

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 216

Senator Huffman

Cosponsors: Senators Terhar, Jordan

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	256
classroom, appointed by the president of the senate;	257
(iv) The chancellor, or the chancellor's designee;	258
(v) The state superintendent, or the superintendent's	259
designee, who shall serve as the chairperson of the committee.	260
(c) The science academic standards review committee is	261
hereby created to review academic content standards in the	262
subject of science. The committee shall consist of the following	263
members:	264
(i) Three experts who are residents of this state and who	265
primarily conduct research, provide instruction, currently work	266
in, or possess an advanced degree in the subject area. One	267
expert shall be appointed by each of the president of the	268
senate, the speaker of the house of representatives, and the	269
governor;	270
(ii) One parent or guardian appointed by the president of	271
the senate;	272
(iii) One educator who is currently teaching in a	273
classroom, appointed by the speaker of the house of	274
representatives;	275
(iv) The chancellor, or the chancellor's designee;	276
(v) The state superintendent, or the superintendent's	277
designee, who shall serve as the chairperson of the committee.	278
(d) The social studies academic standards review committee	279
is hereby created to review academic content standards in the	280
subject of social studies. The committee shall consist of the	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 1106
district and each school building. 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
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(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
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(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
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(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
Sec. 3314.35. (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
Sec. 3319.081. 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 teacher and~~ 3623
~~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 The~~ 3633
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
3745
3746

~~(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
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3761

(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
3779

(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
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~~(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
Sec. 3323.022. 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 sixteen <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