321 4322 4323 4324
(B) Staff ratios of one teacher for every eight children	4325

shall be maintained at all times for a program with a center- 4326  
based teacher, and a second adult shall be present when there 4327  
are nine or more children, including nondisabled children 4328  
enrolled in a class session. 4329

(C) Unless otherwise specified in the individualized 4330  
education program, a minimum of ten hours of services per week 4331  
shall be provided for each child served by a center-based 4332  
teacher. 4333

Sec. 3324.12. No rule adopted by the state board of 4334  
education pursuant to this chapter, section 3301.07 of the 4335  
Revised Code, or any other provision of the Revised Code shall 4336  
require an individual who holds an educator license issued under 4337  
sections 3319.22 to 3319.31 of the Revised Code and who is 4338  
designated as a provider of gifted services, but who does not 4339  
hold a license or endorsement specifically in gifted education, 4340  
to complete professional development related to gifted 4341  
education. 4342

**Sec. 3333.0411.** Not later than December 31, 2014, and 4343  
annually thereafter, the chancellor of higher education shall 4344  
report for each approved teacher preparation program, the number 4345  
and percentage of all graduates of the program who were rated at 4346  
each of the performance levels prescribed by division (B) ~~(1)~~ of 4347  
section 3319.112 of the Revised Code on an evaluation conducted 4348  
in accordance with section 3319.111 of the Revised Code in the 4349  
previous school year. 4350

In no case shall the report identify any individual 4351  
graduate. The department of education shall share any data 4352  
necessary for the report with the chancellor. 4353

**Sec. 3365.03.** (A) A student enrolled in a public or 4354

nonpublic secondary school during the student's ninth, tenth, 4355  
eleventh, or twelfth grade school year; a student enrolled in a 4356  
nonchartered nonpublic secondary school in the student's ninth, 4357  
tenth, eleventh, or twelfth grade school year; or a student who 4358  
has been excused from the compulsory attendance law for the 4359  
purpose of home instruction under section 3321.04 of the Revised 4360  
Code and is the equivalent of a ninth, tenth, eleventh, or 4361  
twelfth grade student, may apply to and enroll in a college 4362  
under the college credit plus program. 4363

(1) In order for a public secondary school student to 4364  
participate in the program, all of the following criteria shall 4365  
be met: 4366

(a) The student or the student's parent shall inform the 4367  
principal, or equivalent, of the student's school by the first 4368  
day of April of the student's intent to participate in the 4369  
program during the following school year. Any student who fails 4370  
to provide the notification by the required date may not 4371  
participate in the program during the following school year 4372  
without the written consent of the principal, or equivalent. If 4373  
a student seeks consent from the principal after failing to 4374  
provide notification by the required date, the principal shall 4375  
notify the department of education of the student's intent to 4376  
participate within ten days of the date on which the student 4377  
seeks consent. If the principal does not provide written 4378  
consent, the student may appeal the principal's decision to the 4379  
governing entity of the school, except for a student who is 4380  
enrolled in a school district, who may appeal the decision to 4381  
the district superintendent. Not later than thirty days after 4382  
the notification of the appeal, the district superintendent or 4383  
governing entity shall hear the appeal and shall make a decision 4384  
to either grant or deny that student's participation in the 4385

program. The decision of the district superintendent or 4386  
governing entity shall be final. 4387

(b) The student shall: 4388

(i) Apply to a public or a participating private college, 4389  
or an eligible out-of-state college participating in the 4390  
program, in accordance with the college's established procedures 4391  
for admission, pursuant to section 3365.05 of the Revised Code; 4392

(ii) As a condition of eligibility, be remediation-free, 4393  
in accordance with one of the assessments established under 4394  
division (F) of section 3345.061 of the Revised Code. However, a 4395  
student who scores within one standard error of measurement 4396  
below the remediation-free threshold for one of those 4397  
assessments shall be considered to have met this requirement if 4398  
the student also either: 4399

(I) Has a cumulative high school grade point average of at 4400  
least 3.0. If the student is seeking to participate under 4401  
section 3365.033 of the Revised Code, the student must have an 4402  
equivalent cumulative grade point average in the applicable 4403  
grade levels. 4404

