

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 684**

**Representatives Hood, Brinkman**

**Cosponsors: Representatives Dean, Becker, Keller, Lang, Romanchuk, Vitale,  
Kick, Hoops, Stein, Riedel**

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**A BILL**

To amend sections 3301.078, 3301.079, 3301.0710, 1  
3301.0711, 3301.0712, 3301.0714, 3301.0718, 2  
3301.0728, 3301.0729, 3302.01, 3302.02, 3302.03, 3  
3302.036, 3302.05, 3310.03, 3310.14, 3310.522, 4  
3311.80, 3311.84, 3313.60, 3313.603, 3313.608, 5  
3313.6017, 3313.6020, 3313.61, 3313.612, 6  
3313.618, 3313.619, 3313.6114, 3313.903, 7  
3314.016, 3314.017, 3314.02, 3314.05, 3314.08, 8  
3314.26, 3314.36, 3317.03, 3319.02, 3319.111, 9  
3319.23, 3326.37, 3328.01, 3333.0411, and 10  
3365.05; to enact sections 3301.65 and 3319.324; 11  
and to repeal sections 3301.0721 and 3319.112 of 12  
the Revised Code to revise the law with regard 13  
to the state academic content standards and 14  
primary and secondary education assessments and 15  
teacher evaluations, to create the Legislative 16  
Office of Education Oversight, and to make other 17  
changes regarding the operation of primary and 18  
secondary schools. 19

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

**Section 1.** That sections 3301.078, 3301.079, 3301.0710, 20  
3301.0711, 3301.0712, 3301.0714, 3301.0718, 3301.0728, 21  
3301.0729, 3302.01, 3302.02, 3302.03, 3302.036, 3302.05, 22  
3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 3313.603, 23  
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 24  
3313.619, 3313.6114, 3313.903, 3314.016, 3314.017, 3314.02, 25  
3314.05, 3314.08, 3314.26, 3314.36, 3317.03, 3319.02, 3319.111, 26  
3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 be amended and 27  
sections 3301.65 and 3319.324 of the Revised Code be enacted to 28  
read as follows: 29

**Sec. 3301.078.** (A) Notwithstanding anything to the 30  
contrary in the Revised Code or in any rule or directive of the 31  
state board of education, superintendent of public instruction, 32  
or department of education, on or after July 1, 2021, the 33  
department of education shall not use any assessment related to 34  
the partnership for assessment of readiness for college and 35  
careers (PARCC), the smarter balanced assessments, American 36  
institutes for research, or any other assessment developed by a 37  
multistate consortium, for use as any of the assessments 38  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 39  
Code. 40

(B) No official or board of this state, whether appointed 41  
or elected, shall enter into any agreement or memorandum of 42  
understanding with any federal or private entity that would 43  
require the state to cede any measure of control over the 44  
development, adoption, or revision of academic content 45  
standards. 46

~~(B)~~ (C) No funds appropriated from the general revenue fund 47  
shall be used to purchase an assessment developed by the 48  
partnership for assessment of readiness for college and careers 49

or the smarter balanced assessment consortium for use as the 50  
assessments prescribed under sections 3301.0710 and 3301.0712 of 51  
the Revised Code. 52

~~(C)~~ (D) The department of education shall request that each 53  
assessment vendor contracted by the department provide an 54  
analysis explaining how questions on each of the assessments 55  
prescribed under section 3301.0710 ~~of the Revised Code and the~~ 56  
~~end of course examinations prescribed under~~ division (B) ~~(2)~~ of 57  
section 3301.0712 of the Revised Code developed by that vendor 58  
are aligned to the academic content standards adopted under 59  
section 3301.079 of the Revised Code. The analysis shall be 60  
provided to all school districts and schools for all grade 61  
levels for which assessments are prescribed under sections 62  
3301.0710 and 3301.0712 of the Revised Code. The analysis shall 63  
be produced beginning with the 2019-2020 school year and for 64  
each school year thereafter. 65

~~(D)~~ (E) The department shall request that each assessment 66  
vendor described in division ~~(C)~~ (D) of this section provide 67  
information and materials to school districts and schools for 68  
assistance with the state achievement assessments. The 69  
information and materials shall include practice assessments and 70  
other preparatory materials. The information and materials shall 71  
be distributed to districts and schools beginning with the 2019- 72  
2020 school year and for each school year thereafter. 73

(F) The state board of education shall not adopt, and the 74  
department of education shall not implement, academic content 75  
standards in English language arts, mathematics, science, or 76  
social studies that were developed by the common core state 77  
standards initiative or any similar initiative process or 78  
program. 79

Any actions taken to adopt or implement the common core state standards as of the effective date of this section are void. 80  
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**Sec. 3301.079.** (A) (1) ~~The Subject to division (A) of section 3301.0718 and section 3301.65 of the Revised Code, the state board of education periodically shall adopt statewide academic content standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies. The state board shall not adopt academic content standards that are developed at the national level or by a multistate consortium. The state board shall not adopt academic content standards that are developed at the national level or by a multistate consortium.~~ 83  
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~~(a) The state board shall ensure that the standards do all of the following:~~ 95  
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~~(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty first century;~~ 97  
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~~(ii) Include the development of skill sets that promote information, media, and technological literacy;~~ 102  
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~~(iii) Include interdisciplinary, project based, real world learning opportunities;~~ 104  
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~~(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and~~ 106  
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~~career technical education,~~ 109

~~(v) Be clearly written, transparent, and understandable by~~ 110  
~~parents, educators, and the general public.~~ 111

~~(b)~~ Not later than July 1, 2012, the state board shall 112  
incorporate into the social studies standards for grades four to 113  
twelve academic content regarding the original texts of the 114  
Declaration of Independence, the Northwest Ordinance, the 115  
Constitution of the United States and its amendments, with 116  
emphasis on the Bill of Rights, and the Ohio Constitution, and 117  
their original context. The state board shall revise the ~~model-~~ 118  
~~curricula and achievement assessments adopted under divisions-~~ 119  
~~(B) and division~~ (C) of this section as necessary to reflect the 120  
additional American history and American government content. The 121  
state board shall make available a list of suggested grade- 122  
appropriate supplemental readings that place the documents 123  
prescribed by this division in their historical context, which 124  
teachers may use as a resource to assist students in reading the 125  
documents within that context. 126

~~(e)~~ When the state board adopts or revises academic 127  
content standards in social studies, American history, American 128  
government, or science under division (A) (1) of this section, 129  
the state board shall develop such standards independently and 130  
not as part of a multistate consortium. 131

(2) After completing the standards required by division 132  
(A) (1) of this section, the state board shall adopt standards 133  
~~and model curricula~~ for instruction in technology, financial 134  
literacy and entrepreneurship, fine arts, and foreign language 135  
for grades kindergarten through twelve. The standards shall meet 136  
the same requirements prescribed in division (A) (1) ~~(a)~~ of this 137  
section. 138

(3) The state board shall adopt the most recent standards 139  
developed by the national association for sport and physical 140  
education for physical education in grades kindergarten through 141  
twelve or shall adopt its own standards for physical education 142  
in those grades and revise and update them periodically. 143

The department of education shall employ a full-time 144  
physical education coordinator to provide guidance and technical 145  
assistance to districts, community schools, and STEM schools in 146  
implementing the physical education standards adopted under this 147  
division. The superintendent of public instruction shall 148  
determine that the person employed as coordinator is qualified 149  
for the position, as demonstrated by possessing an adequate 150  
combination of education, license, and experience. 151

(4) Not later than December 31, 2018, the state board 152  
shall adopt standards and a model curriculum for instruction in 153  
computer science in grades kindergarten through twelve, which 154  
shall include standards for introductory and advanced computer 155  
science courses in grades nine through twelve. When developing 156  
the standards and curriculum, the state board shall consider 157  
recommendations from computer science education stakeholder 158  
groups, including teachers and representatives from higher 159  
education, industry, computer science organizations in Ohio, and 160  
national computer science organizations. 161

Any district or school may utilize the computer science 162  
standards or model curriculum or any part thereof adopted 163  
pursuant to division (A) (4) of this section. However, no 164  
district or school shall be required to utilize all or any part 165  
of the standards or curriculum. 166

(5) When academic standards have been completed for any 167  
subject area required by this section, the state board shall 168

inform all school districts, all community schools established 169  
under Chapter 3314. of the Revised Code, all STEM schools 170  
established under Chapter 3326. of the Revised Code, and all 171  
nonpublic schools required to administer the assessments 172  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 173  
Code of the content of those standards. Additionally, upon 174  
completion of any academic standards under this section, the 175  
department shall post those standards on the department's web 176  
site. 177

(B) ~~(1)~~ The state board shall not adopt a model curriculum 178  
for instruction in ~~each~~ any subject area for which updated 179  
academic standards are required by ~~division~~ divisions (A) (1) and 180  
(2) of this section and for each of grades kindergarten through 181  
twelve ~~that is sufficient to meet the needs of students in every~~ 182  
~~community. The model curriculum shall be aligned with the~~ 183  
~~standards, to ensure that the academic content and skills~~ 184  
~~specified for each grade level are taught to students, and shall~~ 185  
~~demonstrate vertical articulation and emphasize coherence,~~ 186  
~~focus, and rigor. When any model curriculum has been completed,~~ 187  
~~the state board shall inform all school districts, community~~ 188  
~~schools, and STEM schools of the content of that model~~ 189  
~~curriculum.~~ 190

~~(2) Not later than June 30, 2013, the state board, in~~ 191  
~~consultation with any office housed in the governor's office~~ 192  
~~that deals with workforce development, shall adopt model~~ 193  
~~curricula for grades kindergarten through twelve that embed~~ 194  
~~career connection learning strategies into regular classroom~~ 195  
~~instruction.~~ 196

~~(3) All school districts, community schools, and STEM~~ 197  
~~schools may utilize the state standards and the model curriculum~~ 198

~~established by the state board, together with other relevant~~ 199  
~~resources, examples, or models to ensure that students have the~~ 200  
~~opportunity to attain the academic standards. Upon request, the~~ 201  
~~department shall provide technical assistance to any district,~~ 202  
~~community school, or STEM school in implementing the model~~ 203  
~~curriculum.~~ 204

~~Nothing in this section requires any school district to~~ 205  
~~utilize all or any part of a model curriculum developed under~~ 206  
~~this section.~~ 207

(C) ~~The state board shall develop~~ elementary and secondary 208  
achievement assessments prescribed under sections 3301.0710 and 209  
3301.0712 of the Revised Code shall be aligned with the academic 210  
~~standards and model curriculum~~ for each of the subject areas and 211  
grade levels required by divisions (A) (1) and (B) (1) of section 212  
3301.0710 of the Revised Code. 213

When any achievement assessment has been ~~completed~~ 214  
approved for use, the state board shall inform all school 215  
districts, community schools, STEM schools, and nonpublic 216  
schools required to administer the assessment of its ~~completion~~ 217  
approval, and the department shall make the achievement 218  
assessment available to the districts and schools. 219

(D) (1) The state board shall adopt a norm-referenced 220  
diagnostic assessment aligned with the academic standards ~~and~~ 221  
~~model curriculum~~ for each of grades kindergarten through two in 222  
reading, writing, and mathematics and for grade three in reading 223  
and writing. The diagnostic assessment shall be designed to 224  
measure student comprehension of academic content and mastery of 225  
related skills for the relevant subject area and grade level. 226  
Any diagnostic assessment shall not include components to 227  
identify gifted students. Blank copies of diagnostic assessments 228



shall be public records. 229

(2) When each diagnostic assessment has been ~~completed~~ approved for use, the state board shall inform all school districts of its ~~completion approval~~ and the department shall make the diagnostic assessment available to the districts at no cost to the district. 230  
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(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the ~~development~~ approval of the assessment. 235  
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However, beginning with the 2017-2018 school year, both of the following shall apply: 239  
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(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board; 241  
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(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D) (3) (a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code. 246  
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(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section. 251  
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(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, or achievement assessments, ~~or model curriculum~~ required under this section, the state board 254  
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or the department shall first consult with parents of students 258  
in kindergarten through twelfth grade and with active Ohio 259  
classroom teachers, other school personnel, and administrators 260  
with expertise in the appropriate subject area. Whenever 261  
practicable, the state board and department shall consult with 262  
teachers recognized as outstanding in their fields. 263

~~If the department contracts with more than one outside 264  
entity for the development of the achievement assessments 265  
required by this section, the department shall ensure the 266  
interchangeability of those assessments. 267~~

(G) Whenever the state board adopts standards ~~or model-~~ 268  
~~curricula~~ under this section, the department also shall provide 269  
information on the use of blended or digital learning in the 270  
delivery of the standards ~~or curricula~~ to students in accordance 271  
with division (A) (5) of this section. 272

(H) The fairness sensitivity review committee, established 273  
by rule of the state board of education, shall not allow any 274  
question on any achievement or diagnostic assessment developed 275  
under this section or any proficiency test prescribed by former 276  
section 3301.0710 of the Revised Code, as it existed prior to 277  
September 11, 2001, to include, be written to promote, or 278  
inquire as to individual moral or social values or beliefs. ~~The 279  
decision of the committee shall be final. This section does not 280  
create a private cause of action. 281~~

~~(I) (1) (a) The English language arts academic standards 282  
review committee is hereby created to review academic content 283  
standards in the subject of English language arts. The committee 284  
shall consist of the following members: 285~~

~~(i) Three experts who are residents of this state and who 286~~

~~primarily conduct research, provide instruction, currently work- 287  
in, or possess an advanced degree in the subject area. One 288  
expert shall be appointed by each of the president of the 289  
senate, the speaker of the house of representatives, and the 290  
governor;~~ 291

~~(ii) One parent or guardian appointed by the president of 292  
the senate;~~ 293

~~(iii) One educator who is currently teaching in a 294  
classroom, appointed by the speaker of the house of 295  
representatives;~~ 296

~~(iv) The chancellor of the Ohio board of regents, or the 297  
chancellor's designee;~~ 298

~~(v) The state superintendent, or the superintendent's 299  
designee, who shall serve as the chairperson of the committee. 300~~

~~(b) The mathematics academic standards review committee is 301  
hereby created to review academic content standards in the 302  
subject of mathematics. The committee shall consist of the 303  
following members: 304~~

~~(i) Three experts who are residents of this state and who 305  
primarily conduct research, provide instruction, currently work- 306  
in, or possess an advanced degree in the subject area. One 307  
expert shall be appointed by each of the president of the 308  
senate, the speaker of the house of representatives, and the 309  
governor;~~ 310

~~(ii) One parent or guardian appointed by the speaker of 311  
the house of representatives;~~ 312

~~(iii) One educator who is currently teaching in a 313  
classroom, appointed by the president of the senate;~~ 314

- ~~(iv) The chancellor, or the chancellor's designee;~~ 315
- ~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 316  
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- ~~(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:~~ 318  
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- ~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 322  
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- ~~(ii) One parent or guardian appointed by the president of the senate;~~ 328  
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- ~~(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;~~ 330  
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- ~~(iv) The chancellor, or the chancellor's designee;~~ 333
- ~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 334  
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- ~~(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members:~~ 336  
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- ~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One~~ 340  
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~~expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 343  
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~~(ii) One parent or guardian appointed by the speaker of the house of representatives;~~ 346  
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~~(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;~~ 348  
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~~(iv) The chancellor, or the chancellor's designee;~~ 350

~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 351  
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~~(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation.~~ 353  
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~~(b) Each committee shall determine whether the assessments submitted to that committee under division (I) (4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations.~~ 363  
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~~(3) The department of education shall provide administrative support for each committee created in division (I) (1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the~~ 368  
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~~operations of the committee. Members of each committee shall  
serve at the pleasure of the appointing authority.~~ 372  
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~~(4) Notwithstanding anything to the contrary in division  
(O) of section 3301.0711 of the Revised Code, the department  
shall submit to the appropriate committee created under division  
(I) (1) of this section copies of the questions and corresponding  
answers on the relevant assessments required by section  
3301.0710 of the Revised Code on the first day of July following  
the school year that the assessments were administered. The  
department shall provide each committee with the entire content  
of each relevant assessment, including corresponding answers.~~ 374  
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~~The assessments received by the committees are not public  
records of the committees and are not subject to release by the  
committees to any other person or entity under section 149.43 of  
the Revised Code. However, the assessments shall become public  
records in accordance with division (O) of section 3301.0711 of  
the Revised Code.~~ 383  
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~~(J) Not later than sixty days prior to the adoption by the  
state board of updated academic standards under division (A) (1)  
of this section or updated model curricula under division (B) (1)  
of this section, the superintendent of public instruction shall  
present the academic content standards or model curricula, as  
applicable, in person at a public hearing of the respective  
committees of the house of representatives and senate that  
consider education legislation.~~ 389  
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~~(K)~~ (J) As used in this section: 397

(1) "Blended learning" means the delivery of instruction 398  
in a combination of time in a supervised physical location away 399  
from home and online delivery whereby the student has some 400

element of control over time, place, path, or pace of learning. 401

~~(2) "Coherence" means a reflection of the structure of the discipline being taught. 402  
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~~(3) "Digital learning" means learning facilitated by 404  
technology that gives students some element of control over 405  
time, place, path, or pace of learning. 406~~

~~(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject-matter. 407  
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~~(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 410  
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(3) "Norm-referenced" refers to a standardized test or evaluative instrument that is not aligned to the common core state standards and for which the resulting scores are interpreted or are used to acquire additional meaning in terms of comparisons made to a reference age or grade group to which an individual belongs. 416  
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**Sec. 3301.0710.** The state board of education shall adopt 422  
rules establishing a statewide program to assess student 423  
achievement. The state board shall ensure that all assessments 424  
administered under the program are aligned with the academic 425  
standards and ~~model curricula~~ adopted by the state board and ~~are~~ 426  
~~created with input from Ohio parents, Ohio classroom teachers,~~ 427  
~~Ohio school administrators, and other Ohio school personnel~~ 428  
~~pursuant to section 3301.079 of the Revised Code. 429~~

The assessment program shall be designed to ensure that 430  
students who receive a high school diploma demonstrate at least 431  
high school levels of achievement in English language arts, 432  
mathematics, science, and social studies. 433

(A) (1) The state board shall prescribe all of the 434  
following: 435

(a) Two statewide norm-referenced achievement assessments, 436  
one each designed to measure the level of English language arts 437  
and mathematics skill expected at the end of third grade; 438

(b) Two statewide norm-referenced achievement assessments, 439  
one each designed to measure the level of English language arts 440  
and mathematics skill expected at the end of fourth grade; 441

(c) Three statewide norm-referenced achievement 442  
assessments, one each designed to measure the level of English 443  
language arts, mathematics, and science skill expected at the 444  
end of fifth grade; 445

(d) Two statewide norm-referenced achievement assessments, 446  
one each designed to measure the level of English language arts 447  
and mathematics skill expected at the end of sixth grade; 448

(e) Two statewide norm-referenced achievement assessments, 449  
one each designed to measure the level of English language arts 450  
and mathematics skill expected at the end of seventh grade; 451

(f) Three statewide norm-referenced achievement 452  
assessments, one each designed to measure the level of English 453  
language arts, mathematics, and science skill expected at the 454  
end of eighth grade. 455

(2) The state board shall ~~determine and designate at least~~ 456  
utilize five percentile ranges of scores on each of the 457



achievement assessments described in divisions (A) (1) and (B) (1) 458  
of this section. Each percentile range of scores shall be deemed 459  
to demonstrate a level of achievement so that any student 460  
attaining a ~~score result~~ within ~~such range~~ the following 461  
quintiles has achieved ~~one of the following~~ a specified level of 462  
skill: 463

(a) An advanced level of skill, which consists of the 464  
eighty-first through one hundredth percentile; 465

(b) An accelerated level of skill, which consists of the 466  
sixty-first through eightieth percentile; 467

(c) A proficient level of skill, which consists of the 468  
forty-first through sixtieth percentile; 469

(d) A basic level of skill, which consists of the twenty- 470  
first through fortieth percentile; 471

(e) A limited level of skill, which consists of the first 472  
through the twentieth percentile. 473

(3) For the purpose of implementing division (A) of 474  
section 3313.608 of the Revised Code, ~~the state board shall~~ 475  
~~determine and designate a level of achievement, not lower than~~ 476  
~~the level designated in division (A) (2) (c) of this section, on~~ 477  
~~the third grade English language arts assessment for a student~~ 478  
~~to be promoted to the fourth grade. The state board shall review~~ 479  
~~and adjust upward the level of achievement designated under this~~ 480  
~~division each year the test is administered until the level is~~ 481  
~~set equal to the level designated in division (A) (2) (c) of this~~ 482  
~~section~~ a student who receives a percentile score in the twenty- 483  
first percentile or higher on the third grade English language 484  
arts assessment shall not be retained under that section and 485  
shall not be retained based solely on the student's percentile 486

score. However, the parent or guardian of a student who receives 487  
a percentile score between the twenty-first and fortieth 488  
percentile may choose to have the student retained and receive 489  
services under section 3313.608 of the Revised Code. 490

(4) Each school district or school shall teach and assess 491  
social studies in at least the fourth and sixth grades. Any 492  
assessment in such area shall be determined by the district or 493  
school and may be formative or summative in nature. The results 494  
of such assessment shall not be reported to the department of 495  
education. 496

(B) (1) The assessments prescribed under division (B) (1) of 497  
this section shall collectively be known as the Ohio graduation 498  
tests. The state board shall prescribe five statewide high 499  
school achievement assessments, one each designed to measure the 500  
level of reading, writing, mathematics, science, and social 501  
studies skill expected at the end of tenth grade. The state 502  
board shall designate a score in at least the range designated 503  
under division (A) (2) (c) of this section on each such assessment 504  
that shall be deemed to be a passing score on the assessment as 505  
a condition toward granting high school diplomas under sections 506  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 507  
until the assessment system prescribed by section 3301.0712 of 508  
the Revised Code is implemented in accordance with division (B) 509  
(2) of this section. 510

(2) ~~The state board shall prescribe an assessment system~~ 511  
~~in accordance with prescribed under section 3301.0712 of the~~ 512  
Revised Code ~~that~~ shall replace the Ohio graduation tests 513  
beginning with students who enter the ninth grade for the first 514  
time on or after July 1, 2014. 515

~~(3) The state board may enter into a reciprocal agreement~~ 516

~~with the appropriate body or agency of any other state that has 517  
similar statewide achievement assessment requirements for 518  
receiving high school diplomas, under which any student who has 519  
met an achievement assessment requirement of one state is 520  
recognized as having met the similar requirement of the other 521  
state for purposes of receiving a high school diploma. For 522  
purposes of this section and sections 3301.0711 and 3313.61 of 523  
the Revised Code, any student enrolled in any public high school 524  
in this state who has met an achievement assessment requirement 525  
specified in a reciprocal agreement entered into under this 526  
division shall be deemed to have attained at least the 527  
applicable score designated under this division on each 528  
assessment required by division (B) (1) or (2) of this section 529  
that is specified in the agreement. 530~~

(C) The superintendent of public instruction shall 531  
designate dates and times for the administration of the 532  
assessments prescribed by divisions (A) and (B) of this section. 533

In prescribing administration dates pursuant to this 534  
division, the superintendent shall designate the dates in such a 535  
way as to allow a reasonable length of time between the 536  
administration of assessments prescribed under this section and 537  
any administration of the national assessment of educational 538  
progress given to students in the same grade level pursuant to 539  
section 3301.27 of the Revised Code or federal law. 540

~~(D) The state board shall prescribe a practice version of 541  
each Ohio graduation test described in division (B) (1) of this 542  
section that is of comparable length to the actual test. 543~~

~~(E) Any committee established by the department of 544  
education for the purpose of making recommendations to the state 545  
board regarding the state board's designation of scores on the 546~~

~~assessments described by this section shall inform the state board of the probable percentage of students who would score in each of the ranges established under division (A) (2) of this section on the assessments if the committee's recommendations are adopted by the state board. To the extent possible, these percentages shall be disaggregated by gender, major racial and ethnic groups, English learners, economically disadvantaged students, students with disabilities, and migrant students. As used in this section, "norm-referenced" has the same meaning as in section 3301.079 of the Revised Code.~~ 547  
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**Sec. 3301.0711.** (A) ~~The department~~ state board of education shall:— 557  
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~~(1) Annually furnish to, grade, and score all assessments required by divisions (A) (1) and (B) (1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B) (10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D) (2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.~~ 559  
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~~(2) Adopt~~ adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered 574  
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to students. 577

(B) Except as provided in divisions (C) and (J) of this 578  
section, the board of education of each city, local, and 579  
exempted village school district shall, in accordance with rules 580  
adopted under division (A) of this section: 581

(1) ~~Administer~~ (a) Until the school year that follows the 582  
effective date of this amendment, administer the English 583  
language arts assessments prescribed under division (A) (1) (a) of 584  
section 3301.0710 of the Revised Code twice annually to all 585  
students in the third grade who have not attained the score 586  
designated for that assessment under division (A) (2) (c) of 587  
section 3301.0710 of the Revised Code. ~~;~~ 588

(b) For the school year that follows the effective date of 589  
this amendment, and for each school year thereafter, administer 590  
the English language arts assessment prescribed under division 591  
(A) (1) (a) of section 3301.0710 of the Revised Code once annually 592  
to all students in the third grade. The department shall not 593  
require districts to administer the assessment described in 594  
division (B) (1) (b) of this section in the fall. 595

(2) Administer the mathematics assessment prescribed under 596  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 597  
least once annually to all students in the third grade. 598

(3) Administer the assessments prescribed under division 599  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 600  
annually to all students in the fourth grade. 601

(4) Administer the assessments prescribed under division 602  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 603  
annually to all students in the fifth grade. 604

(5) Administer the assessments prescribed under division 605

(A) (1) (d) of section 3301.0710 of the Revised Code at least once 606  
annually to all students in the sixth grade. 607

(6) Administer the assessments prescribed under division 608  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 609  
annually to all students in the seventh grade. 610

(7) Administer the assessments prescribed under division 611  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 612  
annually to all students in the eighth grade. 613

(8) Except as provided in division (B) (9) of this section, 614  
administer any assessment prescribed under division (B) (1) of 615  
section 3301.0710 of the Revised Code as follows: 616

(a) At least once annually to all tenth grade students and 617  
at least twice annually to all students in eleventh or twelfth 618  
grade who have not yet attained the score on that assessment 619  
designated under that division; 620

(b) To any person who has successfully completed the 621  
curriculum in any high school or the individualized education 622  
program developed for the person by any high school pursuant to 623  
section 3323.08 of the Revised Code but has not received a high 624  
school diploma and who requests to take such assessment, at any 625  
time such assessment is administered in the district. 626

(9) In lieu of the board of education of any city, local, 627  
or exempted village school district in which the student is also 628  
enrolled, the board of a joint vocational school district shall 629  
administer any assessment prescribed under division (B) (1) of 630  
section 3301.0710 of the Revised Code at least twice annually to 631  
any student enrolled in the joint vocational school district who 632  
has not yet attained the score on that assessment designated 633  
under that division. A board of a joint vocational school 634

district may also administer such an assessment to any student 635  
described in division (B) (8) (b) of this section. 636

~~(10) If the district has a three-year average graduation 637  
rate of not more than seventy-five per cent, administer each 638  
assessment prescribed by division (D) of section 3301.0710 of 639  
the Revised Code in September to all ninth-grade students who 640  
entered ninth grade prior to July 1, 2014. 641~~

~~Except as provided in section 3313.614 of the Revised Code 642  
for administration of an assessment to a person who has 643  
fulfilled the curriculum requirement for a high school diploma 644  
but has not passed one or more of the required assessments, the 645  
assessments prescribed under division (B) (1) of section 646  
3301.0710 of the Revised Code shall not be administered after 647  
the date specified in the rules adopted by the state board of 648  
education under division (D) (1) of section 3301.0712 of the 649  
Revised Code. 650~~

~~(11) (a) Except as provided in divisions (B) (11) (b) and (c) 651  
of this section, administer Administer the assessments 652  
prescribed by division (B) (2) of section 3301.0710 and section 653  
3301.0712 of the Revised Code in accordance with the timeline 654  
and plan for implementation of those assessments prescribed by 655  
rule of the state board adopted under division ~~(D) (1)~~ (C) (1) of 656  
section 3301.0712 of the Revised Code. 657~~

~~(b) A student who has presented evidence to the district 658  
or school of having satisfied the condition prescribed by 659  
division (A) (1) of section 3313.618 of the Revised Code to 660  
qualify for a high school diploma prior to the date of the 661  
administration of the assessment prescribed under division (B) 662  
(1) of section 3301.0712 of the Revised Code shall not be 663  
required to take that assessment. However, no board shall 664~~

~~prohibit a student who is not required to take such assessment— 665  
from taking the assessment.— 666~~

~~(c) A student shall not be required to retake the Algebra— 667  
I end of course examination or the English language arts II end— 668  
of course examination prescribed under division (B) (2) of— 669  
section 3301.0712 of the Revised Code in grades nine through— 670  
twelve if the student demonstrates at least a proficient level— 671  
of skill, as prescribed under division (B) (5) (a) of that— 672  
section, or achieves a competency score, as prescribed under— 673  
division (B) (10) of that section, in an administration of the— 674  
examination prior to grade nine. 675~~

(C) (1) (a) In the case of a student receiving special 676  
education services under Chapter 3323. of the Revised Code, the 677  
individualized education program developed for the student under 678  
that chapter shall specify the manner in which the student will 679  
participate in the assessments administered under this section, 680  
~~except that a student with significant cognitive disabilities to 681  
whom an alternate assessment is administered in accordance with 682  
division (C) (1) of this section and a student determined to have 683  
a disability that includes an intellectual disability as 684  
outlined in guidance issued by the department shall not be 685  
required to take the assessment prescribed under division (B) (1) 686  
of section 3301.0712 of the Revised Code. The individualized 687  
education program may excuse the student from taking any 688  
particular assessment required to be administered under this 689  
section if it instead specifies an alternate assessment method 690  
approved by the department of education or the state board as 691  
conforming to requirements of federal law for receipt of federal 692  
funds for disadvantaged pupils. To the extent possible, the 693  
individualized education program shall not excuse provide the 694  
student from taking with an opportunity to take an assessment 695~~



~~unless no reasonable accommodation can be made to enable the~~ 696  
~~student to take the assessment that is determined to approximate~~ 697  
~~the student's grade level capacity, with reasonable~~ 698  
accommodations. No board shall prohibit a student who is not 699  
required to take an assessment under division (C) (1) of this 700  
section from taking the assessment. 701

(b) Any alternate assessment approved by the department or 702  
the state board for a student under this division shall produce 703  
measurable results comparable to those produced by the 704  
assessment it replaces in order to allow for the student's 705  
results to be included in the data compiled for a school 706  
district or building under section 3302.03 of the Revised Code. 707

(c) (i) Any student enrolled in a chartered nonpublic 708  
school who has been identified, based on an evaluation conducted 709  
in accordance with section 3323.03 of the Revised Code or 710  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 711  
29 U.S.C.A. 794, as amended, as a child with a disability shall 712  
be excused from taking any particular assessment required to be 713  
administered under this section if either of the following 714  
apply: 715

(I) A plan developed for the student pursuant to rules 716  
adopted by the state board excuses the student from taking that 717  
assessment. 718

(II) The chartered nonpublic school develops a written 719  
plan in which the school, in consultation with the student's 720  
parents, determines that an assessment or alternative assessment 721  
with accommodations does not accurately assess the student's 722  
academic performance. The plan shall include an academic profile 723  
of the student's academic performance and shall be reviewed 724  
annually to determine if the student's needs continue to require 725

excusal from taking the assessment. 726

(ii) A student with significant cognitive disabilities to 727  
whom an alternate assessment is administered in accordance with 728  
division (C) (1) of this section and a student determined to have 729  
a disability that includes an intellectual disability as 730  
outlined in guidance issued by the department shall not be 731  
required to take the assessment prescribed under ~~division (B) (1)~~ 732  
~~of~~ section 3301.0712 of the Revised Code. 733

(iii) In the case of any student so excused from taking an 734  
assessment under division (C) (1) (c) of this section, the 735  
chartered nonpublic school shall not prohibit the student from 736  
taking the assessment. 737

(2) A district board may, for medical reasons or other 738  
good cause, excuse a student from taking an assessment 739  
administered under this section on the date scheduled, but that 740  
assessment shall be administered to the excused student not 741  
later than nine days following the scheduled date. The district 742  
board shall annually report the number of students who have not 743  
taken one or more of the assessments required by this section to 744  
the state board not later than the thirtieth day of June. 745

(3) As used in this division, "English learner" has the 746  
same meaning as in 20 U.S.C. 7801. 747

No school district board shall excuse any English learner 748  
from taking any particular assessment required to be 749  
administered under this section, except as follows: 750

(a) Any English learner who has been enrolled in United 751  
States schools for less than two years and for whom no 752  
appropriate accommodations are available based on guidance 753  
issued by the department shall not be required to take the 754

assessment prescribed under ~~division (B) (1) of~~ section 3301.0712 755  
of the Revised Code. 756

(b) Any English learner who has been enrolled in United 757  
States schools for less than one full school year shall not be 758  
required to take any reading, writing, or English language arts 759  
assessment. 760

However, no board shall prohibit an English learner who is 761  
not required to take an assessment under division (C) (3) of this 762  
section from taking the assessment. A board may permit any 763  
English learner to take an assessment required to be 764  
administered under this section with appropriate accommodations, 765  
as determined by the department. For each English learner, each 766  
school district shall annually assess that student's progress in 767  
learning English, in accordance with procedures approved by the 768  
department. 769

(4) (a) The governing authority of a chartered nonpublic 770  
school may excuse an English learner from taking any assessment 771  
administered under this section. 772

(b) No governing authority shall require an English 773  
learner who has been enrolled in United States schools for less 774  
than two years and for whom no appropriate accommodations are 775  
available based on guidance issued by the department to take the 776  
assessment prescribed under ~~division (B) (1) of~~ section 3301.0712 777  
of the Revised Code. 778

(c) No governing authority shall prohibit an English 779  
learner from taking an assessment from which the student was 780  
excused under division (C) (4) of this section. 781

(D) (1) In the school year next succeeding the school year 782  
in which the assessments prescribed by division (A) (1) or (B) (1) 783

of section 3301.0710 of the Revised Code or former division (A) 784  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 785  
it existed prior to September 11, 2001, are administered to any 786  
student, the board of education of any school district in which 787  
the student is enrolled in that year shall provide to the 788  
student intervention services commensurate with the student's 789  
performance, including any intensive intervention required under 790  
section 3313.608 of the Revised Code, in any skill in which the 791  
student failed to demonstrate at least a score at the proficient 792  
level on the assessment. 793

