

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

Am. Sub. S. B. No. 216

Senator Huffman

Cosponsors: Senators Terhar, Jordan, Coley, Gardner, Wilson, Bacon, Balderson, Beagle, Burke, Dolan, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Williams, Yuko

A BILL

To amend sections 3301.078, 3301.0711, 3301.0715, 1
3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 2
3319.075, 3319.081, 3319.111, 3319.112, 3319.22, 3
3319.223, 3319.283, 3321.191, 3323.022, 3323.11, 4
3324.07, 3326.13, and 3365.07; to enact new 5
sections 3319.226 and 3319.229 and sections 6
3301.68, 3319.2210, 3319.262, 3319.361, and 7
3365.072; and to repeal sections 3319.074, 8
3319.114, 3319.226, 3319.229, and 3319.58 of the 9
Revised Code to enact the "Ohio Public School 10
Deregulation Act" regarding the administration 11
of preschool and primary and secondary education 12
programs. 13

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

Section 1. That sections 3301.078, 3301.0711, 3301.0715, 14
3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 3319.075, 15
3319.081, 3319.111, 3319.112, 3319.22, 3319.223, 3319.283, 16
3321.191, 3323.022, 3323.11, 3324.07, 3326.13, and 3365.07 be 17

amended and new sections 3319.226 and 3319.229 and sections 18
3301.68, 3319.2210, 3319.262, 3319.361, and 3365.072 of the 19
Revised Code be enacted to read as follows: 20

Sec. 3301.078. (A) No official or board of this state, 21
whether appointed or elected, shall enter into any agreement or 22
memorandum of understanding with any federal or private entity 23
that would require the state to cede any measure of control over 24
the development, adoption, or revision of academic content 25
standards. 26

(B) No funds appropriated from the general revenue fund 27
shall be used to purchase an assessment developed by the 28
partnership for assessment of readiness for college and careers 29
for use as the assessments prescribed under sections 3301.0710 30
and 3301.0712 of the Revised Code. 31

(C) The department of education shall request that each 32
assessment vendor contracted by the department provide an 33
analysis explaining how questions on each of the assessments 34
prescribed under section 3301.0710 and the end-of-course 35
examinations prescribed under division (B) (2) of section 36
3301.0712 of the Revised Code developed by that vendor are 37
aligned to the academic content standards adopted under section 38
3301.079 of the Revised Code. The analysis shall be provided to 39
all school districts and schools for all grade levels for which 40
assessments are prescribed under sections 3301.0710 and 41
3301.0712 of the Revised Code. The analysis shall be produced 42
beginning with the 2018-2019 school year and for each school 43
year thereafter. 44

(D) The department shall request that each assessment 45
vendor described in division (A) of this section provide 46
information and materials to school districts and schools for 47

assistance with the state achievement assessments. The 48
information and materials shall include practice assessments and 49
other preparatory materials. The information and materials shall 50
be distributed to districts and schools beginning with the 2018- 51
2019 school year and for each school year thereafter. 52

Sec. 3301.0711. (A) The department of education shall: 53

(1) Annually furnish to, grade, and score all assessments 54
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 55
the Revised Code to be administered by city, local, exempted 56
village, and joint vocational school districts, except that each 57
district shall score any assessment administered pursuant to 58
division (B) (10) of this section. Each assessment so furnished 59
shall include the data verification code of the student to whom 60
the assessment will be administered, as assigned pursuant to 61
division (D) (2) of section 3301.0714 of the Revised Code. In 62
furnishing the practice versions of Ohio graduation tests 63
prescribed by division (D) of section 3301.0710 of the Revised 64
Code, the department shall make the tests available on its web 65
site for reproduction by districts. In awarding contracts for 66
grading assessments, the department shall give preference to 67
Ohio-based entities employing Ohio residents. 68

(2) Adopt rules for the ethical use of assessments and 69
prescribing the manner in which the assessments prescribed by 70
section 3301.0710 of the Revised Code shall be administered to 71
students. 72

(B) Except as provided in divisions (C) and (J) of this 73
section, the board of education of each city, local, and 74
exempted village school district shall, in accordance with rules 75
adopted under division (A) of this section: 76

(1) Administer the English language arts assessments	77
prescribed under division (A) (1) (a) of section 3301.0710 of the	78
Revised Code twice annually to all students in the third grade	79
who have not attained the score designated for that assessment	80
under division (A) (2) (c) of section 3301.0710 of the Revised	81
Code.	82
(2) Administer the mathematics assessment prescribed under	83
division (A) (1) (a) of section 3301.0710 of the Revised Code at	84
least once annually to all students in the third grade.	85
(3) Administer the assessments prescribed under division	86
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	87
annually to all students in the fourth grade.	88
(4) Administer the assessments prescribed under division	89
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	90
annually to all students in the fifth grade.	91
(5) Administer the assessments prescribed under division	92
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	93
annually to all students in the sixth grade.	94
(6) Administer the assessments prescribed under division	95
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	96
annually to all students in the seventh grade.	97
(7) Administer the assessments prescribed under division	98
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	99
annually to all students in the eighth grade.	100
(8) Except as provided in division (B) (9) of this section,	101
administer any assessment prescribed under division (B) (1) of	102
section 3301.0710 of the Revised Code as follows:	103
(a) At least once annually to all tenth grade students and	104

at least twice annually to all students in eleventh or twelfth 105
grade who have not yet attained the score on that assessment 106
designated under that division; 107

(b) To any person who has successfully completed the 108
curriculum in any high school or the individualized education 109
program developed for the person by any high school pursuant to 110
section 3323.08 of the Revised Code but has not received a high 111
school diploma and who requests to take such assessment, at any 112
time such assessment is administered in the district. 113

(9) In lieu of the board of education of any city, local, 114
or exempted village school district in which the student is also 115
enrolled, the board of a joint vocational school district shall 116
administer any assessment prescribed under division (B)(1) of 117
section 3301.0710 of the Revised Code at least twice annually to 118
any student enrolled in the joint vocational school district who 119
has not yet attained the score on that assessment designated 120
under that division. A board of a joint vocational school 121
district may also administer such an assessment to any student 122
described in division (B)(8)(b) of this section. 123

(10) If the district has a three-year average graduation 124
rate of not more than seventy-five per cent, administer each 125
assessment prescribed by division (D) of section 3301.0710 of 126
the Revised Code in September to all ninth grade students who 127
entered ninth grade prior to July 1, 2014. 128

Except as provided in section 3313.614 of the Revised Code 129
for administration of an assessment to a person who has 130
fulfilled the curriculum requirement for a high school diploma 131
but has not passed one or more of the required assessments, the 132
assessments prescribed under division (B)(1) of section 133
3301.0710 of the Revised Code shall not be administered after 134

the date specified in the rules adopted by the state board of 135
education under division (D) (1) of section 3301.0712 of the 136
Revised Code. 137

(11) (a) Except as provided in division (B) (11) (b) of this 138
section, administer the assessments prescribed by division (B) 139
(2) of section 3301.0710 and section 3301.0712 of the Revised 140
Code in accordance with the timeline and plan for implementation 141
of those assessments prescribed by rule of the state board 142
adopted under division (D) (1) of section 3301.0712 of the 143
Revised Code; 144

(b) A student who has presented evidence to the district 145
or school of having satisfied the condition prescribed by 146
division (A) (1) of section 3313.618 of the Revised Code to 147
qualify for a high school diploma prior to the date of the 148
administration of the assessment prescribed under division (B) 149
(1) of section 3301.0712 of the Revised Code shall not be 150
required to take that assessment. However, no board shall 151
prohibit a student who is not required to take such assessment 152
from taking the assessment. 153

(C) (1) (a) In the case of a student receiving special 154
education services under Chapter 3323. of the Revised Code, the 155
individualized education program developed for the student under 156
that chapter shall specify the manner in which the student will 157
participate in the assessments administered under this section, 158
except that a student with significant cognitive disabilities to 159
whom an alternate assessment is administered in accordance with 160
division (C) (1) of this section and a student determined to have 161
a disability that includes an intellectual disability as 162
outlined in guidance issued by the department shall not be 163
required to take the assessment prescribed under division (B) (1) 164

of section 3301.0712 of the Revised Code. The individualized 165
education program may excuse the student from taking any 166
particular assessment required to be administered under this 167
section if it instead specifies an alternate assessment method 168
approved by the department of education as conforming to 169
requirements of federal law for receipt of federal funds for 170
disadvantaged pupils. To the extent possible, the individualized 171
education program shall not excuse the student from taking an 172
assessment unless no reasonable accommodation can be made to 173
enable the student to take the assessment. No board shall 174
prohibit a student who is not required to take an assessment 175
under division (C) (1) of this section from taking the 176
assessment. 177

(b) Any alternate assessment approved by the department 178
for a student under this division shall produce measurable 179
results comparable to those produced by the assessment it 180
replaces in order to allow for the student's results to be 181
included in the data compiled for a school district or building 182
under section 3302.03 of the Revised Code. 183

(c) (i) Any student enrolled in a chartered nonpublic 184
school who has been identified, based on an evaluation conducted 185
in accordance with section 3323.03 of the Revised Code or 186
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 187
29 U.S.C.A. 794, as amended, as a child with a disability shall 188
be excused from taking any particular assessment required to be 189
administered under this section if a plan developed for the 190
student pursuant to rules adopted by the state board excuses the 191
student from taking that assessment. 192

(ii) A student with significant cognitive disabilities to 193
whom an alternate assessment is administered in accordance with 194

division (C) (1) of this section and a student determined to have 195
a disability that includes an intellectual disability as 196
outlined in guidance issued by the department shall not be 197
required to take the assessment prescribed under division (B) (1) 198
of section 3301.0712 of the Revised Code. 199

(iii) In the case of any student so excused from taking an 200
assessment under division (C) (1) (c) of this section, the 201
chartered nonpublic school shall not prohibit the student from 202
taking the assessment. 203

(2) A district board may, for medical reasons or other 204
good cause, excuse a student from taking an assessment 205
administered under this section on the date scheduled, but that 206
assessment shall be administered to the excused student not 207
later than nine days following the scheduled date. The district 208
board shall annually report the number of students who have not 209
taken one or more of the assessments required by this section to 210
the state board not later than the thirtieth day of June. 211

(3) As used in this division, "limited English proficient 212
student" has the same meaning as in 20 U.S.C. 7801. 213

No school district board shall excuse any limited English 214
proficient student from taking any particular assessment 215
required to be administered under this section, except as 216
follows: 217

(a) Any limited English proficient student who has been 218
enrolled in United States schools for less than two years and 219
for whom no appropriate accommodations are available based on 220
guidance issued by the department shall not be required to take 221
the assessment prescribed under division (B) (1) of section 222
3301.0712 of the Revised Code. 223

(b) Any limited English proficient student who has been 224
enrolled in United States schools for less than one full school 225
year shall not be required to take any reading, writing, or 226
English language arts assessment. 227

However, no board shall prohibit a limited English 228
proficient student who is not required to take an assessment 229
under division (C) (3) of this section from taking the 230
assessment. A board may permit any limited English proficient 231
student to take an assessment required to be administered under 232
this section with appropriate accommodations, as determined by 233
the department. For each limited English proficient student, 234
each school district shall annually assess that student's 235
progress in learning English, in accordance with procedures 236
approved by the department. 237

(4) (a) The governing authority of a chartered nonpublic 238
school may excuse a limited English proficient student from 239
taking any assessment administered under this section. 240

(b) No governing authority shall require a limited English 241
proficient student who has been enrolled in United States 242
schools for less than two years and for whom no appropriate 243
accommodations are available based on guidance issued by the 244
department to take the assessment prescribed under division (B) 245
(1) of section 3301.0712 of the Revised Code. 246

(c) No governing authority shall prohibit a limited 247
English proficient student from taking an assessment from which 248
the student was excused under division (C) (4) of this section. 249

(D) (1) In the school year next succeeding the school year 250
in which the assessments prescribed by division (A) (1) or (B) (1) 251
of section 3301.0710 of the Revised Code or former division (A) 252

(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 253
it existed prior to September 11, 2001, are administered to any 254
student, the board of education of any school district in which 255
the student is enrolled in that year shall provide to the 256
student intervention services commensurate with the student's 257
performance, including any intensive intervention required under 258
section 3313.608 of the Revised Code, in any skill in which the 259
student failed to demonstrate at least a score at the proficient 260
level on the assessment. 261

(2) Following any administration of the assessments 262
prescribed by division (D) of section 3301.0710 of the Revised 263
Code to ninth grade students, each school district that has a 264
three-year average graduation rate of not more than seventy-five 265
per cent shall determine for each high school in the district 266
whether the school shall be required to provide intervention 267
services to any students who took the assessments. In 268
determining which high schools shall provide intervention 269
services based on the resources available, the district shall 270
consider each school's graduation rate and scores on the 271
practice assessments. The district also shall consider the 272
scores received by ninth grade students on the English language 273
arts and mathematics assessments prescribed under division (A) 274
(1) (f) of section 3301.0710 of the Revised Code in the eighth 275
grade in determining which high schools shall provide 276
intervention services. 277

Each high school selected to provide intervention services 278
under this division shall provide intervention services to any 279
student whose results indicate that the student is failing to 280
make satisfactory progress toward being able to attain scores at 281
the proficient level on the Ohio graduation tests. Intervention 282
services shall be provided in any skill in which a student 283

demonstrates unsatisfactory progress and shall be commensurate 284
with the student's performance. Schools shall provide the 285
intervention services prior to the end of the school year, 286
during the summer following the ninth grade, in the next 287
succeeding school year, or at any combination of those times. 288

(E) Except as provided in section 3313.608 of the Revised 289
Code and division (N) of this section, no school district board 290
of education shall utilize any student's failure to attain a 291
specified score on an assessment administered under this section 292
as a factor in any decision to deny the student promotion to a 293
higher grade level. However, a district board may choose not to 294
promote to the next grade level any student who does not take an 295
assessment administered under this section or make up an 296
assessment as provided by division (C) (2) of this section and 297
who is not exempt from the requirement to take the assessment 298
under division (C) (3) of this section. 299

(F) No person shall be charged a fee for taking any 300
assessment administered under this section. 301

(G) (1) Each school district board shall designate one 302
location for the collection of assessments administered in the 303
spring under division (B) (1) of this section and those 304
administered under divisions (B) (2) to (7) of this section. Each 305
district board shall submit the assessments to the entity with 306
which the department contracts for the scoring of the 307
assessments as follows: 308

(a) If the district's total enrollment in grades 309
kindergarten through twelve during the first full school week of 310
October was less than two thousand five hundred, not later than 311
the Friday after all of the assessments have been administered; 312

(b) If the district's total enrollment in grades 313
kindergarten through twelve during the first full school week of 314
October was two thousand five hundred or more, but less than 315
seven thousand, not later than the Monday after all of the 316
assessments have been administered; 317

(c) If the district's total enrollment in grades 318
kindergarten through twelve during the first full school week of 319
October was seven thousand or more, not later than the Tuesday 320
after all of the assessments have been administered. 321

However, any assessment that a student takes during the 322
make-up period described in division (C) (2) of this section 323
shall be submitted not later than the Friday following the day 324
the student takes the assessment. 325

(2) The department or an entity with which the department 326
contracts for the scoring of the assessment shall send to each 327
school district board a list of the individual scores of all 328
persons taking a state achievement assessment as follows: 329

(a) Except as provided in division (G) (2) (b) or (c) of 330
this section, within forty-five days after the administration of 331
the assessments prescribed by sections 3301.0710 and 3301.0712 332
of the Revised Code, but in no case shall the scores be returned 333
later than the thirtieth day of June following the 334
administration; 335

(b) In the case of the third-grade English language arts 336
assessment, within forty-five days after the administration of 337
that assessment, but in no case shall the scores be returned 338
later than the fifteenth day of June following the 339
administration; 340

(c) In the case of the writing component of an assessment 341

or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

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

(4) A school district, other public school, or chartered nonpublic school may administer in a paper format any assessment administered in the third, fourth, or fifth grade under this section. A district or school shall not be required to administer in an online format any such assessments. A district or school may administer any such assessments in any combination of online and paper formats. A district or school may administer any such assessments in a particular format on a student-by-student basis.