(II) Receives a recommendation from a school counselor, 4405  
principal, or career-technical program advisor. 4406

(iii) Meet the college's and relevant academic program's 4407  
established standards for admission, enrollment, and course 4408  
placement, including course-specific capacity limitations, 4409  
pursuant to section 3365.05 of the Revised Code. 4410

(c) The student shall elect at the time of enrollment to 4411  
participate under either division (A) or (B) of section 3365.06 4412  
of the Revised Code for each course under the program. 4413

(d) The student and the student's parent shall sign a 4414  
form, provided by the school, stating that they have received 4415  
the counseling required under division (B) of section 3365.04 of 4416  
the Revised Code and that they understand the responsibilities 4417  
they must assume in the program. 4418

(2) In order for a nonpublic secondary school student, a 4419  
nonchartered nonpublic secondary school student, or a home- 4420  
instructed student to participate in the program, both of the 4421  
following criteria shall be met: 4422

(a) The student shall meet the criteria in divisions (A) 4423  
(1) (b) and (c) of this section. 4424

(b) (i) If the student is enrolled in a nonpublic secondary 4425  
school, that student shall send to the department of education a 4426  
copy of the student's acceptance from a college and an 4427  
application. The application shall be made on forms provided by 4428  
the state board of education and shall include information about 4429  
the student's proposed participation, including the school year 4430  
in which the student wishes to participate; and the semesters or 4431  
terms the student wishes to enroll during such year. The 4432  
department shall mark each application with the date and time of 4433  
receipt. 4434

(ii) If the student is enrolled in a nonchartered 4435  
nonpublic secondary school or is home-instructed, the parent or 4436  
guardian of that student shall notify the department by the 4437  
first day of April prior to the school year in which the student 4438  
wishes to participate. 4439

(B) Except as provided for in ~~division~~ divisions (C) and 4440  
(D) of this section and in sections 3365.031 and 3365.032 of the 4441  
Revised Code: 4442



(1) No public secondary school shall prohibit a student 4443  
enrolled in that school from participating in the program if 4444  
that student meets all of the criteria in division (A) (1) of 4445  
this section. 4446

(2) No participating nonpublic secondary school shall 4447  
prohibit a student enrolled in that school from participating in 4448  
the program if the student meets all of the criteria in division 4449  
(A) (2) of this section and, if the student is enrolled under 4450  
division (B) of section 3365.06 of the Revised Code, the student 4451  
is awarded funding from the department in accordance with rules 4452  
adopted by the chancellor of higher education, in consultation 4453  
with the superintendent of public instruction, pursuant to 4454  
section 3365.071 of the Revised Code. 4455

(C) For purposes of this section, during the period of an 4456  
expulsion imposed by a public secondary school, a student is 4457  
ineligible to apply to enroll in a college under this section, 4458  
unless the student is admitted to another public secondary or 4459  
participating nonpublic secondary school. If a student is 4460  
enrolled in a college under this section at the time the student 4461  
is expelled, the student's status for the remainder of the 4462  
college term in which the expulsion is imposed shall be 4463  
determined under section 3365.032 of the Revised Code. 4464

(D) (1) Except as provided in division (D) (2) of this 4465  
section, if a course is offered and delivered on the campus of a 4466  
student's secondary school under the college credit plus 4467  
program, that student shall not be eligible to enroll under the 4468  
program in a comparable course that is delivered on the college 4469  
campus, at another location operated by the college, or online. 4470

(2) If a course that is offered and delivered on the 4471  
campus of the secondary school exceeds the maximum student 4472

capacity for that course, the superintendent, or equivalent, of 4473  
the secondary school may grant approval for a student to enroll 4474  
under the program in a comparable course that is delivered on 4475  
the college campus, at another location operated by the college, 4476  
or online. 4477

(E) Upon a student's graduation from high school, 4478  
participation in the college credit plus program shall not 4479  
affect the student's eligibility at any public college for 4480  
scholarships or for other benefits or opportunities that are 4481  
available to first-time college students and are awarded by that 4482  
college, regardless of the number of credit hours that the 4483  
student completed under the program. 4484