(2) Following any administration of the assessments 794  
prescribed by ~~division (D) of section 3301.0710-3301.0712~~ of the 795  
Revised Code ~~to ninth grade students~~, each school district that 796  
has a three-year average graduation rate of not more than 797  
seventy-five per cent shall determine for each high school in 798  
the district whether the school shall be required to provide 799  
intervention services to any students who took the assessments. 800  
In determining which high schools shall provide intervention 801  
services based on the resources available, the district shall 802  
consider each school's graduation rate and scores on ~~the any~~ 803  
practice assessments. The district also shall consider the 804  
~~scores received~~ results attained by ninth grade students on the 805  
English language arts and mathematics assessments prescribed 806  
under division (A) (1) (f) of section 3301.0710 of the Revised 807  
Code in the eighth grade in determining which high schools shall 808  
provide intervention services. 809

Each high school selected to provide intervention services 810  
under this division shall provide intervention services to any 811  
student whose results indicate that the student is failing to 812  
make satisfactory progress toward being able to attain ~~scores a~~ 813  
result at the proficient level on the ~~Ohio graduation tests~~ 814

assessments prescribed under section 3301.0712 of the Revised 815  
Code. Intervention services shall be provided in any skill in 816  
which a student demonstrates unsatisfactory progress and shall 817  
be commensurate with the student's performance. Schools shall 818  
provide the intervention services prior to the end of the school 819  
year, during the summer following the ninth grade, in the next 820  
succeeding school year, or at any combination of those times. 821

(E) Except as provided in section 3313.608 of the Revised 822  
Code and division (N) of this section, no school district board 823  
of education shall utilize any student's failure to attain a 824  
specified score on an assessment administered under this section 825  
as a factor in any decision to deny the student promotion to a 826  
higher grade level. ~~However, a district board may choose not to~~ 827  
~~promote to the next grade level any student who does not take an~~ 828  
~~assessment administered under this section or make up an~~ 829  
~~assessment as provided by division (C) (2) of this section and~~ 830  
~~who is not exempt from the requirement to take the assessment~~ 831  
~~under division (C) (3) of this section.~~ 832

(F) No person shall be charged a fee for taking any 833  
assessment administered under this section. 834

(G) (1) Each school district board shall designate one 835  
location for the collection of assessments administered in the 836  
spring under division (B) (1) of this section and those 837  
administered under divisions (B) (2) to (7) of this section. Each 838  
district board shall submit the assessments to the entity with 839  
which the department contracts for the scoring of the 840  
assessments as follows: 841

(a) If the district's total enrollment in grades 842  
kindergarten through twelve during the first full school week of 843  
October was less than two thousand five hundred, not later than 844

the Friday after all of the assessments have been administered; 845

(b) If the district's total enrollment in grades 846  
kindergarten through twelve during the first full school week of 847  
October was two thousand five hundred or more, but less than 848  
seven thousand, not later than the Monday after all of the 849  
assessments have been administered; 850

(c) If the district's total enrollment in grades 851  
kindergarten through twelve during the first full school week of 852  
October was seven thousand or more, not later than the Tuesday 853  
after all of the assessments have been administered. 854

However, any assessment that a student takes during the 855  
make-up period described in division (C) (2) of this section 856  
shall be submitted not later than the Friday following the day 857  
the student takes the assessment. 858

(2) The department or an entity with which the department 859  
contracts for the scoring of the assessment shall send to each 860  
school district board a list of the individual ~~scores~~ results of 861  
all persons taking a state achievement assessment as follows: 862

(a) Except as provided in division (G) (2) (b) or (c) of 863  
this section, within forty-five days after the administration of 864  
the assessments prescribed by sections 3301.0710 and 3301.0712 865  
of the Revised Code, but in no case shall the ~~scores~~ results be 866  
returned later than the thirtieth day of June following the 867  
administration; 868

(b) In the case of the third-grade English language arts 869  
assessment, within forty-five days after the administration of 870  
that assessment, but in no case shall the ~~scores~~ results be 871  
returned later than the fifteenth day of June following the 872  
administration; 873

(c) In the case of the writing component of an assessment 874  
~~or end-of-course examination~~ in the area of English language 875  
arts, except for the third-grade English language arts 876  
assessment, the results may be sent after forty-five days of the 877  
administration of the writing component, but in no case shall 878  
the ~~scores~~ results be returned later than the thirtieth day of 879  
June following the administration. 880

(3) For assessments administered under this section by a 881  
joint vocational school district, the department or entity shall 882  
also send to each city, local, or exempted village school 883  
district a list of the individual ~~scores~~ results of any students 884  
of such city, local, or exempted village school district who are 885  
attending school in the joint vocational school district. 886

(4) Beginning with the 2019-2020 school year, a school 887  
district, other public school, or chartered nonpublic school may 888  
administer the third-grade English language arts or mathematics 889  
assessment, or both, in a paper format in any school year for 890  
which the district board of education or school governing body 891  
adopts a resolution indicating that the district or school 892  
chooses to administer the assessment in a paper format. The 893  
board or governing body shall submit a copy of the resolution to 894  
the department of education not later than the first day of May 895  
prior to the school year for which it will apply. If the 896  
resolution is submitted, the district or school shall administer 897  
the assessment in a paper format to all students in the third 898  
grade, except that any student whose individualized education 899  
program or plan developed under section 504 of the 900  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 901  
amended, specifies that taking the assessment in an online 902  
format is an appropriate accommodation for the student may take 903  
the assessment in an online format. 904

(H) Individual ~~scores~~results on any assessments 905  
administered under this section shall be released by a district 906  
board only in accordance with section 3319.321 of the Revised 907  
Code and the rules adopted under division (A) of this section. 908  
No district board or its employees shall utilize individual or 909  
aggregate results in any manner that conflicts with rules for 910  
the ethical use of assessments adopted pursuant to division (A) 911  
of this section. 912

(I) Except as provided in division (G) of this section, 913  
the department or an entity with which the department contracts 914  
for the scoring of the assessment shall not release any 915  
individual ~~scores~~results on any assessment administered under 916  
this section. The state board shall adopt rules to ensure the 917  
protection of student confidentiality at all times. The rules 918  
may require the use of the data verification codes assigned to 919  
students pursuant to division (D)(2) of section 3301.0714 of the 920  
Revised Code to protect the confidentiality of student~~scores~~ 921  
results. 922

(J) Notwithstanding division (D) of section 3311.52 of the 923  
Revised Code, this section does not apply to the board of 924  
education of any cooperative education school district except as 925  
provided under rules adopted pursuant to this division. 926

(1) In accordance with rules that the state board shall 927  
adopt, the board of education of any city, exempted village, or 928  
local school district with territory in a cooperative education 929  
school district established pursuant to divisions (A) to (C) of 930  
section 3311.52 of the Revised Code may enter into an agreement 931  
with the board of education of the cooperative education school 932  
district for administering any assessment prescribed under this 933  
section to students of the city, exempted village, or local 934



school district who are attending school in the cooperative 935  
education school district. 936

(2) In accordance with rules that the state board shall 937  
adopt, the board of education of any city, exempted village, or 938  
local school district with territory in a cooperative education 939  
school district established pursuant to section 3311.521 of the 940  
Revised Code shall enter into an agreement with the cooperative 941  
district that provides for the administration of any assessment 942  
prescribed under this section to both of the following: 943

(a) Students who are attending school in the cooperative 944  
district and who, if the cooperative district were not 945  
established, would be entitled to attend school in the city, 946  
local, or exempted village school district pursuant to section 947  
3313.64 or 3313.65 of the Revised Code; 948

(b) Persons described in division (B) (8) (b) of this 949  
section. 950

Any assessment of students pursuant to such an agreement 951  
shall be in lieu of any assessment of such students or persons 952  
pursuant to this section. 953

(K) (1) (a) Except as otherwise provided in division (K) (1) 954  
or (2) of this section, each chartered nonpublic school for 955  
which at least sixty-five per cent of its total enrollment is 956  
made up of students who are participating in state scholarship 957  
programs shall administer the assessments prescribed by division 958  
(A) of section 3301.0710 of the Revised Code or an alternative 959  
standardized assessment determined by the department or the 960  
state board. In accordance with procedures and deadlines 961  
prescribed by the department, the parent or guardian of a 962  
student enrolled in the school who is not participating in a 963

state scholarship program may submit notice to the chief 964  
administrative officer of the school that the parent or guardian 965  
does not wish to have the student take the assessments 966  
prescribed for the student's grade level under division (A) of 967  
section 3301.0710 of the Revised Code. If a parent or guardian 968  
submits an opt-out notice, the school shall not administer the 969  
assessments to that student. This option does not apply to any 970  
assessment required for a high school diploma under section 971  
3313.612 of the Revised Code. 972

(b) Any chartered nonpublic school that enrolls students 973  
who are participating in state scholarship programs may 974  
administer an alternative standardized assessment determined by 975  
the department or the state board instead of the assessments 976  
prescribed by division (A) of section 3301.0710 of the Revised 977  
Code. 978

Each chartered nonpublic school subject to division (K) (1) 979  
(a) or (b) of this section shall report the results of each 980  
assessment administered under those divisions to the department. 981

(2) A chartered nonpublic school may submit to the 982  
superintendent of public instruction a request for a waiver from 983  
administering the elementary assessments prescribed by division 984  
(A) of section 3301.0710 of the Revised Code. The state 985  
superintendent shall approve or disapprove a request for a 986  
waiver submitted under division (K) (2) of this section. No 987  
waiver shall be approved for any school year prior to the 2015- 988  
2016 school year. 989

To be eligible to submit a request for a waiver, a 990  
chartered nonpublic school shall meet the following conditions: 991

(a) At least ninety-five per cent of the students enrolled 992

in the school are children with disabilities, as defined under 993  
section 3323.01 of the Revised Code, or have received a 994  
diagnosis by a school district or from a physician, including a 995  
neuropsychiatrist or psychiatrist, or a psychologist who is 996  
authorized to practice in this or another state as having a 997  
condition that impairs academic performance, such as dyslexia, 998  
dyscalculia, attention deficit hyperactivity disorder, or 999  
Asperger's syndrome. 1000

(b) The school has solely served a student population 1001  
described in division (K) (1) (a) of this section for at least ten 1002  
years. 1003

(c) The school provides to the department at least five 1004  
years of records of internal testing conducted by the school 1005  
that affords the department data required for accountability 1006  
purposes, including diagnostic assessments and nationally 1007  
standardized norm-referenced achievement assessments that 1008  
measure reading and math skills. 1009

(3) Any chartered nonpublic school that is not subject to 1010  
division (K) (1) of this section may participate in the 1011  
assessment program by administering any of the assessments 1012  
prescribed by division (A) of section 3301.0710 of the Revised 1013  
Code. The chief administrator of the school shall specify which 1014  
assessments the school will administer. Such specification shall 1015  
be made in writing to the superintendent of public instruction 1016  
prior to the first day of August of any school year in which 1017  
assessments are administered and shall include a pledge that the 1018  
nonpublic school will administer the specified assessments in 1019  
the same manner as public schools are required to do under this 1020  
section and rules adopted by the ~~department~~ state board. 1021

(4) The department of education shall furnish the 1022

assessments prescribed by section 3301.0710 of the Revised Code 1023  
to each chartered nonpublic school that is subject to division 1024  
(K) (1) of this section or participates under division (K) (3) of 1025  
this section. 1026

(L) If a chartered nonpublic school is educating students 1027  
in grades nine through twelve, the following shall apply: 1028

(1) Except as provided in division (L) (4) of this section, 1029  
for a student who is enrolled in a chartered nonpublic school 1030  
that is accredited through the independent schools association 1031  
of the central states and who is attending the school under a 1032  
state scholarship program, the student shall either take all of 1033  
the assessments prescribed by ~~division (B) of~~ section 3301.0712 1034  
of the Revised Code or take an alternative assessment approved 1035  
by the department or the state board under section 3313.619 of 1036  
the Revised Code. ~~However, a student who is excused from taking~~ 1037  
~~an assessment under division (C) of this section or has~~ 1038  
~~presented evidence to the chartered nonpublic school of having~~ 1039  
~~satisfied the condition prescribed by division (A) (1) of section~~ 1040  
~~3313.618 of the Revised Code to qualify for a high school~~ 1041  
~~diploma prior to the date of the administration of the~~ 1042  
~~assessment prescribed under division (B) (1) of section 3301.0712~~ 1043  
~~of the Revised Code shall not be required to take that~~ 1044  
~~assessment. No governing authority of a chartered nonpublic~~ 1045  
~~school shall prohibit a student who is not required to take such~~ 1046  
~~assessment from taking the assessment.~~ 1047

(2) For a student who is enrolled in a chartered nonpublic 1048  
school that is accredited through the independent schools 1049  
association of the central states, and who is not attending the 1050  
school under a state scholarship program, the student shall not 1051  
be required to take any assessment prescribed under section 1052

3301.0712 or 3313.619 of the Revised Code. 1053

~~(3)(a) Except as provided in divisions (L)(3)(b) and (4)~~ 1054  
~~of this section, for~~ For a student who is enrolled in a 1055  
chartered nonpublic school that is not accredited through the 1056  
independent schools association of the central states, 1057  
regardless of whether the student is attending or is not 1058  
attending the school under a state scholarship program, the 1059  
student shall do ~~one~~ either of the following: 1060

~~(i)(a) Take all of the assessments prescribed by division~~ 1061  
~~(B) of section 3301.0712 of the Revised Code;~~ 1062

~~(ii) Take only the assessment prescribed by division (B)~~ 1063  
~~(1) of section 3301.0712 of the Revised Code, provided that the~~ 1064  
~~student's school publishes the results of that assessment for~~ 1065  
~~each graduating class. The published results of that assessment~~ 1066  
~~shall include the overall composite scores, mean scores, twenty~~ 1067  
~~fifth percentile scores, and seventy fifth percentile scores for~~ 1068  
~~each subject area of the assessment.~~ 1069

~~(iii)(b) Take an alternative assessment approved by the~~ 1070  
~~department~~ or the state board under section 3313.619 of the 1071  
Revised Code. 1072

~~(b) A student who is excused from taking an assessment~~ 1073  
~~under division (C) of this section or has presented evidence to~~ 1074  
~~the chartered nonpublic school of having satisfied the condition~~ 1075  
~~prescribed by division (A)(1) of section 3313.618 of the Revised~~ 1076  
~~Code to qualify for a high school diploma prior to the date of~~ 1077  
~~the administration of the assessment prescribed under division~~ 1078  
~~(B)(1) of section 3301.0712 of the Revised Code shall not be~~ 1079  
~~required to take that assessment. No governing authority of a~~ 1080  
~~chartered nonpublic school shall prohibit a student who is not~~ 1081

~~required to take such assessment from taking the assessment.~~ 1082

(4) The assessments prescribed by sections 3301.0712 and 1083  
3313.619 of the Revised Code shall not be administered to any 1084  
student attending the school, if the school meets all of the 1085  
following conditions: 1086

(a) At least ninety-five per cent of the students enrolled 1087  
in the school are children with disabilities, as defined under 1088  
section 3323.01 of the Revised Code, or have received a 1089  
diagnosis by a school district or from a physician, including a 1090  
neuropsychologist or psychiatrist, or a psychologist who is 1091  
authorized to practice in this or another state as having a 1092  
condition that impairs academic performance, such as dyslexia, 1093  
dyscalculia, attention deficit hyperactivity disorder, or 1094  
Asperger's syndrome. 1095

(b) The school has solely served a student population 1096  
described in division (L) (4) (a) of this section for at least ten 1097  
years. 1098

(c) The school makes available to the department at least 1099  
five years of records of internal testing conducted by the 1100  
school that affords the department data required for 1101  
accountability purposes, including growth in student achievement 1102  
in reading or mathematics, or both, as measured by nationally 1103  
norm-referenced assessments that have developed appropriate 1104  
standards for students. 1105

Division (L) (4) of this section applies to any student 1106  
attending such school regardless of whether the student receives 1107  
special education or related services and regardless of whether 1108  
the student is attending the school under a state scholarship 1109  
program. 1110

(M) (1) The superintendent of the state school for the 1111  
blind and the superintendent of the state school for the deaf 1112  
shall administer the assessments described by sections 3301.0710 1113  
and 3301.0712 of the Revised Code. Each superintendent shall 1114  
administer the assessments in the same manner as district boards 1115  
are required to do under this section and rules adopted by the 1116  
~~department of education state board~~ and in conformity with 1117  
division (C) (1) (a) of this section. 1118

(2) The department of education shall furnish the 1119  
assessments described by sections 3301.0710 and 3301.0712 of the 1120  
Revised Code to each superintendent. 1121

(N) Notwithstanding division (E) of this section, a school 1122  
district may use a student's failure to attain a score in at 1123  
least the proficient range on the mathematics assessment 1124  
described by division (A) (1) (a) of section 3301.0710 of the 1125  
Revised Code or on an assessment described by division (A) (1) 1126  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 1127  
Code as a factor in retaining that student in the current grade 1128  
level. 1129

~~(O) (1) In the manner specified in divisions (O) (3), (4),~~ 1130  
~~(6), and (7) of this section, the~~ The assessments required by 1131  
division (A) (1) of section 3301.0710 of the Revised Code shall 1132  
become public records pursuant to section 149.43 of the Revised 1133  
Code on the thirty-first day of July following the school year 1134  
that the assessments were administered. 1135

~~(2) The department may field test proposed questions with~~ 1136  
~~samples of students to determine the validity, reliability, or~~ 1137  
~~appropriateness of questions for possible inclusion in a future~~ 1138  
~~year's assessment. The department also may use anchor questions~~ 1139  
~~on assessments to ensure that different versions of the same~~ 1140

~~assessment are of comparable difficulty.~~ 1141

~~Field test questions and anchor questions shall not be 1142  
considered in computing scores for individual students. Field- 1143  
test questions and anchor questions may be included as part of- 1144  
the administration of any assessment required by division (A) (1)- 1145  
or (B) of section 3301.0710 and division (B) of section- 1146  
3301.0712 of the Revised Code.~~ 1147

~~(3) Any field test question or anchor question- 1148  
administered under division (O) (2) of this section shall not be- 1149  
a public record. Such field test questions and anchor questions- 1150  
shall be redacted from any assessments which are released as a- 1151  
public record pursuant to division (O) (1) of this section.~~ 1152

~~(4) This division applies to the assessments prescribed by- 1153  
division (A) of section 3301.0710 of the Revised Code.~~ 1154

~~(a) The first administration of each assessment, as- 1155  
specified in former section 3301.0712 of the Revised Code, shall- 1156  
be a public record.~~ 1157

~~(b) For subsequent administrations of each assessment- 1158  
prior to the 2011-2012 school year, not less than forty per cent- 1159  
of the questions on the assessment that are used to compute a- 1160  
student's score shall be a public record. The department shall- 1161  
determine which questions will be needed for reuse on a future- 1162  
assessment and those questions shall not be public records and- 1163  
shall be redacted from the assessment prior to its release as a- 1164  
public record. However, for each redacted question, the- 1165  
department shall inform each city, local, and exempted village- 1166  
school district of the statewide academic standard adopted by- 1167  
the state board under section 3301.079 of the Revised Code and- 1168  
the corresponding benchmark to which the question relates. The- 1169~~



~~preceding sentence does not apply to field test questions that~~ 1170  
~~are redacted under division (O) (3) of this section.~~ 1171

~~(c) The administrations of each assessment in the 2011-~~ 1172  
~~2012, 2012-2013, and 2013-2014 school years shall not be a~~ 1173  
~~public record.~~ 1174

~~(5) Each assessment prescribed by division (B) (1) of~~ 1175  
~~section 3301.0710 of the Revised Code shall not be a public~~ 1176  
~~record.~~ 1177

~~(6) (a) Except as provided in division (O) (6) (b) of this~~ 1178  
~~section, for the administrations in the 2014-2015, 2015-2016,~~ 1179  
~~and 2016-2017 school years, questions on the assessments~~ 1180  
~~prescribed under division (A) of section 3301.0710 and division~~ 1181  
~~(B) (2) of section 3301.0712 of the Revised Code and the~~ 1182  
~~corresponding preferred answers that are used to compute a~~ 1183  
~~student's score shall become a public record as follows:~~ 1184

~~(i) Forty per cent of the questions and preferred answers~~ 1185  
~~on the assessments on the thirty first day of July following the~~ 1186  
~~administration of the assessment;~~ 1187

~~(ii) Twenty per cent of the questions and preferred~~ 1188  
~~answers on the assessment on the thirty first day of July one~~ 1189  
~~year after the administration of the assessment;~~ 1190

~~(iii) The remaining forty per cent of the questions and~~ 1191  
~~preferred answers on the assessment on the thirty first day of~~ 1192  
~~July two years after the administration of the assessment.~~ 1193

~~The entire content of an assessment shall become a public~~ 1194  
~~record within three years of its administration.~~ 1195

~~The department shall make the questions that become a~~ 1196  
~~public record under this division readily accessible to the~~ 1197

~~public on the department's web site. Questions on the spring  
administration of each assessment shall be released on an annual  
basis, in accordance with this division.~~ 1198  
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~~(b) No questions and corresponding preferred answers shall  
become a public record under division (O) (6) of this section  
after July 31, 2017.~~ 1201  
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~~(7) Division (O) (7) of this section applies to the  
assessments prescribed by division (A) of section 3301.0710 and  
division (B) (2) of section 3301.0712 of the Revised Code.~~ 1204  
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~~Beginning with the assessments administered in the spring  
of the 2017-2018 school year, not less than forty per cent of  
the questions on each assessment that are used to compute a  
student's score shall be a public record. The department shall  
determine which questions will be needed for reuse on a future  
assessment and those questions shall not be public records and  
shall be redacted from the assessment prior to its release as a  
public record. However, for each redacted question, the  
department shall inform each city, local, and exempted village  
school district of the corresponding statewide academic standard  
adopted by the state board under section 3301.079 of the Revised  
Code and the corresponding benchmark to which the question  
relates. The department is not required to provide corresponding  
standards and benchmarks to field test questions that are  
redacted under division (O) (3) of this section.~~ 1207  
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(P) As used in this section: 1222

(1) "Three-year average" means the average of the most 1223  
recent consecutive three school years of data. 1224

(2) "Dropout" means a student who withdraws from school 1225  
before completing course requirements for graduation and who is 1226

not enrolled in an education program approved by the state board 1227  
of education or an education program outside the state. 1228  
"Dropout" does not include a student who has departed the 1229  
country. 1230

(3) "Graduation rate" means the ratio of students 1231  
receiving a diploma to the number of students who entered ninth 1232  
grade four years earlier. Students who transfer into the 1233  
district are added to the calculation. Students who transfer out 1234  
of the district for reasons other than dropout are subtracted 1235  
from the calculation. If a student who was a dropout in any 1236  
previous year returns to the same school district, that student 1237  
shall be entered into the calculation as if the student had 1238  
entered ninth grade four years before the graduation year of the 1239  
graduating class that the student joins. 1240

(4) "State scholarship programs" means the educational 1241  
choice scholarship pilot program established under sections 1242  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 1243  
program established under section 3310.41 of the Revised Code, 1244  
the Jon Peterson special needs scholarship program established 1245  
under sections 3310.51 to 3310.64 of the Revised Code, and the 1246  
pilot project scholarship program established under sections 1247  
3313.974 to 3313.979 of the Revised Code. 1248

(5) "Other public school" means a community school 1249  
established under Chapter 3314., a STEM school established under 1250  
Chapter 3326., or a college-preparatory boarding school 1251  
established under Chapter 3328. of the Revised Code. 1252

(6) "Norm-referenced" has the same meaning as in section 1253  
3301.079 of the Revised Code. 1254

**Sec. 3301.0712.** (A) ~~The state board of education, the~~ 1255

~~superintendent of public instruction, and the chancellor of~~ 1256  
~~higher education shall develop a system of college and work-~~ 1257  
~~ready assessments as described in division (B) of this section-~~ 1258  
~~to assess whether each student upon graduating from high school-~~ 1259  
~~is ready to enter college or the workforce.~~ Beginning with 1260  
students who enter the ninth grade for the first time on or 1261  
after July 1, 2014, the assessment system prescribed by this 1262  
section shall replace the Ohio graduation tests prescribed in 1263  
division (B)(1) of section 3301.0710 of the Revised Code as a 1264  
measure of student academic performance and one determinant of 1265  
eligibility for a high school diploma in the manner prescribed 1266  
by rule of the state board adopted under division ~~(D)~~(C) of 1267  
this section. 1268

(B) ~~The college and work ready assessment system shall~~ 1269  
~~consist of the following:-~~ 1270

~~(1) Nationally a series of nationally norm-referenced,~~ 1271  
~~standardized assessments that measure college and career~~ 1272  
~~readiness and are used for college admission. The assessments~~ 1273  
~~shall be selected jointly by the state superintendent and the~~ 1274  
~~chancellor, and one of which shall be selected by each school-~~ 1275  
~~district or school to administer to its students. The~~ 1276  
~~assessments prescribed under division (B)(1) of this section~~ 1277  
~~shall be administered to all eleventh grade students in the~~ 1278  
~~spring of the school year in the areas of English language arts,~~ 1279  
mathematics, science, American history, and American government. 1280

~~(2)(a) Except as provided in division (B)(2)(b) of this~~ 1281  
~~section, seven end-of-course examinations, one in each of the~~ 1282  
~~areas of English language arts I, English language arts II,~~ 1283  
~~science, Algebra I, geometry, American history, and American~~ 1284  
~~government. The end-of-course examinations shall be selected~~ 1285

~~jointly by the state superintendent and the chancellor in- 1286  
consultation with faculty in the appropriate subject areas at- 1287  
institutions of higher education of the university system of- 1288  
Ohio. Advanced placement examinations and international- 1289  
baccalaureate examinations, as prescribed under section- 1290  
3313.6013 of the Revised Code, in the areas of science, American- 1291  
history, and American government may be used as end of course- 1292  
examinations in accordance with division (B) (4) (a) (i) of this- 1293  
section. Final course grades for courses taken under any other- 1294  
advanced standing program, as prescribed under section 3313.6013- 1295  
of the Revised Code, in the areas of science, American history,- 1296  
and American government may be used in lieu of end of course- 1297  
examinations in accordance with division (B) (4) (a) (ii) of this- 1298  
section.— 1299~~

~~(b) Beginning with students who enter ninth grade for the- 1300  
first time on or after July 1, 2019, five end of course- 1301  
examinations, one in each areas of English language arts II,- 1302  
science, Algebra I, American history, and American government.— 1303  
However, only the end of course examinations in English language- 1304  
arts II and Algebra I shall be required for graduation.— 1305~~

~~The department of education shall, as necessary to- 1306  
implement division (B) (2) (b) of this section, seek a waiver from- 1307  
the United States secretary of education for testing- 1308  
requirements prescribed under federal law to allow for the use- 1309  
and implementation of Algebra I as the primary assessment of- 1310  
high school mathematics. If the department does not receive a- 1311  
waiver under this division, the end of course examinations for- 1312  
students described in division (B) (2) (b) of this section also- 1313  
shall include an end of course examination in the area of- 1314  
geometry. However, the geometry end of course examination shall- 1315  
not be required for graduation.— 1316~~

~~(3) (a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B) (3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.~~ 1317  
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~~(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.~~ 1328  
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~~(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.~~ 1331  
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~~(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.~~ 1337  
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~~(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:~~ 1341  
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~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student~~ 1344  
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~~shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end of course examinations prescribed under division (B) (2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~

~~(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end of course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end of course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.~~

~~Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.~~

~~(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section in place of the end of course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B) (2) of this section.~~

~~(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end of course examinations prescribed under division (B) (2) of this section.~~ 1376  
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~~(5) The state board shall do all of the following:~~ 1380

~~(a) Determine and designate at least five ranges of scores on each of the end of course examinations prescribed under division (B) (2) of this section, and substitute examinations prescribed under division (B) (4) of this section. Not later than sixty days after the designation of ranges of scores, the state superintendent, or the state superintendent's designee, shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:~~ 1381  
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~~(i) An advanced level of skill;~~ 1394

~~(ii) An accelerated level of skill;~~ 1395

~~(iii) A proficient level of skill;~~ 1396

~~(iv) A basic level of skill;~~ 1397

~~(v) A limited level of skill.~~ 1398

~~(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end of course examinations or substitute examinations;~~ 1399  
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~~(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to~~ 1402  
1403



~~earn a high school diploma under division (A) (2) of section 3313.618 of the Revised Code. However, the state board shall not determine a new minimum cumulative performance score after the effective date of this amendment October 17, 2019.~~

~~(d) Develop a table of corresponding score equivalents for the end of course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.~~

~~A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.~~

~~(6) (a) A student who meets both of the following conditions shall not be required to take an end of course examination:~~

~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end of course examination is prescribed.~~

~~(ii) The examination was not available for administration prior to July 1, 2015.~~

~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end of course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end of course examination at a later date.~~

~~(b) For purposes of determining whether a student who is exempt from taking an end of course examination under division (B) (6) (a) of this section has attained the cumulative score~~

~~prescribed by division (B) (5) (c) of this section, such student shall select either of the following:~~ 1433  
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~~(i) The student is considered to have attained a proficient score on the end of course examination from which the student is exempt;~~ 1435  
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~~(ii) The student's final course grade shall be used in lieu of a score on the end of course examination from which the student is exempt.~~ 1438  
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~~The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~ 1441  
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~~(7) (a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end of course examination prescribed under division (B) (2) of this section with an algebra II end of course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.~~ 1446  
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~~(b) If the state board replaces the algebra I end of course examination with an algebra II end of course examination as authorized under division (B) (7) (a) of this section, both of the following shall apply:~~ 1452  
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~~(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end of course examination.~~ 1456  
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~~(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in~~ 1460  
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~~section 3313.6013 of the Revised Code, shall not be required to  
take the algebra II end-of-course examination. Instead, that  
student's final course grade shall be used in lieu of the  
examination.~~

~~(c) If a school district or school utilizes an integrated  
approach to mathematics instruction, the district or school may  
do either or both of the following:~~

~~(i) Administer an integrated mathematics I end of course  
examination in lieu of the prescribed algebra I end of course  
examination;~~

~~(ii) Administer an integrated mathematics II end of course  
examination in lieu of the prescribed geometry end of course  
examination.~~

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

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

~~(c) Not later than July 1, 2016, the state board shall  
adopt rules prescribing the requirements for the end of course  
examination in science for students who entered the ninth grade  
for the first time on or after July 1, 2014, but prior to July  
1, 2015, and who have not met the requirement prescribed by~~

~~section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618 of the Revised Code.~~ 1491  
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~~(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.~~ 1494  
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~~(10) Not later than March 1, 2020, the department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.~~ 1497  
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~~(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.~~ 1502  
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~~(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:~~ 1508  
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 1511  
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(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 1514  
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(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and 1518  
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an American government end-of-course examination under division 1520  
(H) of section 3313.61 and division (B) (3) of section 3313.612 1521  
of the Revised Code; 1522

(4) The date after which a person who has fulfilled the 1523  
curriculum requirement for a diploma but has not passed one or 1524  
more of the required assessments at the time the person 1525  
fulfilled the curriculum requirement shall meet the requirements 1526  
of the entire assessment system as a prerequisite for a high 1527  
school diploma under division (B) of section 3313.614 of the 1528  
Revised Code; 1529

(5) The extent to which the assessment system applies to 1530  
students enrolled in a dropout recovery and prevention program 1531  
for purposes of division (F) of section 3313.603 and section 1532  
3314.36 of the Revised Code. 1533

~~(E)~~ (D) Not later than forty-five days prior to the state 1534  
board's adoption of a resolution directing the department to 1535  
file the rules prescribed by division ~~(D)~~ (C) of this section in 1536  
final form under section 119.04 of the Revised Code, the 1537  
superintendent of public instruction shall present the 1538  
assessment system developed under this section to the respective 1539  
committees of the house of representatives and senate that 1540  
consider education legislation. 1541

~~(F) (1)~~ (E) Any person enrolled in a nonchartered nonpublic 1542  
school or any person who has been excused from attendance at 1543  
school for the purpose of home instruction under section 3321.04 1544  
of the Revised Code may choose to participate in the system of 1545  
assessments administered under ~~divisions~~ division (B) ~~(1) and (2)~~ 1546  
of this section. However, no such person shall be required to 1547  
participate in the system of assessments. 1548

~~(2) The department shall adopt rules for the administration and scoring of any assessments under division (F) (1) of this section.~~ 1549  
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~~(G)~~ (F) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student. 1552  
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(G) As used in this section, "norm-referenced" has the same meaning as in section 3301.079 of the Revised Code. 1564  
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**Sec. 3301.0714.** (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 1566  
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(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 1572  
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(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 1575  
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(3) Procedures for annually compiling the data in accordance with division (G) of this section;	1578 1579
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	1580 1581
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	1582 1583
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	1584 1585 1586
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	1587 1588 1589
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost	1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600 1601 1602 1603 1604 1605 1606

units pursuant to division (C) (3) of this section.	1607
(b) The numbers of students receiving support or	1608
extracurricular services for each of the support services or	1609
extracurricular programs offered by the school district, such as	1610
counseling services, health services, and extracurricular sports	1611
and fine arts programs. The categories of services required by	1612
the guidelines under this division shall be the same as the	1613
categories of services used in determining cost units pursuant	1614
to division (C) (4) (a) of this section.	1615
(c) Average student grades in each subject in grades nine	1616
through twelve;	1617
(d) Academic achievement levels as assessed under sections	1618
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	1619
(e) The number of students designated as having a	1620
disabling condition pursuant to division (C) (1) of section	1621
3301.0711 of the Revised Code;	1622
(f) The numbers of students reported to the state board	1623
pursuant to division (C) (2) of section 3301.0711 of the Revised	1624
Code;	1625
(g) Attendance rates and the average daily attendance for	1626
the year. For purposes of this division, a student shall be	1627
counted as present for any field trip that is approved by the	1628
school administration.	1629
(h) Expulsion rates;	1630
(i) Suspension rates;	1631
(j) Dropout rates;	1632
(k) Rates of retention in grade;	1633



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

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

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

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

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

general assembly.	1664
(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;	1665 1666 1667
(q) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (c) of section 3313.618 of the Revised Code;	1668 1669 1670
(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code.	1671 1672 1673 1674
(2) Personnel and classroom enrollment data for each school district, including:	1675 1676
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C) (3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	1677 1678 1679 1680 1681 1682 1683 1684 1685 1686 1687
(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C) (4) (a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed	1688 1689 1690 1691 1692

employees and nonlicensed employees providing each category used 1693  
pursuant to division (C) (4) (c) of this section. The guidelines 1694  
adopted under this section shall require these categories of 1695  
data to be maintained for the school district as a whole and, 1696  
wherever applicable, for each grade in the school district as a 1697  
whole, for each school building as a whole, and for each grade 1698  
in each school building. 1699