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

(I) Except as provided in division (G) of this section,

the department or an entity with which the department contracts 372
for the scoring of the assessment shall not release any 373
individual scores on any assessment administered under this 374
section. The state board shall adopt rules to ensure the 375
protection of student confidentiality at all times. The rules 376
may require the use of the data verification codes assigned to 377
students pursuant to division (D) (2) of section 3301.0714 of the 378
Revised Code to protect the confidentiality of student scores. 379

(J) Notwithstanding division (D) of section 3311.52 of the 380
Revised Code, this section does not apply to the board of 381
education of any cooperative education school district except as 382
provided under rules adopted pursuant to this division. 383

(1) In accordance with rules that the state board shall 384
adopt, the board of education of any city, exempted village, or 385
local school district with territory in a cooperative education 386
school district established pursuant to divisions (A) to (C) of 387
section 3311.52 of the Revised Code may enter into an agreement 388
with the board of education of the cooperative education school 389
district for administering any assessment prescribed under this 390
section to students of the city, exempted village, or local 391
school district who are attending school in the cooperative 392
education school district. 393

(2) In accordance with rules that the state board shall 394
adopt, the board of education of any city, exempted village, or 395
local school district with territory in a cooperative education 396
school district established pursuant to section 3311.521 of the 397
Revised Code shall enter into an agreement with the cooperative 398
district that provides for the administration of any assessment 399
prescribed under this section to both of the following: 400

(a) Students who are attending school in the cooperative 401

district and who, if the cooperative district were not 402
established, would be entitled to attend school in the city, 403
local, or exempted village school district pursuant to section 404
3313.64 or 3313.65 of the Revised Code; 405

(b) Persons described in division (B) (8) (b) of this 406
section. 407

Any assessment of students pursuant to such an agreement 408
shall be in lieu of any assessment of such students or persons 409
pursuant to this section. 410

(K) (1) Except as otherwise provided in division (K) (1) or 411
(2) of this section, each chartered nonpublic school for which 412
at least sixty-five per cent of its total enrollment is made up 413
of students who are participating in state scholarship programs 414
shall administer the elementary assessments prescribed by 415
section 3301.0710 of the Revised Code. In accordance with 416
procedures and deadlines prescribed by the department, the 417
parent or guardian of a student enrolled in the school who is 418
not participating in a state scholarship program may submit 419
notice to the chief administrative officer of the school that 420
the parent or guardian does not wish to have the student take 421
the elementary assessments prescribed for the student's grade 422
level under division (A) of section 3301.0710 of the Revised 423
Code. If a parent or guardian submits an opt-out notice, the 424
school shall not administer the assessments to that student. 425
This option does not apply to any assessment required for a high 426
school diploma under section 3313.612 of the Revised Code. 427

(2) A chartered nonpublic school may submit to the 428
superintendent of public instruction a request for a waiver from 429
administering the elementary assessments prescribed by division 430
(A) of section 3301.0710 of the Revised Code. The state 431

superintendent shall approve or disapprove a request for a 432
waiver submitted under division (K) (2) of this section. No 433
waiver shall be approved for any school year prior to the 2015- 434
2016 school year. 435

To be eligible to submit a request for a waiver, a 436
chartered nonpublic school shall meet the following conditions: 437

(a) At least ninety-five per cent of the students enrolled 438
in the school are children with disabilities, as defined under 439
section 3323.01 of the Revised Code, or have received a 440
diagnosis by a school district or from a physician, including a 441
neuropsychiatrist or psychiatrist, or a psychologist who is 442
authorized to practice in this or another state as having a 443
condition that impairs academic performance, such as dyslexia, 444
dyscalculia, attention deficit hyperactivity disorder, or 445
Asperger's syndrome. 446

(b) The school has solely served a student population 447
described in division (K) (1) (a) of this section for at least ten 448
years. 449

(c) The school provides to the department at least five 450
years of records of internal testing conducted by the school 451
that affords the department data required for accountability 452
purposes, including diagnostic assessments and nationally 453
standardized norm-referenced achievement assessments that 454
measure reading and math skills. 455

(3) Any chartered nonpublic school that is not subject to 456
division (K) (1) of this section may participate in the 457
assessment program by administering any of the assessments 458
prescribed by division (A) of section 3301.0710 of the Revised 459
Code. The chief administrator of the school shall specify which 460

assessments the school will administer. Such specification shall 461
be made in writing to the superintendent of public instruction 462
prior to the first day of August of any school year in which 463
assessments are administered and shall include a pledge that the 464
nonpublic school will administer the specified assessments in 465
the same manner as public schools are required to do under this 466
section and rules adopted by the department. 467

(4) The department of education shall furnish the 468
assessments prescribed by section 3301.0710 of the Revised Code 469
to each chartered nonpublic school that is subject to division 470
(K) (1) of this section or participates under division (K) (3) of 471
this section. 472

(L) If a chartered nonpublic school is educating students 473
in grades nine through twelve, the following shall apply: 474

(1) For a student who is enrolled in a chartered nonpublic 475
school that is accredited through the independent schools 476
association of the central states and who is attending the 477
school under a state scholarship program, the student shall 478
either take all of the assessments prescribed by division (B) of 479
section 3301.0712 of the Revised Code or take an alternative 480
assessment approved by the department under section 3313.619 of 481
the Revised Code. However, a student who is excused from taking 482
an assessment under division (C) of this section or has 483
presented evidence to the chartered nonpublic school of having 484
satisfied the condition prescribed by division (A) (1) of section 485
3313.618 of the Revised Code to qualify for a high school 486
diploma prior to the date of the administration of the 487
assessment prescribed under division (B) (1) of section 3301.0712 488
of the Revised Code shall not be required to take that 489
assessment. No governing authority of a chartered nonpublic 490

school shall prohibit a student who is not required to take such 491
assessment from taking the assessment. 492

(2) For a student who is enrolled in a chartered nonpublic 493
school that is accredited through the independent schools 494
association of the central states, and who is not attending the 495
school under a state scholarship program, the student shall not 496
be required to take any assessment prescribed under section 497
3301.0712 or 3313.619 of the Revised Code. 498

(3) (a) Except as provided in division (L) (3) (b) of this 499
section, for a student who is enrolled in a chartered nonpublic 500
school that is not accredited through the independent schools 501
association of the central states, regardless of whether the 502
student is attending or is not attending the school under a 503
state scholarship program, the student shall do one of the 504
following: 505

(i) Take all of the assessments prescribed by division (B) 506
of section 3301.0712 of the Revised Code; 507

(ii) Take only the assessment prescribed by division (B) 508
(1) of section 3301.0712 of the Revised Code, provided that the 509
student's school publishes the results of that assessment for 510
each graduating class. The published results of that assessment 511
shall include the overall composite scores, mean scores, twenty- 512
fifth percentile scores, and seventy-fifth percentile scores for 513
each subject area of the assessment. 514

(iii) Take an alternative assessment approved by the 515
department under section 3313.619 of the Revised Code. 516

(b) A student who is excused from taking an assessment 517
under division (C) of this section or has presented evidence to 518
the chartered nonpublic school of having satisfied the condition 519

prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

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

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

(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.

(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 550
that the assessments were administered. 551

(2) The department may field test proposed questions with 552
samples of students to determine the validity, reliability, or 553
appropriateness of questions for possible inclusion in a future 554
year's assessment. The department also may use anchor questions 555
on assessments to ensure that different versions of the same 556
assessment are of comparable difficulty. 557

Field test questions and anchor questions shall not be 558
considered in computing scores for individual students. Field 559
test questions and anchor questions may be included as part of 560
the administration of any assessment required by division (A) (1) 561
or (B) of section 3301.0710 and division (B) of section 562
3301.0712 of the Revised Code. 563

(3) Any field test question or anchor question 564
administered under division (O) (2) of this section shall not be 565
a public record. Such field test questions and anchor questions 566
shall be redacted from any assessments which are released as a 567
public record pursuant to division (O) (1) of this section. 568

(4) This division applies to the assessments prescribed by 569
division (A) of section 3301.0710 of the Revised Code. 570

(a) The first administration of each assessment, as 571
specified in former section 3301.0712 of the Revised Code, shall 572
be a public record. 573

(b) For subsequent administrations of each assessment 574
prior to the 2011-2012 school year, not less than forty per cent 575
of the questions on the assessment that are used to compute a 576
student's score shall be a public record. The department shall 577
determine which questions will be needed for reuse on a future 578

assessment and those questions shall not be public records and 579
shall be redacted from the assessment prior to its release as a 580
public record. However, for each redacted question, the 581
department shall inform each city, local, and exempted village 582
school district of the statewide academic standard adopted by 583
the state board under section 3301.079 of the Revised Code and 584
the corresponding benchmark to which the question relates. The 585
preceding sentence does not apply to field test questions that 586
are redacted under division (O) (3) of this section. 587

(c) The administrations of each assessment in the 2011- 588
2012, 2012-2013, and 2013-2014 school years shall not be a 589
public record. 590

(5) Each assessment prescribed by division (B) (1) of 591
section 3301.0710 of the Revised Code shall not be a public 592
record. 593

(6) (a) Except as provided in division (O) (6) (b) of this 594
section, for the administrations in the 2014-2015, 2015-2016, 595
and 2016-2017 school years, questions on the assessments 596
prescribed under division (A) of section 3301.0710 and division 597
(B) (2) of section 3301.0712 of the Revised Code and the 598
corresponding preferred answers that are used to compute a 599
student's score shall become a public record as follows: 600

(i) Forty per cent of the questions and preferred answers 601
on the assessments on the thirty-first day of July following the 602
administration of the assessment; 603

(ii) Twenty per cent of the questions and preferred 604
answers on the assessment on the thirty-first day of July one 605
year after the administration of the assessment; 606

(iii) The remaining forty per cent of the questions and 607

preferred answers on the assessment on the thirty-first day of 608
July two years after the administration of the assessment. 609

The entire content of an assessment shall become a public 610
record within three years of its administration. 611

The department shall make the questions that become a 612
public record under this division readily accessible to the 613
public on the department's web site. Questions on the spring 614
administration of each assessment shall be released on an annual 615
basis, in accordance with this division. 616

(b) No questions and corresponding preferred answers shall 617
become a public record under division (O) (6) of this section 618
after July 31, 2017. 619

(7) Division (O) (7) of this section applies to the 620
assessments prescribed by division (A) of section 3301.0710 and 621
division (B) (2) of section 3301.0712 of the Revised Code. 622

Beginning with the assessments administered in the spring 623
of the 2017-2018 school year, not less than forty per cent of 624
the questions on each assessment that are used to compute a 625
student's score shall be a public record. The department shall 626
determine which questions will be needed for reuse on a future 627
assessment and those questions shall not be public records and 628
shall be redacted from the assessment prior to its release as a 629
public record. However, for each redacted question, the 630
department shall inform each city, local, and exempted village 631
school district of the corresponding statewide academic standard 632
adopted by the state board under section 3301.079 of the Revised 633
Code and the corresponding benchmark to which the question 634
relates. The department is not required to provide corresponding 635
standards and benchmarks to field test questions that are 636

redacted under division (O) (3) of this section. 637

(P) As used in this section: 638

(1) "Three-year average" means the average of the most 639
recent consecutive three school years of data. 640

(2) "Dropout" means a student who withdraws from school 641
before completing course requirements for graduation and who is 642
not enrolled in an education program approved by the state board 643
of education or an education program outside the state. 644
"Dropout" does not include a student who has departed the 645
country. 646

(3) "Graduation rate" means the ratio of students 647
receiving a diploma to the number of students who entered ninth 648
grade four years earlier. Students who transfer into the 649
district are added to the calculation. Students who transfer out 650
of the district for reasons other than dropout are subtracted 651
from the calculation. If a student who was a dropout in any 652
previous year returns to the same school district, that student 653
shall be entered into the calculation as if the student had 654
entered ninth grade four years before the graduation year of the 655
graduating class that the student joins. 656

(4) "State scholarship programs" means the educational 657
choice scholarship pilot program established under sections 658
3310.01 to 3310.17 of the Revised Code, the autism scholarship 659
program established under section 3310.41 of the Revised Code, 660
the Jon Peterson special needs scholarship program established 661
under sections 3310.51 to 3310.64 of the Revised Code, and the 662
pilot project scholarship program established under sections 663
3313.974 to 3313.979 of the Revised Code. 664

(5) "Other public school" means a community school 665

established under Chapter 3314., a STEM school established under 666
Chapter 3326., or a college-preparatory boarding school 667
established under Chapter 3328. of the Revised Code. 668

Sec. 3301.0715. (A) Except as required under division (B) 669
(1) of section 3313.608 or as specified in division (D)(3) of 670
section 3301.079 of the Revised Code, the board of education of 671
each city, local, and exempted village school district shall 672
administer each applicable diagnostic assessment developed and 673
provided to the district in accordance with section 3301.079 of 674
the Revised Code to the following: 675

(1) Any student who transfers into the district or to a 676
different school within the district if each applicable 677
diagnostic assessment was not administered by the district or 678
school the student previously attended in the current school 679
year, within thirty days after the date of transfer. If the 680
district or school into which the student transfers cannot 681
determine whether the student has taken any applicable 682
diagnostic assessment in the current school year, the district 683
or school may administer the diagnostic assessment to the 684
student. However, if a student transfers into the district prior 685
to the administration of the diagnostic assessments to all 686
students under division (B) of this section, the district may 687
administer the diagnostic assessments to that student on the 688
date or dates determined under that division. 689

(2) Each kindergarten student, not earlier than the first 690
day of the school year and not later than the first day of 691
November. However, a board of education may administer the 692
selected response and performance task items portion of the 693
diagnostic assessment up to two weeks prior to the first day of 694
the school year. 695

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) of this section.

(D) Each district board shall utilize and score any

diagnostic assessment administered under division (A) of this 725
section in accordance with rules established by the department. 726
After the administration of any diagnostic assessment, each 727
district shall provide a student's completed diagnostic 728
assessment, the results of such assessment, and any other 729
accompanying documents used during the administration of the 730
assessment to the parent of that student, and shall include all 731
such documents and information in any plan developed for the 732
student under division (C) of section 3313.608 of the Revised 733
Code. Each district shall submit to the department, in the 734
manner the department prescribes, the results of the diagnostic 735
assessments administered under this section, regardless of the 736
type of assessment used under section 3313.608 of the Revised 737
Code. The department may issue reports with respect to the data 738
collected. The department may report school and district level 739
kindergarten diagnostic assessment data and use diagnostic 740
assessment data to calculate the measure prescribed by divisions 741
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 742

(E) Each district board shall provide intervention 743
services to students whose diagnostic assessments show that they 744
are failing to make satisfactory progress toward attaining the 745
academic standards for their grade level. 746

(F) Beginning in the 2018-2019 school year, any chartered 747
nonpublic school may elect to administer the kindergarten 748
readiness assessment to all kindergarten students enrolled in 749
the school. If the school so elects, the chief administrator of 750
the school shall notify the superintendent of public instruction 751
not later than the thirty-first day of March prior to any school 752
year in which the school will administer the assessment. The 753
department shall furnish the assessment to the school at no cost 754
to the school. In administering the assessment, the school shall 755

do all of the following: 756

(1) Enter into a written agreement with the department 757
specifying that the school will share each participating 758
student's assessment data with the department and, that for the 759
purpose of reporting the data to the department, each 760
participating student will be assigned a data verification code 761
as described in division (D) (2) of section 3301.0714 of the 762
Revised Code; 763

(2) Require the assessment to be administered by a teacher 764
certified under section 3301.071 of the Revised Code who either 765
has completed training on administering the kindergarten 766
readiness assessment provided by the department or has been 767
trained by another person who has completed such training; 768

(3) Administer the assessment in the same manner as school 769
districts are required to do under this section and the rules 770
established under division (D) of this section. 771

(G) Beginning in the 2017-2018 school year, a school 772
district in which less than eighty per cent of its students 773
score at the proficient level or higher on the third-grade 774
English language arts assessment prescribed under section 775
3301.0710 of the Revised Code shall establish a reading 776
improvement plan supported by reading specialists. Prior to 777
implementation, the plan shall be approved by the school 778
district board of education. 779

Sec. 3301.68. (A) The department of education shall 780
establish a consolidated school mandate report for school 781
districts. The report shall be distributed and monitored by the 782
department. Each district or school shall complete and file the 783
report not later than the thirtieth day of November each year. 784

The report shall require each district or school to denote "yes" 785
to indicate compliance or "no" to indicate noncompliance with 786
the items prescribed under division (B) of this section, and to 787
provide any other information that the department requests 788
regarding those items. If a district or school denotes "no" on 789
any item, it shall provide, within thirty days, to its board of 790
education a written explanation for why that item was not 791
completed and a written plan of action for accurately and 792
efficiently addressing the problem. 793

(B) The report shall contain the following items: 794

(1) Training on the use of physical restraint or seclusion 795
on students pursuant to section 3319.46 of the Revised Code; 796

(2) Training on harassment, intimidation, or bullying 797
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 798
Revised Code; 799

(3) Training on the use of cardiopulmonary resuscitation 800
and an automated external defibrillator under sections 3313.60, 801
3313.6023, 3313.717, and 3314.16, and training on crisis 802
prevention intervention; 803

(4) The establishment of a wellness committee; 804

(5) The reporting of a district's or school's compliance 805
with nutritional standards prescribed under section 3313.814 of 806
the Revised Code; 807

(6) Screening of pupils for hearing, vision, speech and 808
communications, and health or medical problems and for any 809
developmental disorders pursuant to section 3313.673 of the 810
Revised Code; 811

(7) Compliance with intra-district and inter-district open 812

enrollment provisions in sections 3313.97 and 3313.98 of the 813
Revised Code. 814