~~(E)~~ (F) The college to which a student applies to 4485  
participate under this section shall pay for one assessment used 4486  
to determine that student's eligibility under this section. 4487  
However, notwithstanding anything to the contrary in Chapter 4488  
3365. of the Revised Code, any additional assessments used to 4489  
determine the student's eligibility shall be the financial 4490  
responsibility of the student. 4491

**Sec. 3365.07.** The department of education shall calculate 4492  
and pay state funds to colleges for participants in the college 4493  
credit plus program under division (B) of section 3365.06 of the 4494  
Revised Code pursuant to this section. For a nonpublic secondary 4495  
school participant, a nonchartered nonpublic secondary school 4496  
participant, or a home-instructed participant, the department 4497  
shall pay state funds pursuant to this section only if that 4498  
participant is awarded funding according to rules adopted by the 4499  
chancellor of higher education, in consultation with the 4500  
superintendent of public instruction, pursuant to section 4501  
3365.071 of the Revised Code. The program shall be the sole 4502

mechanism by which state funds are paid to colleges for students 4503  
to earn transcribed credit for college courses while enrolled 4504  
in both a secondary school and a college, with the exception of 4505  
state funds paid to colleges according to an agreement described 4506  
in division (A) (1) of section 3365.02 of the Revised Code. 4507

Beginning with participation for the 2018-2019 school 4508  
year, section 3365.072 of the Revised Code shall govern all 4509  
arrangements for the provision and payment of textbooks under 4510  
the program. 4511

(A) For each public or nonpublic secondary school 4512  
participant enrolled in a public college: 4513

(1) If no agreement has been entered into under division 4514  
(A) (2) of this section, both of the following shall apply: 4515

(a) The department shall pay to the college the applicable 4516  
amount as follows: 4517

(i) For a participant enrolled in a college course 4518  
delivered on the college campus, at another location operated by 4519  
the college, or online, the lesser of the default ceiling amount 4520  
or the college's standard rate; 4521

(ii) For a participant enrolled in a college course 4522  
delivered at the participant's secondary school but taught by 4523  
college faculty, the lesser of fifty per cent of the default 4524  
ceiling amount or the college's standard rate; 4525

(iii) For a participant enrolled in a college course 4526  
delivered at the participant's secondary school and taught by a 4527  
high school teacher who has met the credential requirements 4528  
established for purposes of the program in rules adopted by the 4529  
chancellor, the default floor amount. 4530

(b) The ~~participant's secondary school shall pay for~~ 4531  
~~textbooks, and the~~ college shall waive payment of all other fees 4532  
related to participation in the program. 4533

(2) The governing entity of a participant's secondary 4534  
school and the college may enter into an agreement to establish 4535  
an alternative payment structure for tuition, ~~textbooks,~~ and 4536  
fees. Under such an agreement, payments for each participant 4537  
made by the department shall be not less than the default floor 4538  
amount, unless approved by the chancellor, and not more than 4539  
either the default ceiling amount or the college's standard 4540  
rate, whichever is less. The chancellor may approve an agreement 4541  
that includes a payment below the default floor amount, as long 4542  
as the provisions of the agreement comply with all other 4543  
requirements of this chapter to ensure program quality. If no 4544  
agreement is entered into under division (A) (2) of this section, 4545  
both of the following shall apply: 4546

(a) The department shall pay to the college the applicable 4547  
default amounts prescribed by division (A) (1) (a) of this 4548  
section, depending upon the method of delivery and instruction. 4549

(b) In accordance with division (A) (1) (b) of this section, 4550  
~~the participant's secondary school shall pay for textbooks, and~~ 4551  
the college shall waive payment of all other fees related to 4552  
participation in the program. 4553

(3) No participant that is enrolled in a public college 4554  
shall be charged for any tuition, ~~textbooks,~~ or other fees 4555  
related to participation in the program. 4556

(B) For each public secondary school participant enrolled 4557  
in a private college: 4558