(c) The total number of regular classroom teachers 1700  
teaching classes of regular education and the average number of 1701  
pupils enrolled in each such class, in each of grades 1702  
kindergarten through five in the district as a whole and in each 1703  
school building in the school district. 1704

(d) The number of lead teachers employed by each school 1705  
district and each school building. 1706

(3) (a) ~~Student~~ Aggregate student demographic data for each 1707  
school district, including information regarding the gender 1708  
ratio of the school district's pupils, the racial make-up of the 1709  
school district's pupils, the number of English learners in the 1710  
district, and an appropriate measure of the number of the school 1711  
district's pupils who reside in economically disadvantaged 1712  
households. The aggregate demographic data shall be collected in 1713  
a manner to allow correlation with data collected under division 1714  
(B) (1) of this section. Categories for data collected pursuant 1715  
to division (B) (3) of this section shall conform, where 1716  
appropriate, to standard practices of agencies of the federal 1717  
government. 1718

(b) With respect to each student entering kindergarten, 1719  
whether the student previously participated in a public 1720  
preschool program, a private preschool program, or a head start 1721  
program, and the number of years the student participated in 1722

each of these programs. 1723

(4) Any data required to be collected pursuant to federal 1724  
law. 1725

(C) The education management information system shall 1726  
include cost accounting data for each district as a whole and 1727  
for each school building in each school district. The guidelines 1728  
adopted under this section shall require the cost data for each 1729  
school district to be maintained in a system of mutually 1730  
exclusive cost units and shall require all of the costs of each 1731  
school district to be divided among the cost units. The 1732  
guidelines shall require the system of mutually exclusive cost 1733  
units to include at least the following: 1734

(1) Administrative costs for the school district as a 1735  
whole. The guidelines shall require the cost units under this 1736  
division (C) (1) to be designed so that each of them may be 1737  
compiled and reported in terms of average expenditure per pupil 1738  
in formula ADM in the school district, as determined pursuant to 1739  
section 3317.03 of the Revised Code. 1740

(2) Administrative costs for each school building in the 1741  
school district. The guidelines shall require the cost units 1742  
under this division (C) (2) to be designed so that each of them 1743  
may be compiled and reported in terms of average expenditure per 1744  
full-time equivalent pupil receiving instructional or support 1745  
services in each building. 1746

(3) Instructional services costs for each category of 1747  
instructional service provided directly to students and required 1748  
by guidelines adopted pursuant to division (B) (1) (a) of this 1749  
section. The guidelines shall require the cost units under 1750  
division (C) (3) of this section to be designed so that each of 1751

them may be compiled and reported in terms of average 1752  
expenditure per pupil receiving the service in the school 1753  
district as a whole and average expenditure per pupil receiving 1754  
the service in each building in the school district and in terms 1755  
of a total cost for each category of service and, as a breakdown 1756  
of the total cost, a cost for each of the following components: 1757

(a) The cost of each instructional services category 1758  
required by guidelines adopted under division (B) (1) (a) of this 1759  
section that is provided directly to students by a classroom 1760  
teacher; 1761

(b) The cost of the instructional support services, such 1762  
as services provided by a speech-language pathologist, classroom 1763  
aide, multimedia aide, or librarian, provided directly to 1764  
students in conjunction with each instructional services 1765  
category; 1766

(c) The cost of the administrative support services 1767  
related to each instructional services category, such as the 1768  
cost of personnel that develop the curriculum for the 1769  
instructional services category and the cost of personnel 1770  
supervising or coordinating the delivery of the instructional 1771  
services category. 1772

(4) Support or extracurricular services costs for each 1773  
category of service directly provided to students and required 1774  
by guidelines adopted pursuant to division (B) (1) (b) of this 1775  
section. The guidelines shall require the cost units under 1776  
division (C) (4) of this section to be designed so that each of 1777  
them may be compiled and reported in terms of average 1778  
expenditure per pupil receiving the service in the school 1779  
district as a whole and average expenditure per pupil receiving 1780  
the service in each building in the school district and in terms 1781

of a total cost for each category of service and, as a breakdown 1782  
of the total cost, a cost for each of the following components: 1783

(a) The cost of each support or extracurricular services 1784  
category required by guidelines adopted under division (B) (1) (b) 1785  
of this section that is provided directly to students by a 1786  
licensed employee, such as services provided by a guidance 1787  
counselor or any services provided by a licensed employee under 1788  
a supplemental contract; 1789

(b) The cost of each such services category provided 1790  
directly to students by a nonlicensed employee, such as 1791  
janitorial services, cafeteria services, or services of a sports 1792  
trainer; 1793

(c) The cost of the administrative services related to 1794  
each services category in division (C) (4) (a) or (b) of this 1795  
section, such as the cost of any licensed or nonlicensed 1796  
employees that develop, supervise, coordinate, or otherwise are 1797  
involved in administering or aiding the delivery of each 1798  
services category. 1799

(D) (1) The guidelines adopted under this section shall 1800  
require school districts to collect information about individual 1801  
students, staff members, or both in connection with any data 1802  
required by division (B) or (C) of this section or other 1803  
reporting requirements established in the Revised Code. The 1804  
guidelines may also require school districts to report 1805  
information about individual staff members in connection with 1806  
any data required by division (B) or (C) of this section or 1807  
other reporting requirements established in the Revised Code. 1808  
The guidelines shall ~~not authorize~~ prohibit school districts ~~to~~ 1809  
~~request~~ from requesting social security numbers of individual 1810  
students. The guidelines shall prohibit the reporting under this 1811

section of a student's name, address, and social security number 1812  
to the state board of education or the department of education. 1813  
The guidelines shall also prohibit the reporting under this 1814  
section of any personally identifiable information about any 1815  
student, except for the purpose of assigning the data 1816  
verification code required by division (D)(2) of this section, 1817  
to any other person unless such person ~~is employed by the school-~~ 1818  
~~district or the information technology center operated under-~~ 1819  
~~section 3301.075 of the Revised Code and is authorized by the-~~ 1820  
~~district or technology center to~~ must have access to such 1821  
~~information or is employed by an entity with which the-~~ 1822  
~~department contracts for the scoring or the development of state-~~ 1823  
~~assessments~~ in order to fulfill contractual obligations related 1824  
to state assessments. Such contracted individuals or entities, 1825  
including information technology centers, shall not share 1826  
personally identifiable information about any student with any 1827  
other person or entity. The guidelines may require school 1828  
districts to provide the social security numbers of individual 1829  
staff members and the county of residence for a student. Nothing 1830  
in this section prohibits the state board of education or 1831  
department of education from providing a student's county of 1832  
residence to the department of taxation to facilitate the 1833  
distribution of tax revenue. 1834

(2) (a) The guidelines shall provide for each school 1835  
district or community school to assign a data verification code 1836  
that is unique on a statewide basis over time to each student 1837  
whose initial Ohio enrollment is in that district or school and 1838  
to report all required individual student data for that student 1839  
utilizing such code. The guidelines shall also provide for 1840  
assigning data verification codes to all students enrolled in 1841  
districts or community schools on the effective date of the 1842

guidelines established under this section. The assignment of 1843  
data verification codes for other entities, as described in 1844  
division (D) (2) (d) of this section, the use of those codes, and 1845  
the reporting and use of associated individual student data 1846  
shall be coordinated by the department in accordance with state 1847  
and federal law. 1848

School districts shall report individual student data to 1849  
the department through the information technology centers 1850  
utilizing the code. The entities described in division (D) (2) (d) 1851  
of this section shall report individual student data to the 1852  
department in the manner prescribed by the department or the 1853  
state board. 1854

(b) (i) Except as provided in sections 3301.941, 3310.11, 1855  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 1856  
in division (D) (2) (b) (ii) of this section, at no time shall the 1857  
state board or the department have access to information that 1858  
would enable any data verification code to be matched to 1859  
personally identifiable student data. 1860

(ii) For the purpose of making per-pupil payments to 1861  
community schools under division (C) of section 3314.08 of the 1862  
Revised Code, the department shall have access to information 1863  
that would enable any data verification code to be matched to 1864  
personally identifiable student data. 1865

(c) Each school district and community school shall ensure 1866  
that the data verification code is included in the student's 1867  
records reported to any subsequent school district, community 1868  
school, or state institution of higher education, as defined in 1869  
section 3345.011 of the Revised Code, in which the student 1870  
enrolls. Any such subsequent district or school shall utilize 1871  
the same identifier in its reporting of data under this section. 1872



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

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

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

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school

district as a whole and each school building within each 1903  
district and shall compile the data in accordance with these 1904  
formats. These profile formats shall: 1905

(1) Include all of the data gathered under this section in 1906  
a manner that facilitates comparison among school districts and 1907  
among school buildings within each school district; 1908

(2) Present the data on academic achievement levels as 1909  
assessed by the testing of student achievement maintained 1910  
pursuant to division (B)(1)(d) of this section. 1911

(H)(1) The state board shall, in accordance with the 1912  
procedures it adopts, annually prepare a statewide report for 1913  
all school districts and the general public that includes the 1914  
profile of each of the school districts developed pursuant to 1915  
division (G) of this section. Copies of the report shall be sent 1916  
to each school district. 1917

(2) The state board shall, in accordance with the 1918  
procedures it adopts, annually prepare an individual report for 1919  
each school district and the general public that includes the 1920  
profiles of each of the school buildings in that school district 1921  
developed pursuant to division (G) of this section. Copies of 1922  
the report shall be sent to the superintendent of the district 1923  
and to each member of the district board of education. 1924

(3) Copies of the reports received from the state board 1925  
under divisions (H)(1) and (2) of this section shall be made 1926  
available to the general public at each school district's 1927  
offices and on each district's publicly accessible web site. 1928  
Each district board of education shall make copies of each 1929  
report available to any person upon request and payment of a 1930  
reasonable fee for the cost of reproducing the report. The board 1931

shall annually publish in a newspaper of general circulation in 1932  
the school district, at least twice during the two weeks prior 1933  
to the week in which the reports will first be available, a 1934  
notice containing the address where the reports are available 1935  
and the date on which the reports will be available. 1936

(I) Any data that is collected or maintained pursuant to 1937  
this section and that identifies an individual pupil is not a 1938  
public record for the purposes of section 149.43 of the Revised 1939  
Code. 1940

(J) As used in this section: 1941

(1) "School district" means any city, local, exempted 1942  
village, or joint vocational school district and, in accordance 1943  
with section 3314.17 of the Revised Code, any community school. 1944  
As used in division (L) of this section, "school district" also 1945  
includes any educational service center or other educational 1946  
entity required to submit data using the system established 1947  
under this section. 1948

(2) "Cost" means any expenditure for operating expenses 1949  
made by a school district excluding any expenditures for debt 1950  
retirement except for payments made to any commercial lending 1951  
institution for any loan approved pursuant to section 3313.483 1952  
of the Revised Code. 1953

(K) Any person who removes data from the information 1954  
system established under this section for the purpose of 1955  
releasing it to any person not entitled under law to have access 1956  
to such information is subject to section 2913.42 of the Revised 1957  
Code prohibiting tampering with data. 1958

(L) (1) In accordance with division (L) (2) of this section 1959  
and the rules adopted under division (L) (10) of this section, 1960

the department of education may sanction any school district 1961  
that reports incomplete or inaccurate data, reports data that 1962  
does not conform to data requirements and descriptions published 1963  
by the department, fails to report data in a timely manner, or 1964  
otherwise does not make a good faith effort to report data as 1965  
required by this section. 1966

(2) If the department decides to sanction a school 1967  
district under this division, the department shall take the 1968  
following sequential actions: 1969

(a) Notify the district in writing that the department has 1970  
determined that data has not been reported as required under 1971  
this section and require the district to review its data 1972  
submission and submit corrected data by a deadline established 1973  
by the department. The department also may require the district 1974  
to develop a corrective action plan, which shall include 1975  
provisions for the district to provide mandatory staff training 1976  
on data reporting procedures. 1977

(b) Withhold up to ten per cent of the total amount of 1978  
state funds due to the district for the current fiscal year and, 1979  
if not previously required under division (L) (2) (a) of this 1980  
section, require the district to develop a corrective action 1981  
plan in accordance with that division; 1982

(c) Withhold an additional amount of up to twenty per cent 1983  
of the total amount of state funds due to the district for the 1984  
current fiscal year; 1985

(d) Direct department staff or an outside entity to 1986  
investigate the district's data reporting practices and make 1987  
recommendations for subsequent actions. The recommendations may 1988  
include one or more of the following actions: 1989

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	1990 1991
(ii) Conduct a site visit and evaluation of the district;	1992
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	1993 1994 1995
(iv) Continue monitoring the district's data reporting;	1996
(v) Assign department staff to supervise the district's data management system;	1997 1998
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	1999 2000 2001
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	2002 2003 2004 2005
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	2006 2007 2008 2009 2010
(ix) Any other action designed to correct the district's data reporting problems.	2011 2012
(3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and	2013 2014 2015 2016 2017

maintain a copy of the report in its files. 2018

(4) If any action taken under division (L)(2) of this 2019  
section resolves a school district's data reporting problems to 2020  
the department's satisfaction, the department shall not take any 2021  
further actions described by that division. If the department 2022  
withheld funds from the district under that division, the 2023  
department may release those funds to the district, except that 2024  
if the department withheld funding under division (L)(2)(c) of 2025  
this section, the department shall not release the funds 2026  
withheld under division (L)(2)(b) of this section and, if the 2027  
department withheld funding under division (L)(2)(d) of this 2028  
section, the department shall not release the funds withheld 2029  
under division (L)(2)(b) or (c) of this section. 2030

(5) Notwithstanding anything in this section to the 2031  
contrary, the department may use its own staff or an outside 2032  
entity to conduct an audit of a school district's data reporting 2033  
practices any time the department has reason to believe the 2034  
district has not made a good faith effort to report data as 2035  
required by this section. If any audit conducted by an outside 2036  
entity under division (L)(2)(d)(i) or (5) of this section 2037  
confirms that a district has not made a good faith effort to 2038  
report data as required by this section, the district shall 2039  
reimburse the department for the full cost of the audit. The 2040  
department may withhold state funds due to the district for this 2041  
purpose. 2042

(6) Prior to issuing a revised report card for a school 2043  
district under division (L)(2)(d)(viii) of this section, the 2044  
department may hold a hearing to provide the district with an 2045  
opportunity to demonstrate that it made a good faith effort to 2046  
report data as required by this section. The hearing shall be 2047

conducted by a referee appointed by the department. Based on the 2048  
information provided in the hearing, the referee shall recommend 2049  
whether the department should issue a revised report card for 2050  
the district. If the referee affirms the department's contention 2051  
that the district did not make a good faith effort to report 2052  
data as required by this section, the district shall bear the 2053  
full cost of conducting the hearing and of issuing any revised 2054  
report card. 2055

(7) If the department determines that any inaccurate data 2056  
reported under this section caused a school district to receive 2057  
excess state funds in any fiscal year, the district shall 2058  
reimburse the department an amount equal to the excess funds, in 2059  
accordance with a payment schedule determined by the department. 2060  
The department may withhold state funds due to the district for 2061  
this purpose. 2062

(8) Any school district that has funds withheld under 2063  
division (L)(2) of this section may appeal the withholding in 2064  
accordance with Chapter 119. of the Revised Code. 2065

(9) In all cases of a disagreement between the department 2066  
and a school district regarding the appropriateness of an action 2067  
taken under division (L)(2) of this section, the burden of proof 2068  
shall be on the district to demonstrate that it made a good 2069  
faith effort to report data as required by this section. 2070

(10) The state board of education shall adopt rules under 2071  
Chapter 119. of the Revised Code to implement division (L) of 2072  
this section. 2073

(M) No information technology center or school district 2074  
shall acquire, change, or update its student administration 2075  
software package to manage and report data required to be 2076

reported to the department unless it converts to a student 2077  
software package that is certified by the department. 2078

(N) The state board of education, in accordance with 2079  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 2080  
or revoke a license as defined under division (A) of section 2081  
3319.31 of the Revised Code that has been issued to any school 2082  
district employee found to have willfully reported erroneous, 2083  
inaccurate, or incomplete data to the education management 2084  
information system. 2085

(O) No person shall release or maintain any information 2086  
about any student in violation of this section. Whoever violates 2087  
this division is guilty of a misdemeanor of the fourth degree. 2088

(P) The department shall disaggregate the data collected 2089  
under division (B) (1) (n) of this section according to the race 2090  
and socioeconomic status of the students assessed. 2091

(Q) If the department cannot compile any of the 2092  
information required by division (H) of section 3302.03 of the 2093  
Revised Code based upon the data collected under this section, 2094  
the department shall develop a plan and a reasonable timeline 2095  
for the collection of any data necessary to comply with that 2096  
division. 2097

**Sec. 3301.0718.** (A) The state board of education shall not 2098  
adopt or revise any academic content standards in the areas of 2099  
English language arts, mathematics, science, or social studies, 2100  
unless the new or revised standards that are proposed by the 2101  
legislative office of education oversight established under 2102  
section 3301.65 of the Revised Code are first approved by both 2103  
houses of the general assembly by concurrent resolution. In 2104  
accordance with section 3301.65 of the Revised Code, the general 2105



assembly shall take actions necessary to consider and adopt or 2106  
reject the concurrent resolution within ninety days after 2107  
receiving any proposed standards from the legislative office of 2108  
education oversight. Before the house of representatives or 2109  
senate votes on such concurrent resolution, its standing 2110  
committee having jurisdiction over education legislation shall 2111  
conduct at least one public hearing on the proposed standards. 2112

(B) The state board ~~of education~~ shall not adopt or revise 2113  
any standards or curriculum in the area of health unless, by 2114  
concurrent resolution, the standards, curriculum, or revisions 2115  
are approved by both houses of the general assembly. Before the 2116  
house of representatives or senate votes on a concurrent 2117  
resolution approving health standards, curriculum, or revisions, 2118  
its standing committee having jurisdiction over education 2119  
legislation shall conduct at least one public hearing on the 2120  
standards, curriculum, or revisions. 2121

**Sec. 3301.0728.** Notwithstanding anything in the Revised 2122  
Code to the contrary, a student may retake any ~~end-of-course-~~ 2123  
~~examination-assessment~~ prescribed under division (B) ~~(2)~~ of 2124  
section 3301.0712 of the Revised Code during the student's 2125  
academic career at a time designated by the department of 2126  
education. If, for any reason, a student does not take an ~~end-~~ 2127  
~~of-course-examination-assessment~~ on the scheduled administration 2128  
date, the department of education shall make available to the 2129  
student the ~~examination-assessment~~ for which the student was 2130  
absent, or a substantially similar ~~examination-assessment~~ as 2131  
determined by the department, so that the student may take the 2132  
~~examination-assessment~~ or a substantially similar ~~examination-~~ 2133  
~~assessment~~ at a later time in the student's academic career. The 2134  
state board of education shall adopt rules in accordance with 2135  
Chapter 119. of the Revised Code to implement the provisions of 2136

this section. 2137

**Sec. 3301.0729.** (A) Except as provided for in divisions 2138  
(B) and (C) of this section, beginning with assessments 2139  
administered on or after July 1, 2017, the board of education of 2140  
each city, local, and exempted village school district shall 2141  
ensure that no student is required to do either of the 2142  
following: 2143

(1) Spend a cumulative amount of time in excess of two per 2144  
cent of the school year taking the following assessments 2145  
combined: 2146

(a) The applicable state assessments prescribed by 2147  
division (A) of section 3301.0710 and division (B) ~~(2)~~ of section 2148  
3301.0712 of the Revised Code; 2149

(b) Any assessment required by the district board to be 2150  
administered district-wide to all students in a specified 2151  
subject area or grade level. 2152

(2) Spend a cumulative amount of time in excess of one per 2153  
cent of the school year taking practice or diagnostic 2154  
assessments used to prepare for assessments described in 2155  
divisions (A) (1) (a) and (b) of this section. 2156

(B) The limitations prescribed by division (A) of this 2157  
section shall not apply to assessments for students with 2158  
disabilities, any related diagnostic assessment for students who 2159  
failed to attain a passing score on the English language arts 2160  
achievement assessment prescribed by division (A) (1) (a) of 2161  
section 3301.0710 of the Revised Code, ~~substitute examinations~~ 2162  
~~as prescribed by division (B) (4) of section 3301.0712 of the~~ 2163  
~~Revised Code,~~ or additional assessments administered to identify 2164  
a student as gifted under Chapter 3324. of the Revised Code. 2165

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

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

(B) The office shall do the following:

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

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

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

(C) Notwithstanding section 3301.079 of the Revised Code, the academic content standards proposed by the legislative office of education oversight under division (B)(2) of this

section shall not be effective unless or until they are approved 2195  
by both houses of the general assembly by concurrent resolution. 2196  
The general assembly shall take actions necessary to consider 2197  
and adopt or reject such concurrent resolution not later than 2198  
ninety days after standards are proposed under division (B) (2) 2199  
of this section. Before the house of representatives or senate 2200  
votes on such concurrent resolution, the standing committee 2201  
having jurisdiction over education legislation in each chamber 2202  
shall conduct at least one public hearing on the proposed 2203  
standards. 2204

As used in this section, "norm-referenced" has the same 2205  
meaning as in section 3301.079 of the Revised Code. 2206

**Sec. 3302.01.** As used in this chapter: 2207

(A) "Performance index score" means the average of the 2208  
totals derived from calculations, for each subject area, of the 2209  
weighted proportion of untested students and students scoring at 2210  
each level of skill described in division (A) (2) of section 2211  
3301.0710 of the Revised Code on the state achievement 2212  
assessments, as follows: 2213

(1) For the assessments prescribed by division (A) (1) of 2214  
section 3301.0710 of the Revised Code, the average for each of 2215  
the subject areas of English language arts, mathematics, and 2216  
science. 2217

(2) For the assessments prescribed by division (B) (1) of 2218  
section 3301.0710 and division (B) ~~(2)~~ of section 3301.0712 of 2219  
the Revised Code, the average for each of the subject areas of 2220  
English language arts and mathematics. 2221

The department of education shall assign weights such that 2222  
students who ~~do not take an assessment receive a weight of zero~~ 2223

~~and students who~~ take an assessment receive progressively larger 2224  
weights dependent upon the level of skill attained on the 2225  
assessment. The department shall assign additional weights to 2226  
students who have been permitted to pass over a subject in 2227  
accordance with a student acceleration policy adopted under 2228  
section 3324.10 of the Revised Code. If such a student attains 2229  
the proficient score prescribed under division (A) (2) (c) of 2230  
section 3301.0710 of the Revised Code or higher on an 2231  
assessment, the department shall assign the student the weight 2232  
prescribed for the next higher scoring level. If such a student 2233  
attains the advanced score, prescribed under division (A) (2) (a) 2234  
of section 3301.0710 of the Revised Code, on an assessment, the 2235  
department shall assign to the student an additional 2236  
proportional weight, as approved by the state board. For each 2237  
school year that such a student's score is included in the 2238  
performance index score and the student attains the proficient 2239  
score on an assessment, that additional weight shall be assigned 2240  
to the student on a subject-by-subject basis. 2241

Students shall be included in the "performance index 2242  
score" in accordance with division (K) (2) of section 3302.03 of 2243  
the Revised Code. 2244

(B) "Subgroup" means a subset of the entire student 2245  
population of the state, a school district, or a school building 2246  
and includes each of the following: 2247

- (1) Major racial and ethnic groups; 2248
- (2) Students with disabilities; 2249
- (3) Economically disadvantaged students; 2250
- (4) English learners; 2251
- (5) Students identified as gifted in superior cognitive 2252

ability and specific academic ability fields under Chapter 3324. 2253  
of the Revised Code. For students who are gifted in specific 2254  
academic ability fields, the department shall use data for those 2255  
students with specific academic ability in math and reading. If 2256  
any other academic field is assessed, the department shall also 2257  
include data for students with specific academic ability in that 2258  
field. 2259

(6) Students in the lowest quintile for achievement 2260  
statewide, as determined by a method prescribed by the state 2261  
board of education. 2262

(C) "No Child Left Behind Act of 2001" includes the 2263  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 2264  
waivers, or both thereto, rules and regulations promulgated 2265  
pursuant to those statutes, guidance documents, and any other 2266  
policy directives regarding implementation of that act issued by 2267  
the United States department of education. 2268

(D) "Adequate yearly progress" means a measure of annual 2269  
academic performance as calculated in accordance with the "No 2270  
Child Left Behind Act of 2001." 2271

(E) "Supplemental educational services" means additional 2272  
academic assistance, such as tutoring, remediation, or other 2273  
educational enrichment activities, that is conducted outside of 2274  
the regular school day by a provider approved by the department 2275  
in accordance with the "No Child Left Behind Act of 2001." 2276

(F) "Value-added progress dimension" means a measure of 2277  
academic gain for a student or group of students over a specific 2278  
period of time that is calculated by applying a statistical 2279  
methodology to individual student achievement data derived from 2280  
the achievement assessments prescribed by section 3301.0710 of 2281

the Revised Code. The "value-added progress dimension" shall be 2282  
developed and implemented in accordance with section 3302.021 of 2283  
the Revised Code. 2284

(G) (1) "Four-year adjusted cohort graduation rate" means 2285  
the number of students who graduate in four years or less with a 2286  
regular high school diploma divided by the number of students 2287  
who form the adjusted cohort for the graduating class. 2288

(2) "Five-year adjusted cohort graduation rate" means the 2289  
number of students who graduate in five years with a regular 2290  
high school diploma divided by the number of students who form 2291  
the adjusted cohort for the four-year graduation rate. 2292

(H) "State institution of higher education" has the same 2293  
meaning as in section 3345.011 of the Revised Code. 2294

(I) "Annual measurable objectives" means a measure of 2295  
student progress determined in accordance with an agreement 2296  
between the department of education and the United States 2297  
department of education. 2298

(J) "Community school" means a community school 2299  
established under Chapter 3314. of the Revised Code. 2300

(K) "STEM school" means a science, technology, 2301  
engineering, and mathematics school established under Chapter 2302  
3326. of the Revised Code. 2303

(L) "Entitled to attend school in the district" means 2304  
entitled to attend school in a school district under section 2305  
3313.64 or 3313.65 of the Revised Code. 2306

**Sec. 3302.02.** Not later than one year after the adoption 2307  
of rules under division ~~(D)~~ (C) of section 3301.0712 of the 2308  
Revised Code and at least every sixth year thereafter, upon 2309

recommendations of the superintendent of public instruction, the 2310  
state board of education shall establish a set of performance 2311  
indicators that considered as a unit will be used as one of the 2312  
performance categories for the report cards required by section 2313  
3302.03 of the Revised Code. In establishing these indicators, 2314  
the superintendent shall consider inclusion of student 2315  
performance on assessments prescribed under section 3301.0710 or 2316  
3301.0712 of the Revised Code, rates of student improvement on 2317  
such assessments, the breadth of coursework available within the 2318  
district, and other indicators of student success. 2319

Beginning with the report card for the 2014-2015 school 2320  
year, the performance indicators shall include an indicator that 2321  
reflects the level of services provided to, and the performance 2322  
of, students identified as gifted under Chapter 3324. of the 2323  
Revised Code. The indicator shall include the performance of 2324  
students identified as gifted on state assessments and value- 2325  
added growth measure disaggregated for students identified as 2326  
gifted. 2327

For the 2013-2014 school year, except as otherwise 2328  
provided in this section, for any indicator based on the 2329  
percentage of students attaining a proficient score on the 2330  
assessments prescribed by divisions (A) and (B) (1) of section 2331  
3301.0710 of the Revised Code, a school district or building 2332  
shall be considered to have met the indicator if at least eighty 2333  
per cent of the tested students attain a score of proficient or 2334  
higher on the assessment. A school district or building shall be 2335  
considered to have met the indicator for the assessments 2336  
prescribed by division (B) (1) of section 3301.0710 of the 2337  
Revised Code and only as administered to eleventh grade 2338  
students, if at least eighty-five per cent of the tested 2339  
students attain a score of proficient or higher on the 2340



assessment. 2341

The state board shall adopt rules, under Chapter 119. of 2342  
the Revised Code, to establish proficiency percentages to meet 2343  
each indicator that is based on a state assessment, prescribed 2344  
under section 3301.0710 or 3301.0712 of the Revised Code, for 2345  
the 2014-2015 school year and thereafter by the following dates: 2346

(A) Not later than December 31, 2015, for the 2014-2015 2347  
school year; 2348

(B) Not later than July 1, 2016, for the 2015-2016 school 2349  
year; 2350

(C) Not later than July 1, 2017, for the 2016-2017 school 2351  
year, and for each school year thereafter. 2352

**Sec. 3302.03.** Not later than the thirty-first day of July 2353  
of each year, the department of education shall submit 2354  
preliminary report card data for overall academic performance 2355  
and for each separate performance measure for each school 2356  
district, and each school building, in accordance with this 2357  
section. 2358

Annually, not later than the fifteenth day of September or 2359  
the preceding Friday when that day falls on a Saturday or 2360  
Sunday, the department shall assign a letter grade for overall 2361  
academic performance and for each separate performance measure 2362  
for each school district, and each school building in a 2363  
district, in accordance with this section. The state board of 2364  
education shall adopt rules pursuant to Chapter 119. of the 2365  
Revised Code to establish performance criteria for each letter 2366  
grade and prescribe a method by which the department assigns 2367  
each letter grade. For a school building to which any of the 2368  
performance measures do not apply, due to grade levels served by 2369

the building, the state board shall designate the performance 2370  
measures that are applicable to the building and that must be 2371  
calculated separately and used to calculate the building's 2372  
overall grade. The department shall issue annual report cards 2373  
reflecting the performance of each school district, each 2374  
building within each district, and for the state as a whole 2375  
using the performance measures and letter grade system described 2376  
in this section. The department shall include on the report card 2377  
for each district and each building within each district the 2378  
most recent two-year trend data in student achievement for each 2379  
subject and each grade. 2380

(A) (1) For the 2012-2013 school year, the department shall 2381  
issue grades as described in division (E) of this section for 2382  
each of the following performance measures: 2383

(a) Annual measurable objectives; 2384

(b) Performance index score for a school district or 2385  
building. Grades shall be awarded as a percentage of the total 2386  
possible points on the performance index system as adopted by 2387  
the state board. In adopting benchmarks for assigning letter 2388  
grades under division (A) (1) (b) of this section, the state board 2389  
of education shall designate ninety per cent or higher for an 2390  
"A," at least seventy per cent but not more than eighty per cent 2391  
for a "C," and less than fifty per cent for an "F." 2392

(c) The extent to which the school district or building 2393  
meets each of the applicable performance indicators established 2394  
by the state board under section 3302.02 of the Revised Code and 2395  
the percentage of applicable performance indicators that have 2396  
been achieved. In adopting benchmarks for assigning letter 2397  
grades under division (A) (1) (c) of this section, the state board 2398  
shall designate ninety per cent or higher for an "A." 2399

(d) The four- and five-year adjusted cohort graduation rates. 2400  
2401

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." 2402  
2403  
2404  
2405  
2406  
2407

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows: 2408  
2409  
2410  
2411  
2412

(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A." 2413  
2414

(ii) A score that is less than one standard error of measure above but greater than one standard error of measure below the mean score shall be designated as a "B." 2415  
2416  
2417

(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C." 2418  
2419  
2420  
2421

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D." 2422  
2423  
2424  
2425

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F." 2426  
2427  
2428

Whenever the value-added progress dimension is used as a 2429  
graded performance measure, whether as an overall measure or as 2430  
a measure of separate subgroups, the grades for the measure 2431  
shall be calculated in the same manner as prescribed in division 2432  
(A) (1) (e) of this section. 2433

(f) The value-added progress dimension score for a school 2434  
district or building disaggregated for each of the following 2435  
subgroups: students identified as gifted, students with 2436  
disabilities, and students whose performance places them in the 2437  
lowest quintile for achievement on a statewide basis. Each 2438  
subgroup shall be a separate graded measure. 2439

(2) Not later than April 30, 2013, the state board of 2440  
education shall adopt a resolution describing the performance 2441  
measures, benchmarks, and grading system for the 2012-2013 2442  
school year and, not later than June 30, 2013, shall adopt rules 2443  
in accordance with Chapter 119. of the Revised Code that 2444  
prescribe the methods by which the performance measures under 2445  
division (A) (1) of this section shall be assessed and assigned a 2446  
letter grade, including performance benchmarks for each letter 2447  
grade. 2448

At least forty-five days prior to the state board's 2449  
adoption of rules to prescribe the methods by which the 2450  
performance measures under division (A) (1) of this section shall 2451  
be assessed and assigned a letter grade, the department shall 2452  
conduct a public presentation before the standing committees of 2453  
the house of representatives and the senate that consider 2454  
education legislation describing such methods, including 2455  
performance benchmarks. 2456

(3) There shall not be an overall letter grade for a 2457  
school district or building for the 2012-2013 school year. 2458

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

(a) Annual measurable objectives;

(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 (B) (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 (B) (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 of a school district or building, for which the department shall use up to three years of value-added data as available.