(C) Except as provided in division (D) of section 3313.814 815
of the Revised Code, the department shall not require a separate 816
report for any of the items listed in division (B) of this 817
section. 818

Sec. 3302.03. Annually, not later than the fifteenth day 819
of September or the preceding Friday when that day falls on a 820
Saturday or Sunday, the department of education shall assign a 821
letter grade for overall academic performance and for each 822
separate performance measure for each school district, and each 823
school building in a district, in accordance with this section. 824
The state board shall adopt rules pursuant to Chapter 119. of 825
the Revised Code to establish performance criteria for each 826
letter grade and prescribe a method by which the department 827
assigns each letter grade. For a school building to which any of 828
the performance measures do not apply, due to grade levels 829
served by the building, the state board shall designate the 830
performance measures that are applicable to the building and 831
that must be calculated separately and used to calculate the 832
building's overall grade. The department shall issue annual 833
report cards reflecting the performance of each school district, 834
each building within each district, and for the state as a whole 835
using the performance measures and letter grade system described 836
in this section. The department shall include on the report card 837
for each district and each building within each district the 838
most recent two-year trend data in student achievement for each 839
subject and each grade. 840

(A) (1) For the 2012-2013 school year, the department shall 841
issue grades as described in division (E) of this section for 842

each of the following performance measures:	843
(a) Annual measurable objectives;	844
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	845 846 847 848 849 850 851 852
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	853 854 855 856 857 858 859
(d) The four- and five-year adjusted cohort graduation rates.	860 861
In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	862 863 864 865 866 867
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure	868 869 870 871

shall be as follows: 872

(i) A score that is at least two standard errors of 873
measure above the mean score shall be designated as an "A." 874

(ii) A score that is at least one standard error of 875
measure but less than two standard errors of measure above the 876
mean score shall be designated as a "B." 877

(iii) A score that is less than one standard error of 878
measure above the mean score but greater than or equal to one 879
standard error of measure below the mean score shall be 880
designated as a "C." 881

(iv) A score that is not greater than one standard error 882
of measure below the mean score but is greater than or equal to 883
two standard errors of measure below the mean score shall be 884
designated as a "D." 885

(v) A score that is not greater than two standard errors 886
of measure below the mean score shall be designated as an "F." 887

Whenever the value-added progress dimension is used as a 888
graded performance measure, whether as an overall measure or as 889
a measure of separate subgroups, the grades for the measure 890
shall be calculated in the same manner as prescribed in division 891
(A) (1) (e) of this section. 892

(f) The value-added progress dimension score for a school 893
district or building disaggregated for each of the following 894
subgroups: students identified as gifted, students with 895
disabilities, and students whose performance places them in the 896
lowest quintile for achievement on a statewide basis. Each 897
subgroup shall be a separate graded measure. 898

(2) Not later than April 30, 2013, the state board of 899

education shall adopt a resolution describing the performance 900
measures, benchmarks, and grading system for the 2012-2013 901
school year and, not later than June 30, 2013, shall adopt rules 902
in accordance with Chapter 119. of the Revised Code that 903
prescribe the methods by which the performance measures under 904
division (A) (1) of this section shall be assessed and assigned a 905
letter grade, including performance benchmarks for each letter 906
grade. 907

At least forty-five days prior to the state board's 908
adoption of rules to prescribe the methods by which the 909
performance measures under division (A) (1) of this section shall 910
be assessed and assigned a letter grade, the department shall 911
conduct a public presentation before the standing committees of 912
the house of representatives and the senate that consider 913
education legislation describing such methods, including 914
performance benchmarks. 915

(3) There shall not be an overall letter grade for a 916
school district or building for the 2012-2013 school year. 917

(B) (1) For the 2013-2014 and 2014-2015 school years, the 918
department shall issue grades as described in division (E) of 919
this section for each of the following performance measures: 920

(a) Annual measurable objectives; 921

(b) Performance index score for a school district or 922
building. Grades shall be awarded as a percentage of the total 923
possible points on the performance index system as created by 924
the department. In adopting benchmarks for assigning letter 925
grades under division (B) (1) (b) of this section, the state board 926
shall designate ninety per cent or higher for an "A," at least 927
seventy per cent but not more than eighty per cent for a "C," 928

and less than fifty per cent for an "F."	929
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	930 931 932 933 934 935 936
(d) The four- and five-year adjusted cohort graduation rates;	937 938
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	939 940 941 942
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.	943 944 945 946 947 948 949 950
(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B) (1) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g)	951 952 953 954 955 956 957

and (C) (1) (g) of this section, the state board shall determine 958
progress made based on the reduction in the total percentage of 959
students scoring below grade level, or below proficient, 960
compared from year to year on the reading and writing diagnostic 961
assessments administered under section 3301.0715 of the Revised 962
Code and the third grade English language arts assessment under 963
section 3301.0710 of the Revised Code, as applicable. The state 964
board shall designate for a "C" grade a value that is not lower 965
than the statewide average value for this measure. No grade 966
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 967
section for a district or building in which less than five per 968
cent of students have scored below grade level on the diagnostic 969
assessment administered to students in kindergarten under 970
division (B) (1) of section 3313.608 of the Revised Code. 971

(h) For a high mobility school district or building, an 972
additional value-added progress dimension score. For this 973
measure, the department shall use value-added data from the most 974
recent school year available and shall use assessment scores for 975
only those students to whom the district or building has 976
administered the assessments prescribed by section 3301.0710 of 977
the Revised Code for each of the two most recent consecutive 978
school years. 979

As used in this division, "high mobility school district 980
or building" means a school district or building where at least 981
twenty-five per cent of its total enrollment is made up of 982
students who have attended that school district or building for 983
less than one year. 984

(2) In addition to the graded measures in division (B) (1) 985
of this section, the department shall include on a school 986
district's or building's report card all of the following 987

without an assigned letter grade:	988
(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	989 990 991 992
(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005
(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;	1006 1007 1008 1009 1010 1011
(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.	1012 1013 1014
(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate	1015 1016

program and the percentage of those students who receive a score 1017
of four or better on the international baccalaureate 1018
examinations. 1019

(f) The percentage of the district's or building's 1020
students who receive an honors diploma under division (B) of 1021
section 3313.61 of the Revised Code. 1022

(3) Not later than December 31, 2013, the state board 1023
shall adopt rules in accordance with Chapter 119. of the Revised 1024
Code that prescribe the methods by which the performance 1025
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1026
will be assessed and assigned a letter grade, including 1027
performance benchmarks for each grade. 1028

At least forty-five days prior to the state board's 1029
adoption of rules to prescribe the methods by which the 1030
performance measures under division (B) (1) of this section shall 1031
be assessed and assigned a letter grade, the department shall 1032
conduct a public presentation before the standing committees of 1033
the house of representatives and the senate that consider 1034
education legislation describing such methods, including 1035
performance benchmarks. 1036

(4) There shall not be an overall letter grade for a 1037
school district or building for the 2013-2014, 2014-2015, 2015- 1038
2016, and 2016-2017 school years. 1039

(C) (1) For the 2014-2015 school year and each school year 1040
thereafter, the department shall issue grades as described in 1041
division (E) of this section for each of the performance 1042
measures prescribed in division (C) (1) of this section. The 1043
graded measures are as follows: 1044

(a) Annual measurable objectives; 1045

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

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

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

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

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

For the metric prescribed by division (C) (1) (e) of this 1075
section, the state board may adopt a student academic progress 1076
measure to be used instead of the value-added progress 1077
dimension. If the state board adopts such a measure, it also 1078
shall prescribe a method for assigning letter grades for the new 1079
measure that is comparable to the method prescribed in division 1080
(A) (1) (e) of this section. 1081

(f) The value-added progress dimension score of a school 1082
district or building disaggregated for each of the following 1083
subgroups: students identified as gifted in superior cognitive 1084
ability and specific academic ability fields under Chapter 3324. 1085
of the Revised Code, students with disabilities, and students 1086
whose performance places them in the lowest quintile for 1087
achievement on a statewide basis, as determined by a method 1088
prescribed by the state board. Each subgroup shall be a separate 1089
graded measure. 1090

The state board may adopt student academic progress 1091
measures to be used instead of the value-added progress 1092
dimension. If the state board adopts such measures, it also 1093
shall prescribe a method for assigning letter grades for the new 1094
measures that is comparable to the method prescribed in division 1095
(A) (1) (e) of this section. 1096

(g) Whether a school district or building is making 1097
progress in improving literacy in grades kindergarten through 1098
three, as determined using a method prescribed by the state 1099
board. The state board shall adopt rules to prescribe benchmarks 1100
and standards for assigning grades to a district or building for 1101
purposes of division (C) (1) (g) of this section. The state board 1102
shall designate for a "C" grade a value that is not lower than 1103
the statewide average value for this measure. No grade shall be 1104

issued under division (C) (1) (g) of this section for a district 1105
or building in which less than five per cent of students have 1106
scored below grade level on the kindergarten diagnostic 1107
assessment under division (B) (1) of section 3313.608 of the 1108
Revised Code. 1109

(h) For a high mobility school district or building, an 1110
additional value-added progress dimension score. For this 1111
measure, the department shall use value-added data from the most 1112
recent school year available and shall use assessment scores for 1113
only those students to whom the district or building has 1114
administered the assessments prescribed by section 3301.0710 of 1115
the Revised Code for each of the two most recent consecutive 1116
school years. 1117

As used in this division, "high mobility school district 1118
or building" means a school district or building where at least 1119
twenty-five per cent of its total enrollment is made up of 1120
students who have attended that school district or building for 1121
less than one year. 1122

(2) In addition to the graded measures in division (C) (1) 1123
of this section, the department shall include on a school 1124
district's or building's report card all of the following 1125
without an assigned letter grade: 1126

(a) The percentage of students enrolled in a district or 1127
building who have taken a national standardized test used for 1128
college admission determinations and the percentage of those 1129
students who are determined to be remediation-free in accordance 1130
with the standards adopted under division (F) of section 1131
3345.061 of the Revised Code; 1132

(b) The percentage of students enrolled in a district or 1133

building participating in advanced placement classes and the 1134
percentage of those students who received a score of three or 1135
better on advanced placement examinations; 1136

(c) The percentage of a district's or building's students 1137
who have earned at least three college credits through advanced 1138
standing programs, such as the college credit plus program under 1139
Chapter 3365. of the Revised Code and state-approved career- 1140
technical courses offered through dual enrollment or statewide 1141
articulation, that appear on a student's college transcript 1142
issued by the institution of higher education from which the 1143
student earned the college credit. The credits earned that are 1144
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1145
shall not include any that are remedial or developmental and 1146
shall include those that count toward the curriculum 1147
requirements established for completion of a degree. 1148

(d) The percentage of the district's or building's 1149
students who receive an honor's diploma under division (B) of 1150
section 3313.61 of the Revised Code; 1151

(e) The percentage of the district's or building's 1152
students who receive industry-recognized credentials as approved 1153
under section 3313.6113 of the Revised Code; 1154

(f) The percentage of students enrolled in a district or 1155
building who are participating in an international baccalaureate 1156
program and the percentage of those students who receive a score 1157
of four or better on the international baccalaureate 1158
examinations; 1159

(g) The results of the college and career-ready 1160
assessments administered under division (B) (1) of section 1161
3301.0712 of the Revised Code. 1162

(3) The state board shall adopt rules pursuant to Chapter 1163
119. of the Revised Code that establish a method to assign an 1164
overall grade for a school district or school building for the 1165
2017-2018 school year and each school year thereafter. The rules 1166
shall group the performance measures in divisions (C)(1) and (2) 1167
of this section into the following components: 1168

(a) Gap closing, which shall include the performance 1169
measure in division (C)(1)(a) of this section; 1170

(b) Achievement, which shall include the performance 1171
measures in divisions (C)(1)(b) and (c) of this section; 1172

(c) Progress, which shall include the performance measures 1173
in divisions (C)(1)(e) and (f) of this section; 1174

(d) Graduation, which shall include the performance 1175
measure in division (C)(1)(d) of this section; 1176

(e) Kindergarten through third-grade literacy, which shall 1177
include the performance measure in division (C)(1)(g) of this 1178
section; 1179

(f) Prepared for success, which shall include the 1180
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1181
and (f) of this section. The state board shall develop a method 1182
to determine a grade for the component in division (C)(3)(f) of 1183
this section using the performance measures in divisions (C)(2) 1184
(a), (b), (c), (d), (e), and (f) of this section. When 1185
available, the state board may incorporate the performance 1186
measure under division (C)(2)(g) of this section into the 1187
component under division (C)(3)(f) of this section. When 1188
determining the overall grade for the prepared for success 1189
component prescribed by division (C)(3)(f) of this section, no 1190
individual student shall be counted in more than one performance 1191

measure. However, if a student qualifies for more than one 1192
performance measure in the component, the state board may, in 1193
its method to determine a grade for the component, specify an 1194
additional weight for such a student that is not greater than or 1195
equal to 1.0. In determining the overall score under division 1196
(C) (3) (f) of this section, the state board shall ensure that the 1197
pool of students included in the performance measures aggregated 1198
under that division are all of the students included in the 1199
four- and five-year adjusted graduation cohort. 1200

In the rules adopted under division (C) (3) of this 1201
section, the state board shall adopt a method for determining a 1202
grade for each component in divisions (C) (3) (a) to (f) of this 1203
section. The state board also shall establish a method to assign 1204
an overall grade of "A," "B," "C," "D," or "F" using the grades 1205
assigned for each component. The method the state board adopts 1206
for assigning an overall grade shall give equal weight to the 1207
components in divisions (C) (3) (b) and (c) of this section. 1208

At least forty-five days prior to the state board's 1209
adoption of rules to prescribe the methods for calculating the 1210
overall grade for the report card, as required by this division, 1211
the department shall conduct a public presentation before the 1212
standing committees of the house of representatives and the 1213
senate that consider education legislation describing the format 1214
for the report card, weights that will be assigned to the 1215
components of the overall grade, and the method for calculating 1216
the overall grade. 1217

(D) On or after July 1, 2015, the state board may develop 1218
a measure of student academic progress for high school students 1219
using only data from assessments in English language arts and 1220
mathematics. If the state board develops this measure, each 1221

school district and applicable school building shall be assigned 1222
a separate letter grade for it not sooner than the 2017-2018 1223
school year. The district's or building's grade for that measure 1224
shall not be included in determining the district's or 1225
building's overall letter grade. 1226

(E) The letter grades assigned to a school district or 1227
building under this section shall be as follows: 1228

(1) "A" for a district or school making excellent 1229
progress; 1230

(2) "B" for a district or school making above average 1231
progress; 1232

(3) "C" for a district or school making average progress; 1233

(4) "D" for a district or school making below average 1234
progress; 1235

(5) "F" for a district or school failing to meet minimum 1236
progress. 1237

(F) When reporting data on student achievement and 1238
progress, the department shall disaggregate that data according 1239
to the following categories: 1240

(1) Performance of students by grade-level; 1241

(2) Performance of students by race and ethnic group; 1242

(3) Performance of students by gender; 1243

(4) Performance of students grouped by those who have been 1244
enrolled in a district or school for three or more years; 1245

(5) Performance of students grouped by those who have been 1246
enrolled in a district or school for more than one year and less 1247
than three years; 1248

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1249 1250
(7) Performance of students grouped by those who are economically disadvantaged;	1251 1252
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1253 1254 1255
(9) Performance of students grouped by those who are classified as limited English proficient;	1256 1257
(10) Performance of students grouped by those who have disabilities;	1258 1259
(11) Performance of students grouped by those who are classified as migrants;	1260 1261
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	1262 1263 1264 1265 1266 1267 1268 1269 1270
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	1271 1272 1273
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the	1274 1275 1276

department shall disaggregate data on student performance 1277
according to any combinations of two or more of the categories 1278
listed in divisions (F) (1) to (13) of this section that it deems 1279
relevant. 1280

In reporting data pursuant to division (F) of this 1281
section, the department shall not include in the report cards 1282
any data statistical in nature that is statistically unreliable 1283
or that could result in the identification of individual 1284
students. For this purpose, the department shall not report 1285
student performance data for any group identified in division 1286
(F) of this section that contains less than ~~ten~~thirty students. 1287
If the department does not report student performance data for a 1288
group because it contains less than ~~ten~~thirty students, the 1289
department shall indicate on the report card that is why data 1290
was not reported. 1291

(G) The department may include with the report cards any 1292
additional education and fiscal performance data it deems 1293
valuable. 1294

(H) The department shall include on each report card a 1295
list of additional information collected by the department that 1296
is available regarding the district or building for which the 1297
report card is issued. When available, such additional 1298
information shall include student mobility data disaggregated by 1299
race and socioeconomic status, college enrollment data, and the 1300
reports prepared under section 3302.031 of the Revised Code. 1301

The department shall maintain a site on the world wide 1302
web. The report card shall include the address of the site and 1303
shall specify that such additional information is available to 1304
the public at that site. The department shall also provide a 1305
copy of each item on the list to the superintendent of each 1306

school district. The district superintendent shall provide a 1307
copy of any item on the list to anyone who requests it. 1308