(1) If no agreement has been entered into under division 4559

(B) (2) of this section, the department shall pay to the college 4560  
the applicable amount calculated in the same manner as in 4561  
division (A) (1) (a) of this section. 4562

(2) The governing entity of a participant's secondary 4563  
school and the college may enter into an agreement to establish 4564  
an alternative payment structure for tuition, ~~textbooks,~~ and 4565  
fees. Under such an agreement, payments shall be not less than 4566  
the default floor amount, unless approved by the chancellor, and 4567  
not more than either the default ceiling amount or the college's 4568  
standard rate, whichever is less. 4569

If an agreement is entered into under division (B) (2) of 4570  
this section, both of the following shall apply: 4571

(a) The department shall make a payment to the college for 4572  
each participant that is equal to the default floor amount, 4573  
unless approved by the chancellor to pay an amount below the 4574  
default floor amount. The chancellor may approve an agreement 4575  
that includes a payment below the default floor amount, as long 4576  
as the provisions of the agreement comply with all other 4577  
requirements of this chapter to ensure program quality. 4578

(b) Payment for costs for the participant that exceed the 4579  
amount paid by the department pursuant to division (B) (2) (a) of 4580  
this section shall be negotiated by the school and the college. 4581  
The agreement may include a stipulation permitting the charging 4582  
of a participant. 4583

However, under no circumstances shall: 4584

(i) Payments for a participant made by the department 4585  
under division (B) (2) of this section exceed the lesser of the 4586  
default ceiling amount or the college's standard rate; 4587

(ii) The amount charged to a participant under division 4588

(B) (2) of this section exceed the difference between the maximum 4589  
per participant charge amount and the default floor amount; 4590

(iii) The sum of the payments made by the department for a 4591  
participant and the amount charged to that participant under 4592  
division (B) (2) of this section exceed the following amounts, as 4593  
applicable: 4594

(I) For a participant enrolled in a college course 4595  
delivered on the college campus, at another location operated by 4596  
the college, or online, the maximum per participant charge 4597  
amount; 4598

(II) For a participant enrolled in a college course 4599  
delivered at the participant's secondary school but taught by 4600  
college faculty, one hundred twenty-five dollars; 4601

(III) For a participant enrolled in a college course 4602  
delivered at the participant's secondary school and taught by a 4603  
high school teacher who has met the credential requirements 4604  
established for purposes of the program in rules adopted by the 4605  
chancellor, one hundred dollars. 4606

(iv) A participant that is identified as economically 4607  
disadvantaged according to rules adopted by the department be 4608  
charged under division (B) (2) of this section for any tuition, 4609  
textbooks, or other fees related to participation in the 4610  
program. 4611

(C) For each nonpublic secondary school participant 4612  
enrolled in a private or eligible out-of-state college, the 4613  
department shall pay to the college the applicable amount 4614  
calculated in the same manner as in division (A) (1) (a) of this 4615  
section. Payment for costs for the participant that exceed the 4616  
amount paid by the department shall be negotiated by the 4617

governing body of the nonpublic secondary school and the 4618  
college. 4619

However, under no circumstances shall: 4620

(1) The payments for a participant made by the department 4621  
under this division exceed the lesser of the default ceiling 4622  
amount or the college's standard rate. 4623

(2) Any nonpublic secondary school participant, who is 4624  
enrolled in that secondary school with a scholarship awarded 4625  
under either the educational choice scholarship pilot program, 4626  
as prescribed by sections 3310.01 to 3310.17, or the pilot 4627  
project scholarship program, as prescribed by sections 3313.974 4628  
to 3313.979 of the Revised Code, and who qualifies as a low- 4629  
income student under either of those programs, be charged for 4630  
any tuition, ~~textbooks~~, or other fees related to participation 4631  
in the college credit plus program. 4632

(D) For each nonchartered nonpublic secondary school 4633  
participant and each home-instructed participant enrolled in a 4634  
public, private, or eligible out-of-state college, the 4635  
department shall pay to the college the lesser of the default 4636  
ceiling amount or the college's standard rate, if that 4637  
participant is enrolled in a college course delivered on the 4638  
college campus, at another location operated by the college, or 4639  
online. 4640