(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 2488  
whose performance places them in the lowest quintile for 2489  
achievement on a statewide basis. Each subgroup shall be a 2490  
separate graded measure. 2491

(g) Whether a school district or building is making 2492  
progress in improving literacy in grades kindergarten through 2493  
three, as determined using a method prescribed by the state 2494  
board. The state board shall adopt rules to prescribe benchmarks 2495  
and standards for assigning grades to districts and buildings 2496  
for purposes of division (B) (1) (g) of this section. In adopting 2497  
benchmarks for assigning letter grades under divisions (B) (1) (g) 2498  
and (C) (1) (g) of this section, the state board shall determine 2499  
progress made based on the reduction in the total percentage of 2500  
students scoring below grade level, or below proficient, 2501  
compared from year to year on the reading and writing diagnostic 2502  
assessments administered under section 3301.0715 of the Revised 2503  
Code and the third grade English language arts assessment under 2504  
section 3301.0710 of the Revised Code, as applicable. The state 2505  
board shall designate for a "C" grade a value that is not lower 2506  
than the statewide average value for this measure. No grade 2507  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 2508  
section for a district or building in which less than five per 2509  
cent of students have scored below grade level on the diagnostic 2510  
assessment administered to students in kindergarten under 2511  
division (B) (1) of section 3313.608 of the Revised Code. 2512

(h) For a high mobility school district or building, an 2513  
additional value-added progress dimension score. For this 2514  
measure, the department shall use value-added data from the most 2515  
recent school year available and shall use assessment ~~scores~~ 2516  
results for only those students to whom the district or building 2517  
has administered the assessments prescribed by section 3301.0710 2518

of the Revised Code for each of the two most recent consecutive 2519  
school years. 2520

As used in this division, "high mobility school district 2521  
or building" means a school district or building where at least 2522  
twenty-five per cent of its total enrollment is made up of 2523  
students who have attended that school district or building for 2524  
less than one year. 2525

(2) In addition to the graded measures in division (B) (1) 2526  
of this section, the department shall include on a school 2527  
district's or building's report card all of the following 2528  
without an assigned letter grade: 2529

(a) The percentage of students enrolled in a district or 2530  
building participating in advanced placement classes and the 2531  
percentage of those students who received a score of three or 2532  
better on advanced placement examinations; 2533

(b) The number of a district's or building's students who 2534  
have earned at least three college credits through dual 2535  
enrollment or advanced standing programs, such as the post- 2536  
secondary enrollment options program under Chapter 3365. of the 2537  
Revised Code and state-approved career-technical courses offered 2538  
through dual enrollment or statewide articulation, that appear 2539  
on a student's transcript or other official document, either of 2540  
which is issued by the institution of higher education from 2541  
which the student earned the college credit. The credits earned 2542  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 2543  
this section shall not include any that are remedial or 2544  
developmental and shall include those that count toward the 2545  
curriculum requirements established for completion of a degree. 2546

(c) The percentage of students enrolled in a district or 2547

building who have taken a national standardized test used for 2548  
college admission determinations and the percentage of those 2549  
students who are determined to be remediation-free in accordance 2550  
with standards adopted under division (F) of section 3345.061 of 2551  
the Revised Code; 2552

(d) The percentage of the district's or the building's 2553  
students who receive industry-recognized credentials as approved 2554  
under section 3313.6113 of the Revised Code. 2555

(e) The percentage of students enrolled in a district or 2556  
building who are participating in an international baccalaureate 2557  
program and the percentage of those students who receive a score 2558  
of four or better on the international baccalaureate 2559  
examinations. 2560

(f) The percentage of the district's or building's 2561  
students who receive an honors diploma under division (B) of 2562  
section 3313.61 of the Revised Code. 2563

(3) Not later than December 31, 2013, the state board 2564  
shall adopt rules in accordance with Chapter 119. of the Revised 2565  
Code that prescribe the methods by which the performance 2566  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2567  
will be assessed and assigned a letter grade, including 2568  
performance benchmarks for each grade. 2569

At least forty-five days prior to the state board's 2570  
adoption of rules to prescribe the methods by which the 2571  
performance measures under division (B) (1) of this section shall 2572  
be assessed and assigned a letter grade, the department shall 2573  
conduct a public presentation before the standing committees of 2574  
the house of representatives and the senate that consider 2575  
education legislation describing such methods, including 2576



performance benchmarks. 2577

(4) There shall not be an overall letter grade for a 2578  
school district or building for the 2013-2014, 2014-2015, 2015- 2579  
2016, ~~and 2016-2017~~, 2019-2020, 2020-2021, and 2021-2022 school 2580  
years. 2581

(C) (1) For the 2014-2015 school year and each school year 2582  
thereafter, the department shall issue grades as described in 2583  
division (E) of this section for each of the performance 2584  
measures prescribed in division (C) (1) of this section. The 2585  
graded measures are as follows: 2586

(a) Annual measurable objectives. For the 2017-2018 school 2587  
year, the department shall not include any subgroup data in the 2588  
annual measurable objectives that includes data from fewer than 2589  
twenty-five students. For the 2018-2019 school year, the 2590  
department shall not include any subgroup data in the annual 2591  
measurable objectives that includes data from fewer than twenty 2592  
students. Beginning with the 2019-2020 school year, the 2593  
department shall not include any subgroup data in the annual 2594  
measurable objectives that includes data from fewer than fifteen 2595  
students. 2596

(b) Performance index score for a school district or 2597  
building. Grades shall be awarded as a percentage of the total 2598  
possible points on the performance index system as created by 2599  
the department or the state board. In adopting benchmarks for 2600  
assigning letter grades under division (C) (1) (b) of this 2601  
section, the state board shall designate ninety per cent or 2602  
higher for an "A," at least seventy per cent but not more than 2603  
eighty per cent for a "C," and less than fifty per cent for an 2604  
"F." 2605

(c) The extent to which the school district or building 2606  
meets each of the applicable performance indicators established 2607  
by the state board under section 3302.03 of the Revised Code and 2608  
the percentage of applicable performance indicators that have 2609  
been achieved. In adopting benchmarks for assigning letter 2610  
grades under division (C) (1) (c) of this section, the state board 2611  
shall designate ninety per cent or higher for an "A." 2612

(d) The four- and five-year adjusted cohort graduation 2613  
rates; 2614

(e) The overall score under the value-added progress 2615  
dimension, or another measure of student academic progress if 2616  
adopted by the state board, of a school district or building, 2617  
for which the department shall use up to three years of value- 2618  
added data as available. 2619

In adopting benchmarks for assigning letter grades for 2620  
overall score on value-added progress dimension under division 2621  
(C) (1) (e) of this section, the state board shall prohibit the 2622  
assigning of a grade of "A" for that measure unless the 2623  
district's or building's grade assigned for value-added progress 2624  
dimension for all subgroups under division (C) (1) (f) of this 2625  
section is a "C" or higher. 2626

For the metric prescribed by division (C) (1) (e) of this 2627  
section, the state board may adopt a student academic progress 2628  
measure to be used instead of the value-added progress 2629  
dimension. If the state board adopts such a measure, it also 2630  
shall prescribe a method for assigning letter grades for the new 2631  
measure that is comparable to the method prescribed in division 2632  
(A) (1) (e) of this section. 2633

(f) The value-added progress dimension score of a school 2634

district or building disaggregated for each of the following 2635  
subgroups: students identified as gifted in superior cognitive 2636  
ability and specific academic ability fields under Chapter 3324. 2637  
of the Revised Code, students with disabilities, and students 2638  
whose performance places them in the lowest quintile for 2639  
achievement on a statewide basis, as determined by a method 2640  
prescribed by the state board. Each subgroup shall be a separate 2641  
graded measure. 2642

The state board may adopt student academic progress 2643  
measures to be used instead of the value-added progress 2644  
dimension. If the state board adopts such measures, it also 2645  
shall prescribe a method for assigning letter grades for the new 2646  
measures that is comparable to the method prescribed in division 2647  
(A) (1) (e) of this section. 2648

(g) Whether a school district or building is making 2649  
progress in improving literacy in grades kindergarten through 2650  
three, as determined using a method prescribed by the state 2651  
board. The state board shall adopt rules to prescribe benchmarks 2652  
and standards for assigning grades to a district or building for 2653  
purposes of division (C) (1) (g) of this section. The state board 2654  
shall designate for a "C" grade a value that is not lower than 2655  
the statewide average value for this measure. No grade shall be 2656  
issued under division (C) (1) (g) of this section for a district 2657  
or building in which less than five per cent of students have 2658  
scored below grade level on the kindergarten diagnostic 2659  
assessment under division (B) (1) of section 3313.608 of the 2660  
Revised Code. 2661

(h) For a high mobility school district or building, an 2662  
additional value-added progress dimension score. For this 2663  
measure, the department shall use value-added data from the most 2664

recent school year available and shall use assessment ~~scores~~ 2665  
results for only those students to whom the district or building 2666  
has administered the assessments prescribed by section 3301.0710 2667  
of the Revised Code for each of the two most recent consecutive 2668  
school years. 2669

As used in this division, "high mobility school district 2670  
or building" means a school district or building where at least 2671  
twenty-five per cent of its total enrollment is made up of 2672  
students who have attended that school district or building for 2673  
less than one year. 2674

(2) In addition to the graded measures in division (C) (1) 2675  
of this section, the department shall include on a school 2676  
district's or building's report card all of the following 2677  
without an assigned letter grade: 2678

(a) The percentage of students enrolled in a district or 2679  
building who have taken a national standardized test used for 2680  
college admission determinations and the percentage of those 2681  
students who are determined to be remediation-free in accordance 2682  
with the standards adopted under division (F) of section 2683  
3345.061 of the Revised Code; 2684

(b) The percentage of students enrolled in a district or 2685  
building participating in advanced placement classes and the 2686  
percentage of those students who received a score of three or 2687  
better on advanced placement examinations; 2688

(c) The percentage of a district's or building's students 2689  
who have earned at least three college credits through advanced 2690  
standing programs, such as the college credit plus program under 2691  
Chapter 3365. of the Revised Code and state-approved career- 2692  
technical courses offered through dual enrollment or statewide 2693

articulation, that appear on a student's college transcript 2694  
issued by the institution of higher education from which the 2695  
student earned the college credit. The credits earned that are 2696  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2697  
shall not include any that are remedial or developmental and 2698  
shall include those that count toward the curriculum 2699  
requirements established for completion of a degree. 2700

(d) The percentage of the district's or building's 2701  
students who receive an honor's diploma under division (B) of 2702  
section 3313.61 of the Revised Code; 2703

(e) The percentage of the district's or building's 2704  
students who receive industry-recognized credentials as approved 2705  
under section 3313.6113 of the Revised Code; 2706

(f) The percentage of students enrolled in a district or 2707  
building who are participating in an international baccalaureate 2708  
program and the percentage of those students who receive a score 2709  
of four or better on the international baccalaureate 2710  
examinations; 2711

(g) The results of the ~~college and career ready~~ 2712  
~~assessments administered under prescribed~~ division (B) (1) of 2713  
section 3301.0712 of the Revised Code; 2714

(h) Whether the school district or building has 2715  
implemented a positive behavior intervention and supports 2716  
framework in compliance with the requirements of section 3319.46 2717  
of the Revised Code, notated as a "yes" or "no" answer. 2718

(3) The state board shall adopt rules pursuant to Chapter 2719  
119. of the Revised Code that establish a method to assign an 2720  
overall grade for a school district or school building for the 2721  
~~2017-2018-2022-2023~~ school year and each school year thereafter. 2722

The rules shall group the performance measures in divisions (C)	2723
(1) and (2) of this section into the following components:	2724
(a) Gap closing, which shall include the performance	2725
measure in division (C)(1)(a) of this section;	2726
(b) Achievement, which shall include the performance	2727
measures in divisions (C)(1)(b) and (c) of this section;	2728
(c) Progress, which shall include the performance measures	2729
in divisions (C)(1)(e) and (f) of this section;	2730
(d) Graduation, which shall include the performance	2731
measure in division (C)(1)(d) of this section;	2732
(e) Kindergarten through third-grade literacy, which shall	2733
include the performance measure in division (C)(1)(g) of this	2734
section;	2735
(f) Prepared for success, which shall include the	2736
performance measures in divisions (C)(2)(a), (b), (c), (d), (e),	2737
and (f) of this section. The state board shall develop a method	2738
to determine a grade for the component in division (C)(3)(f) of	2739
this section using the performance measures in divisions (C)(2)	2740
(a), (b), (c), (d), (e), and (f) of this section. When	2741
available, the state board may incorporate the performance	2742
measure under division (C)(2)(g) of this section into the	2743
component under division (C)(3)(f) of this section. When	2744
determining the overall grade for the prepared for success	2745
component prescribed by division (C)(3)(f) of this section, no	2746
individual student shall be counted in more than one performance	2747
measure. However, if a student qualifies for more than one	2748
performance measure in the component, the state board may, in	2749
its method to determine a grade for the component, specify an	2750
additional weight for such a student that is not greater than or	2751

equal to 1.0. In determining the overall score under division 2752  
(C) (3) (f) of this section, the state board shall ensure that the 2753  
pool of students included in the performance measures aggregated 2754  
under that division are all of the students included in the 2755  
four- and five-year adjusted graduation cohort. 2756

In the rules adopted under division (C) (3) of this 2757  
section, the state board shall adopt a method for determining a 2758  
grade for each component in divisions (C) (3) (a) to (f) of this 2759  
section. The state board also shall establish a method to assign 2760  
an overall grade of "A," "B," "C," "D," or "F" using the grades 2761  
assigned for each component. The method the state board adopts 2762  
for assigning an overall grade shall give equal weight to the 2763  
components in divisions (C) (3) (b) and (c) of this section. 2764

At least forty-five days prior to the state board's 2765  
adoption of rules to prescribe the methods for calculating the 2766  
overall grade for the report card, as required by this division, 2767  
the department shall conduct a public presentation before the 2768  
standing committees of the house of representatives and the 2769  
senate that consider education legislation describing the format 2770  
for the report card, weights that will be assigned to the 2771  
components of the overall grade, and the method for calculating 2772  
the overall grade. 2773

(D) On or after July 1, 2015, the state board may develop 2774  
a measure of student academic progress for high school students 2775  
using only data from assessments in English language arts and 2776  
mathematics. If the state board develops this measure, each 2777  
school district and applicable school building shall be assigned 2778  
a separate letter grade for it not sooner than the 2017-2018 2779  
school year. The district's or building's grade for that measure 2780  
shall not be included in determining the district's or 2781

building's overall letter grade.	2782
(E) The letter grades assigned to a school district or building under this section shall be as follows:	2783 2784
(1) "A" for a district or school making excellent progress;	2785 2786
(2) "B" for a district or school making above average progress;	2787 2788
(3) "C" for a district or school making average progress;	2789
(4) "D" for a district or school making below average progress;	2790 2791
(5) "F" for a district or school failing to meet minimum progress.	2792 2793
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2794 2795 2796
(1) Performance of students by grade-level;	2797
(2) Performance of students by race and ethnic group;	2798
(3) Performance of students by gender;	2799
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2800 2801
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2802 2803 2804
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2805 2806
(7) Performance of students grouped by those who are	2807



economically disadvantaged;	2808
(8) Performance of students grouped by those who are	2809
enrolled in a conversion community school established under	2810
Chapter 3314. of the Revised Code;	2811
(9) Performance of students grouped by those who are	2812
classified as English learners;	2813
(10) Performance of students grouped by those who have	2814
disabilities;	2815
(11) Performance of students grouped by those who are	2816
classified as migrants;	2817
(12) Performance of students grouped by those who are	2818
identified as gifted in superior cognitive ability and the	2819
specific academic ability fields of reading and math pursuant to	2820
Chapter 3324. of the Revised Code. In disaggregating specific	2821
academic ability fields for gifted students, the department	2822
shall use data for those students with specific academic ability	2823
in math and reading. If any other academic field is assessed,	2824
the department shall also include data for students with	2825
specific academic ability in that field as well.	2826
(13) Performance of students grouped by those who perform	2827
in the lowest quintile for achievement on a statewide basis, as	2828
determined by a method prescribed by the state board.	2829
The department may disaggregate data on student	2830
performance according to other categories that the department	2831
determines are appropriate. To the extent possible, the	2832
department shall disaggregate data on student performance	2833
according to any combinations of two or more of the categories	2834
listed in divisions (F) (1) to (13) of this section that it deems	2835
relevant.	2836

In reporting data pursuant to division (F) of this 2837  
section, the department shall not include in the report cards 2838  
any data statistical in nature that is statistically unreliable 2839  
or that could result in the identification of individual 2840  
students. For this purpose, the department shall not report 2841  
student performance data for any group identified in division 2842  
(F) of this section that contains less than ten students. If the 2843  
department does not report student performance data for a group 2844  
because it contains less than ten students, the department shall 2845  
indicate on the report card that is why data was not reported. 2846

(G) The department may include with the report cards any 2847  
additional education and fiscal performance data it deems 2848  
valuable. 2849

(H) The department shall include on each report card a 2850  
list of additional information collected by the department that 2851  
is available regarding the district or building for which the 2852  
report card is issued. When available, such additional 2853  
information shall include student mobility data disaggregated by 2854  
race and socioeconomic status, college enrollment data, and the 2855  
reports prepared under section 3302.031 of the Revised Code. 2856

The department shall maintain a site on the world wide 2857  
web. The report card shall include the address of the site and 2858  
shall specify that such additional information is available to 2859  
the public at that site. The department shall also provide a 2860  
copy of each item on the list to the superintendent of each 2861  
school district. The district superintendent shall provide a 2862  
copy of any item on the list to anyone who requests it. 2863

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2864  
section, for any district that sponsors a conversion community 2865  
school under Chapter 3314. of the Revised Code, the department 2866

shall combine data regarding the academic performance of 2867  
students enrolled in the community school with comparable data 2868  
from the schools of the district for the purpose of determining 2869  
the performance of the district as a whole on the report card 2870  
issued for the district under this section or section 3302.033 2871  
of the Revised Code. 2872

(b) The department shall not combine data from any 2873  
conversion community school that a district sponsors if a 2874  
majority of the students enrolled in the conversion community 2875  
school are enrolled in a dropout prevention and recovery program 2876  
that is operated by the school, as described in division (A)(4) 2877  
(a) of section 3314.35 of the Revised Code. The department shall 2878  
include as an addendum to the district's report card the ratings 2879  
and performance measures that are required under section 2880  
3314.017 of the Revised Code for any community school to which 2881  
division (I)(1)(b) of this section applies. This addendum shall 2882  
include, at a minimum, the data specified in divisions (C)(1) 2883  
(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code. 2884

(2) Any district that leases a building to a community 2885  
school located in the district or that enters into an agreement 2886  
with a community school located in the district whereby the 2887  
district and the school endorse each other's programs may elect 2888  
to have data regarding the academic performance of students 2889  
enrolled in the community school combined with comparable data 2890  
from the schools of the district for the purpose of determining 2891  
the performance of the district as a whole on the district 2892  
report card. Any district that so elects shall annually file a 2893  
copy of the lease or agreement with the department. 2894

(3) Any municipal school district, as defined in section 2895  
3311.71 of the Revised Code, that sponsors a community school 2896

located within the district's territory, or that enters into an 2897  
agreement with a community school located within the district's 2898  
territory whereby the district and the community school endorse 2899  
each other's programs, may exercise either or both of the 2900  
following elections: 2901

(a) To have data regarding the academic performance of 2902  
students enrolled in that community school combined with 2903  
comparable data from the schools of the district for the purpose 2904  
of determining the performance of the district as a whole on the 2905  
district's report card; 2906

(b) To have the number of students attending that 2907  
community school noted separately on the district's report card. 2908

The election authorized under division (I) (3) (a) of this 2909  
section is subject to approval by the governing authority of the 2910  
community school. 2911

Any municipal school district that exercises an election 2912  
to combine or include data under division (I) (3) of this 2913  
section, by the first day of October of each year, shall file 2914  
with the department documentation indicating eligibility for 2915  
that election, as required by the department. 2916

(J) The department shall include on each report card the 2917  
percentage of teachers in the district or building who are 2918  
properly certified or licensed teachers, as defined in section 2919  
3319.074 of the Revised Code, and a comparison of that 2920  
percentage with the percentages of such teachers in similar 2921  
districts and buildings. 2922

(K) (1) In calculating English language arts, mathematics, 2923  
or science assessment passage rates used to determine school 2924  
district or building performance under this section, the 2925

department shall include all students taking an assessment with 2926  
accommodation or to whom an alternate assessment is administered 2927  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2928  
Revised Code. 2929

(2) In calculating performance index scores, rates of 2930  
achievement on the performance indicators established by the 2931  
state board under section 3302.02 of the Revised Code, and 2932  
annual measurable objectives for determining adequate yearly 2933  
progress for school districts and buildings under this section, 2934  
the department shall do all of the following: 2935

(a) Include for each district or building only those 2936  
students who are included in the ADM certified for the first 2937  
full school week of October and are continuously enrolled in the 2938  
district or building through the time of the spring 2939  
administration of any assessment prescribed by division (A) (1) 2940  
or (B) (1) of section 3301.0710 or division (B) of section 2941  
3301.0712 of the Revised Code that is administered to the 2942  
student's grade level; 2943

(b) ~~Include~~ Until the 2022-2023 school year, include 2944  
cumulative totals from both the fall and spring administrations 2945  
of the third grade English language arts achievement assessment; 2946

(c) Except as required by the No Child Left Behind Act of 2947  
2001, exclude for each district or building any English learner 2948  
who has been enrolled in United States schools for less than one 2949  
full school year. 2950

(L) Beginning with the 2015-2016 school year and at least 2951  
once every three years thereafter, the state board of education 2952  
shall review and may adjust the benchmarks for assigning letter 2953  
grades to the performance measures and components prescribed 2954

under divisions (C) (3) and (D) of this section. 2955

(M) Not later than December 31, 2021, the state board of 2956  
education shall make recommendations to the general assembly, in 2957  
accordance with section 101.68 of the Revised Code, on what data 2958  
generated from student assessments is necessary for purposes of 2959  
calculating letter grades for the report card ratings, 2960  
components, and performance measures issued under this section. 2961

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 2962  
Code to the contrary, the department of education shall not 2963  
assign an overall letter grade under division (C) (3) of section 2964  
3302.03 of the Revised Code for any school district or building 2965  
for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2019-2020, 2020- 2966  
2021, or 2021-2022 school years, may, at the discretion of the 2967  
state board of education, not assign an individual grade to any 2968  
component prescribed under division (C) (3) of section 3302.03 of 2969  
the Revised Code, and shall not rank school districts, community 2970  
schools established under Chapter 3314. of the Revised Code, or 2971  
STEM schools established under Chapter 3326. of the Revised Code 2972  
under section 3302.21 of the Revised Code for those school 2973  
years. The overall letter grades issued by the department of 2974  
education for the 2017-2018 or 2018-2019 school years shall not 2975  
be considered in determining whether a school district or a 2976  
school is subject to sanctions or penalties or as a new starting 2977  
point for determinations that are based on ratings over multiple 2978  
years. The report card ratings issued for the 2014-2015, 2015- 2979  
2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2980  
and 2021-2022 school years shall not be considered in 2981  
determining whether a school district or a school is subject to 2982  
sanctions or penalties. However, the report card ratings of any 2983  
previous or subsequent years shall be considered in determining 2984  
whether a school district or building is subject to sanctions or 2985

penalties. Accordingly, the report card ratings for the 2014- 2986  
2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2987  
2020-2021, and 2021-2022 school years shall have no effect in 2988  
determining sanctions or penalties, but shall not create a new 2989  
starting point for determinations that are based on ratings over 2990  
multiple years. 2991

(B) The provisions from which a district or school is 2992  
exempt under division (A) of this section shall be the 2993  
following: 2994

(1) Any restructuring provisions established under this 2995  
chapter, except as required under the "No Child Left Behind Act 2996  
of 2001"; 2997

(2) Provisions for the Columbus city school pilot project 2998  
under section 3302.042 of the Revised Code; 2999

(3) Provisions for academic distress commissions under 3000  
former section 3302.10 of the Revised Code as it existed prior 3001  
~~to the effective date of this amendment~~ October 15, 2015. The 3002  
provisions of this section do not apply to academic distress 3003  
commissions under the version of that section as it exists on or 3004  
~~after the effective date of this amendment~~ October 15, 2015. 3005

(4) Provisions prescribing new buildings where students 3006  
are eligible for the educational choice scholarships under 3007  
section 3310.03 of the Revised Code; 3008

(5) Provisions defining "challenged school districts" in 3009  
which new start-up community schools may be located, as 3010  
prescribed in section 3314.02 of the Revised Code; 3011

(6) Provisions prescribing community school closure 3012  
requirements under section 3314.35 or 3314.351 of the Revised 3013  
Code. 3014

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B) ~~(2)~~ of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or 2016-2017,~~ 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school ~~year-years~~ as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, ~~or 2016-2017,~~ 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

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

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

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

(C) For the 2013-2014, 2014-2015, ~~or 2015-2016,~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school



year, the school district received a grade of "A" for the number 3045  
of performance indicators met under division (B) (1) (c) of 3046  
section 3302.03 of the Revised Code and for the value-added 3047  
dimension under division (B) (1) (e) of section 3302.03 of the 3048  
Revised Code. 3049

(D) For the ~~2016-2017~~2022-2023 school year and for each 3050  
school year thereafter, the school district received an overall 3051  
grade of "A" under division (C) (3) of section 3302.03 of the 3052  
Revised Code. 3053

Any mandates included in the rules shall be only those 3054  
statutes or rules pertaining to state education requirements. 3055  
The rules shall not exempt districts from any operating standard 3056  
adopted under division (D) (3) of section 3301.07 of the Revised 3057  
Code. 3058

**Sec. 3310.03.** A student is an "eligible student" for 3059  
purposes of the educational choice scholarship pilot program if 3060  
the student's resident district is not a school district in 3061  
which the pilot project scholarship program is operating under 3062  
sections 3313.974 to 3313.979 of the Revised Code and the 3063  
student satisfies one of the conditions in division (A), (B), 3064  
(C), (D), or (E) of this section: 3065

(A) (1) The student is enrolled in a school building 3066  
operated by the student's resident district that, on the report 3067  
card issued under section 3302.03 of the Revised Code published 3068  
prior to the first day of July of the school year for which a 3069  
scholarship is sought, did not receive a rating as described in 3070  
division (I) of this section, and to which any or a combination 3071  
of any of the following apply for two of the three most recent 3072  
report cards published prior to the first day of July of the 3073  
school year for which a scholarship is sought: 3074

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

(b) The building received a grade of "D" or "F" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the ~~2016-2017-2022-2023~~ school year or any school year thereafter.

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

(3) The student is enrolled in a community school 3105  
established under Chapter 3314. of the Revised Code but 3106  
otherwise would be assigned under section 3319.01 of the Revised 3107  
Code to a building described in division (A)(1) of this section. 3108

(4) The student is enrolled in a school building operated 3109  
by the student's resident district or in a community school 3110  
established under Chapter 3314. of the Revised Code and 3111  
otherwise would be assigned under section 3319.01 of the Revised 3112  
Code to a school building described in division (A)(1) of this 3113  
section in the school year for which the scholarship is sought. 3114

(5) The student will be both enrolling in any of grades 3115  
kindergarten through twelve in this state for the first time and 3116  
at least five years of age by the first day of January of the 3117  
school year for which a scholarship is sought, or is enrolled in 3118  
a community school established under Chapter 3314. of the 3119  
Revised Code, and all of the following apply to the student's 3120  
resident district: 3121

(a) The district has in force an intradistrict open 3122  
enrollment policy under which no student in the student's grade 3123  
level is automatically assigned to a particular school building; 3124

(b) In the most recent rating published prior to the first 3125  
day of July of the school year for which scholarship is sought, 3126  
the district did not receive a rating described in division (I) 3127  
of this section, and in at least two of the three most recent 3128  
report cards published prior to the first day of July of that 3129  
school year, any or a combination of the following apply to the 3130  
district: 3131

(i) The district was declared to be in a state of academic 3132  
emergency under section 3302.03 of the Revised Code as it 3133

existed prior to March 22, 2013. 3134

(ii) The district received a grade of "D" or "F" for the 3135  
performance index score under division (A) (1) (b) or (B) (1) (b) of 3136  
section 3302.03 of the Revised Code and for the value-added 3137  
progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or 3138  
(C) (1) (e) of section 3302.03 of the Revised Code for the 2012- 3139  
2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 3140  
2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year. 3141

(c) The district received an overall grade of "D" or "F" 3142  
under division (C) (3) of section 3302.03 of the Revised Code or 3143  
a grade of "F" for the value-added progress dimension under 3144  
division (C) (1) (e) of section 3302.03 of the Revised Code for 3145  
the 2016-2017 school year or any school year thereafter. 3146

(6) Beginning in the ~~2019-2020~~ 2022-2023 school year, the 3147  
student meets both of the following conditions: 3148

(a) The student was enrolled in a public or nonpublic 3149  
school or was homeschooled in the prior school year and 3150  
completed any of grades eight through eleven in that school 3151  
year. 3152

(b) The student would be assigned to a building in the 3153  
school year for which the scholarship is sought that either: 3154

(i) Serves any of grades nine through twelve and that 3155  
received a grade of "D" or "F" for the four-year adjusted cohort 3156  
graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) 3157  
(d) of section 3302.03 of the Revised Code in two of the three 3158  
most recent report cards published prior to the first day of 3159  
July of the school year for which a scholarship is sought; 3160

(ii) Is a building described in division (A) (1) of this 3161  
section. 3162

Any student who was awarded a scholarship under division 3163  
(A) (6) of this section as it existed prior ~~to the effective date~~ 3164  
~~of this amendment~~ October 17, 2019, may continue to receive 3165  
scholarships in subsequent school years until the student 3166  
completes grade twelve, as long as the student meets the 3167  
criteria prescribed by division (F) of this section. 3168

(B) (1) The student is enrolled in a school building 3169  
operated by the student's resident district and to which both of 3170  
the following apply: 3171

(a) The building was ranked, for at least two of the three 3172  
most recent rankings prior to the first day of July of the 3173  
school year for which a scholarship is sought, in the lowest ten 3174  
per cent of all buildings operated by city, local, and exempted 3175  
village school districts according to performance index score as 3176  
determined by the department of education. 3177

(b) The building was not declared to be excellent or 3178  
effective, or the equivalent of such ratings as determined by 3179  
the department, under section 3302.03 of the Revised Code in the 3180  
most recent rating published prior to the first day of July of 3181  
the school year for which a scholarship is sought. 3182

(2) The student will be enrolling in any of grades 3183  
kindergarten through twelve in this state for the first time in 3184  
the school year for which a scholarship is sought, will be at 3185  
least five years of age, as defined in section 3321.01 of the 3186  
Revised Code, by the first day of January of the school year for 3187  
which a scholarship is sought, and otherwise would be assigned 3188  
under section 3319.01 of the Revised Code in the school year for 3189  
which a scholarship is sought, to a school building described in 3190  
division (B) (1) of this section. 3191

(3) The student is enrolled in a community school 3192  
established under Chapter 3314. of the Revised Code but 3193  
otherwise would be assigned under section 3319.01 of the Revised 3194  
Code to a building described in division (B)(1) of this section. 3195

(4) The student is enrolled in a school building operated 3196  
by the student's resident district or in a community school 3197  
established under Chapter 3314. of the Revised Code and 3198  
otherwise would be assigned under section 3319.01 of the Revised 3199  
Code to a school building described in division (B)(1) of this 3200  
section in the school year for which the scholarship is sought. 3201

(C) The student is enrolled in a nonpublic school at the 3202  
time the school is granted a charter by the state board of 3203  
education under section 3301.16 of the Revised Code and the 3204  
student meets the standards of division (B) of section 3310.031 3205  
of the Revised Code. 3206

(D) For the ~~2016-2017~~2022-2023 school year and each 3207  
school year thereafter, the student is in any of grades 3208  
kindergarten through three, is enrolled in a school building 3209  
that is operated by the student's resident district or will be 3210  
enrolling in any of grades kindergarten through twelve in this 3211  
state for the first time in the school year for which a 3212  
scholarship is sought, and to which both of the following apply: 3213

(1) The building, in at least two of the three most recent 3214  
ratings of school buildings published prior to the first day of 3215  
July of the school year for which a scholarship is sought, 3216  
received a grade of "D" or "F" for making progress in improving 3217  
literacy in grades kindergarten through three under division (B) 3218  
(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 3219

(2) The building did not receive a grade of "A" for making 3220

progress in improving literacy in grades kindergarten through 3221  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 3222  
of the Revised Code in the most recent rating published prior to 3223  
the first day of July of the school year for which a scholarship 3224  
is sought. 3225

(E) The student's resident district is subject to section 3226  
3302.10 of the Revised Code and the student either: 3227

(1) Is enrolled in a school building operated by the 3228  
resident district or in a community school established under 3229  
Chapter 3314. of the Revised Code; 3230

(2) Will be both enrolling in any of grades kindergarten 3231  
through twelve in this state for the first time and at least 3232  
five years of age by the first day of January of the school year 3233  
for which a scholarship is sought. 3234

(F) A student who receives a scholarship under the 3235  
educational choice scholarship pilot program remains an eligible 3236  
student and may continue to receive scholarships in subsequent 3237  
school years until the student completes grade twelve, so long 3238  
as all of the following apply: 3239

(1) The student's resident district remains the same, or 3240  
the student transfers to a new resident district and otherwise 3241  
would be assigned in the new resident district to a school 3242  
building described in division (A) (1), (B) (1), (D), or (E) of 3243  
this section. 3244

(2) Except as provided in divisions (K) (1) and (L) of 3245  
section 3301.0711 of the Revised Code, the student takes each 3246  
assessment prescribed for the student's grade level under 3247  
section 3301.0710 or 3301.0712 of the Revised Code while 3248  
enrolled in a chartered nonpublic school. 3249

(3) In each school year that the student is enrolled in a 3250  
chartered nonpublic school, the student is absent from school 3251  
for not more than twenty days that the school is open for 3252  
instruction, not including excused absences. 3253

(G) (1) The department shall cease awarding first-time 3254  
scholarships pursuant to divisions (A) (1) to (4) of this section 3255  
with respect to a school building that, in the most recent 3256  
ratings of school buildings published under section 3302.03 of 3257  
the Revised Code prior to the first day of July of the school 3258  
year, ceases to meet the criteria in division (A) (1) of this 3259  
section. The department shall cease awarding first-time 3260  
scholarships pursuant to division (A) (5) of this section with 3261  
respect to a school district that, in the most recent ratings of 3262  
school districts published under section 3302.03 of the Revised 3263  
Code prior to the first day of July of the school year, ceases 3264  
to meet the criteria in division (A) (5) of this section. 3265

(2) The department shall cease awarding first-time 3266  
scholarships pursuant to divisions (B) (1) to (4) of this section 3267  
with respect to a school building that, in the most recent 3268  
ratings of school buildings under section 3302.03 of the Revised 3269  
Code prior to the first day of July of the school year, ceases 3270  
to meet the criteria in division (B) (1) of this section. 3271

(3) The department shall cease awarding first-time 3272  
scholarships pursuant to division (D) of this section with 3273  
respect to a school building that, in the most recent ratings of 3274  
school buildings under section 3302.03 of the Revised Code prior 3275  
to the first day of July of the school year, ceases to meet the 3276  
criteria in division (D) of this section. 3277

(4) The department shall cease awarding first-time 3278  
scholarships pursuant to division (E) of this section with 3279



respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

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

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

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

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

(b) For the 2012-2013, 2013-2014, 2014-2015, ~~or 2015-2016,~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year, the building has a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b) or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~ (B) (1) (e) or (C) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b) or (C) (1) (b)

of section 3302.03 of the Revised Code and had a four-year 3309  
adjusted cohort graduation rate of greater than or equal to 3310  
seventy-five per cent. 3311