(I) (1) (a) Except as provided in division (I) (1) (b) of this 1309
section, for any district that sponsors a conversion community 1310
school under Chapter 3314. of the Revised Code, the department 1311
shall combine data regarding the academic performance of 1312
students enrolled in the community school with comparable data 1313
from the schools of the district for the purpose of determining 1314
the performance of the district as a whole on the report card 1315
issued for the district under this section or section 3302.033 1316
of the Revised Code. 1317

(b) The department shall not combine data from any 1318
conversion community school that a district sponsors if a 1319
majority of the students enrolled in the conversion community 1320
school are enrolled in a dropout prevention and recovery program 1321
that is operated by the school, as described in division (A) (4) 1322
(a) of section 3314.35 of the Revised Code. The department shall 1323
include as an addendum to the district's report card the ratings 1324
and performance measures that are required under section 1325
3314.017 of the Revised Code for any community school to which 1326
division (I) (1) (b) of this section applies. This addendum shall 1327
include, at a minimum, the data specified in divisions (C) (1) 1328
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1329

(2) Any district that leases a building to a community 1330
school located in the district or that enters into an agreement 1331
with a community school located in the district whereby the 1332
district and the school endorse each other's programs may elect 1333
to have data regarding the academic performance of students 1334
enrolled in the community school combined with comparable data 1335
from the schools of the district for the purpose of determining 1336

the performance of the district as a whole on the district 1337
report card. Any district that so elects shall annually file a 1338
copy of the lease or agreement with the department. 1339

(3) Any municipal school district, as defined in section 1340
3311.71 of the Revised Code, that sponsors a community school 1341
located within the district's territory, or that enters into an 1342
agreement with a community school located within the district's 1343
territory whereby the district and the community school endorse 1344
each other's programs, may exercise either or both of the 1345
following elections: 1346

(a) To have data regarding the academic performance of 1347
students enrolled in that community school combined with 1348
comparable data from the schools of the district for the purpose 1349
of determining the performance of the district as a whole on the 1350
district's report card; 1351

(b) To have the number of students attending that 1352
community school noted separately on the district's report card. 1353

The election authorized under division (I) (3) (a) of this 1354
section is subject to approval by the governing authority of the 1355
community school. 1356

Any municipal school district that exercises an election 1357
to combine or include data under division (I) (3) of this 1358
section, by the first day of October of each year, shall file 1359
with the department documentation indicating eligibility for 1360
that election, as required by the department. 1361

(J) The department shall include on each report card the 1362
percentage of teachers in the district or building who are 1363
highly qualified, as defined by the No Child Left Behind Act of 1364
2001, and a comparison of that percentage with the percentages 1365

of such teachers in similar districts and buildings. 1366

This division shall not apply after the effective date of 1367
this amendment. 1368

(K) (1) In calculating English language arts, mathematics, 1369
or science assessment passage rates used to determine school 1370
district or building performance under this section, the 1371
department shall include all students taking an assessment with 1372
accommodation or to whom an alternate assessment is administered 1373
pursuant to division (C) (1) or (3) of section 3301.0711 of the 1374
Revised Code. 1375

(2) In calculating performance index scores, rates of 1376
achievement on the performance indicators established by the 1377
state board under section 3302.02 of the Revised Code, and 1378
annual measurable objectives for determining adequate yearly 1379
progress for school districts and buildings under this section, 1380
the department shall do all of the following: 1381

(a) Include for each district or building only those 1382
students who are included in the ADM certified for the first 1383
full school week of October and are continuously enrolled in the 1384
district or building through the time of the spring 1385
administration of any assessment prescribed by division (A) (1) 1386
or (B) (1) of section 3301.0710 or division (B) of section 1387
3301.0712 of the Revised Code that is administered to the 1388
student's grade level; 1389

(b) Include cumulative totals from both the fall and 1390
spring administrations of the third grade English language arts 1391
achievement assessment; 1392

(c) Except as required by the No Child Left Behind Act of 1393
2001, exclude for each district or building any limited English 1394

proficient student who has been enrolled in United States 1395
schools for less than one full school year. 1396

(L) Beginning with the 2015-2016 school year and at least 1397
once every three years thereafter, the state board of education 1398
shall review and may adjust the benchmarks for assigning letter 1399
grades to the performance measures and components prescribed 1400
under divisions (C) (3) and (D) of this section. 1401

Sec. 3311.78. Notwithstanding any provision of the Revised 1402
Code to the contrary, a municipal school district shall be 1403
subject to this section instead of sections 3317.13, 3317.14, 1404
and 3317.141 of the Revised Code. 1405

(A) As used in this section, "principal" includes an 1406
assistant principal. 1407

(B) The board of education of each municipal school 1408
district annually shall adopt a differentiated salary schedule 1409
for teachers based upon performance as described in division (D) 1410
of this section. The board also annually shall adopt a 1411
differentiated salary schedule for principals based upon 1412
performance as described in division (D) of this section. 1413

For each teacher or principal hired on or after October 1, 1414
2012, the board shall determine the teacher's or principal's 1415
initial placement on the applicable salary schedule based on 1416
years of experience and area of licensure and any other factors 1417
the board considers appropriate. For each teacher hired prior to 1418
October 1, 2012, the board shall initially place the teacher on 1419
the applicable salary schedule so that the teacher's annual 1420
salary on the schedule is comparable to the teacher's annual 1421
salary for the school year immediately prior to the school year 1422
covered by the schedule. For each principal hired prior to 1423

October 1, 2012, the board shall initially place the principal 1424
on the applicable salary schedule consistent with the 1425
principal's employment contract. 1426

(C) The salary of a teacher shall not be reduced unless 1427
such reduction is accomplished as part of a negotiated 1428
collective bargaining agreement. The salary of a principal shall 1429
not be reduced during the term of the principal's employment 1430
contract unless such reduction is by mutual agreement of the 1431
board and the principal or is part of a uniform plan affecting 1432
the entire district. 1433

(D) For purposes of the schedules, the board shall measure 1434
a teacher's or principal's performance by considering all of the 1435
following: 1436

(1) The level of license issued under section 3319.22 of 1437
the Revised Code that the teacher or principal holds; 1438

~~(2) Whether the teacher or principal is a highly qualified 1439
teacher, as defined in section 3319.074 of the Revised Code;~~ 1440

~~(3) Ratings received by the teacher or principal on 1441
performance evaluations conducted under section 3311.80 or 1442
3311.84 of the Revised Code;~~ 1443

~~(4) (3) Any specialized training and experience in the 1444
assigned position. 1445~~

(E) The salary schedules adopted under this section may 1446
provide for additional compensation for teachers or principals 1447
who perform duties, not contracted for under a supplemental 1448
contract, that the board determines warrant additional 1449
compensation. Those duties may include, but are not limited to, 1450
assignment to a school building eligible for funding under Title 1451
I of the "Elementary and Secondary Education Act of 1965," 20 1452

U.S.C. 6301 et seq.; assignment to a building in "school 1453
improvement" status under the "No Child Left Behind Act of 1454
2001," as defined in section 3302.01 of the Revised Code; 1455
teaching in a grade level or subject area in which the board has 1456
determined there is a shortage within the district; assignment 1457
to a hard-to-staff school, as determined by the board; or 1458
teaching in a school with an extended school day or school year. 1459

(F) The chief executive officer of the district, or the 1460
chief executive officer's designee, annually shall review the 1461
salary of each teacher and principal and make a recommendation 1462
to the board. Based on the recommendation, the board may 1463
increase a teacher's or principal's salary based on the 1464
teacher's or principal's performance and duties as provided for 1465
in divisions (D) and (E) of this section. The performance-based 1466
increase for a teacher or principal rated as accomplished shall 1467
be greater than the performance-based increase for a teacher or 1468
principal rated as skilled. Notwithstanding division (C) of this 1469
section, division (C) of section 3319.02, and section 3319.12 of 1470
the Revised Code, the board may decrease the teacher's or 1471
principal's salary if the teacher or principal will perform 1472
fewer or different duties described in division (E) of this 1473
section in the school year for which the salary is decreased. 1474

(G) Notwithstanding any provision to the contrary in 1475
Chapter 4117. of the Revised Code, the requirements of this 1476
section prevail over any conflicting provisions of a collective 1477
bargaining agreement entered into on or after October 1, 2012. 1478
However, the board and the teachers' labor organization shall 1479
negotiate the implementation of the differentiated salary 1480
schedule for teachers and may negotiate additional factors 1481
regarding teacher salaries, provided those factors are 1482
consistent with this section. 1483

Sec. 3311.79. (A) When assigning teachers to schools of a 1484
municipal school district prior to the start of a school year, 1485
teachers may apply for open positions. All applicants shall be 1486
considered. Applicants may be interviewed by a building level 1487
team comprised of the building principal, a representative of 1488
the district teachers' labor organization, a parent, a staff 1489
member in the same job classification as the posted position, 1490
and any other members mutually agreed upon by the principal and 1491
the labor organization representative. When openings occur, the 1492
principal and labor organization representative shall mutually 1493
select the members of the building level team. Interviews by the 1494
building level team shall not be delayed due to the 1495
unavailability of duly notified team members. The team shall 1496
make recommendations whether to assign a teacher to an open 1497
position in the building based on how suitably the teacher's 1498
credentials fulfill the needs of the particular school. For this 1499
purpose, the building level team shall consider the following 1500
credentials: 1501

(1) The level of license issued under section 3319.22 of 1502
the Revised Code that the teacher holds; 1503

(2) The number of subject areas the teacher is licensed to 1504
teach; 1505

~~(3) Whether the teacher is a highly qualified teacher, as 1506
defined in section 3319.074 of the Revised Code;~~ 1507

~~(4) The results of the teacher's performance evaluations 1508
conducted under section 3311.80 of the Revised Code;~~ 1509

~~(5)~~ (4) Whether the teacher has recently taught and been 1510
evaluated in the subject areas the teacher would teach at the 1511
school; 1512

~~(6)~~ (5) Any specialized training or experience the teacher 1513
possesses that are relevant to the open position; 1514

~~(7)~~ (6) Any other credentials established by the district 1515
chief executive officer or a building level team. 1516

(B) The building level team shall make its recommendations 1517
to the district chief executive officer or the chief executive 1518
officer's designee for the chief executive officer's or 1519
designee's final approval of the assignment. 1520

(C) In the event that open positions in one or more school 1521
buildings have not been filled through the procedures set forth 1522
in divisions (A) and (B) of this section, or if the building 1523
level team has not been able to reach a consensus on a 1524
candidate, by ten days prior to the first work day for teachers 1525
of the school year, the district chief executive officer or the 1526
chief executive officer's designee shall assign teachers to any 1527
of those open positions based on the best interests of the 1528
district. In making an assignment under this division, the chief 1529
executive officer or the chief executive officer's designee 1530
shall take into consideration all input from the building level 1531
team members. 1532

(D) In the event that a position opens after the first 1533
student day of the school year, the building level team 1534
interview and recommendation procedures set forth in divisions 1535
(A) and (B) of this section shall be used to fill the open 1536
position. If any positions remain open, or if the building level 1537
team has not been able to reach a consensus on a candidate, 1538
after a reasonable period of time as determined by the chief 1539
executive officer or the chief executive officer's designee, the 1540
chief executive officer or the chief executive officer's 1541
designee shall assign teachers to any of those open positions 1542

based on the best interests of the district. In making an 1543
assignment under this division, the chief executive officer or 1544
the chief executive officer's designee shall take into 1545
consideration all input from the building level team members. 1546

(E) In the event it becomes necessary to assign, reassign, 1547
or transfer a teacher, whether voluntarily or involuntarily on 1548
the part of the teacher, for the purpose of promoting the best 1549
interests of the district, the chief executive officer or the 1550
chief executive officer's designee shall first meet with the 1551
teacher, the principals of the affected buildings, and a 1552
representative of the district teachers' labor organization. The 1553
assignment, reassignment, or transfer shall not be delayed due 1554
to the unavailability of the meeting participants who have been 1555
duly notified. 1556

(F) The district chief executive officer or a building 1557
level team shall not use seniority or continuing contract status 1558
as the primary factor in determining any teacher's assignment to 1559
a school. 1560

(G) Notwithstanding any provision to the contrary in 1561
Chapter 4117. of the Revised Code, the requirements of this 1562
section prevail over any conflicting provisions of a collective 1563
bargaining agreement entered into on or after ~~the effective date~~ 1564
~~of this section~~ October 1, 2012. However, the board and the 1565
teachers' labor organization shall negotiate regarding the 1566
implementation of this section, including the processes by which 1567
each building level team conducts its interviews and makes 1568
recommendations, consistent with this section. 1569

Sec. 3313.814. (A) As used in this section and sections 1570
3313.816 and 3313.817 of the Revised Code: 1571

(1) "A la carte item" means an individually priced food or beverage item that is available for sale to students through any of the following:

(a) A school food service program;

(b) A vending machine located on school property;

(c) A store operated by the school, a student association, or other school-sponsored organization.

"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.

(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.

(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.

(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of

the final instructional period. 1601

(5) "Reimbursable meal" means a meal that is provided to 1602
students through a school breakfast or lunch program established 1603
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 1604
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 1605
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 1606
criteria for reimbursement established by the United States 1607
department of agriculture. 1608

(6) "School food service program" means a school food 1609
service program operated under section 3313.81 or 3313.813 of 1610
the Revised Code. 1611

(B) Each school district board of education and each 1612
chartered nonpublic school governing authority shall adopt and 1613
enforce nutrition standards governing the types of food and 1614
beverages that may be sold on the premises of its schools, and 1615
specifying the time and place each type of food or beverage may 1616
be sold. 1617

(1) In adopting the standards, the board or governing 1618
authority shall do all of the following: 1619

(a) Consider the nutritional value of each food or 1620
beverage; 1621

(b) Consult with a dietitian licensed under Chapter 4759. 1622
of the Revised Code, a dietetic technician registered by the 1623
commission on dietetic registration, or a school nutrition 1624
specialist certified or credentialed by the school nutrition 1625
association. The person with whom the board or governing 1626
authority consults may be an employee of the board or governing 1627
authority, a person contracted by the board or governing 1628
authority, or a volunteer, provided the person meets the 1629

requirements of this division. 1630

(c) Consult the dietary guidelines for Americans jointly 1631
developed by the United States department of agriculture and the 1632
United States department of health and human services and, to 1633
the maximum extent possible, incorporate the guidelines into the 1634
standards. 1635

(2) No food or beverage may be sold on any school premises 1636
except in accordance with the standards adopted by the board or 1637
governing authority. 1638

(3) The standards shall comply with sections 3313.816 and 1639
3313.817 of the Revised Code, but nothing in this section shall 1640
prohibit the standards from being more restrictive than 1641
otherwise required by those sections. 1642

(C) The nutrition standards adopted under this section 1643
shall prohibit the placement of vending machines in any 1644
classroom where students are provided instruction, unless the 1645
classroom also is used to serve students meals. This division 1646
does not apply to vending machines that sell only milk, 1647
reimbursable meals, or food and beverage items that are part of 1648
a reimbursable meal and are available for sale as individually 1649
priced items in serving portions of the same size as in the 1650
reimbursable meal. 1651

(D) Each board or governing authority shall designate 1652
staff to be responsible for ensuring that the school district or 1653
school meets the nutrition standards adopted under this section. 1654
The staff shall prepare an annual report regarding the 1655
district's or school's compliance with the standards and ~~submit~~ 1656
include it in the report to the department of education 1657
prescribed in section 3301.68 of the Revised Code. The board or 1658

governing authority annually shall schedule a presentation on 1659
the nutrition standards report at one of its regular meetings. 1660
Each district or school shall make copies of the nutrition 1661
standards report available to the public upon request. 1662

(E) The state board of education shall formulate and adopt 1663
guidelines, which boards of education and chartered nonpublic 1664
schools may follow in enforcing and implementing this section. 1665

Sec. 3317.141. The board of education of any city, 1666
exempted village, local, or joint vocational school district 1667
that is the recipient of moneys from a grant awarded under the 1668
federal race to the top program, Division (A), Title XIV, 1669
Sections 14005 and 14006 of the "American Recovery and 1670
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1671
shall comply with this section in accordance with the timeline 1672
contained in the board's scope of work, as approved by the 1673
superintendent of public instruction, and shall not be subject 1674
to sections 3317.13 and 3317.14 of the Revised Code. The board 1675
of education of any other school district, and the governing 1676
board of each educational service center, shall comply with 1677
either this section or sections 3317.13 and 3317.14 of the 1678
Revised Code. 1679

(A) The board annually shall adopt a salary schedule for 1680
teachers based upon performance as described in division (B) of 1681
this section. 1682

(B) For purposes of the schedule, a board shall measure a 1683
teacher's performance by considering all of the following: 1684

(1) The level of license issued under section 3319.22 of 1685
the Revised Code that the teacher holds; 1686