(E) Not later than thirty days after the end of each term, 4641  
each college expecting to receive payment for the costs of a 4642  
participant under this section shall notify the department of 4643  
the number of enrolled credit hours for each participant. 4644

(F) The department shall make the applicable payments 4645  
under this section to each college, which provided proper 4646

notification to the department under division (E) of this 4647  
section, for the number of enrolled credit hours for 4648  
participants enrolled in the college under division (B) of 4649  
section 3365.06 of the Revised Code. Except in cases involving 4650  
incomplete participant information or a dispute of participant 4651  
information, payments shall be made by the last day of January 4652  
for participants who were enrolled during the fall term and by 4653  
the last day of July for participants who were enrolled during 4654  
the spring term. The department shall not make any payments to a 4655  
college under this section if a participant withdrew from a 4656  
course prior to the date on which a withdrawal from the course 4657  
would have negatively affected the participant's transcribed 4658  
grade, as prescribed by the college's established withdrawal 4659  
policy. 4660

(1) Payments made for public secondary school participants 4661  
under this section shall be deducted from the school foundation 4662  
payments made to the participant's school district or, if the 4663  
participant is enrolled in a community school, a STEM school, or 4664  
a college-preparatory boarding school, from the payments made to 4665  
that school under section 3314.08, 3326.33, or 3328.34 of the 4666  
Revised Code. If the participant is enrolled in a joint 4667  
vocational school district, a portion of the amount shall be 4668  
deducted from the payments to the joint vocational school 4669  
district and a portion shall be deducted from the payments to 4670  
the participant's city, local, or exempted village school 4671  
district in accordance with the full-time equivalency of the 4672  
student's enrollment in each district. Amounts deducted under 4673  
division (F) (1) of this section shall be calculated in 4674  
accordance with rules adopted by the chancellor, in consultation 4675  
with the state superintendent, pursuant to division (B) of 4676  
section 3365.071 of the Revised Code. 4677



(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3365.072. This section applies only to participants who elect to participate under division (B) of section 3365.06 of the Revised Code. This section first shall apply to participation for the 2018-2019 school year.

(A) Except as provided in division (B) of this section, for each participant enrolled in a public, nonpublic, or nonchartered nonpublic secondary school, textbooks required for courses in which the participant enrolls under the college credit plus program shall be paid for in the following manner:

(1) The participant's secondary school shall pay for fifty per cent of the cost of all required textbooks.

(2) The participant shall pay for fifty per cent of the cost of all required textbooks.

(B) No participant who is identified as economically disadvantaged according to rules adopted by the department shall

be charged for textbooks under division (A) of this section. 4707  
Instead, the participant's secondary school shall pay for one 4708  
hundred per cent of all required textbooks for that participant. 4709

(C) Each home-instructed participant enrolled in the 4710  
college credit plus program shall be responsible for the cost of 4711  
textbooks required for courses under the program. 4712

**Section 2.** That existing sections 3301.078, 3301.079, 4713  
3301.0711, 3301.0714, 3301.0715, 3301.163, 3301.52, 3302.03, 4714  
3302.13, 3310.03, 3311.80, 3313.413, 3313.608, 3314.35, 4715  
3319.075, 3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 4716  
3321.191, 3323.022, 3333.0411, 3365.03, and 3365.07 and sections 4717  
3319.114 and 3319.226 of the Revised Code are hereby repealed. 4718

**Section 3.** Not later than one year after the effective 4719  
date of this section, the Department of Education shall conduct 4720  
a study on the results and cost-effectiveness of the College 4721  
Credit Plus Program, established under Chapter 3365. of the 4722  
Revised Code, and submit a report of its findings to the 4723  
Governor, the Chancellor of Higher Education, each member of the 4724  
General Assembly, and the superintendent of each school district 4725  
and each educational service center. The study shall include the 4726  
cost-effectiveness for secondary schools and participants under 4727  
the program, as well as whether participants in the program save 4728  
money on college tuition and reduce the amount of time to degree 4729  
completion. 4730

**Section 4.** This act shall be known as the "Ohio Public 4731  
School Deregulation Act." 4732