(c) For the ~~2016-2017~~2022-2023 school year or any school 3312  
year thereafter, the building has a grade of "A" or "B" under 3313  
division (C) (3) of section 3302.03 of the Revised Code and a 3314  
grade of "A" for the value-added progress dimension under 3315  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 3316  
the building serves only grades ten through twelve, the building 3317  
received a grade of "A" or "B" for the performance index score 3318  
under division (C) (1) (b) of section 3302.03 of the Revised Code 3319  
and had a four-year adjusted cohort graduation rate of greater 3320  
than or equal to seventy-five per cent. 3321

(2) A student who satisfies only the conditions prescribed 3322  
in division (A) (5) of this section shall not be eligible for a 3323  
scholarship if the student's resident district meets any of the 3324  
following in the most recent rating under section 3302.03 of the 3325  
Revised Code published prior to the first day of July of the 3326  
school year for which a scholarship is sought: 3327

(a) The district has an overall designation of excellent 3328  
or effective under section 3302.03 of the Revised Code as it 3329  
existed prior to March 22, 2013. 3330

(b) The district has a grade of "A" or "B" for the 3331  
performance index score under division (A) (1) (b) or (B) (1) (b) of 3332  
section 3302.03 of the Revised Code and for the value-added 3333  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 3334  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 3335  
2014, 2014-2015, and 2015-2016 school years. 3336

(c) The district has an overall grade of "A" or "B" under 3337

division (C) (3) of section 3302.03 of the Revised Code and a 3338  
grade of "A" for the value-added progress dimension under 3339  
division (C) (1) (e) of section 3302.03 of the Revised Code for 3340  
the 2016-2017 school year or any school year thereafter. 3341

**Sec. 3310.14.** (A) Except as provided in division (B) of 3342  
this section, each chartered nonpublic school that is not 3343  
subject to division (K) (1) of section 3301.0711 of the Revised 3344  
Code and enrolls students awarded scholarships under sections 3345  
3310.01 to 3310.17 of the Revised Code annually shall administer 3346  
the assessments prescribed by section 3301.0710, 3301.0712, or 3347  
3313.619 of the Revised Code, as applicable, to each scholarship 3348  
student enrolled in the school in accordance with section 3349  
3301.0711 of the Revised Code. Each chartered nonpublic school 3350  
that is subject to this section shall report to the department 3351  
of education the results of each assessment administered to each 3352  
scholarship student under this section. 3353

Nothing in this section requires a chartered nonpublic 3354  
school to administer any achievement assessment, except for an 3355  
Ohio graduation test prescribed by division (B) (1) of section 3356  
3301.0710 or the ~~college and work ready assessment system~~ 3357  
assessments prescribed by division (B) of section 3301.0712 of 3358  
the Revised Code to any student enrolled in the school who is 3359  
not a scholarship student. 3360

(B) A chartered nonpublic school that meets the conditions 3361  
specified in division (K) (2) of section 3301.0711 of the Revised 3362  
Code shall not be required to administer the elementary 3363  
assessments prescribed by division (A) of section 3301.0710 of 3364  
the Revised Code. 3365

**Sec. 3310.522.** In order to maintain eligibility for a 3366  
scholarship, a student shall take each assessment prescribed by 3367

section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 3368  
as applicable, in accordance with section 3301.0711 of the 3369  
Revised Code, unless the student is excused from taking that 3370  
assessment under federal law or the student's individualized 3371  
education program or the student is enrolled in a chartered 3372  
nonpublic school that meets the conditions specified in division 3373  
(K) (2) or (L) (4) of section 3301.0711 of the Revised Code. 3374

Each registered private provider that is not subject to 3375  
division (K) (1) of section 3301.0711 of the Revised Code and 3376  
enrolls a student who is awarded a scholarship shall administer 3377  
each assessment prescribed by section 3301.0710, 3301.0712, or 3378  
3313.619 of the Revised Code, as applicable, to that student in 3379  
accordance with section 3301.0711 of the Revised Code, unless 3380  
the student is excused from taking that assessment or the 3381  
student is enrolled in a chartered nonpublic school that meets 3382  
the conditions specified in division (K) (2) or (L) (4) of section 3383  
3301.0711 of the Revised Code, and shall report to the 3384  
department the results of each assessment so administered. 3385

Nothing in this section requires any chartered nonpublic 3386  
school that is a registered private provider to administer any 3387  
achievement assessment, except for an Ohio graduation test 3388  
prescribed by division (B) (1) of section 3301.0710 or the 3389  
~~college and work ready assessment system assessments~~ prescribed 3390  
by division (B) of section 3301.0712 of the Revised Code to any 3391  
student enrolled in the school who is not a scholarship student. 3392

**Sec. 3311.80.** Notwithstanding any provision of the Revised 3393  
Code to the contrary, a municipal school district shall be 3394  
subject to this section instead of section 3319.111 of the 3395  
Revised Code. 3396

(A) Not later than July 1, 2013, the board of education of 3397

each municipal school district and the teachers' labor 3398  
organization shall develop and adopt standards-based teacher 3399  
evaluation procedures that conform with the framework for 3400  
evaluation of teachers developed under former section 3319.112 3401  
of the Revised Code. The evaluation procedures shall include at 3402  
least formal observations and classroom walk-throughs, which may 3403  
be announced or unannounced; examinations of samples of work, 3404  
such as lesson plans or assessments designed by a teacher; and 3405  
multiple measures of student academic growth. 3406

(B) When using measures of student academic growth as a 3407  
component of a teacher's evaluation, those measures shall 3408  
include the value-added progress dimension prescribed by section 3409  
3302.021 of the Revised Code or the alternative student academic 3410  
progress measure if adopted under division (C)(1)(e) of section 3411  
3302.03 of the Revised Code. For teachers of grade levels and 3412  
subjects for which the value-added progress dimension or 3413  
alternative student academic achievement measure is not 3414  
applicable, the board shall administer assessments on the list 3415  
developed under division (B)(2) of former section 3319.112 of 3416  
the Revised Code. 3417

(C)(1) Each teacher employed by the board shall be 3418  
evaluated at least once each school year, except as provided in 3419  
division (C)(2) of this section. The composite evaluation shall 3420  
be completed not later than the first day of June and the 3421  
teacher shall receive a written report of the results of the 3422  
composite evaluation not later than ten days after its 3423  
completion or the last teacher work day of the school year, 3424  
whichever is earlier. 3425

(2) Each teacher who received a rating of accomplished on 3426  
the teacher's most recent evaluation conducted under this 3427

section may be evaluated once every two school years, except 3428  
that the teacher shall be evaluated in any school year in which 3429  
the teacher's contract is due to expire. The biennial composite 3430  
evaluation shall be completed not later than the first day of 3431  
June of the applicable school year, and the teacher shall 3432  
receive a written report of the results of the composite 3433  
evaluation not later than ten days after its completion or the 3434  
last teacher work day of the school year, whichever is earlier. 3435

(D) Each evaluation conducted pursuant to this section 3436  
shall be conducted by one or more of the following persons who 3437  
have been trained to conduct evaluations in accordance with 3438  
criteria that shall be developed jointly by the chief executive 3439  
officer of the district, or the chief executive officer's 3440  
designee, and the teachers' labor organization: 3441

(1) The chief executive officer or a subordinate officer 3442  
of the district with responsibility for instruction or academic 3443  
affairs; 3444

(2) A person who is under contract with the board pursuant 3445  
to section 3319.02 of the Revised Code and holds a license 3446  
designated for being a principal issued under section 3319.22 of 3447  
the Revised Code; 3448

(3) A person who is under contract with the board pursuant 3449  
to section 3319.02 of the Revised Code and holds a license 3450  
designated for being a vocational director or a supervisor in 3451  
any educational area issued under section 3319.22 of the Revised 3452  
Code; 3453

(4) A person designated to conduct evaluations under an 3454  
agreement providing for peer assistance and review entered into 3455  
by the board and the teachers' labor organization. 3456

(E) The evaluation procedures shall describe how the 3457  
evaluation results will be used for decisions regarding 3458  
compensation, retention, promotion, and reductions in force and 3459  
for removal of poorly performing teachers. 3460

(F) A teacher may challenge any violations of the 3461  
evaluation procedures in accordance with the grievance procedure 3462  
specified in any applicable collective bargaining agreement. A 3463  
challenge under this division is limited to the determination of 3464  
procedural errors that have resulted in substantive harm to the 3465  
teacher and to ordering the correction of procedural errors. The 3466  
failure of the board or a person conducting an evaluation to 3467  
strictly comply with any deadline or evaluation forms 3468  
established as part of the evaluation process shall not be cause 3469  
for an arbitrator to determine that a procedural error occurred, 3470  
unless the arbitrator finds that the failure resulted in 3471  
substantive harm to the teacher. The arbitrator shall have no 3472  
jurisdiction to modify the evaluation results, but the 3473  
arbitrator may stay any decision taken pursuant to division (E) 3474  
of this section pending the board's correction of any procedural 3475  
error. The board shall correct any procedural error within 3476  
fifteen business days after the arbitrator's determination that 3477  
a procedural error occurred. 3478

(G) Notwithstanding any provision to the contrary in 3479  
Chapter 4117. of the Revised Code, the requirements of this 3480  
section prevail over any conflicting provisions of a collective 3481  
bargaining agreement entered into on or after October 1, 2012. 3482  
However, the board and the teachers' labor organization may 3483  
negotiate additional evaluation procedures, including an 3484  
evaluation process incorporating peer assistance and review, 3485  
provided the procedures are consistent with this section. 3486

(H) This section does not apply to administrators 3487  
appointed by the chief executive officer of a municipal school 3488  
district under section 3311.72 of the Revised Code, 3489  
administrators subject to evaluation procedures under section 3490  
3311.84 or 3319.02 of the Revised Code, or to any teacher 3491  
employed as a substitute for less than one hundred twenty days 3492  
during a school year pursuant to section 3319.10 of the Revised 3493  
Code. 3494

**Sec. 3311.84.** Notwithstanding any provision of the Revised 3495  
Code to the contrary, a municipal school district shall be 3496  
subject to this section ~~instead of division (D) of section~~ 3497  
~~3319.02 of the Revised Code~~ with respect to the evaluation of 3498  
principals and assistant principals, but all other provisions of 3499  
~~that~~ section 3319.02 of the Revised Code shall apply to the 3500  
district with respect to principals and assistant principals. 3501  
Section 3319.02 of the Revised Code in its entirety shall apply 3502  
to the district with respect to employees other than principals 3503  
and assistant principals who are covered by that section, except 3504  
as otherwise provided in section 3311.72 of the Revised Code. 3505

(A) As used in this section, "principal" includes an 3506  
assistant principal. 3507

(B) The board of education of each municipal school 3508  
district shall adopt procedures for the evaluation of principals 3509  
and shall evaluate all principals in accordance with those 3510  
procedures. The procedures shall be based on principles 3511  
comparable to the teacher evaluation procedures adopted under 3512  
section 3311.80 of the Revised Code, but shall be tailored to 3513  
the duties and responsibilities of principals and the 3514  
environment in which principals work. Each evaluation shall 3515  
measure the principal's effectiveness in performing the duties 3516



included in the principal's job description and shall be 3517  
considered by the board in deciding whether to renew the 3518  
principal's contract of employment. 3519

(C) The evaluation procedures adopted under this section 3520  
shall require each principal to be evaluated annually through a 3521  
written evaluation process. The evaluation shall be conducted by 3522  
the chief executive officer of the district, or the chief 3523  
executive officer's designee. 3524

(D) To provide time to show progress in correcting 3525  
deficiencies identified in the evaluation, each evaluation shall 3526  
be completed as follows: 3527

(1) In any school year that the principal's contract of 3528  
employment is not due to expire, at least one evaluation shall 3529  
be completed in that year. A written copy of the evaluation 3530  
shall be provided to the principal by the end of the principal's 3531  
contract year as defined by the principal's annual salary 3532  
notice. 3533

(2) In any school year that the principal's contract of 3534  
employment is due to expire, at least a preliminary evaluation 3535  
and a final evaluation shall be completed in that year. A 3536  
written copy of the preliminary evaluation shall be provided to 3537  
the principal at least sixty days prior to any action by the 3538  
board on the principal's contract of employment. The final 3539  
evaluation shall indicate the chief executive officer's intended 3540  
recommendation to the board regarding a contract of employment 3541  
for the principal. A written copy of the final evaluation shall 3542  
be provided to the principal at least five days prior to the 3543  
chief executive officer making the recommendation to the board. 3544

(E) At least thirty days prior to taking action to renew 3545

or not renew the contract of a principal, the board shall notify 3546  
the principal of the board's intended action and that the 3547  
principal may request a meeting with the board regarding the 3548  
board's intended action. Upon request of the principal, the 3549  
board shall grant the principal a meeting in executive session. 3550  
In that meeting, the board shall discuss its reasons for 3551  
considering renewal or nonrenewal of the contract. The principal 3552  
shall be permitted to have a representative, chosen by the 3553  
principal, present at the meeting. 3554

The establishment of evaluation procedures in accordance 3555  
with this section shall not create an expectancy of continued 3556  
employment. Nothing in this section shall prevent the board from 3557  
making the final determination regarding the renewal or 3558  
nonrenewal of a principal's contract. 3559

(F) Termination of a principal's contract shall be in 3560  
accordance with section 3319.16 of the Revised Code, except as 3561  
follows: 3562

(1) Failure of the principal's building to meet academic 3563  
performance standards established by the chief executive officer 3564  
shall be considered good and just cause for termination under 3565  
that section. 3566

(2) If the chief executive officer intends to recommend to 3567  
the board that the principal's contract be terminated, the chief 3568  
executive officer shall provide the principal a written copy of 3569  
the principal's evaluation at least five days prior to making 3570  
the recommendation to the board. 3571

**Sec. 3313.60.** Notwithstanding division (D) of section 3572  
3311.52 of the Revised Code, divisions (A) to (E) of this 3573  
section do not apply to any cooperative education school 3574

district established pursuant to divisions (A) to (C) of section 3575  
3311.52 of the Revised Code. 3576

(A) The board of education of each city, exempted village, 3577  
and local school district and the board of each cooperative 3578  
education school district established, pursuant to section 3579  
3311.521 of the Revised Code, shall prescribe a ~~curriculum-~~ 3580  
graded course of study for all schools under its control. Each 3581  
district board shall post a copy of each graded course of study 3582  
on its web site. Except as provided in division (E) of this 3583  
section, in any such ~~curriculum-~~graded course of study there 3584  
shall be included the study of the following subjects: 3585

(1) The language arts, including reading, writing, 3586  
spelling, oral and written English, and literature; 3587

(2) Geography, the history of the United States and of 3588  
Ohio, and national, state, and local government in the United 3589  
States, including a balanced presentation of the relevant 3590  
contributions to society of men and women of African, Mexican, 3591  
Puerto Rican, and American Indian descent as well as other 3592  
ethnic and racial groups in Ohio and the United States; 3593

(3) Mathematics; 3594

(4) Natural science, including instruction in the 3595  
conservation of natural resources; 3596

(5) Health education, which shall include instruction in: 3597

(a) The nutritive value of foods, including natural and 3598  
organically produced foods, the relation of nutrition to health, 3599  
and the use and effects of food additives; 3600

(b) The harmful effects of and legal restrictions against 3601  
the use of drugs of abuse, alcoholic beverages, and tobacco; 3602

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

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

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

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

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

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving

and life-enhancing effects of organ and tissue donation. 3632

(6) Physical education; 3633

(7) The fine arts, including music; 3634

(8) First aid, including a training program in 3635  
cardiopulmonary resuscitation, which shall comply with section 3636  
3313.6021 of the Revised Code when offered in any of grades nine 3637  
through twelve, safety, and fire prevention. However, upon 3638  
written request of the student's parent or guardian, a student 3639  
shall be excused from taking instruction in cardiopulmonary 3640  
resuscitation. 3641

(B) Except as provided in division (E) of this section, 3642  
every school or school district shall include in the 3643  
requirements for promotion from the eighth grade to the ninth 3644  
grade one year's course of study of American history. A board 3645  
may waive this requirement for academically accelerated students 3646  
who, in accordance with procedures adopted by the board, are 3647  
able to demonstrate mastery of essential concepts and skills of 3648  
the eighth grade American history course of study. 3649

(C) As specified in divisions (B) (6) and (C) (6) of section 3650  
3313.603 of the Revised Code, except as provided in division (E) 3651  
of this section, every high school shall include in the 3652  
requirements for graduation from any curriculum one-half unit 3653  
each of American history and government. 3654

(D) Except as provided in division (E) of this section, 3655  
basic instruction or demonstrated mastery in geography, United 3656  
States history, the government of the United States, the 3657  
government of the state of Ohio, local government in Ohio, the 3658  
Declaration of Independence, the United States Constitution, and 3659  
the Constitution of the state of Ohio shall be required before 3660

pupils may participate in courses involving the study of social 3661  
problems, economics, foreign affairs, United Nations, world 3662  
government, socialism, and communism. 3663

(E) For each cooperative education school district 3664  
established pursuant to section 3311.521 of the Revised Code and 3665  
each city, exempted village, and local school district that has 3666  
territory within such a cooperative district, the ~~curriculum-~~ 3667  
graded course of study adopted pursuant to divisions (A) to (D) 3668  
of this section shall only include the study of the subjects 3669  
that apply to the grades operated by each such school district. 3670  
The ~~curriculum-~~graded course of study for such schools, when 3671  
combined, shall provide to each student of these districts all 3672  
of the subjects required under divisions (A) to (D) of this 3673  
section. 3674

(F) The board of education of any cooperative education 3675  
school district established pursuant to divisions (A) to (C) of 3676  
section 3311.52 of the Revised Code shall prescribe a ~~curriculum-~~ 3677  
graded course of study for the subject areas and grade levels 3678  
offered in any school under its control. 3679

(G) Upon the request of any parent or legal guardian of a 3680  
student, the board of education of any school district shall 3681  
permit the parent or guardian to promptly examine, with respect 3682  
to the parent's or guardian's own child: 3683

(1) Any survey or questionnaire, prior to its 3684  
administration to the child; 3685

(2) Any textbook, workbook, software, video, or other 3686  
instructional materials being used by the district in connection 3687  
with the instruction of the child; 3688

(3) Any completed and graded test taken or survey or 3689

questionnaire filled out by the child; 3690

(4) Copies of the statewide academic content standards ~~and~~ 3691  
~~each model curriculum~~ developed pursuant to section 3301.079 of 3692  
the Revised Code, which copies shall be available at all times 3693  
during school hours in each district school building. 3694

**Sec. 3313.603.** (A) As used in this section: 3695

(1) "One unit" means a minimum of one hundred twenty hours 3696  
of course instruction, except that for a laboratory course, "one 3697  
unit" means a minimum of one hundred fifty hours of course 3698  
instruction. 3699

(2) "One-half unit" means a minimum of sixty hours of 3700  
course instruction, except that for physical education courses, 3701  
"one-half unit" means a minimum of one hundred twenty hours of 3702  
course instruction. 3703

(B) Beginning September 15, 2001, except as required in 3704  
division (C) of this section and division (C) of section 3705  
3313.614 of the Revised Code, the requirements for graduation 3706  
from every high school shall include twenty units earned in 3707  
grades nine through twelve and shall be distributed as follows: 3708

(1) English language arts, four units; 3709

(2) Health, one-half unit; 3710

(3) Mathematics, three units; 3711

(4) Physical education, one-half unit; 3712

(5) Science, two units until September 15, 2003, and three 3713  
units thereafter, which at all times shall include both of the 3714  
following: 3715

(a) Biological sciences, one unit; 3716

(b) Physical sciences, one unit.	3717
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	3718 3719 3720
(a) American history, one-half unit;	3721
(b) American government, one-half unit.	3722
(7) Social studies, two units.	3723
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	3724 3725 3726 3727 3728
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	3729 3730
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	3731 3732 3733
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	3734 3735 3736 3737 3738 3739 3740
(1) English language arts, four units;	3741
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical	3742 3743



activity for overall health; 3744

(3) Mathematics, four units, which shall include one unit 3745  
of algebra II or the equivalent of algebra II, or one unit of 3746  
advanced computer science as described in the standards adopted 3747  
pursuant to division (A) (4) of section 3301.079 of the Revised 3748  
Code. However, students who enter ninth grade for the first time 3749  
on or after July 1, 2015, and who are pursuing a career- 3750  
technical instructional track shall not be required to take 3751  
algebra II or advanced computer science, and instead may 3752  
complete a career-based pathway mathematics course approved by 3753  
the department of education as an alternative. 3754

For students who choose to take advanced computer science 3755  
in lieu of algebra II under division (C) (3) of this section, the 3756  
school shall communicate to those students that some 3757  
institutions of higher education may require algebra II for the 3758  
purpose of college admission. Also, the parent, guardian, or 3759  
legal custodian of each student who chooses to take advanced 3760  
computer science in lieu of algebra II shall sign and submit to 3761  
the school a document containing a statement acknowledging that 3762  
not taking algebra II may have an adverse effect on college 3763  
admission decisions. 3764

(4) Physical education, one-half unit; 3765

(5) Science, three units with inquiry-based laboratory 3766  
experience that engages students in asking valid scientific 3767  
questions and gathering and analyzing information, which shall 3768  
include the following, or their equivalent: 3769

(a) Physical sciences, one unit; 3770

(b) Life sciences, one unit; 3771

(c) Advanced study in one or more of the following 3772

sciences, one unit:	3773
(i) Chemistry, physics, or other physical science;	3774
(ii) Advanced biology or other life science;	3775
(iii) Astronomy, physical geology, or other earth or space science;	3776 3777
(iv) Computer science.	3778
No student shall substitute a computer science course for a life sciences or biology course under division (C) (5) of this section.	3779 3780 3781
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	3782 3783 3784
(a) American history, one-half unit;	3785
(b) American government, one-half unit.	3786
(7) Social studies, two units.	3787
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business,	3788 3789 3790 3791 3792 3793 3794 3795 3796 3797 3798 3799

industry, and through the centers for economics education at 3800  
institutions of higher education in the state. 3801

Beginning with students who enter ninth grade for the 3802  
first time on or after July 1, 2017, the two units of 3803  
instruction prescribed by division (C) (7) of this section shall 3804  
include at least one-half unit of instruction in the study of 3805  
world history and civilizations. 3806

(8) Five units consisting of one or any combination of 3807  
foreign language, fine arts, business, career-technical 3808  
education, family and consumer sciences, technology which may 3809  
include computer science, agricultural education, a junior 3810  
reserve officer training corps (JROTC) program approved by the 3811  
congress of the United States under title 10 of the United 3812  
States Code, or English language arts, mathematics, science, or 3813  
social studies courses not otherwise required under division (C) 3814  
of this section. 3815

~~Ohioans must be prepared to apply increased knowledge and 3816  
skills in the workplace and to adapt their knowledge and skills 3817  
quickly to meet the rapidly changing conditions of the twenty- 3818  
first century. National studies indicate that all high school 3819  
graduates need the same academic foundation, regardless of the 3820  
opportunities they pursue after graduation. The goal of Ohio's 3821  
system of elementary and secondary education is to prepare all 3822  
students for and seamlessly connect all students to success in 3823  
life beyond high school graduation, regardless of whether the 3824  
next step is entering the workforce, beginning an 3825  
apprenticeship, engaging in post-secondary training, serving in 3826  
the military, or pursuing a college degree. 3827~~

The requirements for graduation prescribed in division (C) 3828  
of this section are the standard expectation for all students 3829

entering ninth grade for the first time at a public or chartered 3830  
nonpublic high school on or after July 1, 2010. A student may 3831  
satisfy this expectation through a variety of methods, 3832  
including, but not limited to, integrated, applied, career- 3833  
technical, and traditional coursework. 3834

Stronger coordination between high schools and 3835  
institutions of higher education is necessary to prepare 3836  
students for more challenging academic endeavors and to lessen 3837  
the need for academic remediation in college, thereby reducing 3838  
the costs of higher education for Ohio's students, families, and 3839  
the state. The state board and the chancellor of higher 3840  
education shall develop policies to ensure that only in rare 3841  
instances will students who complete the requirements for 3842  
graduation prescribed in division (C) of this section require 3843  
academic remediation after high school. 3844

School districts, community schools, and chartered 3845  
nonpublic schools ~~shall may~~ integrate technology into learning 3846  
experiences across the curriculum in order to maximize 3847  
efficiency, enhance learning, and prepare students for success 3848  
in the technology-driven twenty-first century. Districts and 3849  
schools ~~shall may~~ use distance and web-based course delivery as 3850  
a method of providing or augmenting all instruction required 3851  
under this division, including laboratory experience in science. 3852  
Districts and schools ~~shall may~~ utilize technology access and 3853  
electronic learning opportunities provided by the broadcast 3854  
educational media commission, chancellor, the Ohio learning 3855  
network, education technology centers, public television 3856  
stations, and other public and private providers. 3857

(D) Except as provided in division (E) of this section, a 3858  
student who enters ninth grade on or after July 1, 2010, and 3859

before July 1, 2016, may qualify for graduation from a public or 3860  
chartered nonpublic high school even though the student has not 3861  
completed the requirements for graduation prescribed in division 3862  
(C) of this section if all of the following conditions are 3863  
satisfied: 3864

(1) During the student's third year of attending high 3865  
school, as determined by the school, the student and the 3866  
student's parent, guardian, or custodian sign and file with the 3867  
school a written statement asserting the parent's, guardian's, 3868  
or custodian's consent to the student's graduating without 3869  
completing the requirements for graduation prescribed in 3870  
division (C) of this section and acknowledging that one 3871  
consequence of not completing those requirements is 3872  
ineligibility to enroll in most state universities in Ohio 3873  
without further coursework. 3874

(2) The student and parent, guardian, or custodian fulfill 3875  
any procedural requirements the school stipulates to ensure the 3876  
student's and parent's, guardian's, or custodian's informed 3877  
consent and to facilitate orderly filing of statements under 3878  
division (D)(1) of this section. Annually, each district or 3879  
school shall notify the department of the number of students who 3880  
choose to qualify for graduation under division (D) of this 3881  
section and the number of students who complete the student's 3882  
success plan and graduate from high school. 3883

(3) The student and the student's parent, guardian, or 3884  
custodian and a representative of the student's high school 3885  
jointly develop a student success plan for the student in the 3886  
manner described in division (C)(1) of section 3313.6020 of the 3887  
Revised Code that specifies the student matriculating to a two- 3888  
year degree program, acquiring a business and industry- 3889

recognized credential, or entering an apprenticeship.	3890
(4) The student's high school provides counseling and support for the student related to the plan developed under division (D) (3) of this section during the remainder of the student's high school experience.	3891 3892 3893 3894
(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.	3895 3896 3897
(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:	3898 3899 3900 3901
(i) Mathematics, four units, one unit which shall be one of the following:	3902 3903
(I) Probability and statistics;	3904
(II) Computer science;	3905
(III) Applied mathematics or quantitative reasoning;	3906
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	3907 3908 3909
(ii) Elective units, five units;	3910
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	3911 3912 3913 3914
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are	3915 3916

mitigating factors that warrant extending the exception 3917  
permitted by division (D) of this section to high school classes 3918  
beyond those entering ninth grade before July 1, 2016. The 3919  
department shall submit its findings and any recommendations not 3920  
later than December 1, 2015, to the speaker and minority leader 3921  
of the house of representatives, the president and minority 3922  
leader of the senate, the chairpersons and ranking minority 3923  
members of the standing committees of the house of 3924  
representatives and the senate that consider education 3925  
legislation, the state board of education, and the 3926  
superintendent of public instruction. 3927

(E) Each school district and chartered nonpublic school 3928  
retains the authority to require an even more challenging 3929  
minimum curriculum for high school graduation than specified in 3930  
division (B) or (C) of this section. A school district board of 3931  
education, through the adoption of a resolution, or the 3932  
governing authority of a chartered nonpublic school may 3933  
stipulate any of the following: 3934

(1) A minimum high school curriculum that requires more 3935  
than twenty units of academic credit to graduate; 3936

(2) An exception to the district's or school's minimum 3937  
high school curriculum that is comparable to the exception 3938  
provided in division (D) of this section but with additional 3939  
requirements, which may include a requirement that the student 3940  
successfully complete more than the minimum curriculum 3941  
prescribed in division (B) of this section; 3942

(3) That no exception comparable to that provided in 3943  
division (D) of this section is available. 3944

If a school district or chartered nonpublic school 3945

requires a foreign language as an additional graduation 3946  
requirement under division (E) of this section, a student may 3947  
apply one unit of instruction in computer coding to satisfy one 3948  
unit of foreign language. If a student applies more than one 3949  
computer coding course to satisfy the foreign language 3950  
requirement, the courses shall be sequential and progressively 3951  
more difficult. 3952

(F) A student enrolled in a dropout prevention and 3953  
recovery program, which program has received a waiver from the 3954  
department, may qualify for graduation from high school by 3955  
successfully completing a competency-based instructional program 3956  
administered by the dropout prevention and recovery program in 3957  
lieu of completing the requirements for graduation prescribed in 3958  
division (C) of this section. The department shall grant a 3959  
waiver to a dropout prevention and recovery program, within 3960  
sixty days after the program applies for the waiver, if the 3961  
program meets all of the following conditions: 3962

(1) The program serves only students not younger than 3963  
sixteen years of age and not older than twenty-one years of age. 3964

(2) The program enrolls students who, at the time of their 3965  
initial enrollment, either, or both, are at least one grade 3966  
level behind their cohort age groups or experience crises that 3967  
significantly interfere with their academic progress such that 3968  
they are prevented from continuing their traditional programs. 3969

(3) The program requires students to attain at least the 3970  
applicable score designated for each of the assessments 3971  
prescribed under division (B)(1) of section 3301.0710 of the 3972  
Revised Code or, to the extent prescribed by rule of the state 3973  
board under division ~~(D)(5)~~ (C)(5) of section 3301.0712 of the 3974  
Revised Code, division (B)~~(2)~~ of that section. 3975



(4) The program develops a student success plan for the 3976  
student in the manner described in division (C)(1) of section 3977  
3313.6020 of the Revised Code that specifies the student's 3978  
matriculating to a two-year degree program, acquiring a business 3979  
and industry-recognized credential, or entering an 3980  
apprenticeship. 3981

(5) The program provides counseling and support for the 3982  
student related to the plan developed under division (F)(4) of 3983  
this section during the remainder of the student's high school 3984  
experience. 3985

(6) The program requires the student and the student's 3986  
parent, guardian, or custodian to sign and file, in accordance 3987  
with procedural requirements stipulated by the program, a 3988  
written statement asserting the parent's, guardian's, or 3989  
custodian's consent to the student's graduating without 3990  
completing the requirements for graduation prescribed in 3991  
division (C) of this section and acknowledging that one 3992  
consequence of not completing those requirements is 3993  
ineligibility to enroll in most state universities in Ohio 3994  
without further coursework. 3995

(7) Prior to receiving the waiver, the program has 3996  
submitted to the department an instructional plan that 3997  
demonstrates how the academic content standards adopted by the 3998  
state board under section 3301.079 of the Revised Code will be 3999  
taught and assessed. 4000

(8) Prior to receiving the waiver, the program has 4001  
submitted to the department a policy on career advising that 4002  
satisfies the requirements of section 3313.6020 of the Revised 4003  
Code, with an emphasis on how every student will receive career 4004  
advising. 4005

(9) Prior to receiving the waiver, the program has 4006  
submitted to the department a written agreement outlining the 4007  
future cooperation between the program and any combination of 4008  
local job training, postsecondary education, nonprofit, and 4009  
health and social service organizations to provide services for 4010  
students in the program and their families. 4011

Divisions (F) (8) and (9) of this section apply only to 4012  
waivers granted on or after July 1, 2015. 4013

If the department does not act either to grant the waiver 4014  
or to reject the program application for the waiver within sixty 4015  
days as required under this section, the waiver shall be 4016  
considered to be granted. 4017

(G) Every high school may permit students below the ninth 4018  
grade to take advanced work. If a high school so permits, it 4019  
shall award high school credit for successful completion of the 4020  
advanced work and shall count such advanced work toward the 4021  
graduation requirements of division (B) or (C) of this section 4022  
if the advanced work was both: 4023

(1) Taught by a person who possesses a license or 4024  
certificate issued under section 3301.071, 3319.22, or 3319.222 4025  
of the Revised Code that is valid for teaching high school; 4026

(2) Designated by the board of education of the city, 4027  
local, or exempted village school district, the board of the 4028  
cooperative education school district, or the governing 4029  
authority of the chartered nonpublic school as meeting the high 4030  
school curriculum requirements. 4031

Each high school shall record on the student's high school 4032  
transcript all high school credit awarded under division (G) of 4033  
this section. In addition, if the student completed a seventh- 4034

or eighth-grade fine arts course described in division (K) of 4035  
this section and the course qualified for high school credit 4036  
under that division, the high school shall record that course on 4037  
the student's high school transcript. 4038

(H) The department shall make its individual academic 4039  
career plan available through its Ohio career information system 4040  
web site for districts and schools to use as a tool for 4041  
communicating with and providing guidance to students and 4042  
families in selecting high school courses. 4043

(I) A school district or chartered nonpublic school may 4044  
integrate academic content in a subject area for which the state 4045  
board has adopted standards under section 3301.079 of the 4046  
Revised Code into a course in a different subject area, 4047  
including a career-technical education course, in accordance 4048  
with guidance for integrated coursework developed by the 4049  
department. Upon successful completion of an integrated course, 4050  
a student may receive credit for both subject areas that were 4051  
integrated into the course. Units earned for subject area 4052  
content delivered through integrated academic and career- 4053  
technical instruction are eligible to meet the graduation 4054  
requirements of division (B) or (C) of this section. 4055

For purposes of meeting graduation requirements, if an 4056  
end-of-course examination has been prescribed under section 4057  
3301.0712 of the Revised Code for the subject area delivered 4058  
through integrated instruction, the school district or school 4059  
may administer the related subject area examinations upon the 4060  
student's completion of the integrated course. 4061