(2) ~~Whether the teacher is a highly qualified teacher, as~~ 1687

~~defined in section 3319.074 of the Revised Code;~~ 1688

~~(3) Ratings received by the teacher on performance 1689
evaluations conducted under section 3319.111 of the Revised 1690
Code. 1691~~

(C) The schedule shall provide for annual adjustments 1692
based on performance on the evaluations conducted under section 1693
3319.111 of the Revised Code. The annual performance-based 1694
adjustment for a teacher rated as accomplished shall be greater 1695
than the annual performance-based adjustment for a teacher rated 1696
as skilled. 1697

(D) The salary schedule adopted under this section may 1698
provide for additional compensation for teachers who agree to 1699
perform duties, not contracted for under a supplemental 1700
contract, that the employing board determines warrant additional 1701
compensation. Those duties may include, but are not limited to, 1702
assignment to a school building eligible for funding under Title 1703
I of the "Elementary and Secondary Education Act of 1965," 20 1704
U.S.C. 6301 et seq.; assignment to a building in "school 1705
improvement" status under the "No Child Left Behind Act of 1706
2001," as defined in section 3302.01 of the Revised Code; 1707
teaching in a grade level or subject area in which the board has 1708
determined there is a shortage within the district or service 1709
center; or assignment to a hard-to-staff school, as determined 1710
by the board. 1711

Sec. 3319.075. Once the state board of education adopts 1712
professional development standards pursuant to section 3319.61 1713
of the Revised Code, the board of education of each school 1714
district shall use the standards for the following purposes: 1715

(A) To guide the design of teacher education programs 1716

serving both teacher candidates and experienced teachers;	1717
(B) To guide school-based professional development that is	1718
aligned with student achievement;	1719
(C) To determine what types of professional development	1720
the school district and the schools within the district should	1721
provide;	1722
(D) To guide how state and federal funding for	1723
professional development should be spent;	1724
(E) To develop criteria for decision making by the local	1725
professional development committees established under section	1726
3319.22 of the Revised Code;	1727
(F) To guide the school district in the hiring of third-	1728
party providers of instructional services who use or meet the	1729
professional development standards;	1730
(G) To guide all licensed school personnel in developing	1731
their own plans for professional growth;	1732
<u>(H) To guide the development of professional growth plans</u>	1733
<u>and improvement plans resulting from the teacher evaluations</u>	1734
<u>conducted under section 3319.111 of the Revised Code.</u>	1735
Sec. 3319.081. Except as otherwise provided in division	1736
(G) of this section, in all school districts wherein the	1737
provisions of Chapter 124. of the Revised Code do not apply, the	1738
following employment contract system shall control for employees	1739
whose contracts of employment are not otherwise provided by law:	1740
(A) Newly hired regular nonteaching school employees,	1741
including regular hourly rate and per diem employees, shall	1742
enter into written contracts for their employment which shall be	1743
for a period of not more than one year. If such employees are	1744

rehired, their three subsequent ~~contract~~ contracts shall be for 1745
a period of two years each. 1746

(B) After the termination of the third two-year contract 1747
provided in division (A) of this section, if the contract of a 1748
nonteaching employee is renewed, the employee shall be continued 1749
in employment, and the salary provided in the contract may be 1750
increased but not reduced unless such reduction is a part of a 1751
uniform plan affecting the nonteaching employees of the entire 1752
district. 1753

(C) The contracts as provided for in this section may be 1754
terminated by a majority vote of the board of education. Except 1755
as provided in sections 3319.0810 and 3319.172 of the Revised 1756
Code, the contracts may be terminated only for violation of 1757
written rules and regulations as set forth by the board of 1758
education or for incompetency, inefficiency, dishonesty, 1759
drunkenness, immoral conduct, insubordination, discourteous 1760
treatment of the public, neglect of duty, or any other acts of 1761
misfeasance, malfeasance, or nonfeasance. In addition to the 1762
right of the board of education to terminate the contract of an 1763
employee, the board may suspend an employee for a definite 1764
period of time or demote the employee for the reasons set forth 1765
in this division. The action of the board of education 1766
terminating the contract of an employee or suspending or 1767
demoting the employee shall be served upon the employee by 1768
certified mail. Within ten days following the receipt of such 1769
notice by the employee, the employee may file an appeal, in 1770
writing, with the court of common pleas of the county in which 1771
such school board is situated. After hearing the appeal the 1772
common pleas court may affirm, disaffirm, or modify the action 1773
of the school board. 1774

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. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional or permanent teacher's certificate issued under

former section 3319.222 of the Revised Code, and who spends at 1804
least fifty per cent of the time employed providing student 1805
instruction. However, this section does not apply to any person 1806
who is employed as a substitute teacher or as an instructor of 1807
adult education. 1808

(A) Not later than July 1, ~~2013~~ 2019, the board of 1809
education of each school district, in consultation with teachers 1810
employed by the board, shall ~~adopt a~~ update its standards-based 1811
teacher evaluation policy ~~that conforms to conform~~ with the 1812
framework for evaluation of teachers ~~developed~~ adopted under 1813
section 3319.112 of the Revised Code. The policy shall become 1814
operative at the expiration of any collective bargaining 1815
agreement covering teachers employed by the board that is in 1816
effect on ~~September 29, 2011~~ the effective date of this 1817
amendment, and shall be included in any renewal or extension of 1818
such an agreement. 1819

(B) When using measures of student ~~academic growth as a~~ 1820
~~component of performance as evidence in a~~ teacher's evaluation, 1821
those measures shall ~~include the value added progress dimension~~ 1822
~~prescribed by section 3302.021 of the Revised Code or an~~ 1823
~~alternative student academic progress measure if adopted under~~ 1824
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 1825
~~teachers of grade levels and subjects for which the value added~~ 1826
~~progress dimension or alternative student academic progress~~ 1827
~~measure is not applicable, the board shall administer~~ 1828
~~assessments on the list developed under division (B) (2) of~~ 1829
~~section 3319.112 of the Revised Code~~ be high-quality student 1830
data. The board of education of each school district may use 1831
data from the assessments on the list developed under division 1832
(B) (2) of section 3319.112 of the Revised Code as high-quality 1833
student data. 1834

(C) (1) The board shall conduct an evaluation of each 1835
teacher employed by the board at least once each school year, 1836
except as provided in division (C) (2) of this section. The 1837
evaluation shall be completed by the first day of May and the 1838
teacher shall receive a written report of the results of the 1839
evaluation by the tenth day of May. 1840

(2) (a) The board may evaluate each teacher who received a 1841
rating of accomplished on the teacher's most recent evaluation 1842
conducted under this section once every three school years, so 1843
long as the ~~teacher's student academic growth measure, for the~~ 1844
~~most recent school year for which data is available, is average~~ 1845
~~or higher, as determined by the department of education~~ teacher 1846
submits a self-directed professional growth plan to the 1847
evaluator that focuses on specific areas identified in the 1848
observations and evaluation and the evaluator determines that 1849
the teacher is making progress on that plan. 1850

(b) The board may evaluate each teacher who received a 1851
rating of skilled on the teacher's most recent evaluation 1852
conducted under this section once every two years, so long as 1853
the ~~teacher's student academic growth measure, for the most~~ 1854
~~recent school year for which data is available, is average or~~ 1855
~~higher, as determined by the department of education~~ teacher and 1856
evaluator jointly develop a professional growth plan for the 1857
teacher that focuses on specific areas identified in the 1858
observations and evaluation and the evaluator determines that 1859
the teacher is making progress on that plan. 1860

(c) For each teacher who is evaluated pursuant to division 1861
(C) (2) of this section, the evaluation shall be completed by the 1862
first day of May of the applicable school year, and the teacher 1863
shall receive a written report of the results of the evaluation 1864

by the tenth day of May of that school year. 1865

(d) ~~Beginning with the 2014-2015 school year, the~~ The 1866
board may elect not to conduct an evaluation of a teacher who 1867
meets one of the following requirements: 1868

(i) The teacher was on leave from the school district for 1869
fifty per cent or more of the school year, as calculated by the 1870
board. 1871

(ii) The teacher has submitted notice of retirement and 1872
that notice has been accepted by the board not later than the 1873
first day of December of the school year in which the evaluation 1874
is otherwise scheduled to be conducted. 1875

(e) ~~Beginning with the 2017-2018 school year, the~~ The 1876
board may elect not to conduct an evaluation of a teacher who is 1877
participating in the teacher residency program established under 1878
section 3319.223 of the Revised Code for the year during which 1879
that teacher takes, for the first time, at least half of the 1880
performance-based assessment prescribed by the state board of 1881
education for resident educators. 1882

(3) In any year that a teacher is not formally evaluated 1883
pursuant to division (C) of this section as a result of 1884
receiving a rating of accomplished or skilled on the teacher's 1885
most recent evaluation, an individual qualified to evaluate a 1886
teacher under division (D) of this section shall conduct at 1887
least one observation of the teacher and hold at least one 1888
conference with the teacher. The conference shall include a 1889
discussion of progress on the teacher's professional growth 1890
plan. 1891

(D) Each evaluation conducted pursuant to this section 1892
shall be conducted by one or more of the following persons who 1893

hold a credential established by the department of education for 1894
being an evaluator: 1895

(1) A person who is under contract with the board pursuant 1896
to section 3319.01 or 3319.02 of the Revised Code and holds a 1897
license designated for being a superintendent, assistant 1898
superintendent, or principal issued under section 3319.22 of the 1899
Revised Code; 1900

(2) A person who is under contract with the board pursuant 1901
to section 3319.02 of the Revised Code and holds a license 1902
designated for being a vocational director, administrative 1903
specialist, or supervisor in any educational area issued under 1904
section 3319.22 of the Revised Code; 1905

(3) A person designated to conduct evaluations under an 1906
agreement entered into by the board, including an agreement 1907
providing for peer review entered into by the board and 1908
representatives of teachers employed by the board; 1909

(4) A person who is employed by an entity contracted by 1910
the board to conduct evaluations and who holds a license 1911
designated for being a superintendent, assistant superintendent, 1912
principal, vocational director, administrative specialist, or 1913
supervisor in any educational area issued under section 3319.22 1914
of the Revised Code or is qualified to conduct evaluations. 1915

(E) Notwithstanding division (A) (3) of section 3319.112 of 1916
the Revised Code: 1917

~~(1) The~~, the board shall require at least three formal 1918
observations of each teacher who is under consideration for 1919
nonrenewal and with whom the board has entered into a limited 1920
contract or an extended limited contract under section 3319.11 1921
of the Revised Code. 1922

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

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

(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the department of education the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B) (1) of section 3319.112 of the Revised Code, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The department shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally identifiable information about, any teacher be reported under this division.

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

Sec. 3319.112. (A) ~~Not later than December 31, 2011, The~~ 1953
~~department of education shall revise the state board of~~ 1954
~~education shall develop a education's standards-based state~~ 1955
~~framework for the evaluation of teachers, based on the~~ 1956
~~recommendations of the educator standards board established~~ 1957
~~under section 3319.60 of the Revised Code, and shall submit a~~ 1958
~~summary of the revisions to the state board for review. Not~~ 1959
~~later than May 1, 2019, the state board shall adopt the revised~~ 1960
~~framework.~~ The state board may update the framework periodically 1961
by adoption of a resolution. The framework shall establish an 1962
evaluation system that does the following: 1963

(1) Provides for multiple evaluation factors. ~~One factor~~ 1964
~~shall be student academic growth which shall account for fifty-~~ 1965
~~per cent of each evaluation, except as otherwise prescribed by-~~ 1966
~~the alternative framework under section 3319.114 of the Revised-~~ 1967
~~Code. When applicable to the grade level or subject area taught-~~ 1968
~~by a teacher, the value added progress dimension established-~~ 1969
~~under section 3302.021 of the Revised Code or an alternative-~~ 1970
~~student academic progress measure if adopted under division (C)~~ 1971
~~(1)(c) of section 3302.03 of the Revised Code shall be used in-~~ 1972
~~the student academic growth portion of an evaluation in-~~ 1973
~~proportion to the part of a teacher's schedule of courses or-~~ 1974
~~subjects for which the value added progress dimension is-~~ 1975
~~applicable.~~ 1976

~~If a teacher's schedule is comprised only of courses or~~ 1977
~~subjects for which the value added progress dimension is~~ 1978
~~applicable, one of the following applies:~~ 1979

~~(a) Beginning with March 22, 2013, until June 30, 2014,~~ 1980
~~the majority of the student academic growth factor of the~~ 1981
~~evaluation shall be based on the value added progress dimension.~~ 1982

- ~~(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.;~~ 1983
1984
1985
1986
1987
1988
- (2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 1989
1990
- (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; 1991
1992
1993
1994
- (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;~~ 1995
1996
1997
- (5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 1998
1999
- ~~(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;~~ 2000
2001
2002
2003
2004
2005
- ~~(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;~~ 2006
2007
2008
2009
2010
- ~~(8) Uses at least two measures of high-quality student~~ 2011

data to provide evidence of student learning attributable to the 2012
teacher being evaluated. The department shall define "high- 2013
quality student data" for this purpose. When applicable to the 2014
grade level or subject area taught by a teacher, high-quality 2015
student data shall include the value-added progress dimension 2016
established under section 3302.021 of the Revised Code, but the 2017
teacher or evaluator shall use at least one other measure of 2018
high-quality student data to demonstrate student learning. In 2019
accordance with the guidance described in division (D)(3) of 2020
this section, high-quality student data may be used as evidence 2021
in any component of the evaluation related to the following: 2022

(a) Knowledge of the students to whom the teacher provides 2023
instruction; 2024

(b) The teacher's use of differentiated instructional 2025
practices based on the needs or abilities of individual 2026
students; 2027

(c) Assessment of student learning; 2028

(d) The teacher's use of assessment data; 2029

(e) Professional responsibility and growth. 2030

(7) Prohibits the shared attribution of student 2031
performance data among all teachers in a district, building, 2032
grade, content area, or other group; 2033

(8) Includes development of a professional growth plan or 2034
improvement plan for the teacher that is based on the results of 2035
the evaluation and is aligned to any school district or building 2036
improvement plan required for the teacher's district or building 2037
under the "Elementary and Secondary Education Act of 1965," as 2038
amended by the Every Student Succeeds Act of 2015, Pub. L. No. 2039
114-95, 20 U.S.C. 6301 et seq.; 2040

(9) Provides for professional development to accelerate 2041
and continue teacher growth and provide support to poorly 2042
performing teachers; 2043

~~(9)~~ (10) Provides for the allocation of financial 2044
resources to support professional development; 2045

(11) Prohibits the use of student learning objectives. 2046

(B) For purposes of the framework ~~developed~~ adopted under 2047
this section, the ~~state board~~ department also shall do the 2048
following: 2049

(1) ~~Develop~~ Revise, as necessary, specific standards and 2050
criteria that distinguish between the following levels of 2051
performance for teachers and principals for the purpose of 2052
assigning ratings on the evaluations conducted under sections 2053
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code: 2054

(a) Accomplished; 2055

(b) Skilled; 2056

(c) Developing; 2057

(d) Ineffective. 2058

(2) ~~For grade levels and subjects for which the~~ 2059
~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 2060
~~the Revised Code and the value-added progress dimension~~ 2061
~~prescribed by section 3302.021 of the Revised Code, or~~ 2062
~~alternative student academic progress measure, do not apply,~~ 2063
~~develop~~ Develop a list of student assessments that measure 2064
mastery of the course content for the appropriate grade level, 2065
which may include nationally normed standardized assessments, 2066
industry certification examinations, or end-of-course 2067
examinations. The data from these assessments may be considered 2068

high-quality student data. 2069

(C) The ~~state board~~ department shall consult with experts, 2070
teachers and principals employed in public schools, the educator 2071
standards board, and representatives of stakeholder groups in 2072
~~developing~~ revising the standards and criteria required by 2073
division (B) (1) of this section. 2074

(D) To assist school districts in developing evaluation 2075
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 2076
of the Revised Code, the department shall do ~~both~~ all of the 2077
following: 2078

(1) Serve as a clearinghouse of promising evaluation 2079
procedures and evaluation models that districts may use; 2080

(2) Provide technical assistance to districts in creating 2081
evaluation policies; 2082

(3) Provide guidance to districts on how high-quality 2083
student data may be used as evidence of student learning 2084
attributable to a particular teacher, including examples of 2085
appropriate use of that data within the framework adopted under 2086
this section; 2087

(4) Provide guidance to districts on how information from 2088
student surveys, student portfolios, peer review evaluations, 2089
teacher self-evaluations, and other components determined 2090
appropriate by the district may be used as part of the 2091
evaluation process. 2092