Nothing in division (I) of this section shall be construed 4062  
to excuse any school district, chartered nonpublic school, or 4063  
student from any requirement in the Revised Code related to 4064

curriculum, assessments, or the awarding of a high school diploma. 4065  
4066

(J) (1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year. 4067  
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(2) Not later than December 31, 2015, the state board shall update the statewide plan adopted pursuant to division (J) (1) of this section to also include methods for students enrolled in seventh and eighth grade to meet curriculum requirements based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. Beginning with the 2017-2018 school year, each school district and community school also shall comply with the updated plan adopted pursuant to this division and permit students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency in accordance with the plan. 4082  
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(3) Not later than December 31, 2017, the department shall 4094

develop a framework for school districts and community schools 4095  
to use in granting units of high school credit to students who 4096  
demonstrate subject area competency through work-based learning 4097  
experiences, internships, or cooperative education. Beginning 4098  
with the 2018-2019 school year, each district and community 4099  
school shall comply with the framework. Each district and 4100  
community school also shall review any policy it has adopted 4101  
regarding the demonstration of subject area competency to 4102  
identify ways to incorporate work-based learning experiences, 4103  
internships, and cooperative education into the policy in order 4104  
to increase student engagement and opportunities to earn units 4105  
of high school credit. 4106

(K) This division does not apply to students who qualify 4107  
for graduation from high school under division (D) or (F) of 4108  
this section, or to students pursuing a career-technical 4109  
instructional track as determined by the school district board 4110  
of education or the chartered nonpublic school's governing 4111  
authority. Nevertheless, the general assembly encourages such 4112  
students to consider enrolling in a fine arts course as an 4113  
elective. 4114

Beginning with students who enter ninth grade for the 4115  
first time on or after July 1, 2010, each student enrolled in a 4116  
public or chartered nonpublic high school shall complete two 4117  
semesters or the equivalent of fine arts to graduate from high 4118  
school. The coursework may be completed in any of grades seven 4119  
to twelve. Each student who completes a fine arts course in 4120  
grade seven or eight may elect to count that course toward the 4121  
five units of electives required for graduation under division 4122  
(C) (8) of this section, if the course satisfied the requirements 4123  
of division (G) of this section. In that case, the high school 4124  
shall award the student high school credit for the course and 4125

count the course toward the five units required under division 4126  
(C) (8) of this section. If the course in grade seven or eight 4127  
did not satisfy the requirements of division (G) of this 4128  
section, the high school shall not award the student high school 4129  
credit for the course but shall count the course toward the two 4130  
semesters or the equivalent of fine arts required by this 4131  
division. 4132

(L) Notwithstanding anything to the contrary in this 4133  
section, the board of education of each school district and the 4134  
governing authority of each chartered nonpublic school may adopt 4135  
a policy to excuse from the high school physical education 4136  
requirement each student who, during high school, has 4137  
participated in interscholastic athletics, marching band, show 4138  
choir, or cheerleading for at least two full seasons or in the 4139  
junior reserve officer training corps for at least two full 4140  
school years. If the board or authority adopts such a policy, 4141  
the board or authority shall not require the student to complete 4142  
any physical education course as a condition to graduate. 4143  
However, the student shall be required to complete one-half 4144  
unit, consisting of at least sixty hours of instruction, in 4145  
another course of study. In the case of a student who has 4146  
participated in the junior reserve officer training corps for at 4147  
least two full school years, credit received for that 4148  
participation may be used to satisfy the requirement to complete 4149  
one-half unit in another course of study. 4150

(M) It is important that high school students learn and 4151  
understand United States history and the governments of both the 4152  
United States and the state of Ohio. Therefore, beginning with 4153  
students who enter ninth grade for the first time on or after 4154  
July 1, 2012, the study of American history and American 4155  
government required by divisions (B) (6) and (C) (6) of this 4156

section shall include the study of all of the following 4157  
documents: 4158

(1) The Declaration of Independence; 4159

(2) The Northwest Ordinance; 4160

(3) The Constitution of the United States with emphasis on 4161  
the Bill of Rights; 4162

(4) The Ohio Constitution. 4163

The study of each of the documents prescribed in divisions 4164  
(M) (1) to (4) of this section shall include study of that 4165  
document in its original context. 4166

The study of American history and government required by 4167  
divisions (B) (6) and (C) (6) of this section shall include the 4168  
historical evidence of the role of documents such as the 4169  
Federalist Papers and the Anti-Federalist Papers to firmly 4170  
establish the historical background leading to the establishment 4171  
of the provisions of the Constitution and Bill of Rights. 4172

(N) A student may apply one unit of instruction in 4173  
computer science to satisfy one unit of mathematics or one unit 4174  
of science under division (C) of this section as the student 4175  
chooses, regardless of the field of certification of the teacher 4176  
who teaches the course, so long as that teacher meets the 4177  
licensure requirements prescribed by section 3319.236 of the 4178  
Revised Code and, prior to teaching the course, completes a 4179  
professional development program determined to be appropriate by 4180  
the district board. 4181

If a student applies more than one computer science course 4182  
to satisfy curriculum requirements under that division, the 4183  
courses shall be sequential and progressively more difficult or 4184

cover different subject areas within computer science. 4185

**Sec. 3313.608.** (A) (1) Beginning with students who enter 4186  
third grade in the school year that starts July 1, 2009, and 4187  
until June 30, 2013, unless the student is excused under 4188  
division (C) of section 3301.0711 of the Revised Code from 4189  
taking the assessment described in this section, for any student 4190  
who does not attain at least the equivalent level of achievement 4191  
designated under division (A) (3) of section 3301.0710 of the 4192  
Revised Code on the assessment prescribed under that section to 4193  
measure skill in English language arts expected at the end of 4194  
third grade, each school district, in accordance with the policy 4195  
adopted under section 3313.609 of the Revised Code, shall do one 4196  
of the following: 4197

(a) Promote the student to fourth grade if the student's 4198  
principal and reading teacher agree that other evaluations of 4199  
the student's skill in reading demonstrate that the student is 4200  
academically prepared to be promoted to fourth grade; 4201

(b) Promote the student to fourth grade but provide the 4202  
student with intensive intervention services in fourth grade; 4203

(c) Retain the student in third grade. 4204

(2) Beginning with students who enter third grade in the 4205  
2013-2014 school year, unless the student is excused under 4206  
division (C) of section 3301.0711 of the Revised Code from 4207  
taking the assessment described in this section, no school 4208  
district shall promote to fourth grade any student who does not 4209  
attain a percentile score in at least the ~~equivalent level of~~ 4210  
~~achievement designated under division (A) (3) of section~~ 4211  
~~3301.0710 of the Revised Code~~ twentieth percentile on the 4212  
assessment prescribed under ~~that~~ section 3301.0710 of the 4213



<u>Revised Code</u> to measure skill in English language arts expected	4214
at the end of third grade, unless one of the following applies:	4215
(a) The student is an English learner who has been	4216
enrolled in United States schools for less than three full	4217
school years and has had less than three years of instruction in	4218
an English as a second language program.	4219
(b) The student is a child with a disability entitled to	4220
special education and related services under Chapter 3323. of	4221
the Revised Code and the student's individualized education	4222
program exempts the student from retention under this division.	4223
(c) The student demonstrates an acceptable level of	4224
performance on an alternative standardized reading assessment as	4225
determined by the department of education.	4226
(d) All of the following apply:	4227
(i) The student is a child with a disability entitled to	4228
special education and related services under Chapter 3323. of	4229
the Revised Code.	4230
(ii) The student has taken the third grade English	4231
language arts achievement assessment prescribed under section	4232
3301.0710 of the Revised Code.	4233
(iii) The student's individualized education program or	4234
plan under section 504 of the "Rehabilitation Act of 1973," 87	4235
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has	4236
received intensive remediation in reading for two school years	4237
but still demonstrates a deficiency in reading.	4238
(iv) The student previously was retained in any of grades	4239
kindergarten to three.	4240
(e) (i) The student received intensive remediation for	4241

reading for two school years but still demonstrates a deficiency 4242  
in reading and was previously retained in any of grades 4243  
kindergarten to three. 4244

(ii) A student who is promoted under division (A) (2) (e) (i) 4245  
of this section shall continue to receive intensive reading 4246  
instruction in grade four. The instruction shall include an 4247  
altered instructional day that includes specialized diagnostic 4248  
information and specific research-based reading strategies for 4249  
the student that have been successful in improving reading among 4250  
low-performing readers. 4251

(f) The student's parent or guardian requests in writing 4252  
that the student not be retained. In such case, such student 4253  
shall receive remediation services prescribed under this 4254  
section. 4255

The parent or guardian of a student who receives a score 4256  
specified under division (A) (2) (d) of section 3301.0710 of the 4257  
Revised Code on the assessment described in division (A) (2) of 4258  
this section may choose to have the student retained and receive 4259  
services prescribed by this section. 4260

(B) (1) Beginning in the 2012-2013 school year, to assist 4261  
students in meeting the third grade guarantee established by 4262  
this section, each school district board of education shall 4263  
adopt policies and procedures with which it annually shall 4264  
assess the reading skills of each student, except those students 4265  
with significant cognitive disabilities or other disabilities as 4266  
authorized by the department on a case-by-case basis, enrolled 4267  
in kindergarten to third grade and shall identify students who 4268  
are reading below their grade level. The reading skills 4269  
assessment shall be completed by the thirtieth day of September 4270  
for students in grades one to three, and by the first day of 4271

November for students in kindergarten. Each district shall use 4272  
the diagnostic assessment to measure reading ability for the 4273  
appropriate grade level adopted under section 3301.079 of the 4274  
Revised Code, or a comparable tool approved by the department of 4275  
education, to identify such students. The policies and 4276  
procedures shall require the students' classroom teachers to be 4277  
involved in the assessment and the identification of students 4278  
reading below grade level. The assessment may be administered 4279  
electronically using live, two-way video and audio connections 4280  
whereby the teacher administering the assessment may be in a 4281  
separate location from the student. 4282

(2) For each student identified by the diagnostic 4283  
assessment prescribed under this section as having reading 4284  
skills below grade level, the district shall do both of the 4285  
following: 4286

(a) Provide to the student's parent or guardian, in 4287  
writing, all of the following: 4288

(i) Notification that the student has been identified as 4289  
having a substantial deficiency in reading; 4290

(ii) A description of the current services that are 4291  
provided to the student; 4292

(iii) A description of the proposed supplemental 4293  
instructional services and supports that will be provided to the 4294  
student that are designed to remediate the identified areas of 4295  
reading deficiency; 4296

(iv) Notification that if the student attains a score in 4297  
the range designated under division (A) (3) of section 3301.0710 4298  
of the Revised Code on the assessment prescribed under that 4299  
section to measure skill in English language arts expected at 4300

the end of third grade, the student shall be retained unless the 4301  
student is exempt under division (A) of this section. The 4302  
notification shall specify that the assessment under section 4303  
3301.0710 of the Revised Code is not the sole determinant of 4304  
promotion and that additional evaluations and assessments are 4305  
available to the student to assist parents and the district in 4306  
knowing when a student is reading at or above grade level and 4307  
ready for promotion. 4308

(b) Provide intensive reading instruction services and 4309  
regular diagnostic assessments to the student immediately 4310  
following identification of a reading deficiency until the 4311  
development of the reading improvement and monitoring plan 4312  
required by division (C) of this section. These intervention 4313  
services shall include research-based reading strategies that 4314  
have been shown to be successful in improving reading among low- 4315  
performing readers and instruction targeted at the student's 4316  
identified reading deficiencies, including systematic, intensive 4317  
phonetics instruction. 4318

(3) For each student retained under division (A) of this 4319  
section, the district shall do all of the following: 4320

(a) Provide intense remediation services until the student 4321  
is able to read at grade level. The remediation services shall 4322  
include intensive interventions in reading that address the 4323  
areas of deficiencies identified under this section including, 4324  
but not limited to, not less than ninety minutes of reading 4325  
instruction per day, and may include any of the following: 4326

(i) Small group instruction; 4327

(ii) Reduced teacher-student ratios; 4328

(iii) More frequent progress monitoring; 4329

(iv) Tutoring or mentoring;	4330
(v) Transition classes containing third and fourth grade students;	4331 4332
(vi) Extended school day, week, or year;	4333
(vii) Summer reading camps.	4334
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	4335 4336 4337 4338
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	4339 4340 4341
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the <del>department</del> <u>state board</u> prior to the start of fourth grade, the district shall promote the student to that grade.	4342 4343 4344 4345 4346 4347 4348 4349
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	4350 4351 4352 4353 4354
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	4355 4356 4357

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

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

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

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

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

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

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

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

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the

assessment prescribed under that section to measure skill in 4386  
English language arts expected by the end of third grade, the 4387  
student may be retained in third grade. 4388

Each student with a reading improvement and monitoring 4389  
plan under this division who enters third grade after July 1, 4390  
2013, shall be assigned to a teacher who satisfies one or more 4391  
of the criteria set forth in division (H) of this section. 4392

The district shall report any information requested by the 4393  
department about the reading improvement monitoring plans 4394  
developed under this division in the manner required by the 4395  
department. 4396

(D) Each school district shall report annually to the 4397  
department on its implementation and compliance with this 4398  
section using guidelines prescribed by the superintendent of 4399  
public instruction. The superintendent of public instruction 4400  
annually shall report to the governor and general assembly the 4401  
number and percentage of students in grades kindergarten through 4402  
four reading below grade level based on the diagnostic 4403  
assessments administered under division (B) of this section and 4404  
the achievement assessments administered under divisions (A) (1) 4405  
(a) and (b) of section 3301.0710 of the Revised Code in English 4406  
language arts, aggregated by school district and building; the 4407  
types of intervention services provided to students; and, if 4408  
available, an evaluation of the efficacy of the intervention 4409  
services provided. 4410

(E) Any summer remediation services funded in whole or in 4411  
part by the state and offered by school districts to students 4412  
under this section shall meet the following conditions: 4413

(1) The remediation methods are based on reliable 4414

educational research. 4415

(2) The school districts conduct assessment before and 4416  
after students participate in the program to facilitate 4417  
monitoring results of the remediation services. 4418

(3) The parents of participating students are involved in 4419  
programming decisions. 4420

(F) Any intervention or remediation services required by 4421  
this section shall include intensive, explicit, and systematic 4422  
instruction. 4423

(G) This section does not create a new cause of action or 4424  
a substantive legal right for any person. 4425

(H) (1) Except as provided under divisions (H) (2), (3), and 4426  
(4) of this section, each student described in division (B) (3) 4427  
or (C) of this section who enters third grade for the first time 4428  
on or after July 1, 2013, shall be assigned a teacher who has at 4429  
least one year of teaching experience and who satisfies one or 4430  
more of the following criteria: 4431

(a) The teacher holds a reading endorsement on the 4432  
teacher's license and has attained a passing score on the 4433  
corresponding assessment for that endorsement, as applicable. 4434

(b) The teacher has completed a master's degree program 4435  
with a major in reading. 4436

(c) The teacher was rated "most effective" for reading 4437  
instruction consecutively for the most recent two years based on 4438  
assessments of student growth measures developed by a vendor and 4439  
that is on the list of student assessments approved by the state 4440  
board under division (B) (2) of former section 3319.112 of the 4441  
Revised Code. 4442



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

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

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

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

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

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

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

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

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

section 3301.077 of the Revised Code. 4502

(J) If, on or after June 4, 2013, a school district or 4503  
community school cannot furnish the number of teachers needed 4504  
who satisfy one or more of the criteria set forth in division 4505  
(H) of this section for the 2013-2014 school year, the school 4506  
district or community school shall develop and submit a staffing 4507  
plan by June 30, 2013. The staffing plan shall include criteria 4508  
that will be used to assign a student described in division (B) 4509  
(3) or (C) of this section to a teacher, credentials or training 4510  
held by teachers currently teaching at the school, and how the 4511  
school district or community school will meet the requirements 4512  
of this section. The school district or community school shall 4513  
post the staffing plan on its web site for the applicable school 4514  
year. 4515

Not later than March 1, 2014, and on the first day of 4516  
March in each year thereafter, a school district or community 4517  
school that has submitted a plan under this division shall 4518  
submit to the department a detailed report of the progress the 4519  
district or school has made in meeting the requirements under 4520  
this section. 4521

A school district or community school may request an 4522  
extension of a staffing plan beyond the 2013-2014 school year. 4523  
Extension requests must be submitted to the department not later 4524  
than the thirtieth day of April prior to the start of the 4525  
applicable school year. The department may grant extensions 4526  
valid through the 2015-2016 school year. 4527

Until June 30, 2015, the department annually shall review 4528  
all staffing plans and report to the state board not later than 4529  
the thirtieth day of June of each year the progress of school 4530  
districts and community schools in meeting the requirements of 4531

this section. 4532

(K) The department of education shall designate one or 4533  
more staff members to provide guidance and assistance to school 4534  
districts and community schools in implementing the third grade 4535  
guarantee established by this section, including any standards 4536  
or requirements adopted to implement the guarantee and to 4537  
provide information and support for reading instruction and 4538  
achievement. 4539

**Sec. 3313.6017.** Nothing in ~~this act~~ Am. Sub. S.B. 165 of 4540  
the 129th general assembly shall be construed to limit the 4541  
ability of a school district or public or nonpublic school to 4542  
offer academic content based on the standards adopted under 4543  
division (A) (1) ~~(b)~~ of section 3301.079 of the Revised Code and 4544  
the academic content required under division (M) of section 4545  
3313.603 of the Revised Code through summer school, online, or 4546  
any other method of education offered by the district or school. 4547

**Sec. 3313.6020.** (A) (1) Beginning in the 2015-2016 school 4548  
year, the board of education of each city, local, exempted 4549  
village, and joint vocational school district shall adopt a 4550  
policy on career advising that complies with this section. 4551  
Thereafter, the policy shall be updated at least once every two 4552  
years. 4553

(2) The board shall make the policy publicly available to 4554  
students, parents, guardians, or custodians, local post- 4555  
secondary institutions, and residents of the district. The 4556  
district shall post the policy in a prominent location on its 4557  
web site, if it has one. 4558

(B) The policy on career advising shall specify how the 4559  
district will do all of the following: 4560

(1) Provide students with grade-level examples that link 4561  
their schoolwork to one or more career fields. ~~A district may~~ 4562  
~~use career connections developed under division (B) (2) of~~ 4563  
~~section 3301.079 of the Revised Code for this purpose.;~~ 4564

(2) Create a plan to provide career advising to students 4565  
in grades six through twelve; 4566

(3) Beginning in the 2015-2016 school year, provide 4567  
additional interventions and career advising for students who 4568  
are identified as at risk of dropping out of school in 4569  
accordance with division (C) of this section; 4570

(4) Train its employees on how to advise students on 4571  
career pathways, including training on advising students using 4572  
online tools; 4573

(5) Develop multiple, clear academic pathways through high 4574  
school that students may choose in order to earn a high school 4575  
diploma; 4576

(6) Identify and publicize courses that can award students 4577  
both traditional academic and career-technical credit; 4578

(7) Document the career advising provided to each student 4579  
for review by the student, the student's parent, guardian, or 4580  
custodian, and future schools that the student may attend. A 4581  
district shall not otherwise release this information without 4582  
the written consent of the student's parent, guardian, or 4583  
custodian, if the student is less than eighteen years old, or 4584  
the written consent of the student, if the student is at least 4585  
eighteen years old. 4586

(8) Prepare students for their transition from high school 4587  
to their post-secondary destinations, including any special 4588  
interventions that are necessary for students in need of 4589

remediation in mathematics or English language arts. 4590

(C) (1) Beginning in the 2015-2016 school year, each 4591  
district shall identify students who are at risk of dropping out 4592  
of school using a method that is both research-based and 4593  
locally-based and that is developed with input from the 4594  
district's classroom teachers and guidance counselors. If a 4595  
student is identified as at risk of dropping out of school, the 4596  
district shall develop a student success plan that addresses the 4597  
student's academic pathway to a successful graduation and the 4598  
role of career-technical education, competency-based education, 4599  
and experiential learning, as appropriate, in that pathway. 4600

(2) Prior to developing a student success plan for a 4601  
student, the district shall invite the student's parent, 4602  
guardian, or custodian to assist in developing the plan. Once 4603  
the plan is developed, the district shall provide the student's 4604  
parent, guardian, or custodian with a copy of the plan. If the 4605  
student's parent, guardian, or custodian does not participate in 4606  
the development of the plan, the district shall provide to the 4607  
parent, guardian, or custodian a copy of the student's success 4608  
plan and a statement of the importance of a high school diploma 4609  
and the academic pathways available to the student in order to 4610  
successfully graduate. The district shall permit a student to 4611  
change the career pathway specified in the plan at the student's 4612  
request. 4613

(3) Following the development of a student success plan 4614  
for a student, the district shall provide career advising to the 4615  
student that is aligned with the plan and, beginning in the 4616  
2015-2016 school year, the district's plan to provide career 4617  
advising created under division (B) (2) of this section. 4618

(D) (1) Not later than December 1, 2014, the department of 4619

education shall develop and post on its web site model policies 4620  
on career advising and model student success plans. 4621

(2) Not later than July 1, 2015, the department shall 4622  
create an online clearinghouse of research related to proven 4623  
practices for policies on career advising and student success 4624  
plans that districts may access when fulfilling the requirements 4625  
of this section. 4626

**Sec. 3313.61.** (A) A diploma shall be granted by the board 4627  
of education of any city, exempted village, or local school 4628  
district that operates a high school to any person to whom all 4629  
of the following apply: 4630

(1) The person has successfully completed the curriculum 4631  
in any high school or the individualized education program 4632  
developed for the person by any high school pursuant to section 4633  
3323.08 of the Revised Code, or has qualified under division (D) 4634  
or (F) of section 3313.603 of the Revised Code, provided that no 4635  
school district shall require a student to remain in school for 4636  
any specific number of semesters or other terms if the student 4637  
completes the required curriculum early; 4638

(2) Subject to section 3313.614 of the Revised Code, the 4639  
person has met the assessment requirements of division (A) (2) (a) 4640  
or (b) of this section, as applicable. 4641

(a) If the person entered the ninth grade prior to July 1, 4642  
2014, the person either: 4643

(i) Has attained at least the applicable scores designated 4644  
under division (B) (1) of section 3301.0710 of the Revised Code 4645  
on all the assessments required by that division unless the 4646  
person was excused from taking any such assessment pursuant to 4647  
section 3313.532 of the Revised Code or unless division (H) or 4648

(L) of this section applies to the person; 4649

(ii) Has satisfied the alternative conditions prescribed 4650  
in section 3313.615 of the Revised Code. 4651

(b) If the person entered the ninth grade on or after July 4652  
1, 2014, the person has met the requirement prescribed by 4653  
section 3313.618 of the Revised Code, except to the extent that 4654  
the person is excused from an assessment prescribed by that 4655  
section pursuant to section 3313.532 of the Revised Code or 4656  
division (H) or (L) of this section. 4657

(3) The person is not eligible to receive an honors 4658  
diploma granted pursuant to division (B) of this section. 4659

Except as provided in divisions (C), (E), (J), and (L) of 4660  
this section, no diploma shall be granted under this division to 4661  
anyone except as provided under this division. 4662

(B) In lieu of a diploma granted under division (A) of 4663  
this section, an honors diploma shall be granted, in accordance 4664  
with rules of the state board, by any such district board to 4665  
anyone who accomplishes all of the following: 4666

(1) Successfully completes the curriculum in any high 4667  
school or the individualized education program developed for the 4668  
person by any high school pursuant to section 3323.08 of the 4669  
Revised Code; 4670

(2) Subject to section 3313.614 of the Revised Code, has 4671  
met the assessment requirements of division (B) (2) (a) or (b) of 4672  
this section, as applicable. 4673

(a) If the person entered the ninth grade prior to July 1, 4674  
2014, the person either: 4675

(i) Has attained at least the applicable scores designated 4676



under division (B) (1) of section 3301.0710 of the Revised Code 4677  
on all the assessments required by that division; 4678

(ii) Has satisfied the alternative conditions prescribed 4679  
in section 3313.615 of the Revised Code. 4680

(b) If the person entered the ninth grade on or after July 4681  
1, 2014, the person has met the requirement prescribed under 4682  
section 3313.618 of the Revised Code. 4683

(3) Has met additional criteria established by the state 4684  
board for the granting of such a diploma. 4685

An honors diploma shall not be granted to a student who is 4686  
subject to the requirements prescribed in division (C) of 4687  
section 3313.603 of the Revised Code but elects the option of 4688  
division (D) or (F) of that section. Except as provided in 4689  
divisions (C), (E), and (J) of this section, no honors diploma 4690  
shall be granted to anyone failing to comply with this division 4691  
and no more than one honors diploma shall be granted to any 4692  
student under this division. 4693

The state board shall adopt rules prescribing the granting 4694  
of honors diplomas under this division. These rules may 4695  
prescribe the granting of honors diplomas that recognize a 4696  
student's achievement as a whole or that recognize a student's 4697  
achievement in one or more specific subjects or both. The rules 4698  
may prescribe the granting of an honors diploma recognizing 4699  
technical expertise for a career-technical student. In any case, 4700  
the rules shall designate two or more criteria for the granting 4701  
of each type of honors diploma the board establishes under this 4702  
division and the number of such criteria that must be met for 4703  
the granting of that type of diploma. The number of such 4704  
criteria for any type of honors diploma shall be at least one 4705

less than the total number of criteria designated for that type 4706  
and no one or more particular criteria shall be required of all 4707  
persons who are to be granted that type of diploma. 4708

(C) Any district board administering any of the 4709  
assessments required by section 3301.0710 of the Revised Code to 4710  
any person requesting to take such assessment pursuant to 4711  
division (B) (8) (b) of section 3301.0711 of the Revised Code 4712  
shall award a diploma to such person if the person attains at 4713  
least the applicable scores designated under division (B) (1) of 4714  
section 3301.0710 of the Revised Code on all the assessments 4715  
administered and if the person has previously attained the 4716  
applicable scores on all the other assessments required by 4717  
division (B) (1) of that section or has been exempted or excused 4718  
from attaining the applicable score on any such assessment 4719  
pursuant to division (H) or (L) of this section or from taking 4720  
any such assessment pursuant to section 3313.532 of the Revised 4721  
Code. 4722

(D) Each diploma awarded under this section shall be 4723  
signed by the president and treasurer of the issuing board, the 4724  
superintendent of schools, and the principal of the high school. 4725  
Each diploma shall bear the date of its issue, be in such form 4726  
as the district board prescribes, and be paid for out of the 4727  
district's general fund. 4728

(E) A person who is a resident of Ohio and is eligible 4729  
under state board of education minimum standards to receive a 4730  
high school diploma based in whole or in part on credits earned 4731  
while an inmate of a correctional institution operated by the 4732  
state or any political subdivision thereof, shall be granted 4733  
such diploma by the correctional institution operating the 4734  
programs in which such credits were earned, and by the board of 4735

education of the school district in which the inmate resided 4736  
immediately prior to the inmate's placement in the institution. 4737  
The diploma granted by the correctional institution shall be 4738  
signed by the director of the institution, and by the person 4739  
serving as principal of the institution's high school and shall 4740  
bear the date of issue. 4741

(F) Persons who are not residents of Ohio but who are 4742  
inmates of correctional institutions operated by the state or 4743  
any political subdivision thereof, and who are eligible under 4744  
state board of education minimum standards to receive a high 4745  
school diploma based in whole or in part on credits earned while 4746  
an inmate of the correctional institution, shall be granted a 4747  
diploma by the correctional institution offering the program in 4748  
which the credits were earned. The diploma granted by the 4749  
correctional institution shall be signed by the director of the 4750  
institution and by the person serving as principal of the 4751  
institution's high school and shall bear the date of issue. 4752

(G) The state board of education shall provide by rule for 4753  
the administration of the assessments required by sections 4754  
3301.0710 and 3301.0712 of the Revised Code to inmates of 4755  
correctional institutions. 4756

(H) Any person to whom all of the following apply shall be 4757  
exempted from attaining the applicable score on the assessment 4758  
in social studies designated under division (B)(1) of section 4759  
3301.0710 of the Revised Code, any American history end-of- 4760  
course examination and any American government end-of-course 4761  
examination required under division (B) of section 3301.0712 of 4762  
the Revised Code if such an exemption is prescribed by rule of 4763  
the state board under division ~~(D)(3)~~ (C)(3) of section 4764  
3301.0712 of the Revised Code, or the test in citizenship 4765

designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

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

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

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

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

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

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

Notwithstanding division (C) (3) of section 3301.0711 of

the Revised Code, no English learner who has not either attained 4795  
the applicable scores designated under division (B) (1) of 4796  
section 3301.0710 of the Revised Code on all the assessments 4797  
required by that division, or met the requirement prescribed by 4798  
section 3313.618 of the Revised Code, shall be awarded a diploma 4799  
under this section. 4800

(L) Any student described by division (A) (1) of this 4801  
section may be awarded a diploma without meeting the requirement 4802  
prescribed by section 3313.618 of the Revised Code provided an 4803  
individualized education program specifically exempts the 4804  
student from meeting such requirement. This division does not 4805  
negate the requirement for a student to take the assessments 4806  
prescribed by section 3301.0710 or under division (B) of section 4807  
3301.0712 of the Revised Code, or alternate assessments required 4808  
by division (C) (1) of section 3301.0711 of the Revised Code, for 4809  
the purpose of assessing student progress as required by federal 4810  
law. 4811

**Sec. 3313.612.** (A) No nonpublic school chartered by the 4812  
state board of education shall grant a high school diploma to 4813  
any person unless, subject to section 3313.614 of the Revised 4814  
Code, the person has met the assessment requirements of division 4815  
(A) (1) or (2) of this section, as applicable. 4816

(1) If the person entered the ninth grade prior to July 1, 4817  
2014, the person has attained at least the applicable scores 4818  
designated under division (B) (1) of section 3301.0710 of the 4819  
Revised Code on all the assessments required by that division, 4820  
or has satisfied the alternative conditions prescribed in 4821  
section 3313.615 of the Revised Code. 4822

(2) If the person entered the ninth grade on or after July 4823  
1, 2014, the person has met the requirement prescribed by 4824

section 3313.618 or 3313.619 of the Revised Code. 4825

(B) This section does not apply to any of the following: 4826

(1) Any person with regard to any assessment from which 4827  
the person was excused pursuant to division (C) (1) (c) of section 4828  
3301.0711 of the Revised Code; 4829

(2) Except as provided in division (B) (4) of this section, 4830  
any person who attends a nonpublic school accredited through the 4831  
independent schools association of the central states, except 4832  
for a student attending the school under a state scholarship 4833  
program as defined in section 3301.0711 of the Revised Code; 4834

(3) Any person with regard to the social studies 4835  
assessment under division (B) (1) of section 3301.0710 of the 4836  
Revised Code, any American history end-of-course examination and 4837  
any American government end-of-course examination required under 4838  
division (B) of section 3301.0712 of the Revised Code if such an 4839  
exemption is prescribed by rule of the state board of education 4840  
under division ~~(D) (3)~~ (C) (3) of section 3301.0712 of the Revised 4841  
Code, or the citizenship test under former division (B) of 4842  
section 3301.0710 of the Revised Code as it existed prior to 4843  
September 11, 2001, if all of the following apply: 4844

(a) The person is not a citizen of the United States; 4845

(b) The person is not a permanent resident of the United 4846  
States; 4847

(c) The person indicates no intention to reside in the 4848  
United States after completion of high school. 4849

(4) Any person who attends a chartered nonpublic school 4850  
that satisfies the requirements of division (L) (4) of section 4851  
3301.0711 of the Revised Code. In the case of such a student, 4852

the student's chartered nonpublic school shall determine the 4853  
student's eligibility for graduation based on the standards of 4854  
the school's accrediting body. 4855

(C) As used in this division, "English learner" has the 4856  
same meaning as in division (C) (3) of section 3301.0711 of the 4857  
Revised Code. 4858

Notwithstanding division (C) (3) of section 3301.0711 of 4859  
the Revised Code, no English learner who has not either attained 4860  
the applicable scores designated under division (B) (1) of 4861  
section 3301.0710 of the Revised Code on all the assessments 4862  
required by that division, or met the requirement prescribed by 4863  
section 3313.618 or 3313.619 of the Revised Code, shall be 4864  
awarded a diploma under this section. 4865

(D) The state board shall not impose additional 4866  
requirements or assessments for the granting of a high school 4867  
diploma under this section that are not prescribed by this 4868  
section. 4869

(E) The department of education shall furnish the 4870  
assessment administered by a nonpublic school pursuant to 4871  
division (B) ~~(1)~~ of section 3301.0712 of the Revised Code, except 4872  
that it shall not expend more funds on a specific assessment for 4873  
a chartered nonpublic school than it expends on the same 4874  
assessment for a school operated by a school district, community 4875  
school established under Chapter 3314. of the Revised Code, STEM 4876  
school established under Chapter 3326. of the Revised Code, or 4877  
college-preparatory boarding school established under Chapter 4878  
3328. of the Revised Code. 4879

**Sec. 3313.618.** (A) In addition to the curriculum 4880  
requirements specified by the board of education of a school 4881

district or governing authority of a chartered nonpublic school, 4882  
each student entering ninth grade for the first time on or after 4883  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 4884  
one of the following conditions or the conditions prescribed 4885  
under division (B) of this section in order to qualify for a 4886  
high school diploma: 4887

(1) Be remediation-free, in accordance with standards 4888  
adopted under division (F) of section 3345.061 of the Revised 4889  
Code, on each of the nationally standardized assessments in 4890  
English, mathematics, and reading; 4891

(2) Attain a score ~~result in the percentile range~~ 4892  
~~specified under division (B) (5) (c) of section 3301.0712 of the~~ 4893  
~~Revised Code by the state board of education on the end-of-~~ 4894  
~~course examinations~~ assessments prescribed under division (B) of 4895  
section 3301.0712 of the Revised Code. The state board shall 4896  
establish a percentile range that satisfies the condition 4897  
prescribed under division (A) (2) of this section. 4898

(3) Attain a score that demonstrates workforce readiness 4899  
and employability on a nationally recognized job skills 4900  
assessment selected by the state board of education under 4901  
division ~~(C)~~ (F) of section 3301.0712 of the Revised Code and 4902  
obtain either an industry-recognized credential or a license 4903  
issued by a state agency or board for practice in a vocation 4904  
that requires an examination for issuance of that license. 4905

For the purposes of this division, the industry-recognized 4906  
credentials and licenses shall be as approved under section 4907  
3313.6113 of the Revised Code. 4908

A student may choose to qualify for a high school diploma 4909  
by satisfying any of the separate requirements prescribed by 4910



divisions (A) (1) to (3) of this section. If the student's school 4911  
district or school does not administer the examination 4912  
prescribed by one of those divisions that the student chooses to 4913  
take to satisfy the requirements of this section, the school 4914  
district or school may require that student to arrange for the 4915  
applicable scores to be sent directly to the district or school 4916  
by the company or organization that administers the examination. 4917

(B) In addition to the curriculum requirements specified 4918  
by the district board or school governing authority, each 4919  
student entering ninth grade for the first time on or after July 4920  
1, 2019, shall satisfy the following conditions in order to 4921  
qualify for a high school diploma: 4922

(1) Attain a competency score as determined under division 4923  
(B) ~~(1)~~ of section 3301.0712 of the Revised Code on each of the 4924  
Algebra I and English language arts II end-of-course 4925  
examinations prescribed under division (B) ~~(2)~~ of section 4926  
3301.0712 of the Revised Code. 4927

School districts shall offer remedial support to any 4928  
student who fails to attain a competency score on one or both of 4929  
the Algebra I and English language arts II end-of-course 4930  
examinations. 4931

Following the first administration of the exam, if a 4932  
student fails to attain a competency score on one or both of the 4933  
Algebra I and English language arts II end-of-course 4934  
examinations that student must retake the respective examination 4935  
at least once. 4936

If a student fails to attain a competency score on a 4937  
retake examination, the student may demonstrate competency in 4938  
the failed subject area through one of the following options: 4939

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include earning a score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential approved under section 3313.6113 of the Revised Code, completing a pre-apprenticeship or apprenticeship in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under division ~~(G)~~ (F) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

For any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under

that chapter shall specify the manner in which the student will 4969  
participate in the assessments administered under this division. 4970

(2) Earn at least two of the state diploma seals 4971  
prescribed under division (A) of section 3313.6114 of the 4972  
Revised Code, at least one of which shall be any of the 4973  
following: 4974

(a) The state seal of biliteracy established under section 4975  
3313.6111 of the Revised Code; 4976

(b) The OhioMeansJobs-readiness seal established under 4977  
section 3313.6112 of the Revised Code; 4978

(c) One of the state diploma seals established under 4979  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 4980  
Code. 4981

(C) The state board of education shall not create or 4982  
require any additional assessment for the granting of any type 4983  
of high school diploma other than as prescribed by this section. 4984  
Except as provided in sections 3313.6111, 3313.6112, and 4985  
3313.6114 of the Revised Code, the state board or the 4986  
superintendent of public instruction shall not create any 4987  
endorsement or designation that may be affiliated with a high 4988  
school diploma. 4989

**Sec. 3313.619.** (A) In lieu of the requirement prescribed 4990  
by section 3313.618 of the Revised Code, a chartered nonpublic 4991  
school may grant a high school diploma to a student who attains 4992  
at least the designated score on an assessment approved by the 4993  
department of education or the state board of education under 4994  
division (B) of this section and selected by the school's 4995  
governing authority. 4996

(B) For purposes of division (A) of this section, the 4997

department or the state board of education shall approve 4998  
assessments that meet the conditions specified under division 4999  
(C) of this section and shall designate passing scores for each 5000  
of those assessments. 5001

(C) Each assessment approved under division (B) of this 5002  
section shall be nationally norm-referenced, have internal 5003  
consistency reliability coefficients of at least "0.8," be 5004  
standardized, have specific evidence of content, concurrent, or 5005  
criterion validity, have evidence of norming studies in the 5006  
previous ten years, have a measure of student achievement in 5007  
core academic areas, and have high validity evidenced by the 5008  
alignment of the assessment with nationally recognized content. 5009

(D) Nothing in this section shall prohibit a chartered 5010  
nonpublic school from granting a high school diploma to a 5011  
student if the student satisfies the requirement prescribed by 5012  
section 3313.618 of the Revised Code. 5013

**Sec. 3313.6114.** (A) The state board of education shall 5014  
establish a system of state diploma seals for the purposes of 5015  
allowing a student to qualify for graduation under section 5016  
3313.618 of the Revised Code. State diploma seals may be 5017  
attached or affixed to the high school diploma of a student 5018  
enrolled in a public or chartered nonpublic school. The system 5019  
of state diploma seals shall consist of all of the following: 5020

(1) The state seal of biliteracy established under section 5021  
3313.6111 of the Revised Code; 5022

(2) The OhioMeansJobs-readiness seal established under 5023  
section 3313.6112 of the Revised Code; 5024

(3) The state diploma seals prescribed under division (C) 5025  
of this section. 5026

(B) A school district, community school established under 5027  
Chapter 3314. of the Revised Code, STEM school established under 5028  
Chapter 3326. of the Revised Code, college-preparatory boarding 5029  
school established under Chapter 3328. of the Revised Code, or 5030  
chartered nonpublic school shall attach or affix the state seals 5031  
prescribed under division (C) of this section to the diploma and 5032  
transcript of a student enrolled in the district or school who 5033  
meets the requirements established under that division. 5034

(C) The state board shall establish all of the following 5035  
state diploma seals: 5036

(1) An industry-recognized credential seal. A student 5037  
shall meet the requirement for this seal by earning an industry- 5038  
recognized credential approved under section 3313.6113 of the 5039  
Revised Code that is aligned to a job that is determined to be 5040  
in demand in this state and its regions under section 6301.11 of 5041  
the Revised Code. 5042

(2) A college-ready seal. A student shall meet the 5043  
requirement for this seal by attaining a score that is 5044  
remediation-free, in accordance with standards adopted under 5045  
division (F) of section 3345.061 of the Revised Code, on a 5046  
nationally standardized assessment prescribed under division (B) 5047  
(1) of section 3301.0712 of the Revised Code. 5048

(3) A military enlistment seal. A student shall meet the 5049  
requirement for this seal by doing either of the following: 5050

(a) Providing evidence that the student has enlisted in a 5051  
branch of the armed services of the United States as defined in 5052  
section 5910.01 of the Revised Code; 5053

(b) Participating in a junior reserve officer training 5054  
program approved by the congress of the United States under 5055

title 10 of the United States Code. 5056

(4) A citizenship seal. A student shall meet the 5057  
requirement for this seal by doing any of the following: 5058

(a) Demonstrating at least a proficient level of skill as 5059  
prescribed under division (B) (5) (a) of section 3301.0712 of the 5060  
Revised Code on both the American history and American 5061  
government end-of-course examinations prescribed under division 5062  
~~(B) (2)~~ (B) of section 3301.0712 of the Revised Code; 5063

(b) Attaining a score level prescribed under division (B) 5064  
~~(5) (d)~~ of section 3301.0712 of the Revised Code that is at least 5065  
the equivalent of a proficient level of skill in appropriate 5066  
advanced placement or international baccalaureate examinations 5067  
in lieu of the American history and American government end-of- 5068  
course examinations; 5069

(c) Attaining a final course grade that is the equivalent 5070  
of a "B" or higher in appropriate courses taken through the 5071  
college credit plus program established under Chapter 3365. of 5072  
the Revised Code in lieu of the American history and American 5073  
government end-of-course examinations. 5074

(5) A science seal. A student shall meet the requirement 5075  
for this seal by doing any of the following: 5076

(a) Demonstrating at least a proficient level of skill as 5077  
prescribed under division (B) ~~(5) (a)~~ of section 3301.0712 of the 5078  
Revised Code on the science end-of-course examination prescribed 5079  
under division (B) ~~(2)~~ of section 3301.0712 of the Revised Code; 5080

(b) Attaining a score level prescribed under division (B) 5081  
~~(5) (d)~~ of section 3301.0712 of the Revised Code that is at least 5082  
the equivalent of a proficient level of skill in an appropriate 5083  
advanced placement or international baccalaureate examination in 5084

lieu of the science end-of-course examination; 5085

(c) Attaining a final course grade that is the equivalent 5086  
of a "B" or higher in an appropriate course taken through the 5087  
college credit plus program established under Chapter 3365. of 5088  
the Revised Code in lieu of the science end-of-course 5089  
examination. 5090

(6) An honors diploma seal. A student shall meet the 5091  
requirement for this seal by meeting the additional criteria for 5092  
an honors diploma under division (B) of section 3313.61 of the 5093  
Revised Code. 5094

(7) A technology seal. A student shall meet the 5095  
requirement for this seal by doing any of the following: 5096

(a) Subject to division (B) ~~(5) (d)~~ of section 3301.0712 of 5097  
the Revised Code, attaining a score level that is at least the 5098  
equivalent of a proficient level of skill in an appropriate 5099  
advanced placement or international baccalaureate examination; 5100

(b) Attaining a final course grade that is the equivalent 5101  
of a "B" or higher in an appropriate course taken through the 5102  
college credit plus program established under Chapter 3365. of 5103  
the Revised Code; 5104

(c) Completing a course offered through the student's 5105  
district or school that meets guidelines developed by the 5106  
department of education. However, a district or school shall not 5107  
be required to offer a course that meets guidelines developed by 5108  
the department. 5109

(8) A community service seal. A student shall meet the 5110  
requirement for this seal by completing a community service 5111  
project that is aligned with guidelines adopted by the student's 5112  
district board or school governing authority. 5113

(9) A fine and performing arts seal. A student shall meet 5114  
the requirement for this seal by demonstrating skill in the fine 5115  
or performing arts according to an evaluation that is aligned 5116  
with guidelines adopted by the student's district board or 5117  
school governing authority. 5118

(10) A student engagement seal. A student shall meet the 5119  
requirement for this seal by participating in extracurricular 5120  
activities such as athletics, clubs, or student government to a 5121  
meaningful extent, as determined by guidelines adopted by the 5122  
student's district board or school governing authority. 5123

(D) Each district or school shall develop guidelines for 5124  
at least one of the state seals prescribed under divisions (C) 5125  
(8) to (10) of this section. 5126

(E) Each district or school shall maintain appropriate 5127  
records to identify students who have met the requirements 5128  
prescribed under division (C) of this section for earning the 5129  
state seals established under that division. 5130

(F) The department shall prepare and deliver to each 5131  
district or school an appropriate mechanism for assigning a 5132  
state diploma seal established under division (C) of this 5133  
section. 5134

(G) A student shall not be charged a fee to be assigned a 5135  
state seal prescribed under division (C) of this section on the 5136  
student's diploma and transcript. 5137

**Sec. 3313.903.** Except as otherwise required under federal 5138  
law, the department of education shall consider an industry- 5139  
recognized credential, as described under division (B) (2) (d) of 5140  
section 3302.03 of the Revised Code, or a license issued by a 5141  
state agency or board for practice in a vocation that requires 5142



an examination for issuance of that license as an acceptable 5143  
measure of technical skill attainment and shall not require a 5144  
student with such credential or license to take additional 5145  
technical assessments. 5146

Additionally, the department shall not require a student 5147  
who has participated in or will be participating in a 5148  
credentialing assessment aligned to the student's career- 5149  
technical education program or has participated in or will be 5150  
participating in taking an examination for issuance of such a 5151  
license aligned to the student's career-technical education 5152  
program to take additional technical assessments. 5153

However, if the student does not participate in the 5154  
credentialing assessment or license examination, the student 5155  
shall take the applicable technical assessments prescribed by 5156  
the department. 5157

The department shall develop, in consultation with the 5158  
Ohio association for career and technical education, the Ohio 5159  
association of career-technical superintendents, the Ohio 5160  
association of city career-technical schools, and other 5161  
stakeholders, procedures for identifying industry-recognized 5162  
credentials and licenses aligned to a student's career-technical 5163  
education program that can be used as an acceptable measure of 5164  
technical skill, and for identifying students in the process of 5165  
earning such credentials and licenses. 5166

As used in this section, "technical assessments" shall not 5167  
include the nationally recognized job skills assessment 5168  
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 5169  
Revised Code. 5170

Nothing in this section shall exempt a student who wishes 5171

to qualify for a high school diploma under division (A) (3) of 5172  
section 3313.618 of the Revised Code from the requirement to 5173  
attain a specified score on that assessment in order to qualify 5174  
for a high school diploma under that section. 5175

**Sec. 3314.016.** This section applies to any entity that 5176  
sponsors a community school, regardless of whether section 5177  
3314.021 or 3314.027 of the Revised Code exempts the entity from 5178  
the requirement to be approved for sponsorship under divisions 5179  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 5180  
office of Ohio school sponsorship established under section 5181  
3314.029 of the Revised Code shall be rated under division (B) 5182  
of this section, but divisions (A) and (C) of this section do 5183  
not apply to the office. 5184

(A) An entity that sponsors a community school shall be 5185  
permitted to enter into contracts under section 3314.03 of the 5186  
Revised Code to sponsor additional community schools only if the 5187  
entity meets all of the following criteria: 5188

(1) The entity is in compliance with all provisions of 5189  
this chapter requiring sponsors of community schools to report 5190  
data or information to the department of education. 5191

(2) The entity is not rated as "ineffective" under 5192  
division (B) (6) of this section. 5193

(3) Except as set forth in sections 3314.021 and 3314.027 5194  
of the Revised Code, the entity has received approval from and 5195  
entered into an agreement with the department of education 5196  
pursuant to section 3314.015 of the Revised Code. 5197

(B) (1) The department shall develop and implement an 5198  
evaluation system that annually rates and assigns an overall 5199  
rating to each entity that sponsors a community school. The 5200

department, not later than the first day of February of each 5201  
year, shall post on the department's web site the framework for 5202  
the evaluation system, including technical documentation that 5203  
the department intends to use to rate sponsors for the next 5204  
school year. The department shall solicit public comment on the 5205  
evaluation system for thirty consecutive days. Not later than 5206  
the first day of April of each year, the department shall 5207  
compile and post on the department's web site all public 5208  
comments that were received during the public comment period. 5209  
The evaluation system shall be posted on the department's web 5210  
site by the fifteenth day of July of each school year. Any 5211  
changes to the evaluation system after that date shall take 5212  
effect the following year. The evaluation system shall be based 5213  
on the following components: 5214

(a) Academic performance of students enrolled in community 5215  
schools sponsored by the same entity. The academic performance 5216  
component shall be derived from the performance measures 5217  
prescribed for the state report cards under section 3302.03 or 5218  
3314.017 of the Revised Code, and shall be based on the 5219  
performance of the schools for the school year for which the 5220  
evaluation is conducted. In addition to the academic performance 5221  
for a specific school year, the academic performance component 5222  
shall also include year-to-year changes in the overall sponsor 5223  
portfolio. For a community school for which no graded 5224  
performance measures are applicable or available, the department 5225  
shall use nonreport card performance measures specified in the 5226  
contract between the community school and the sponsor under 5227  
division (A) (4) of section 3314.03 of the Revised Code. 5228

(b) Adherence by a sponsor to the quality practices 5229  
prescribed by the department under division (B) (3) of this 5230  
section. For a sponsor that was rated "effective" or "exemplary" 5231

on its most recent rating, the department may evaluate that 5232  
sponsor's adherence to quality practices once over a period of 5233  
three years. If the department elects to evaluate a sponsor once 5234  
over a period of three years, the most recent rating for a 5235  
sponsor's adherence to quality practices shall be used when 5236  
determining an annual overall rating conducted under this 5237  
section. 5238

(c) Compliance with all applicable laws and administrative 5239  
rules by an entity that sponsors a community school. 5240

(2) In calculating an academic performance component, the 5241  
department shall exclude all community schools that have been in 5242  
operation for not more than two full school years and all 5243  
community schools described in division (A) (4) (b) of section 5244  
3314.35 of the Revised Code. However, the academic performance 5245  
of the community schools described in division (A) (4) (b) of 5246  
section 3314.35 of the Revised Code shall be reported, but shall 5247  
not be used as a factor when determining a sponsoring entity's 5248  
rating under this section. 5249

(3) The department, in consultation with entities that 5250  
sponsor community schools, shall prescribe quality practices for 5251  
community school sponsors and develop an instrument to measure 5252  
adherence to those quality practices. The quality practices 5253  
shall be based on standards developed by the national 5254  
association of charter school authorizers or any other 5255  
nationally organized community school organization. 5256

(4) (a) The department may permit peer review of a 5257  
sponsor's adherence to the quality practices prescribed under 5258  
division (B) (3) of this section. Peer reviewers shall be limited 5259  
to individuals employed by sponsors rated "effective" or 5260  
"exemplary" on the most recent ratings conducted under this 5261

section. 5262

(b) The department shall require individuals participating 5263  
in peer review under division (B) (4) (a) of this section to 5264  
complete training approved or established by the department. 5265

(c) The department may enter into an agreement with 5266  
another entity to provide training to individuals conducting 5267  
peer review of sponsors. Prior to entering into an agreement 5268  
with an entity, the department shall review and approve of the 5269  
entity's training program. 5270

(5) Not later than July 1, 2013, the state board of 5271  
education shall adopt rules in accordance with Chapter 119. of 5272  
the Revised Code prescribing standards for measuring compliance 5273  
with applicable laws and rules under division (B) (1) (c) of this 5274  
section. 5275

(6) The department annually shall rate all entities that 5276  
sponsor community schools as either "exemplary," "effective," 5277  
"ineffective," or "poor," based on the components prescribed by 5278  
division (B) of this section, where each component is weighted 5279  
equally. A separate rating shall be given by the department for 5280  
each component of the evaluation system. 5281

The department shall publish the ratings between the first 5282  
day of October and the fifteenth day of November. 5283

Prior to the publication of the final ratings, the 5284  
department shall designate and provide notice of a period of at 5285  
least ten business days during which each sponsor may review the 5286  
information used by the department to determine the sponsor's 5287  
rating on the components prescribed by division (B) (1) of this 5288  
section. If the sponsor believes there is an error in the 5289  
department's evaluation, the sponsor may request adjustments to 5290

the rating of any of those components based on documentation 5291  
previously submitted as part of an evaluation. The sponsor shall 5292  
provide to the department any necessary evidence or information 5293  
to support the requested adjustments. The department shall 5294  
review the evidence and information, determine whether an 5295  
adjustment is valid, and promptly notify the sponsor of its 5296  
determination and reasons. If any adjustments to the data could 5297  
result in a change to the rating on the applicable component or 5298  
to the overall rating, the department shall recalculate the 5299  
ratings prior to publication. 5300

The department shall provide training on an annual basis 5301  
regarding the evaluation system prescribed under this section. 5302  
The training shall, at a minimum, describe methodology, 5303  
timelines, and data required for the evaluation system. The 5304  
first training session shall occur not later than March 2, 2016. 5305  
Beginning in 2018, the training shall be made available to each 5306  
entity that sponsors a community school by the fifteenth day of 5307  
July of each year and shall include guidance on any changes made 5308  
to the evaluation system. 5309

(7) (a) Entities with an overall rating of "exemplary" for 5310  
at least two consecutive years may take advantage of the 5311  
following incentives: 5312

(i) Renewal of the written agreement with the department, 5313  
not to exceed ten years, provided that the entity consents to 5314  
continued evaluation of adherence to quality practices as 5315  
described in division (B) (1) (b) of this section; 5316

(ii) The ability to extend the term of the contract 5317  
between the sponsoring entity and the community school beyond 5318  
the term described in the written agreement with the department; 5319

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

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

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

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

(b) Entities with an overall rating of "exemplary" or "effective" for at least three consecutive years shall be evaluated by the department once every three years.

(c) (i) From the effective date of this amendment until the sponsor ratings assigned under this section for the 2022-2023 school year, no penalties shall be imposed under division (B) (7) (c) or (d) of this section.

Beginning with the 2022-2023 school year:

(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies

that led to the "ineffective" rating, with timelines and 5348  
benchmarks that have been established by the department. 5349

(ii) Entities that receive an overall rating of 5350  
"ineffective" on their three most recent ratings shall have all 5351  
sponsorship authority revoked. Within thirty days after 5352  
receiving its third rating of "ineffective," the entity may 5353  
appeal the revocation of its sponsorship authority to the 5354  
superintendent of public instruction, who shall appoint an 5355  
independent hearing officer to conduct a hearing in accordance 5356  
with Chapter 119. of the Revised Code. The hearing shall be 5357  
conducted within thirty days after receipt of the notice of 5358  
appeal. Within forty-five days after the hearing is completed, 5359  
the state board of education shall determine whether the 5360  
revocation is appropriate based on the hearing conducted by the 5361  
independent hearing officer, and if determined appropriate, the 5362  
revocation shall be confirmed. 5363

(d) ~~Entities~~ Beginning with the 2022-2023 school year, 5364  
entities that receive an overall rating of "poor" shall have all 5365  
sponsorship authority revoked. Within thirty days after 5366  
receiving a rating of "poor," the entity may appeal the 5367  
revocation of its sponsorship authority to the superintendent of 5368  
public instruction, who shall appoint an independent hearing 5369  
officer to conduct a hearing in accordance with Chapter 119. of 5370  
the Revised Code. The hearing shall be conducted within thirty 5371  
days after receipt of the notice of appeal. Within forty-five 5372  
days after the hearing is completed, the state board of 5373  
education shall determine whether the revocation is appropriate 5374  
based on the hearing conducted by the independent hearing 5375  
officer, and if determined appropriate, the revocation shall be 5376  
confirmed. 5377



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

(9) Notwithstanding anything in the Revised Code to the contrary, for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years, the department of education shall not use the academic performance component prescribed under division (B)(1)(a) of this section when calculating the overall rating of a community school sponsor under this section.

(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is 5408  
revoked pursuant to division ~~(B) (7) (b)~~ (B) (7) (c) or ~~(e) (d)~~ of 5409  
this section, the office of Ohio school sponsorship shall assume 5410  
sponsorship of any schools with which the original sponsor has 5411  
contracted for the remainder of that school year. The office may 5412  
continue sponsoring those schools until the earlier of: 5413

(1) The expiration of two school years from the time that 5414  
sponsorship is revoked; 5415

(2) When a new sponsor is secured by the governing 5416  
authority pursuant to division (C) (1) of section 3314.02 of the 5417  
Revised Code. 5418

Any community school sponsored under this division shall 5419  
not be counted for purposes of directly authorized community 5420  
schools under division (A) (3) of section 3314.029 of the Revised 5421  
Code. 5422

(E) The department shall recalculate the rating for the 5423  
2017-2018 school year for each sponsor of a community school 5424  
that receives recalculated ratings pursuant to division (I) of 5425  
section 3314.017 of the Revised Code. 5426

**Sec. 3314.017.** (A) The state board of education shall 5427  
prescribe by rules, adopted in accordance with Chapter 119. of 5428  
the Revised Code, an academic performance rating and report card 5429  
system that satisfies the requirements of this section for 5430  
community schools that primarily serve students enrolled in 5431  
dropout prevention and recovery programs as described in 5432  
division (A) (4) (a) of section 3314.35 of the Revised Code, to be 5433  
used in lieu of the system prescribed under sections 3302.03 and 5434  
3314.012 of the Revised Code beginning with the 2012-2013 school 5435  
year. Each such school shall comply with the testing and 5436

reporting requirements of the system as prescribed by the state board. 5437  
5438

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department of education shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code. 5439  
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(C) The rules adopted by the state board shall prescribe the following performance indicators for the rating and report card system required by this section: 5448  
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5450

(1) Graduation rate for each of the following student cohorts: 5451  
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(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class; 5453  
5454  
5455

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 5456  
5457  
5458

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 5459  
5460  
5461

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate; 5462  
5463  
5464  
5465

(e) The number of students who graduate in eight years 5466  
with a regular high school diploma divided by the number of 5467  
students who form the adjusted cohort for the four-year 5468  
graduation rate. 5469

(2) The percentage of twelfth-grade students currently 5470  
enrolled in the school who have attained the designated passing 5471  
score on all of the state high school achievement assessments 5472  
required under division (B) (1) of section 3301.0710 of the 5473  
Revised Code or the cumulative performance score on the end-of- 5474  
course examinations prescribed under division ~~(B) (2)~~ (B) of 5475  
section 3301.0712 of the Revised Code, whichever applies, and 5476  
other students enrolled in the school, regardless of grade 5477  
level, who are within three months of their twenty-second 5478  
birthday and have attained the designated passing score on all 5479  
of the state high school achievement assessments or the 5480  
cumulative performance score on the end-of-course examinations, 5481  
whichever applies, by their twenty-second birthday; 5482

(3) Annual measurable objectives as defined in section 5483  
3302.01 of the Revised Code; 5484

(4) Growth in student achievement in reading, or 5485  
mathematics, or both as measured by separate nationally norm- 5486  
referenced assessments that have developed appropriate standards 5487  
for students enrolled in dropout prevention and recovery 5488  
programs, adopted or approved by the state board. 5489

(D) (1) The state board's rules shall prescribe the 5490  
expected performance levels and benchmarks for each of the 5491  
indicators prescribed by division (C) of this section based on 5492  
the data gathered by the department under division (G) of this 5493  
section. Based on a school's level of attainment or 5494  
nonattainment of the expected performance levels and benchmarks 5495

for each of the indicators, the department shall rate each	5496
school in one of the following categories:	5497
(a) Exceeds standards;	5498
(b) Meets standards;	5499
(c) Does not meet standards.	5500
(2) The state board's rules shall establish all of the	5501
following:	5502
(a) Not later than June 30, 2013, performance levels and	5503
benchmarks for the indicators described in divisions (C) (1) to	5504
(3) of this section;	5505
(b) Not later than December 31, 2014, both of the	5506
following:	5507
(i) Performance levels and benchmarks for the indicator	5508
described in division (C) (4) of this section;	5509
(ii) Standards for awarding a community school described	5510
in division (A) (4) (a) of section 3314.35 of the Revised Code an	5511
overall designation, which shall be calculated as follows:	5512
(I) Thirty per cent of the score shall be based on the	5513
indicators described in division (C) (1) of this section that are	5514
applicable to the school year for which the overall designation	5515
is granted.	5516
(II) Thirty per cent of the score shall be based on the	5517
indicators described in division (C) (4) of this section.	5518
(III) Twenty per cent of the score shall be based on the	5519
indicators described in division (C) (2) of this section.	5520
(IV) Twenty per cent of the score shall be based on the	5521
indicators described in division (C) (3) of this section.	5522

(3) If both of the indicators described in divisions (C) 5523  
(1) and (2) of this section improve by ten per cent for two 5524  
consecutive years, a school shall be rated not less than "meets 5525  
standards." 5526

The rating and the relevant performance data for each 5527  
school shall be posted on the department's web site, and a copy 5528  
of the rating and data shall be provided to the governing 5529  
authority of the community school. 5530

(E) (1) For the 2012-2013 school year, the department shall 5531  
issue a report card including the following performance 5532  
measures, but without a performance rating as described in 5533  
divisions (D) (1) (a) to (c) of this section, for each community 5534  
school described in division (A) (4) (a) of section 3314.35 of the 5535  
Revised Code: 5536

(a) The graduation rates as described in divisions (C) (1) 5537  
(a) to (c) of this section; 5538

(b) The percentage of twelfth-grade students and other 5539  
students who have attained a designated passing score on high 5540  
school achievement assessments as described in division (C) (2) 5541  
of this section; 5542

(c) The statewide average for the graduation rates and 5543  
assessment passage rates described in divisions (C) (1) (a) to (c) 5544  
and (C) (2) of this section; 5545

(d) Annual measurable objectives described in division (C) 5546  
(3) of this section. 5547

(2) For the 2013-2014 school year, the department shall 5548  
issue a report card including the following performance measures 5549  
for each community school described in division (A) (4) (a) of 5550  
section 3314.35 of the Revised Code: 5551

(a) The graduation rates described in divisions (C) (1) (a)	5552
to (d) of this section, including a performance rating as	5553
described in divisions (D) (1) (a) to (c) of this section;	5554
(b) The percentage of twelfth-grade students and other	5555
students who have attained a designated passing score on high	5556
school achievement assessments as described in division (C) (2)	5557
of this section, including a performance rating as described in	5558
divisions (D) (1) (a) to (c) of this section;	5559
(c) Annual measurable objectives described in division (C)	5560
(3) of this section, including a performance rating as described	5561
in divisions (D) (1) (a) to (c) of this section;	5562
(d) Both of the following without an assigned rating:	5563
(i) Growth in annual student achievement in reading	5564
and mathematics described in division (C) (4) of this section, if	5565
available;	5566
(ii) Student outcome data, including postsecondary credit	5567
earned, nationally recognized career or technical certification,	5568
military enlistment, job placement, and attendance rate.	5569
(3) Beginning with the 2014-2015 school year, and annually	5570
thereafter, the department shall issue a report card for each	5571
community school described in division (A) (4) (a) of section	5572
3314.35 of the Revised Code that includes all of the following	5573
performance measures, including a performance rating for each	5574
measure as described in divisions (D) (1) (a) to (c) of this	5575
section:	5576
(a) The graduation rates as described in division (C) (1)	5577
of this section;	5578
(b) The percentage of twelfth-grade students and other	5579

students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;

(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;

(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;

(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this section.

The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E) (3) of this section for each community school to which this section applies.

(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including



sample assessments for purposes of measuring student achievement 5609  
growth as described in division (C) (4) of this section. The 5610  
department shall consult with stakeholder groups in performing 5611  
its duties under this division. 5612

The department shall also identify one or more states that 5613  
have established or are in the process of establishing similar 5614  
academic performance rating systems for dropout prevention and 5615  
recovery programs and consult with the departments of education 5616  
of those states in developing the system required by this 5617  
section. 5618

(H) Not later than December 31, 2014, the state board 5619  
shall review the performance levels and benchmarks for 5620  
performance indicators in the report card issued under this 5621  
section and may revise them based on the data collected under 5622  
division (G) of this section. 5623

(I) For the purposes of division (F) of section 3314.351 5624  
of the Revised Code, the department shall recalculate the 5625  
ratings for each school under division (E) (3) of this section 5626  
for the 2017-2018 school year and calculate the ratings under 5627  
that division for the 2018-2019 school year using the indicators 5628  
prescribed by division (C) of this section, as it exists on and 5629  
after ~~the effective date of this amendment~~ July 18, 2019. 5630

(J) The state board shall coordinate a study committee 5631  
consisting of one member of the Ohio senate appointed by the 5632  
president of the senate, one member of the Ohio house of 5633  
representatives appointed by the speaker of the house of 5634  
representatives, one representative of the governor's office, 5635  
one school district superintendent appointed by the state board, 5636  
and one chief administrator of a community school appointed by 5637  
the state board. This committee shall conduct a study regarding 5638

the classification, authorization, and report card ratings of 5639  
community schools that primarily serve students enrolled in 5640  
dropout prevention and recovery programs as described in 5641  
division (A) (4) (a) of section 3314.35 of the Revised Code that 5642  
offer two or more of the following educational models: 5643

(1) Blended learning, as that term is defined in section 5644  
3301.079 of the Revised Code; 5645

(2) Portfolio learning, as defined by the members of the 5646  
committee; 5647

(3) Credit flexibility, which permits credits to be 5648  
awarded based on a student's demonstration of subject area 5649  
competency. 5650

The state board, on behalf of the committee, shall submit 5651  
the committee's recommendations to the general assembly in 5652  
accordance with section 101.68 of the Revised Code not later 5653  
than six months after ~~the effective date of this amendment~~ 5654  
October 17, 2019. 5655

**Sec. 3314.02.** (A) As used in this chapter: 5656

(1) "Sponsor" means the board of education of a school 5657  
district or the governing board of an educational service center 5658  
that agrees to the conversion of all or part of a school or 5659  
building under division (B) of this section, or an entity listed 5660  
in division (C) (1) of this section, which has been approved by 5661  
the department of education to sponsor community schools or is 5662  
exempted by section 3314.021 or 3314.027 of the Revised Code 5663  
from obtaining approval, and with which the governing authority 5664  
of a community school enters into a contract under section 5665  
3314.03 of the Revised Code. 5666

(2) "Pilot project area" means the school districts 5667

included in the territory of the former community school pilot 5668  
project established by former Section 50.52 of Am. Sub. H.B. No. 5669  
215 of the 122nd general assembly. 5670

(3) "Challenged school district" means any of the 5671  
following: 5672

(a) A school district that is part of the pilot project 5673  
area; 5674

(b) A school district that meets one of the following 5675  
conditions: 5676

(i) On March 22, 2013, the district was in a state of 5677  
academic emergency or in a state of academic watch under section 5678  
3302.03 of the Revised Code, as that section existed prior to 5679  
March 22, 2013; 5680

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, ~~and~~ 5681  
2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020- 5682  
2021, and 2021-2022 school years, the district received a grade 5683  
of "D" or "F" for the performance index score and a grade of "F" 5684  
for the value-added progress dimension under section 3302.03 of 5685  
the Revised Code; 5686

(iii) For the ~~2016-2017-2022-2023~~ school year and for any 5687  
school year thereafter, the district has received an overall 5688  
grade of "D" or "F" under division (C) (3) of section 3302.03 of 5689  
the Revised Code, or, for at least two of the three most recent 5690  
school years, the district received a grade of "F" for the 5691  
value-added progress dimension under division (C) (1) (e) of that 5692  
section. 5693

(c) A big eight school district; 5694

(d) A school district ranked in the lowest five per cent 5695

of school districts according to performance index score under 5696  
section 3302.21 of the Revised Code. 5697

(4) "Big eight school district" means a school district 5698  
that for fiscal year 1997 had both of the following: 5699

(a) A percentage of children residing in the district and 5700  
participating in the predecessor of Ohio works first greater 5701  
than thirty per cent, as reported pursuant to section 3317.10 of 5702  
the Revised Code; 5703

(b) An average daily membership greater than twelve 5704  
thousand, as reported pursuant to former division (A) of section 5705  
3317.03 of the Revised Code. 5706

(5) "New start-up school" means a community school other 5707  
than one created by converting all or part of an existing public 5708  
school or educational service center building, as designated in 5709  
the school's contract pursuant to division (A)(17) of section 5710  
3314.03 of the Revised Code. 5711

(6) "Urban school district" means one of the state's 5712  
twenty-one urban school districts as defined in division (O) of 5713  
section 3317.02 of the Revised Code as that section existed 5714  
prior to July 1, 1998. 5715

(7) "Internet- or computer-based community school" means a 5716  
community school established under this chapter in which the 5717  
enrolled students work primarily from their residences on 5718  
assignments in nonclassroom-based learning opportunities 5719  
provided via an internet- or other computer-based instructional 5720  
method that does not rely on regular classroom instruction or 5721  
via comprehensive instructional methods that include internet- 5722  
based, other computer-based, and noncomputer-based learning 5723  
opportunities unless a student receives career-technical 5724

education under section 3314.086 of the Revised Code. 5725

A community school that operates mainly as an internet- or 5726  
computer-based community school and provides career-technical 5727  
education under section 3314.086 of the Revised Code shall be 5728  
considered an internet- or computer-based community school, even 5729  
if it provides some classroom-based instruction, so long as it 5730  
provides instruction via the methods described in this division. 5731

(8) "Operator" or "management company" means either of the 5732  
following: 5733

(a) An individual or organization that manages the daily 5734  
operations of a community school pursuant to a contract between 5735  
the operator or management company and the school's governing 5736  
authority; 5737