(E) Not later than ~~June 30, 2013~~ July 1, 2019, the ~~state~~ 2093
~~board~~ department, in consultation with other state agencies that 2094
employ teachers, shall ~~develop a~~ update its standards-based 2095
framework for the evaluation of teachers employed by those 2096
agencies. Each state agency that employs teachers shall adopt a 2097

standards-based teacher evaluation policy ~~that conforms to~~ 2098
conform with the framework ~~developed under this division~~. The 2099
policy shall become operative at the expiration of any 2100
collective bargaining agreement covering teachers employed by 2101
the agency that is in effect on ~~September 24, 2012~~ the effective 2102
date of this amendment, and shall be included in any renewal or 2103
extension of such an agreement. However, this division does not 2104
apply to any person who is employed as a substitute teacher or 2105
as an instructor of adult education. 2106

Sec. 3319.22. (A) (1) The state board of education shall 2107
issue the following educator licenses: 2108

(a) A resident educator license, which shall be valid for 2109
four years and shall be renewable for reasons specified by rules 2110
adopted by the state board pursuant to division (A) (3) of this 2111
section. The state board, on a case-by-case basis, may extend 2112
the license's duration as necessary to enable the license holder 2113
to complete the Ohio teacher residency program established under 2114
section 3319.223 of the Revised Code; 2115

(b) A professional educator license, which shall be valid 2116
for five years and shall be renewable; 2117

(c) A senior professional educator license, which shall be 2118
valid for five years and shall be renewable; 2119

(d) A lead professional educator license, which shall be 2120
valid for five years and shall be renewable. 2121

Licenses issued under division (A) (1) of this section on 2122
and after the effective date of this amendment shall specify 2123
whether the educator is licensed to teach grades pre- 2124
kindergarten through five, grades four through nine, or grades 2125
seven through twelve. The changes to the grade band 2126

specifications under this amendment shall not apply to a person 2127
who holds a license under division (A) (1) of this section prior 2128
to the effective date of this amendment. 2129

(2) The state board may issue any additional educator 2130
licenses of categories, types, and levels the board elects to 2131
provide. 2132

(3) The state board shall adopt rules establishing the 2133
standards and requirements for obtaining each educator license 2134
issued under this section. The rules shall also include the 2135
reasons for which a resident educator license may be renewed 2136
under division (A) (1) (a) of this section. 2137

(B) The rules adopted under this section shall require at 2138
least the following standards and qualifications for the 2139
educator licenses described in division (A) (1) of this section: 2140

(1) An applicant for a resident educator license shall 2141
hold at least a bachelor's degree from an accredited teacher 2142
preparation program or be a participant in the teach for America 2143
program and meet the qualifications required under section 2144
3319.227 of the Revised Code. 2145

(2) An applicant for a professional educator license 2146
shall: 2147

(a) Hold at least a bachelor's degree from an institution 2148
of higher education accredited by a regional accrediting 2149
organization; 2150

(b) Have successfully completed the Ohio teacher residency 2151
program established under section 3319.223 of the Revised Code, 2152
if the applicant's current or most recently issued license is a 2153
resident educator license issued under this section or an 2154
alternative resident educator license issued under section 2155

3319.26 of the Revised Code.	2156
(3) An applicant for a senior professional educator license shall:	2157 2158
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	2159 2160 2161
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	2162 2163 2164
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	2165 2166 2167 2168
(4) An applicant for a lead professional educator license shall:	2169 2170
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	2171 2172 2173
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	2174 2175 2176 2177
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	2178 2179 2180
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher	2181 2182 2183

adopted by the educator standards board under division (F) (4) or 2184
(5) of section 3319.61 of the Revised Code. 2185

(C) The state board shall align the standards and 2186
qualifications for obtaining a principal license with the 2187
standards for principals adopted by the state board under 2188
section 3319.61 of the Revised Code. 2189

(D) If the state board requires any examinations for 2190
educator licensure, the department of education shall provide 2191
the results of such examinations received by the department to 2192
the chancellor of higher education, in the manner and to the 2193
extent permitted by state and federal law. 2194

(E) Any rules the state board of education adopts, amends, 2195
or rescinds for educator licenses under this section, division 2196
(D) of section 3301.07 of the Revised Code, or any other law 2197
shall be adopted, amended, or rescinded under Chapter 119. of 2198
the Revised Code except as follows: 2199

(1) Notwithstanding division (E) of section 119.03 and 2200
division (A) (1) of section 119.04 of the Revised Code, in the 2201
case of the adoption of any rule or the amendment or rescission 2202
of any rule that necessitates institutions' offering preparation 2203
programs for educators and other school personnel that are 2204
approved by the chancellor of higher education under section 2205
3333.048 of the Revised Code to revise the curriculum of those 2206
programs, the effective date shall not be as prescribed in 2207
division (E) of section 119.03 and division (A) (1) of section 2208
119.04 of the Revised Code. Instead, the effective date of such 2209
rules, or the amendment or rescission of such rules, shall be 2210
the date prescribed by section 3333.048 of the Revised Code. 2211

(2) Notwithstanding the authority to adopt, amend, or 2212

rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F) (1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted by the state board of education pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

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

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days

prior to an anniversary of the date upon which the current 2243
committee structure was established, the board provides notice 2244
to all affected district employees that the committee structure 2245
is to be modified. Professional development committees may have 2246
a district-level or building-level scope of operations, and may 2247
be established with regard to particular grade or age levels for 2248
which an educator license is designated. 2249

Each professional development committee shall consist of 2250
at least three classroom teachers employed by the district, one 2251
principal employed by the district, and one other employee of 2252
the district appointed by the district superintendent. For 2253
committees with a building-level scope, the teacher and 2254
principal members shall be assigned to that building, and the 2255
teacher members shall be elected by majority vote of the 2256
classroom teachers assigned to that building. For committees 2257
with a district-level scope, the teacher members shall be 2258
elected by majority vote of the classroom teachers of the 2259
district, and the principal member shall be elected by a 2260
majority vote of the principals of the district, unless there 2261
are two or fewer principals employed by the district, in which 2262
case the one or two principals employed shall serve on the 2263
committee. If a committee has a particular grade or age level 2264
scope, the teacher members shall be licensed to teach such grade 2265
or age levels, and shall be elected by majority vote of the 2266
classroom teachers holding such a license and the principal 2267
shall be elected by all principals serving in buildings where 2268
any such teachers serve. The district superintendent shall 2269
appoint a replacement to fill any vacancy that occurs on a 2270
professional development committee, except in the case of 2271
vacancies among the elected classroom teacher members, which 2272
shall be filled by vote of the remaining members of the 2273

committee so selected. 2274

Terms of office on professional development committees 2275
shall be prescribed by the district board establishing the 2276
committees. The conduct of elections for members of professional 2277
development committees shall be prescribed by the district board 2278
establishing the committees. A professional development 2279
committee may include additional members, except that the 2280
majority of members on each such committee shall be classroom 2281
teachers employed by the district. Any member appointed to fill 2282
a vacancy occurring prior to the expiration date of the term for 2283
which a predecessor was appointed shall hold office as a member 2284
for the remainder of that term. 2285

The initial meeting of any professional development 2286
committee, upon election and appointment of all committee 2287
members, shall be called by a member designated by the district 2288
superintendent. At this initial meeting, the committee shall 2289
select a chairperson and such other officers the committee deems 2290
necessary, and shall adopt rules for the conduct of its 2291
meetings. Thereafter, the committee shall meet at the call of 2292
the chairperson or upon the filing of a petition with the 2293
district superintendent signed by a majority of the committee 2294
members calling for the committee to meet. 2295

(3) In the case of a school district in which an exclusive 2296
representative has been established pursuant to Chapter 4117. of 2297
the Revised Code, professional development committees shall be 2298
established in accordance with any collective bargaining 2299
agreement in effect in the district that includes provisions for 2300
such committees. 2301

If the collective bargaining agreement does not specify a 2302
different method for the selection of teacher members of the 2303

committees, the exclusive representative of the district's 2304
teachers shall select the teacher members. 2305

If the collective bargaining agreement does not specify a 2306
different structure for the committees, the board of education 2307
of the school district shall establish the structure, including 2308
the number of committees and the number of teacher and 2309
administrative members on each committee; the specific 2310
administrative members to be part of each committee; whether the 2311
scope of the committees will be district levels, building 2312
levels, or by type of grade or age levels for which educator 2313
licenses are designated; the lengths of terms for members; the 2314
manner of filling vacancies on the committees; and the frequency 2315
and time and place of meetings. However, in all cases, except as 2316
provided in division (F) (4) of this section, there shall be a 2317
majority of teacher members of any professional development 2318
committee, there shall be at least five total members of any 2319
professional development committee, and the exclusive 2320
representative shall designate replacement members in the case 2321
of vacancies among teacher members, unless the collective 2322
bargaining agreement specifies a different method of selecting 2323
such replacements. 2324

(4) Whenever an administrator's coursework plan is being 2325
discussed or voted upon, the local professional development 2326
committee shall, at the request of one of its administrative 2327
members, cause a majority of the committee to consist of 2328
administrative members by reducing the number of teacher members 2329
voting on the plan. 2330

(G) (1) The department of education, educational service 2331
centers, county boards of developmental disabilities, regional 2332
professional development centers, special education regional 2333

resource centers, college and university departments of 2334
education, head start programs, and the Ohio education computer 2335
network may establish local professional development committees 2336
to determine whether the coursework proposed by their employees 2337
who are licensed or certificated under this section or section 2338
3319.222 of the Revised Code, or under the former version of 2339
either section as it existed prior to October 16, 2009, meet the 2340
requirements of the rules adopted under this section. They may 2341
establish local professional development committees on their own 2342
or in collaboration with a school district or other agency 2343
having authority to establish them. 2344

Local professional development committees established by 2345
county boards of developmental disabilities shall be structured 2346
in a manner comparable to the structures prescribed for school 2347
districts in divisions (F)(2) and (3) of this section, as shall 2348
the committees established by any other entity specified in 2349
division (G)(1) of this section that provides educational 2350
services by employing or contracting for services of classroom 2351
teachers licensed or certificated under this section or section 2352
3319.222 of the Revised Code, or under the former version of 2353
either section as it existed prior to October 16, 2009. All 2354
other entities specified in division (G)(1) of this section 2355
shall structure their committees in accordance with guidelines 2356
which shall be issued by the state board. 2357

(2) Any public agency that is not specified in division 2358
(G)(1) of this section but provides educational services and 2359
employs or contracts for services of classroom teachers licensed 2360
or certificated under this section or section 3319.222 of the 2361
Revised Code, or under the former version of either section as 2362
it existed prior to October 16, 2009, may establish a local 2363
professional development committee, subject to the approval of 2364

the department of education. The committee shall be structured 2365
in accordance with guidelines issued by the state board. 2366

(H) Not later than July 1, 2016, the state board, in 2367
accordance with Chapter 119. of the Revised Code, shall adopt 2368
rules pursuant to division (A) (3) of this section that do both 2369
of the following: 2370

(1) Exempt consistently high-performing teachers from the 2371
requirement to complete any additional coursework for the 2372
renewal of an educator license issued under this section or 2373
section 3319.26 of the Revised Code. The rules also shall 2374
specify that such teachers are exempt from any requirements 2375
prescribed by professional development committees established 2376
under divisions (F) and (G) of this section. 2377

(2) For purposes of division (H) (1) of this section, the 2378
state board shall define the term "consistently high-performing 2379
teacher." 2380

Sec. 3319.223. (A) Not later than January 1, 2011, the 2381
superintendent of public instruction and the chancellor of 2382
higher education jointly shall establish the Ohio teacher 2383
residency program, which shall be a four-year, entry-level 2384
program for classroom teachers. Except as provided in division 2385
(B) of this section, the teacher residency program shall include 2386
at least the following components: 2387

(1) Mentoring by teachers for the first two years of the 2388
program; 2389

(2) Counseling, as determined necessary by the school 2390
district or school, to ensure that program participants receive 2391
needed professional development; 2392

(3) Measures of appropriate progression through the 2393

program, which shall include the performance-based assessment 2394
prescribed by the state board of education for resident 2395
educators in the third year of the program. 2396

(B) (1) For an individual who is teaching career-technical 2397
courses under an alternative resident educator license issued 2398
under section 3319.26 of the Revised Code or rule of the state 2399
board, the Ohio teacher residency program shall include the 2400
following components: 2401

(a) Conditions that, as of September 29, 2015, were 2402
necessary for a participant in the third and fourth year of the 2403
program to complete prior to applying for the professional 2404
educator license under division (A) (2) of section 3319.22 of the 2405
Revised Code, except as provided in division (B) (2) (b) of this 2406
section; 2407

(b) Four years of successful teaching experience under the 2408
alternative resident educator license, as verified by the 2409
superintendent of the employing school district; 2410

(c) Successful completion of a career-technical workforce 2411
development teacher preparation program that ~~consists of not~~ 2412
~~less than twenty four semester hours, or the equivalent, from a~~ 2413
~~state university. The teacher preparation program shall include~~ 2414
~~a performance based assessment, to be verified by the~~ 2415
institution meets the criteria described in division (C) (1) of 2416
section 3319.229 of the Revised Code. 2417

(2) No individual who is teaching career-technical courses 2418
under an alternative resident educator license issued under 2419
section 3319.26 of the Revised Code or rule of the state board 2420
shall be required to do either of the following: 2421

(a) Complete the conditions of the Ohio teacher residency 2422

program that a participant, as of September 29, 2015, would have 2423
been required to complete during the participant's first and 2424
second year of teaching under an alternative resident educator 2425
license. 2426

(b) Take the performance-based assessment prescribed by 2427
the state board for resident educators. 2428

(C) The teacher residency program shall be aligned with 2429
the standards for teachers adopted by the state board under 2430
section 3319.61 of the Revised Code and best practices 2431
identified by the superintendent of public instruction. 2432

(D) Each person who holds a resident educator license 2433
issued under section 3319.22 or 3319.227 of the Revised Code or 2434
an alternative resident educator license issued under section 2435
3319.26 of the Revised Code shall participate in the teacher 2436
residency program. Successful completion of the program shall be 2437
required to qualify any such person for a professional educator 2438
license issued under section 3319.22 of the Revised Code. 2439

Sec. 3319.226. (A) Beginning July 1, 2018, the state board 2440
of education shall issue educator licenses for substitute 2441
teaching only under this section. 2442

(B) The state board shall adopt rules establishing 2443
standards and requirements for obtaining a license under this 2444
section and for renewal of the license. The rules shall require 2445
an applicant to hold a post-secondary degree, but not in any 2446
specified subject area. The rules also shall allow the holder of 2447
a license issued under this section to work: 2448

(1) For an unlimited number of school days if the license 2449
holder has a post-secondary degree in either education or a 2450
subject area directly related to the subject of the class the 2451

license holder will teach; 2452

(2) For one full semester, subject to the approval of the 2453
employing school district board of education, if the license 2454
holder has a post-secondary degree in a subject area that is not 2455
directly related to the subject of the class that the license 2456
holder will teach. 2457

The district superintendent may request that the board 2458
approve one or more additional subsequent semester-long periods 2459
of teaching for the license holder. 2460

(C) Any license issued or renewed under former section 2461
3319.226 of the Revised Code that was still in force on the 2462
effective date of this section shall remain in force for the 2463
remainder of the term for which it was issued or renewed. Upon 2464
the expiration of that term, the holder of that license shall be 2465
subject to licensure under the rules adopted under this section. 2466

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 2467
section 3319.229 of the Revised Code by this act, the state 2468
board of education shall accept applications for new, and for 2469
renewal of, professional career-technical teaching licenses 2470
through June 30, 2018, and issue them on the basis of the 2471
applications received by that date in accordance with the rules 2472
described in that former section. Except as otherwise provided 2473
in divisions (A) (2) and (3) of this section, beginning July 1, 2474
2018, the state board shall issue career-technical workforce 2475
development educator licenses only under this section. 2476

(2) An individual who, on July 1, 2018, holds a 2477
professional career-technical teaching license issued under the 2478
rules described in former section 3319.229 of the Revised Code, 2479
may continue to renew that license in accordance with those 2480

rules for the remainder of the individual's teaching career. 2481
However, nothing in this division shall be construed to prohibit 2482
the individual from applying to the state board for a career- 2483
technical workforce development educator license under this 2484
section. 2485

(3) An individual who, on July 1, 2018, holds an 2486
alternative resident educator license for teaching career- 2487
technical education issued under section 3319.26 of the Revised 2488
Code may, upon the expiration of the license, apply for a 2489
professional career-technical teaching license issued under the 2490
rules described in former section 3319.229 of the Revised Code. 2491
Such an individual may continue to renew the professional 2492
license in accordance with those rules for the remainder of the 2493
individual's teaching career. However, nothing in this division 2494
shall be construed to prohibit the individual from applying to 2495
the state board for a career-technical workforce development 2496
educator license under this section. 2497

(B) The state board, in collaboration with the chancellor 2498
of higher education, shall adopt rules establishing standards 2499
and requirements for obtaining a two-year initial career- 2500
technical workforce development educator license and a five-year 2501
advanced career-technical workforce development educator 2502
license. Each license shall be valid for teaching career- 2503
technical education or workforce development programs in grades 2504
four through twelve. The rules shall require applicants for 2505
either license to have a high school diploma. 2506

(C) (1) The state board shall issue an initial career- 2507
technical workforce development educator license to an applicant 2508
upon request from the superintendent of a school district that 2509
has agreed to employ the applicant. In making the request, the 2510

superintendent shall provide documentation, in accordance with 2511
procedures prescribed by the department of education, showing 2512
that the applicant has at least five years of work experience, 2513
or the equivalent, in the subject area in which the applicant 2514
will teach. The license shall be valid for teaching only in the 2515
requesting district. The superintendent also shall provide 2516
documentation, in accordance with procedures prescribed by the 2517
department, that the applicant is enrolled in a career-technical 2518
workforce development educator preparation program offered by an 2519
institution of higher education that has an existing teacher 2520
preparatory program in place that meets all of the following 2521
criteria: 2522

(a) Is approved by the chancellor of higher education to 2523
provide instruction in teaching methods and principles; 2524

(b) Provides classroom support to the license holder; 2525

(c) Includes at least three semester hours of coursework 2526
in the teaching of reading in the subject area; 2527

(d) Is aligned with career-technical education and 2528
workforce development competencies developed by the department; 2529

(e) Uses a summative performance-based assessment 2530
developed by the program and aligned to the competencies 2531
described in division (C) (1) (d) of this section to evaluate the 2532
license holder's knowledge and skills; 2533

(f) Consists of not less than twenty-four semester hours 2534
of coursework, or the equivalent. 2535

(2) As a condition of continuing to hold the initial 2536
career-technical workforce development license, the holder of 2537
the license shall be participating in a career-technical 2538
workforce development educator preparation program described in 2539

division (C) (1) of this section. 2540

(3) The state board shall renew an initial career- 2541
technical workforce development educator license if the 2542
supervisor of the program described in division (C) (1) of this 2543
section and the superintendent of the employing school district 2544
indicate that the applicant is making sufficient progress in 2545
both the program and the teaching position. 2546

(D) The state board shall issue an advanced career- 2547
technical workforce development educator license to an applicant 2548
who has successfully completed the program described in division 2549
(C) (1) of this section, as indicated by the supervisor of the 2550
program, and who demonstrates mastery of the applicable career- 2551
technical education and workforce development competencies 2552
described in division (C) (1) (d) of this section in the teaching 2553
position, as indicated by the superintendent of the employing 2554
school district. 2555

(E) The holder of an advanced career-technical workforce 2556
development educator license shall work with a local 2557
professional development committee established under section 2558
3319.22 of the Revised Code in meeting requirements for renewal 2559
of the license. 2560

Sec. 3319.2210. (A) Except as provided in division (B) of 2561
this section, any license in the area of intervention 2562
specialist, as defined by rule of the state board of education, 2563
that is issued by the state board under Chapter 3319. of the 2564
Revised Code shall specify whether the educator is licensed to 2565
teach grades pre-kindergarten through five, grades four through 2566
nine, or grades seven through twelve. 2567

(B) If a license is issued by the state board in the area 2568

of mild-moderate or moderate-intensive intervention specialist 2569
under Chapter 3319. of the Revised Code, it shall specify that 2570
the educator is licensed to teach grades kindergarten through 2571
twelve. 2572

Sec. 3319.262. (A) Notwithstanding any other provision of 2573
the Revised Code or any rule adopted by the state board of 2574
education to the contrary, the state board shall adopt rules 2575
establishing standards and requirements for obtaining a 2576
nonrenewable four-year provisional educator license for teaching 2577
grades seven through twelve at an early college high school 2578
described in section 3313.6013 of the Revised Code to any 2579
applicant who meets the following conditions: 2580

(1) Has a graduate or terminal degree from an accredited 2581
institution of higher education in a field related to the 2582
subject area to be taught, as determined by the department of 2583
education; 2584

(2) Has experience teaching students at any grade level, 2585
including postsecondary students; 2586

(3) Has proof that an early college high school intends to 2587
employ the applicant pending a valid license under this section. 2588

An individual licensed under this section shall be subject 2589
to section 3319.39 of the Revised Code. 2590

A provisional educator license issued under division (A) 2591
of this section shall be valid for teaching only at the 2592
employing school described in division (A)(3) of this section. 2593

(B) After four years of teaching under a provisional 2594
educator license issued under this section, an individual may 2595
apply for a five-year professional educator license in the same 2596
subject area named in the provisional license. The state board 2597

shall issue the applicant a professional educator license if the 2598
applicant attains a passing score on an assessment of 2599
professional knowledge prescribed by the state board. 2600

Sec. 3319.283. (A) The board of education of any school 2601
district may employ an individual who is not certificated or 2602
licensed as required by Chapter 3319. of the Revised Code, but 2603
who meets the following qualifications, as a teacher in the 2604
schools of the district: 2605

(1) The individual is a veteran of the armed forces of the 2606
United States and was honorably discharged within three years of 2607
June 30, 1997; 2608

(2) While in the armed forces the individual had 2609
meaningful teaching or other instructional experience; 2610

(3) The individual holds at least a baccalaureate degree. 2611

(B) An individual employed under this section shall be 2612
deemed to hold a teaching certificate or educator license for 2613
the purposes of state and federal law and rules and regulations 2614
and school district policies, rules, and regulations. ~~However,~~ 2615
~~an individual employed under this section is not a highly-~~ 2616
~~qualified teacher for purposes of the school district's-~~ 2617
~~compliance with section 3319.074 of the Revised Code.~~ Each 2618
individual employed under this section shall meet the 2619
requirement to successfully complete fifteen hours, or the 2620
equivalent, of coursework every five years that is approved by 2621
the local professional development committee as is required of 2622
other teachers licensed in accordance with Chapter 3319. of the 2623
Revised Code. 2624

(C) The superintendent of public instruction may revoke 2625
the right of an individual employed under division (A) of this 2626

section to teach if, after an investigation and an adjudication 2627
conducted pursuant to Chapter 119. of the Revised Code, the 2628
superintendent finds that the person is not competent to teach 2629
the subject the person has been employed to teach or did not 2630
fulfill the requirements of division (A) of this section. No 2631
individual whose right to teach has been revoked under this 2632
division shall teach in a public school, and no board of 2633
education may engage such an individual to teach in the schools 2634
of its district. 2635

Notwithstanding division (B) of this section, a board of 2636
education is not required to comply with the provisions of 2637
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 2638
Code with regard to termination of employment if the 2639
superintendent, after an investigation and an adjudication, has 2640
revoked the individual's right to teach. 2641

Sec. 3319.361. Notwithstanding any provision of the 2642
Revised Code or any rule of the state board of education to the 2643
contrary, a superintendent of a school district may employ a 2644
person licensed under section 3319.22 of the Revised Code to 2645
teach a subject area for which the person is not licensed or a 2646
grade level for which the person is not licensed that is within 2647
two grade levels of the person's licensure grade band for up to 2648
three school years if that person has three or more years of 2649
teaching experience and attains a passing score on an 2650
examination prescribed by the state board of education in the 2651
teaching area. 2652

After a person has taught in a subject area or grade band 2653
for which that person is not licensed for one year under this 2654
section, that person may be licensed in the area or grade band 2655
for which they were teaching under this section if that person 2656

successfully completes the pedagogy and instruction in the 2657
teaching of reading required by the department of education for 2658
that subject area or grade band. A teacher preparation program 2659
approved by the chancellor of higher education under section 2660
3333.048 of the Revised Code or a school district board of 2661
education through a program approved by the department of 2662
education may provide the required pedagogy course or courses. 2663

Sec. 3321.191. (A) Effective beginning with the 2017-2018 2664
school year, the board of education of each city, exempted 2665
village, local, joint vocational, and cooperative education 2666
school district and the governing board of each educational 2667
service center shall adopt a new or amended policy to guide 2668
employees of the school district or service center in addressing 2669
and ameliorating student absences. In developing the policy, the 2670
appropriate board shall consult with the judge of the juvenile 2671
court of the county or counties in which the district or service 2672
center is located, with the parents, guardians, or other persons 2673
having care of the pupils attending school in the district, and 2674
with appropriate state and local agencies. 2675

(B) The policy developed under division (A) of this 2676
section shall include as an intervention strategy all of the 2677
following actions, if applicable: 2678

(1) Providing a truancy intervention plan for any student 2679
who is excessively absent from school, as described in the first 2680
paragraph of division (C) of this section; 2681

(2) Providing counseling for an habitual truant; 2682

(3) Requesting or requiring a parent, guardian, or other 2683
person having care of an habitual truant to attend parental 2684
involvement programs, including programs adopted under section 2685

3313.472 or 3313.663 of the Revised Code;	2686
(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;	2687 2688 2689
(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;	2690 2691
(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.	2692 2693
(C) (1) In the event that a child of compulsory school age is absent with or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or more hours in a school year, the attendance officer of that school shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven days after the date after the absence that triggered the notice requirement. At the time notice is given, the school also may take any appropriate action as an intervention strategy contained in the policy developed by the board pursuant to division (A) of this section.	2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704
(2) (a) If the absences of a student surpass the threshold for an habitual truant as set forth in section 2151.011 of the Revised Code, the principal or chief administrator of the school or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that	2705 2706 2707 2708 2709 2710 2711 2712 2713 2714

the attendance officer shall file a complaint not later than 2715
sixty-one days after the date the plan was implemented, if the 2716
child has refused to participate in, or failed to make 2717
satisfactory progress on, the intervention plan or an 2718
alternative to adjudication under division (C)(2)(b) of section 2719
3321.191 of the Revised Code. Within seven days after the 2720
development of the plan, the school district or school shall 2721
make reasonable efforts to provide the student's parent, 2722
guardian, custodian, guardian ad litem, or temporary custodian 2723
with written notice of the plan. 2724

(b) As part of the absence intervention plan described in 2725
division (C)(2) of this section, the school district or school, 2726
in its discretion, may contact the appropriate juvenile court 2727
and ask to have a student informally enrolled in any alternative 2728
to adjudication described in division (G) of section 2151.27 of 2729
the Revised Code. If the school district or school chooses to 2730
have students informally enrolled in an alternative to 2731
adjudication, the school district or school shall develop a 2732
written policy regarding the use of, and selection process for, 2733
offering alternatives to adjudication to ensure fairness. 2734

(c) The superintendent of each school district, or the 2735
superintendent's designee, shall establish an absence 2736
intervention team for the district to be used by any schools of 2737
the district that do not establish their own absence 2738
intervention team as permitted under division (C)(2)(d) of this 2739
section. Membership of each absence intervention team may vary 2740
based on the needs of each individual student but shall include 2741
a representative from the child's school district or school, 2742
another representative from the child's school district or 2743
school who knows the child, and the child's parent or parent's 2744
designee, or the child's guardian, custodian, guardian ad litem, 2745

or temporary custodian. The team also may include a school 2746
psychologist, counselor, social worker, or representative of a 2747
public or nonprofit agency designed to assist students and their 2748
families in reducing absences. 2749

(d) The principal or chief administrator of each school 2750
may establish an absence intervention team or series of teams to 2751
be used in lieu of the district team established pursuant to 2752
division (C) (2) (c) of this section. Membership of each absence 2753
intervention team may vary based on the needs of each individual 2754
student but shall include a representative from the child's 2755
school district or school, another representative from the 2756
child's school district or school who knows the child, and the 2757
child's parent or parent's designee, or the child's guardian, 2758
custodian, guardian ad litem, or temporary custodian. The team 2759
also may include a school psychologist, counselor, social 2760
worker, or representative of a public or nonprofit agency 2761
designed to assist students and their families in reducing 2762
absences. 2763

(e) A superintendent, as described in division (C) (2) (c) 2764
of this section, or principal or chief administrator, as 2765
described in division (C) (2) (d) of this section, shall select 2766
the members of an absence intervention team within seven school 2767
days of the triggering event described in division (C) (2) (a) of 2768
this section. The superintendent, principal, or chief 2769
administrator, within the same period of seven school days, 2770
shall make at least three meaningful, good faith attempts to 2771
secure the participation of the student's parent, guardian, 2772
custodian, guardian ad litem, or temporary custodian on that 2773
team. If the student's parent responds to any of those attempts, 2774
but is unable to participate for any reason, the representative 2775
of the school district shall inform the parent of the parent's 2776

right to appear by designee. If seven school days elapse and the 2777
student's parent, guardian, custodian, guardian ad litem, or 2778
temporary custodian fails to respond to the attempts to secure 2779
participation, the school district or school shall do both of 2780
the following: 2781

(i) Investigate whether the failure to respond triggers 2782
mandatory reporting to the public children services agency for 2783
the county in which the child resides in the manner described in 2784
section 2151.421 of the Revised Code; 2785

(ii) Instruct the absence intervention team to develop an 2786
intervention plan for the child notwithstanding the absence of 2787
the child's parent, guardian, custodian, guardian ad litem, or 2788
temporary custodian. 2789

(f) In the event that a student becomes habitually truant 2790
within twenty-one school days prior to the last day of 2791
instruction of a school year, the school district or school may, 2792
in its discretion, assign one school official to work with the 2793
child's parent, guardian, custodian, guardian ad litem, or 2794
temporary custodian to develop an absence intervention plan 2795
during the summer. If the school district or school selects this 2796
method, the plan shall be implemented not later than seven days 2797
prior to the first day of instruction of the next school year. 2798
In the alternative, the school district or school may toll the 2799
time periods to accommodate for the summer months and reconvene 2800
the absence intervention process upon the first day of 2801
instruction of the next school year. 2802

(3) For purposes of divisions (C)(2)(c) and (d) of this 2803
section, the state board of education shall develop a format for 2804
parental permission to ensure compliance with the "Family 2805
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 2806

U.S.C. 1232g, as amended, and any regulations promulgated under 2807
that act, and section 3319.321 of the Revised Code. 2808

(D) Each school district or school may consult or partner 2809
with public and nonprofit agencies to provide assistance as 2810
appropriate to students and their families in reducing absences. 2811

(E) Beginning with the 2017-2018 school year, each school 2812
district shall report to the department of education, as soon as 2813
practicable, and in a format and manner determined by the 2814
department, any of the following occurrences: 2815

(1) When a notice required by division (C) (1) of this 2816
section is submitted to a parent, guardian, or custodian; 2817

(2) When a child of compulsory school age has been absent 2818
without legitimate excuse from the public school the child is 2819
supposed to attend for thirty or more consecutive hours, forty- 2820
two or more hours in one school month, or seventy-two or more 2821
hours in a school year; 2822

(3) When a child of compulsory school age who has been 2823
adjudicated an unruly child for being an habitual truant 2824
violates the court order regarding that adjudication; 2825

(4) When an absence intervention plan has been implemented 2826
for a child under this section. 2827

(F) Nothing in this section shall be construed to limit 2828
the duty or authority of a district board of education or 2829
governing body of an educational service center to develop other 2830
policies related to truancy or to limit the duty or authority of 2831
any employee of the school district or service center to respond 2832
to pupil truancy. However, a board shall be subject to the 2833
prohibition against suspending, expelling, or otherwise 2834
preventing a student from attending school for excessive 2835

absences as prescribed by section 3313.668 of the Revised Code. 2836

Sec. 3323.022. The rules of the state board of education 2837
for staffing ratios for programs with preschool children with 2838
disabilities shall require the following: 2839

(A) A full-time staff member shall be provided when there 2840
are eight full-day or sixteen half-day preschool children 2841
eligible for special education enrolled in a center-based 2842
preschool special education program. 2843

(B) Staff ratios of one teacher for every eight children 2844
shall be maintained at all times for a program with a center- 2845
based teacher, and a second adult shall be present when there 2846
are nine or more children, including nondisabled children 2847
enrolled in a class session. 2848

(C) Unless otherwise specified in the individualized 2849
education program, a minimum of ten hours of services per week 2850
shall be provided for each child served by a center-based 2851
teacher. 2852

Sec. 3323.11. Each school district shall employ, as 2853
necessary, the personnel to meet the needs of the children with 2854
disabilities enrolled in its schools. Personnel shall possess 2855
appropriate qualifications and certificates or licenses as 2856
prescribed in rules of the state board of education. ~~Teachers 2857
shall be "highly qualified," as that term is defined in section 2858
602(10) of the "Individuals with Disabilities Education 2859
Improvement Act of 2004," 20 U.S.C.1401(10). 2860~~

Sec. 3324.07. (A) The board of education of each school 2861
district shall develop a plan for the service of gifted students 2862
enrolled in the district that are identified under section 2863
3324.03 of the Revised Code. Services specified in the plan 2864

developed by each board may include such options as the	2865
following:	2866
(1) A differentiated curriculum;	2867
(2) Cluster grouping;	2868
(3) Mentorships;	2869
(4) Accelerated course work;	2870
(5) The college credit plus program under Chapter 3365. of	2871
the Revised Code;	2872
(6) Advanced placement;	2873
(7) Honors classes;	2874
(8) Magnet schools;	2875
(9) Self-contained classrooms;	2876
(10) Independent study;	2877
(11) <u>International baccalaureate;</u>	2878
<u>(12) Other options identified in rules adopted by the</u>	2879
department of education.	2880
(B) Each board shall file the plan developed under	2881
division (A) of this section with the department of education by	2882
December 15, 2000. The department shall review and analyze each	2883
plan to determine if it is adequate and to make funding	2884
estimates.	2885
(C) Unless otherwise required by law, rule, or as a	2886
condition for receipt of funds, school boards may implement the	2887
plans developed under division (A) of this section, but shall	2888
not be required to do so until further action by the general	2889
assembly or the state superintendent of public instruction.	2890

Sec. 3326.13. (A) Teachers employed by a science, 2891
technology, engineering, and mathematics school shall be ~~highly-~~ 2892
~~qualified teachers, as defined in section 3319.074 of the~~ 2893
~~Revised Code, and shall be~~ licensed under sections 3319.22 to 2894
3319.31 of the Revised Code and rules of the state board of 2895
education implementing those sections. 2896

(B) No STEM school shall employ any classroom teacher 2897
initially hired on or after July 1, 2013, to provide instruction 2898
in physical education unless the teacher holds a valid license 2899
issued pursuant to section 3319.22 of the Revised Code for 2900
teaching physical education. 2901

Sec. 3365.07. The department of education shall calculate 2902
and pay state funds to colleges for participants in the college 2903
credit plus program under division (B) of section 3365.06 of the 2904
Revised Code pursuant to this section. For a nonpublic secondary 2905
school participant, a nonchartered nonpublic secondary school 2906
participant, or a home-instructed participant, the department 2907
shall pay state funds pursuant to this section only if that 2908
participant is awarded funding according to rules adopted by the 2909
chancellor of higher education, in consultation with the 2910
superintendent of public instruction, pursuant to section 2911
3365.071 of the Revised Code. The program shall be the sole 2912
mechanism by which state funds are paid to colleges for students 2913
to earn transcribed credit for college courses while enrolled 2914
in both a secondary school and a college, with the exception of 2915
state funds paid to colleges according to an agreement described 2916
in division (A) (1) of section 3365.02 of the Revised Code. 2917

Beginning with participation for the 2018-2019 school 2918
year, section 3365.072 of the Revised Code shall govern all 2919
arrangements for the provision and payment of textbooks under 2920

<u>the program.</u>	2921
(A) For each public or nonpublic secondary school participant enrolled in a public college:	2922 2923
(1) If no agreement has been entered into under division (A) (2) of this section, both of the following shall apply:	2924 2925
(a) The department shall pay to the college the applicable amount as follows:	2926 2927
(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;	2928 2929 2930 2931
(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;	2932 2933 2934 2935
(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.	2936 2937 2938 2939 2940
(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.	2941 2942 2943
(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor	2944 2945 2946 2947 2948

amount, unless approved by the chancellor, and not more than 2949
either the default ceiling amount or the college's standard 2950
rate, whichever is less. The chancellor may approve an agreement 2951
that includes a payment below the default floor amount, as long 2952
as the provisions of the agreement comply with all other 2953
requirements of this chapter to ensure program quality. If no 2954
agreement is entered into under division (A) (2) of this section, 2955
both of the following shall apply: 2956

(a) The department shall pay to the college the applicable 2957
default amounts prescribed by division (A) (1) (a) of this 2958
section, depending upon the method of delivery and instruction. 2959

(b) In accordance with division (A) (1) (b) of this section, 2960
~~the participant's secondary school shall pay for textbooks, and~~ 2961
the college shall waive payment of all other fees related to 2962
participation in the program. 2963

(3) No participant that is enrolled in a public college 2964
shall be charged for any tuition, ~~textbooks,~~ or other fees 2965
related to participation in the program. 2966

(B) For each public secondary school participant enrolled 2967
in a private college: 2968

(1) If no agreement has been entered into under division 2969
(B) (2) of this section, the department shall pay to the college 2970
the applicable amount calculated in the same manner as in 2971
division (A) (1) (a) of this section. 2972

(2) The governing entity of a participant's secondary 2973
school and the college may enter into an agreement to establish 2974
an alternative payment structure for tuition, ~~textbooks,~~ and 2975
fees. Under such an agreement, payments shall be not less than 2976
the default floor amount, unless approved by the chancellor, and 2977

not more than either the default ceiling amount or the college's 2978
standard rate, whichever is less. 2979

If an agreement is entered into under division (B) (2) of 2980
this section, both of the following shall apply: 2981

(a) The department shall make a payment to the college for 2982
each participant that is equal to the default floor amount, 2983
unless approved by the chancellor to pay an amount below the 2984
default floor amount. The chancellor may approve an agreement 2985
that includes a payment below the default floor amount, as long 2986
as the provisions of the agreement comply with all other 2987
requirements of this chapter to ensure program quality. 2988

(b) Payment for costs for the participant that exceed the 2989
amount paid by the department pursuant to division (B) (2) (a) of 2990
this section shall be negotiated by the school and the college. 2991
The agreement may include a stipulation permitting the charging 2992
of a participant. 2993

However, under no circumstances shall: 2994

(i) Payments for a participant made by the department 2995
under division (B) (2) of this section exceed the lesser of the 2996
default ceiling amount or the college's standard rate; 2997

(ii) The amount charged to a participant under division 2998
(B) (2) of this section exceed the difference between the maximum 2999
per participant charge amount and the default floor amount; 3000

(iii) The sum of the payments made by the department for a 3001
participant and the amount charged to that participant under 3002
division (B) (2) of this section exceed the following amounts, as 3003
applicable: 3004

(I) For a participant enrolled in a college course 3005

delivered on the college campus, at another location operated by 3006
the college, or online, the maximum per participant charge 3007
amount; 3008

(II) For a participant enrolled in a college course 3009
delivered at the participant's secondary school but taught by 3010
college faculty, one hundred twenty-five dollars; 3011

(III) For a participant enrolled in a college course 3012
delivered at the participant's secondary school and taught by a 3013
high school teacher who has met the credential requirements 3014
established for purposes of the program in rules adopted by the 3015
chancellor, one hundred dollars. 3016

(iv) A participant that is identified as economically 3017
disadvantaged according to rules adopted by the department be 3018
charged under division (B) (2) of this section for any tuition, 3019
textbooks, or other fees related to participation in the 3020
program. 3021

(C) For each nonpublic secondary school participant 3022
enrolled in a private or eligible out-of-state college, the 3023
department shall pay to the college the applicable amount 3024
calculated in the same manner as in division (A) (1) (a) of this 3025
section. Payment for costs for the participant that exceed the 3026
amount paid by the department shall be negotiated by the 3027
governing body of the nonpublic secondary school and the 3028
college. 3029

However, under no circumstances shall: 3030

(1) The payments for a participant made by the department 3031
under this division exceed the lesser of the default ceiling 3032
amount or the college's standard rate. 3033

(2) Any nonpublic secondary school participant, who is 3034

enrolled in that secondary school with a scholarship awarded 3035
under either the educational choice scholarship pilot program, 3036
as prescribed by sections 3310.01 to 3310.17, or the pilot 3037
project scholarship program, as prescribed by sections 3313.974 3038
to 3313.979 of the Revised Code, and who qualifies as a low- 3039
income student under either of those programs, be charged for 3040
any tuition, ~~textbooks~~, or other fees related to participation 3041
in the college credit plus program. 3042

(D) For each nonchartered nonpublic secondary school 3043
participant and each home-instructed participant enrolled in a 3044
public, private, or eligible out-of-state college, the 3045
department shall pay to the college the lesser of the default 3046
ceiling amount or the college's standard rate, if that 3047
participant is enrolled in a college course delivered on the 3048
college campus, at another location operated by the college, or 3049
online. 3050

(E) Not later than thirty days after the end of each term, 3051
each college expecting to receive payment for the costs of a 3052
participant under this section shall notify the department of 3053
the number of enrolled credit hours for each participant. 3054

(F) The department shall make the applicable payments 3055
under this section to each college, which provided proper 3056
notification to the department under division (E) of this 3057
section, for the number of enrolled credit hours for 3058
participants enrolled in the college under division (B) of 3059
section 3365.06 of the Revised Code. Except in cases involving 3060
incomplete participant information or a dispute of participant 3061
information, payments shall be made by the last day of January 3062
for participants who were enrolled during the fall term and by 3063
the last day of July for participants who were enrolled during 3064

the spring term. The department shall not make any payments to a 3065
college under this section if a participant withdrew from a 3066
course prior to the date on which a withdrawal from the course 3067
would have negatively affected the participant's transcribed 3068
grade, as prescribed by the college's established withdrawal 3069
policy. 3070

(1) Payments made for public secondary school participants 3071
under this section shall be deducted from the school foundation 3072
payments made to the participant's school district or, if the 3073
participant is enrolled in a community school, a STEM school, or 3074
a college-preparatory boarding school, from the payments made to 3075
that school under section 3314.08, 3326.33, or 3328.34 of the 3076
Revised Code. If the participant is enrolled in a joint 3077
vocational school district, a portion of the amount shall be 3078
deducted from the payments to the joint vocational school 3079
district and a portion shall be deducted from the payments to 3080
the participant's city, local, or exempted village school 3081
district in accordance with the full-time equivalency of the 3082
student's enrollment in each district. Amounts deducted under 3083
division (F)(1) of this section shall be calculated in 3084
accordance with rules adopted by the chancellor, in consultation 3085
with the state superintendent, pursuant to division (B) of 3086
section 3365.071 of the Revised Code. 3087

(2) Payments made for nonpublic secondary school 3088
participants, nonchartered nonpublic secondary school 3089
participants, and home-instructed participants under this 3090
section shall be deducted from moneys appropriated by the 3091
general assembly for such purpose. Payments shall be allocated 3092
and distributed in accordance with rules adopted by the 3093
chancellor, in consultation with the state superintendent, 3094
pursuant to division (A) of section 3365.071 of the Revised 3095

Code. 3096

(G) Any public college that enrolls a student under 3097
division (B) of section 3365.06 of the Revised Code may include 3098
that student in the calculation used to determine its state 3099
share of instruction funds appropriated to the department of 3100
higher education by the general assembly. 3101

Sec. 3365.072. This section applies only to participants 3102
who elect to participate under division (B) of section 3365.06 3103
of the Revised Code. This section first shall apply to 3104
participation for the 2018-2019 school year. 3105

(A) Except as provided in division (B) of this section and 3106
notwithstanding section 3329.06 of the Revised Code, for each 3107
participant enrolled in a public, nonpublic, or nonchartered 3108
nonpublic secondary school, textbooks required for courses in 3109
which the participant enrolls under the college credit plus 3110
program shall be paid for in the following manner: 3111

(1) The participant's secondary school shall pay for fifty 3112
per cent of the cost of all required textbooks. 3113

(2) The participant shall pay for fifty per cent of the 3114
cost of all required textbooks. 3115

(B) No participant whose family income is at or below two 3116
hundred per cent of the federal poverty guidelines, as defined 3117
in section 5101.46 of the Revised Code, shall be charged for 3118
textbooks under division (A) of this section. Instead, the 3119
participant's secondary school shall pay for one hundred per 3120
cent of all required textbooks for that participant. 3121

(C) Each home-instructed participant enrolled in the 3122
college credit plus program shall be responsible for the cost of 3123
textbooks required for courses under the program. 3124

Section 2. That existing sections 3301.078, 3301.0711, 3125
3301.0715, 3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 3126
3319.075, 3319.081, 3319.111, 3319.112, 3319.22, 3319.223, 3127
3319.283, 3321.191, 3323.022, 3323.11, 3324.07, 3326.13, and 3128
3365.07 and sections 3319.074, 3319.114, 3319.226, 3319.229, and 3129
3319.58 of the Revised Code are hereby repealed. 3130

Section 3. Not later than one year after the effective 3131
date of this section, the Department of Education shall conduct 3132
a study on the results and cost-effectiveness of the College 3133
Credit Plus Program, established under Chapter 3365. of the 3134
Revised Code, and submit a report of its findings to the 3135
Governor, the Chancellor of Higher Education, each member of the 3136
General Assembly, and the superintendent of each school district 3137
and each educational service center. The study shall include the 3138
cost-effectiveness for secondary schools and participants under 3139
the program, as well as whether participants in the program save 3140
money on college tuition and reduce the amount of time to degree 3141
completion. 3142

Section 4. The General Assembly recognizes that section 3143
3319.229 of the Revised Code, as repealed and re-enacted by this 3144
act, codifies a method for assessing if career-technical 3145
teachers teaching under alternative resident educator licenses 3146
are qualified for a professional educator license which the 3147
Department of Education was required to establish under Section 3148
13 of Sub. S.B. 3 of the 131st General Assembly. 3149

Section 5. Not later than July 1, 2018, the State Board of 3150
Education shall revise any rule it has adopted regarding 3151
operating standards for identifying and serving gifted students 3152
to specify all of the following: 3153

(A) If a general education teacher is designated as the 3154

provider of gifted services but is not an Advanced Placement or 3155
International Baccalaureate teacher, that teacher shall 3156
participate in at least fifteen hours of ongoing gifted 3157
professional development during the first year in which the 3158
teacher has that designation and forty-five hours of ongoing 3159
professional development by the end of the fourth year in which 3160
the teacher has that designation. 3161

(B) If a general education teacher is designated as the 3162
provider of gifted services and is an Advanced Placement or 3163
International Baccalaureate teacher who has earned at least 3164
twenty-four hours of certified Advanced Placement or 3165
International Baccalaureate development within the five years 3166
prior to receiving that designation, that teacher shall 3167
participate in at least seven and a half hours of ongoing 3168
professional development during the first year in which the 3169
teacher has that designation and twenty-two and a half hours of 3170
ongoing professional development by the end of the fourth year 3171
in which the teacher has that designation. 3172

(C) If a teacher satisfies the hour requirement under 3173
division (A) or (B) of this section, that teacher may be 3174
reported as providing services to gifted students in the 3175
teacher's classroom for that year. 3176

(D) Any documented clock hours earned in the twenty-four 3177
months prior to the revision of any rule adopted by the State 3178
Board regarding operating standards for identifying and serving 3179
students who are gifted in accordance with this section shall 3180
count toward the requirements specified in divisions (A) and (B) 3181
of this section. 3182

Section 6. (A) The Early Childhood Comprehensive 3183
Assessment Advisory Group, as convened by the Department of 3184

Education, shall submit recommendations to the Superintendent of 3185
Public Instruction regarding ways to improve the use and 3186
administration of the kindergarten readiness assessment required 3187
under division (A) (2) of section 3301.0715 of the Revised Code. 3188
In developing its recommendations, the Advisory Group shall 3189
consider appropriate areas of content for the assessment and 3190
efficient procedures for administering the assessment. 3191

(B) The State Superintendent shall review the 3192
recommendations submitted under division (A) of this section and 3193
shall report final recommendations regarding the assessment to 3194
the General Assembly in accordance with section 101.68 of the 3195
Revised Code not later than September 1, 2019. 3196

Section 7. (A) For the 2018-2019 school year, the 3197
Department of Education shall establish a pilot program to guide 3198
implementation of the framework for the evaluation of teachers 3199
revised under section 3319.112 of the Revised Code, as amended 3200
by this act. The Department shall issue a request for school 3201
districts to volunteer to participate in the pilot program. 3202
However, the Department may designate districts to participate 3203
as necessary to ensure a participant pool of adequate size and 3204
diversity. 3205

(B) The Department shall provide professional development 3206
and technical assistance to teachers and evaluators in 3207
participating school districts prior to their use of the revised 3208
teacher evaluation framework. The Department shall collect 3209
feedback from participating districts, teachers, and evaluators 3210
on the implementation of the framework, and shall use such 3211
feedback to make adjustments to the framework and to improve 3212
professional development on the framework. 3213

(C) The Department shall work with stakeholder groups in 3214

conducting the pilot program. 3215

Section 8. Notwithstanding the amendment or repeal of 3216
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 3217
this act, for the 2017-2018 and 2018-2019 school years, the 3218
following shall apply: 3219

(A) Each school district, other than a district 3220
participating in the pilot program established under Section 7 3221
of this act, shall conduct teacher evaluations in accordance 3222
with those sections as they existed prior to the effective date 3223
of this section. 3224

(B) Each state agency that employs teachers shall conduct 3225
teacher evaluations in accordance with its teacher evaluation 3226
policy developed under former division (E) of section 3319.112 3227
of the Revised Code, as it existed prior to the effective date 3228
of this section. 3229

(C) Any reference in law to evaluations conducted under 3230
section 3319.111 of the Revised Code shall be construed to 3231
include evaluations conducted as required by this section. 3232

(D) References to "evaluation procedures" in section 3233
3319.11 of the Revised Code shall be construed to include the 3234
evaluation procedures required by this section. 3235

Section 9. This act shall be known as the "Ohio Public 3236
School Deregulation Act." 3237