(b) A nonprofit organization that provides programmatic 5738  
oversight and support to a community school under a contract 5739  
with the school's governing authority and that retains the right 5740  
to terminate its affiliation with the school if the school fails 5741  
to meet the organization's quality standards. 5742

(9) "Alliance municipal school district" has the same 5743  
meaning as in section 3311.86 of the Revised Code. 5744

(B) (1) Any person or group of individuals may initially 5745  
propose under this division the conversion of all or a portion 5746  
of a public school to a community school. The proposal shall be 5747  
made to the board of education of the city, local, exempted 5748  
village, or joint vocational school district in which the public 5749  
school is proposed to be converted. 5750

(2) Any person or group of individuals may initially 5751  
propose under this division the conversion of all or a portion 5752  
of a building operated by an educational service center to a 5753

community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B)(4) of this section does not apply to a sponsor that, on or before September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)

(2) and (B) (1) of section 3314.015 of the Revised Code. 5784

(5) A school established in accordance with division (B) 5785  
of this section that later enters into a sponsorship contract 5786  
with an entity that is not a school district or educational 5787  
service center shall, at the time of entering into the new 5788  
contract, be deemed a community school established in accordance 5789  
with division (C) of this section. 5790

(C) (1) Any person or group of individuals may propose 5791  
under this division the establishment of a new start-up school 5792  
to be located in a challenged school district. The proposal may 5793  
be made to any of the following entities: 5794

(a) The board of education of the district in which the 5795  
school is proposed to be located; 5796

(b) The board of education of any joint vocational school 5797  
district with territory in the county in which is located the 5798  
majority of the territory of the district in which the school is 5799  
proposed to be located; 5800

(c) The board of education of any other city, local, or 5801  
exempted village school district having territory in the same 5802  
county where the district in which the school is proposed to be 5803  
located has the major portion of its territory; 5804

(d) The governing board of any educational service center, 5805  
regardless of the location of the proposed school, may sponsor a 5806  
new start-up school in any challenged school district in the 5807  
state if all of the following are satisfied: 5808

(i) If applicable, it satisfies the requirements of 5809  
division (E) of section 3311.86 of the Revised Code; 5810

(ii) It is approved to do so by the department; 5811

(iii) It enters into an agreement with the department 5812  
under section 3314.015 of the Revised Code. 5813

(e) A sponsoring authority designated by the board of 5814  
trustees of any of the thirteen state universities listed in 5815  
section 3345.011 of the Revised Code or the board of trustees 5816  
itself as long as a mission of the proposed school to be 5817  
specified in the contract under division (A) (2) of section 5818  
3314.03 of the Revised Code and as approved by the department 5819  
under division (B) (3) of section 3314.015 of the Revised Code 5820  
will be the practical demonstration of teaching methods, 5821  
educational technology, or other teaching practices that are 5822  
included in the curriculum of the university's teacher 5823  
preparation program approved by the state board of education; 5824

(f) Any qualified tax-exempt entity under section 501(c) 5825  
(3) of the Internal Revenue Code as long as all of the following 5826  
conditions are satisfied: 5827

(i) The entity has been in operation for at least five 5828  
years prior to applying to be a community school sponsor. 5829

(ii) The entity has assets of at least five hundred 5830  
thousand dollars and a demonstrated record of financial 5831  
responsibility. 5832

(iii) The department has determined that the entity is an 5833  
education-oriented entity under division (B) (4) of section 5834  
3314.015 of the Revised Code and the entity has a demonstrated 5835  
record of successful implementation of educational programs. 5836

(iv) The entity is not a community school. 5837

(g) The mayor of a city in which the majority of the 5838  
territory of a school district to which section 3311.60 of the 5839  
Revised Code applies is located, regardless of whether that 5840



district has created the position of independent auditor as 5841  
prescribed by that section. The mayor's sponsorship authority 5842  
under this division is limited to community schools that are 5843  
located in that school district. Such mayor may sponsor 5844  
community schools only with the approval of the city council of 5845  
that city, after establishing standards with which community 5846  
schools sponsored by the mayor must comply, and after entering 5847  
into a sponsor agreement with the department as prescribed under 5848  
section 3314.015 of the Revised Code. The mayor shall establish 5849  
the standards for community schools sponsored by the mayor not 5850  
later than one hundred eighty days after July 15, 2013, and 5851  
shall submit them to the department upon their establishment. 5852  
The department shall approve the mayor to sponsor community 5853  
schools in the district, upon receipt of an application by the 5854  
mayor to do so. Not later than ninety days after the 5855  
department's approval of the mayor as a community school 5856  
sponsor, the department shall enter into the sponsor agreement 5857  
with the mayor. 5858

Any entity described in division (C) (1) of this section 5859  
may enter into a preliminary agreement pursuant to division (C) 5860  
(2) of this section with the proposing person or group, provided 5861  
that entity has been approved by and entered into a written 5862  
agreement with the department pursuant to section 3314.015 of 5863  
the Revised Code. 5864

(2) A preliminary agreement indicates the intention of an 5865  
entity described in division (C) (1) of this section to sponsor 5866  
the community school. A proposing person or group that has such 5867  
a preliminary agreement may proceed to finalize plans for the 5868  
school, establish a governing authority as described in division 5869  
(E) of this section for the school, and negotiate a contract 5870  
with the entity. Provided the proposing person or group adheres 5871

to the preliminary agreement and all provisions of this chapter, 5872  
the entity shall negotiate in good faith to enter into a 5873  
contract in accordance with section 3314.03 of the Revised Code. 5874

(3) A new start-up school that is established in a school 5875  
district described in either division (A) (3) (b) or (d) of this 5876  
section may continue in existence once the school district no 5877  
longer meets the conditions described in either division, 5878  
provided there is a valid contract between the school and a 5879  
sponsor. 5880

(4) A copy of every preliminary agreement entered into 5881  
under this division shall be filed with the superintendent of 5882  
public instruction. 5883

(D) A majority vote of the board of a sponsoring entity 5884  
and a majority vote of the members of the governing authority of 5885  
a community school shall be required to adopt a contract and 5886  
convert the public school or educational service center building 5887  
to a community school or establish the new start-up school. 5888  
Beginning September 29, 2005, adoption of the contract shall 5889  
occur not later than the fifteenth day of March, and signing of 5890  
the contract shall occur not later than the fifteenth day of 5891  
May, prior to the school year in which the school will open. The 5892  
governing authority shall notify the department of education 5893  
when the contract has been signed. Subject to sections 3314.013 5894  
and 3314.016 of the Revised Code, an unlimited number of 5895  
community schools may be established in any school district 5896  
provided that a contract is entered into for each community 5897  
school pursuant to this chapter. 5898

(E) (1) As used in this division, "immediate relatives" are 5899  
limited to spouses, children, parents, grandparents, and 5900  
siblings, as well as in-laws residing in the same household as 5901

the person serving on the governing authority. 5902

Each new start-up community school established under this 5903  
chapter shall be under the direction of a governing authority 5904  
which shall consist of a board of not less than five 5905  
individuals. 5906

(2) (a) No person shall serve on the governing authority or 5907  
operate the community school under contract with the governing 5908  
authority under any of the following circumstances: 5909

(i) The person owes the state any money or is in a dispute 5910  
over whether the person owes the state any money concerning the 5911  
operation of a community school that has closed. 5912

(ii) The person would otherwise be subject to division (B) 5913  
of section 3319.31 of the Revised Code with respect to refusal, 5914  
limitation, or revocation of a license to teach, if the person 5915  
were a licensed educator. 5916

(iii) The person has pleaded guilty to or been convicted 5917  
of theft in office under section 2921.41 of the Revised Code, or 5918  
has pleaded guilty to or been convicted of a substantially 5919  
similar offense in another state. 5920

(b) No person shall serve on the governing authority or 5921  
engage in the financial day-to-day management of the community 5922  
school under contract with the governing authority unless and 5923  
until that person has submitted to a criminal records check in 5924  
the manner prescribed by section 3319.39 of the Revised Code. 5925

(c) Each sponsor of a community school shall annually 5926  
verify that a finding for recovery has not been issued by the 5927  
auditor of state against any individual or individuals who 5928  
propose to create a community school or any member of the 5929  
governing authority, the operator, or any employee of each 5930

community school with responsibility for fiscal operations or 5931  
authorization to expend money on behalf of the school. 5932

(3) No person shall serve on the governing authorities of 5933  
more than five start-up community schools at the same time. 5934

(4) (a) For a community school established under this 5935  
chapter that is not sponsored by a school district or an 5936  
educational service center, no present or former member, or 5937  
immediate relative of a present or former member, of the 5938  
governing authority shall be an owner, employee, or consultant 5939  
of the community school's sponsor or operator, unless at least 5940  
one year has elapsed since the conclusion of the person's 5941  
membership on the governing authority. 5942

(b) For a community school established under this chapter 5943  
that is sponsored by a school district or an educational service 5944  
center, no present or former member, or immediate relative of a 5945  
present or former member, of the governing authority shall: 5946

(i) Be an officer of the district board or service center 5947  
governing board that serves as the community school's sponsor, 5948  
unless at least one year has elapsed since the conclusion of the 5949  
person's membership on the governing authority; 5950

(ii) Serve as an employee of, or a consultant for, the 5951  
department, division, or section of the sponsoring district or 5952  
service center that is directly responsible for sponsoring 5953  
community schools, or have supervisory authority over such a 5954  
department, division, or section, unless at least one year has 5955  
elapsed since the conclusion of the person's membership on the 5956  
governing authority. 5957

(5) The governing authority of a start-up or conversion 5958  
community school may provide by resolution for the compensation 5959

of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any

community school. 5989

(F) (1) A new start-up school that is established prior to 5990  
August 15, 2003, in an urban school district that is not also a 5991  
big-eight school district may continue to operate after that 5992  
date and the contract between the school's governing authority 5993  
and the school's sponsor may be renewed, as provided under this 5994  
chapter, after that date, but no additional new start-up schools 5995  
may be established in such a district unless the district is a 5996  
challenged school district as defined in this section as it 5997  
exists on and after that date. 5998

(2) A community school that was established prior to June 5999  
29, 1999, and is located in a county contiguous to the pilot 6000  
project area and in a school district that is not a challenged 6001  
school district may continue to operate after that date, 6002  
provided the school complies with all provisions of this 6003  
chapter. The contract between the school's governing authority 6004  
and the school's sponsor may be renewed, but no additional 6005  
start-up community school may be established in that district 6006  
unless the district is a challenged school district. 6007

(3) Any educational service center that, on June 30, 2007, 6008  
sponsors a community school that is not located in a county 6009  
within the territory of the service center or in a county 6010  
contiguous to such county may continue to sponsor that community 6011  
school on and after June 30, 2007, and may renew its contract 6012  
with the school. However, the educational service center shall 6013  
not enter into a contract with any additional community school, 6014  
unless the governing board of the service center has entered 6015  
into an agreement with the department authorizing the service 6016  
center to sponsor a community school in any challenged school 6017  
district in the state. 6018

**Sec. 3314.05.** (A) The contract between the community 6019  
school and the sponsor shall specify the facilities to be used 6020  
for the community school and the method of acquisition. Except 6021  
as provided in divisions (B) (3) and (4) of this section, no 6022  
community school shall be established in more than one school 6023  
district under the same contract. 6024

(B) Division (B) of this section shall not apply to 6025  
internet- or computer-based community schools. 6026

(1) A community school may be located in multiple 6027  
facilities under the same contract only if the limitations on 6028  
availability of space prohibit serving all the grade levels 6029  
specified in the contract in a single facility or division (B) 6030  
(2), (3), or (4) of this section applies to the school. The 6031  
school shall not offer the same grade level classrooms in more 6032  
than one facility. 6033

(2) A community school may be located in multiple 6034  
facilities under the same contract and, notwithstanding division 6035  
(B) (1) of this section, may assign students in the same grade 6036  
level to multiple facilities, as long as all of the following 6037  
apply: 6038

(a) The governing authority has entered into and maintains 6039  
a contract with an operator of the type described in division 6040  
(A) (8) (b) of section 3314.02 of the Revised Code. 6041

(b) The contract with that operator qualified the school 6042  
to be established pursuant to division (A) of former section 6043  
3314.016 of the Revised Code. 6044

(c) The school's rating under section 3302.03 of the 6045  
Revised Code does not fall below a combination of any of the 6046  
following for two or more consecutive years: 6047

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, ~~and 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022~~ school years, a rating of "C" for both the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) and the value-added dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code;

(iii) For the ~~2016-2017~~ 2022-2023 school year and for any school year thereafter, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as



measured by school bus. 6077

In the case of a community school to which division (B) (3) 6078  
of this section applies, if only one of the school districts in 6079  
which the school is established is a challenged school district, 6080  
that district shall be considered the school's primary location 6081  
and the district in which the school is located for the purposes 6082  
of division (A) (19) of section 3314.03 and divisions (C) and (H) 6083  
of section 3314.06 of the Revised Code and for all other 6084  
purposes of this chapter. If both of the school districts in 6085  
which the school is established are challenged school districts, 6086  
the school's governing authority shall designate one of those 6087  
districts to be considered the school's primary location and the 6088  
district in which the school is located for the purposes of 6089  
those divisions and all other purposes of this chapter and shall 6090  
notify the department of education of that designation. 6091

(4) A community school may be located in multiple 6092  
facilities under the same contract and, notwithstanding division 6093  
(B) (1) of this section, may assign students in the same grade 6094  
level to multiple facilities, as long as both of the following 6095  
apply: 6096

(a) The facilities are all located in the same county. 6097

(b) Either of the following conditions are satisfied: 6098

(i) The community school is sponsored by a board of 6099  
education of a city, local, or exempted village school district 6100  
having territory in the same county where the facilities of the 6101  
community school are located; 6102

(ii) The community school is managed by an operator. 6103

In the case of a community school to which division (B) (4) 6104  
of this section applies and that maintains facilities in more 6105

than one school district, the school's governing authority shall 6106  
designate one of those districts to be considered the school's 6107  
primary location and the district in which the school is located 6108  
for the purposes of division (A) (19) of section 3314.03 and 6109  
divisions (C) and (H) of section 3314.06 of the Revised Code and 6110  
for all other purposes of this chapter and shall notify the 6111  
department of that designation. 6112

(5) Any facility used for a community school shall meet 6113  
all health and safety standards established by law for school 6114  
buildings. 6115

(C) In the case where a community school is proposed to be 6116  
located in a facility owned by a school district or educational 6117  
service center, the facility may not be used for such community 6118  
school unless the district or service center board owning the 6119  
facility enters into an agreement for the community school to 6120  
utilize the facility. Use of the facility may be under any terms 6121  
and conditions agreed to by the district or service center board 6122  
and the school. 6123

(D) Two or more separate community schools may be located 6124  
in the same facility. 6125

(E) In the case of a community school that is located in 6126  
multiple facilities, beginning July 1, 2012, the department 6127  
shall assign a unique identification number to the school and to 6128  
each facility maintained by the school. Each number shall be 6129  
used for identification purposes only. Nothing in this division 6130  
shall be construed to require the department to calculate the 6131  
amount of funds paid under this chapter, or to compute any data 6132  
required for the report cards issued under section 3314.012 of 6133  
the Revised Code, for each facility separately. The department 6134  
shall make all such calculations or computations for the school 6135

as a whole. 6136

**Sec. 3314.08.** (A) As used in this section: 6137

(1) (a) "Category one career-technical education student" 6138  
means a student who is receiving the career-technical education 6139  
services described in division (A) of section 3317.014 of the 6140  
Revised Code. 6141

(b) "Category two career-technical student" means a 6142  
student who is receiving the career-technical education services 6143  
described in division (B) of section 3317.014 of the Revised 6144  
Code. 6145

(c) "Category three career-technical student" means a 6146  
student who is receiving the career-technical education services 6147  
described in division (C) of section 3317.014 of the Revised 6148  
Code. 6149

(d) "Category four career-technical student" means a 6150  
student who is receiving the career-technical education services 6151  
described in division (D) of section 3317.014 of the Revised 6152  
Code. 6153

(e) "Category five career-technical education student" 6154  
means a student who is receiving the career-technical education 6155  
services described in division (E) of section 3317.014 of the 6156  
Revised Code. 6157

(2) (a) "Category one English learner" means an English 6158  
learner described in division (A) of section 3317.016 of the 6159  
Revised Code. 6160

(b) "Category two English learner" means an English 6161  
learner described in division (B) of section 3317.016 of the 6162  
Revised Code. 6163

(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code. 6164  
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(3) (a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 6167  
6168  
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(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 6171  
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(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 6175  
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 6179  
6180  
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 6183  
6184  
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 6187  
6188  
6189  
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 6191  
6192

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 6193  
6194

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 6195  
6196  
6197

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 6198  
6199

(B) The state board of education shall adopt rules requiring both of the following: 6200  
6201

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 6202  
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(2) The governing authority of each community school established under this chapter to annually report all of the following: 6208  
6209  
6210

(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 6211  
6212  
6213  
6214

(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 6215  
6216  
6217  
6218

(c) The number of students reported under division (B) (2) (b) of this section receiving special education and related 6219  
6220

services pursuant to an IEP for a disability described in each	6221
of divisions (A) to (F) of section 3317.013 of the Revised Code;	6222
(d) The full-time equivalent number of students reported	6223
under divisions (B)(2)(a) and (b) of this section who are	6224
enrolled in career-technical education programs or classes	6225
described in each of divisions (A) to (E) of section 3317.014 of	6226
the Revised Code that are provided by the community school;	6227
(e) The number of students reported under divisions (B)(2)	6228
(a) and (b) of this section who are not reported under division	6229
(B)(2)(d) of this section but who are enrolled in career-	6230
technical education programs or classes described in each of	6231
divisions (A) to (E) of section 3317.014 of the Revised Code at	6232
a joint vocational school district or another district in the	6233
career-technical planning district to which the school is	6234
assigned;	6235
(f) The number of students reported under divisions (B)(2)	6236
(a) and (b) of this section who are category one to three	6237
English learners described in each of divisions (A) to (C) of	6238
section 3317.016 of the Revised Code;	6239
(g) The number of students reported under divisions (B)(2)	6240
(a) and (b) of this section who are economically disadvantaged,	6241
as defined by the department. A student shall not be	6242
categorically excluded from the number reported under division	6243
(B)(2)(g) of this section based on anything other than family	6244
income.	6245
(h) For each student, the city, exempted village, or local	6246
school district in which the student is entitled to attend	6247
school under section 3313.64 or 3313.65 of the Revised Code.	6248
(i) The number of students enrolled in a preschool program	6249

operated by the school that is licensed by the department of 6250  
education under sections 3301.52 to 3301.59 of the Revised Code 6251  
who are not receiving special education and related services 6252  
pursuant to an IEP. 6253

A school district board and a community school governing 6254  
authority shall include in their respective reports under 6255  
division (B) of this section any child admitted in accordance 6256  
with division (A) (2) of section 3321.01 of the Revised Code. 6257

A governing authority of a community school shall not 6258  
include in its report under divisions (B) (2) (a) to (h) of this 6259  
section any student for whom tuition is charged under division 6260  
(F) of this section. 6261

(C) (1) Except as provided in division (C) (2) of this 6262  
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 6263  
of this section, on a full-time equivalency basis, for each 6264  
student enrolled in a community school established under this 6265  
chapter, the department of education annually shall deduct from 6266  
the state education aid of a student's resident district and, if 6267  
necessary, from the payment made to the district under sections 6268  
321.24 and 323.156 of the Revised Code and pay to the community 6269  
school the sum of the following: 6270

(a) An opportunity grant in an amount equal to the formula 6271  
amount; 6272

(b) The per pupil amount of targeted assistance funds 6273  
calculated under division (A) of section 3317.0217 of the 6274  
Revised Code for the student's resident district, as determined 6275  
by the department, X 0.25; 6276

(c) Additional state aid for special education and related 6277  
services provided under Chapter 3323. of the Revised Code as 6278

follows:	6279
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	6280 6281 6282
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	6283 6284 6285
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	6286 6287 6288
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	6289 6290 6291
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	6292 6293 6294
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	6295 6296 6297
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	6298 6299
(e) If the student is economically disadvantaged, an additional amount equal to the following:	6300 6301
\$272 X the resident district's economically disadvantaged index	6302 6303
(f) English learner funds as follows:	6304
(i) If the student is a category one English learner, the	6305



amount specified in division (A) of section 3317.016 of the Revised Code; 6306  
6307

(ii) If the student is a category two English learner, the amount specified in division (B) of section 3317.016 of the Revised Code; 6308  
6309  
6310

(iii) If the student is a category three English learner, the amount specified in division (C) of section 3317.016 of the Revised Code. 6311  
6312  
6313

(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows: 6314  
6315

(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; 6316  
6317  
6318

(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; 6319  
6320  
6321

(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 6322  
6323  
6324

(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 6325  
6326  
6327

(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 6328  
6329  
6330

Deduction and payment of funds under division (C) (1) (g) of this section is subject to approval by the lead district of a career-technical planning district or the department of 6331  
6332  
6333

education under section 3317.161 of the Revised Code. 6334

(2) When deducting from the state education aid of a 6335  
student's resident district for students enrolled in an 6336  
internet- or computer-based community school and making payments 6337  
to such school under this section, the department shall make the 6338  
deductions and payments described in only divisions (C)(1)(a), 6339  
(c), and (g) of this section. 6340

No deductions or payments shall be made for a student 6341  
enrolled in such school under division (C)(1)(b), (d), (e), or 6342  
(f) of this section. 6343

(3)(a) If a community school's costs for a fiscal year for 6344  
a student receiving special education and related services 6345  
pursuant to an IEP for a disability described in divisions (B) 6346  
to (F) of section 3317.013 of the Revised Code exceed the 6347  
threshold catastrophic cost for serving the student as specified 6348  
in division (B) of section 3317.0214 of the Revised Code, the 6349  
school may submit to the superintendent of public instruction 6350  
documentation, as prescribed by the superintendent, of all its 6351  
costs for that student. Upon submission of documentation for a 6352  
student of the type and in the manner prescribed, the department 6353  
shall pay to the community school an amount equal to the 6354  
school's costs for the student in excess of the threshold 6355  
catastrophic costs. 6356

(b) The community school shall report under division (C) 6357  
(3)(a) of this section, and the department shall pay for, only 6358  
the costs of educational expenses and the related services 6359  
provided to the student in accordance with the student's 6360  
individualized education program. Any legal fees, court costs, 6361  
or other costs associated with any cause of action relating to 6362  
the student may not be included in the amount. 6363

(4) In any fiscal year, a community school receiving funds 6364  
under division (C) (1) (g) of this section shall spend those funds 6365  
only for the purposes that the department designates as approved 6366  
for career-technical education expenses. Career-technical 6367  
education expenses approved by the department shall include only 6368  
expenses connected to the delivery of career-technical 6369  
programming to career-technical students. The department shall 6370  
require the school to report data annually so that the 6371  
department may monitor the school's compliance with the 6372  
requirements regarding the manner in which funding received 6373  
under division (C) (1) (g) of this section may be spent. 6374

(5) Notwithstanding anything to the contrary in section 6375  
3313.90 of the Revised Code, except as provided in division (C) 6376  
(9) of this section, all funds received under division (C) (1) (g) 6377  
of this section shall be spent in the following manner: 6378

(a) At least seventy-five per cent of the funds shall be 6379  
spent on curriculum development, purchase, and implementation; 6380  
instructional resources and supplies; industry-based program 6381  
certification; student assessment, credentialing, and placement; 6382  
curriculum specific equipment purchases and leases; career- 6383  
technical student organization fees and expenses; home and 6384  
agency linkages; work-based learning experiences; professional 6385  
development; and other costs directly associated with career- 6386  
technical education programs including development of new 6387  
programs. 6388

(b) Not more than twenty-five per cent of the funds shall 6389  
be used for personnel expenditures. 6390

(6) A community school shall spend the funds it receives 6391  
under division (C) (1) (e) of this section in accordance with 6392  
section 3317.25 of the Revised Code. 6393

(7) If the sum of the payments computed under divisions 6394  
(C) (1) and (8) (a) of this section for the students entitled to 6395  
attend school in a particular school district under sections 6396  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 6397  
district's state education aid and its payment under sections 6398  
321.24 and 323.156 of the Revised Code, the department shall 6399  
calculate and apply a proration factor to the payments to all 6400  
community schools under that division for the students entitled 6401  
to attend school in that district. 6402

(8) (a) Subject to division (C) (7) of this section, the 6403  
department annually shall pay to each community school, 6404  
including each internet- or computer-based community school, an 6405  
amount equal to the following: 6406

(The number of students reported by the community school 6407  
under division (B) (2) (e) of this section X the formula amount 6408  
X .20) 6409

(b) For each payment made to a community school under 6410  
division (C) (8) (a) of this section, the department shall deduct 6411  
from the state education aid of each city, local, and exempted 6412  
village school district and, if necessary, from the payment made 6413  
to the district under sections 321.24 and 323.156 of the Revised 6414  
Code an amount equal to the following: 6415

(The number of the district's students reported by the 6416  
community school under division (B) (2) (e) of this section X the 6417  
formula amount X .20) 6418

(9) The department may waive the requirement in division 6419  
(C) (5) of this section for any community school that exclusively 6420  
provides one or more career-technical workforce development 6421  
programs in arts and communications that are not equipment- 6422

intensive, as determined by the department. 6423

(D) A board of education sponsoring a community school may 6424  
utilize local funds to make enhancement grants to the school or 6425  
may agree, either as part of the contract or separately, to 6426  
provide any specific services to the community school at no cost 6427  
to the school. 6428

(E) A community school may not levy taxes or issue bonds 6429  
secured by tax revenues. 6430

(F) No community school shall charge tuition for the 6431  
enrollment of any student who is a resident of this state. A 6432  
community school may charge tuition for the enrollment of any 6433  
student who is not a resident of this state. 6434

(G) (1) (a) A community school may borrow money to pay any 6435  
necessary and actual expenses of the school in anticipation of 6436  
the receipt of any portion of the payments to be received by the 6437  
school pursuant to division (C) of this section. The school may 6438  
issue notes to evidence such borrowing. The proceeds of the 6439  
notes shall be used only for the purposes for which the 6440  
anticipated receipts may be lawfully expended by the school. 6441

(b) A school may also borrow money for a term not to 6442  
exceed fifteen years for the purpose of acquiring facilities. 6443

(2) Except for any amount guaranteed under section 3318.50 6444  
of the Revised Code, the state is not liable for debt incurred 6445  
by the governing authority of a community school. 6446

(H) The department of education shall adjust the amounts 6447  
subtracted and paid under division (C) of this section to 6448  
reflect any enrollment of students in community schools for less 6449  
than the equivalent of a full school year. The state board of 6450  
education within ninety days after April 8, 2003, shall adopt in 6451

accordance with Chapter 119. of the Revised Code rules governing 6452  
the payments to community schools under this section including 6453  
initial payments in a school year and adjustments and reductions 6454  
made in subsequent periodic payments to community schools and 6455  
corresponding deductions from school district accounts as 6456  
provided under division (C) of this section. For purposes of 6457  
this section: 6458

(1) A student shall be considered enrolled in the 6459  
community school for any portion of the school year the student 6460  
is participating at a college under Chapter 3365. of the Revised 6461  
Code. 6462

(2) A student shall be considered to be enrolled in a 6463  
community school for the period of time beginning on the later 6464  
of the date on which the school both has received documentation 6465  
of the student's enrollment from a parent and the student has 6466  
commenced participation in learning opportunities as defined in 6467  
the contract with the sponsor, or thirty days prior to the date 6468  
on which the student is entered into the education management 6469  
information system established under section 3301.0714 of the 6470  
Revised Code. For purposes of applying this division and 6471  
divisions (H) (3) and (4) of this section to a community school 6472  
student, "learning opportunities" shall be defined in the 6473  
contract, which shall describe both classroom-based and non- 6474  
classroom-based learning opportunities and shall be in 6475  
compliance with criteria and documentation requirements for 6476  
student participation which shall be established by the 6477  
department. Any student's instruction time in non-classroom- 6478  
based learning opportunities shall be certified by an employee 6479  
of the community school. A student's enrollment shall be 6480  
considered to cease on the date on which any of the following 6481  
occur: 6482

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H) (2) of this section. The department shall continue subtracting and paying amounts for the student under division (C) of this section without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first seventy-two consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the

school's entire school year. However, no internet- or computer- 6513  
based community school shall be credited for any time a student 6514  
spends participating in learning opportunities beyond ten hours 6515  
within any period of twenty-four consecutive hours. Whether it 6516  
reports hours or days of learning opportunities, each community 6517  
school shall offer not less than nine hundred twenty hours of 6518  
learning opportunities during the school year. 6519

(4) With respect to the calculation of full-time 6520  
equivalency under division (H) (3) of this section, the 6521  
department shall waive the number of hours or days of learning 6522  
opportunities not offered to a student because the community 6523  
school was closed during the school year due to disease 6524  
epidemic, hazardous weather conditions, law enforcement 6525  
emergencies, inoperability of school buses or other equipment 6526  
necessary to the school's operation, damage to a school 6527  
building, or other temporary circumstances due to utility 6528  
failure rendering the school building unfit for school use, so 6529  
long as the school was actually open for instruction with 6530  
students in attendance during that school year for not less than 6531  
the minimum number of hours required by this chapter. The 6532  
department shall treat the school as if it were open for 6533  
instruction with students in attendance during the hours or days 6534  
waived under this division. 6535

(I) The department of education shall reduce the amounts 6536  
paid under this section to reflect payments made to colleges 6537  
under section 3365.07 of the Revised Code. 6538

(J) (1) No student shall be considered enrolled in any 6539  
internet- or computer-based community school or, if applicable 6540  
to the student, in any community school that is required to 6541  
provide the student with a computer pursuant to division (C) of 6542



section 3314.22 of the Revised Code, unless both of the 6543  
following conditions are satisfied: 6544

(a) The student possesses or has been provided with all 6545  
required hardware and software materials and all such materials 6546  
are operational so that the student is capable of fully 6547  
participating in the learning opportunities specified in the 6548  
contract between the school and the school's sponsor as required 6549  
by division (A) (23) of section 3314.03 of the Revised Code; 6550

(b) The school is in compliance with division (A) of 6551  
section 3314.22 of the Revised Code, relative to such student. 6552

(2) In accordance with policies adopted by the 6553  
superintendent of public instruction, in consultation with the 6554  
auditor of state, the department shall reduce the amounts 6555  
otherwise payable under division (C) of this section to any 6556  
community school that includes in its program the provision of 6557  
computer hardware and software materials to any student, if such 6558  
hardware and software materials have not been delivered, 6559  
installed, and activated for each such student in a timely 6560  
manner or other educational materials or services have not been 6561  
provided according to the contract between the individual 6562  
community school and its sponsor. 6563

The superintendent of public instruction and the auditor 6564  
of state shall jointly establish a method for auditing any 6565  
community school to which this division pertains to ensure 6566  
compliance with this section. 6567

The superintendent, auditor of state, and the governor 6568  
shall jointly make recommendations to the general assembly for 6569  
legislative changes that may be required to assure fiscal and 6570  
academic accountability for such schools. 6571

(K) (1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is

final. 6601

(3) If it is decided that the community school owes moneys 6602  
to the state, the department shall deduct such amount from the 6603  
school's future payments in accordance with guidelines issued by 6604  
the superintendent of public instruction. 6605

(L) The department shall not subtract from a school 6606  
district's state aid account and shall not pay to a community 6607  
school under division (C) of this section any amount for any of 6608  
the following: 6609

(1) Any student who has graduated from the twelfth grade 6610  
of a public or nonpublic high school; 6611

(2) Any student who is not a resident of the state; 6612

~~(3) Any student who was enrolled in the community school 6613  
during the previous school year when assessments were 6614  
administered under section 3301.0711 of the Revised Code but did 6615  
not take one or more of the assessments required by that section 6616  
and was not excused pursuant to division (C) (1) or (3) of that 6617  
section, unless the superintendent of public instruction grants 6618  
the student a waiver from the requirement to take the assessment 6619  
and a parent is not paying tuition for the student pursuant to 6620  
section 3314.26 of the Revised Code. The superintendent may 6621  
grant a waiver only for good cause in accordance with rules 6622  
adopted by the state board of education. 6623~~

~~(4) Any student who has attained the age of twenty-two 6624  
years, except for veterans of the armed services whose 6625  
attendance was interrupted before completing the recognized 6626  
twelve-year course of the public schools by reason of induction 6627  
or enlistment in the armed forces and who apply for enrollment 6628  
in a community school not later than four years after 6629~~

termination of war or their honorable discharge. If, however, 6630  
any such veteran elects to enroll in special courses organized 6631  
for veterans for whom tuition is paid under federal law, or 6632  
otherwise, the department shall not subtract from a school 6633  
district's state aid account and shall not pay to a community 6634  
school under division (C) of this section any amount for that 6635  
veteran. 6636

Sec. 3314.26. This section shall not apply from the 6637  
effective date of this amendment until July 1, 2022. 6638

(A) Each internet- or computer-based community school 6639  
shall withdraw from the school any student who, for two 6640  
consecutive school years of enrollment in the school, has failed 6641  
to participate in the spring administration of any assessment 6642  
prescribed under section 3301.0710 or 3301.0712 of the Revised 6643  
Code for the student's grade level and was not excused from the 6644  
assessment pursuant to division (C) (1) or (3) of section 6645  
3301.0711 of the Revised Code, regardless of whether a waiver 6646  
was granted for the student under division (L) ~~(3)~~ of section 6647  
3314.08 of the Revised Code. The school shall report any such 6648  
student's data verification code, as assigned pursuant to 6649  
section 3301.0714 of the Revised Code, to the department of 6650  
education. The department shall maintain a list of all data 6651  
verification codes reported under this division and section 6652  
3313.6410 of the Revised Code and provide that list to each 6653  
internet- or computer-based community school and to each school 6654  
to which section 3313.6410 of the Revised Code applies. 6655

(B) No internet- or computer-based community school shall 6656  
receive any state funds under this chapter for any enrolled 6657  
student whose data verification code appears on the list 6658  
maintained by the department under division (A) of this section. 6659

Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the internet- or computer-based community school in an amount equal to the state funds the school otherwise would receive for that student, as determined by the department. An internet- or computer-based community school may withdraw any student for whom the parent does not pay tuition as required by this division.

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. Until June 30, 2014, the department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

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

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

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

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

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

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

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

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

(C) Beginning on July 1, 2014, all community schools in which a majority of the students are enrolled in a dropout prevention and recovery program are subject to the provisions of section 3314.351 of the Revised Code, regardless of whether a waiver has been granted under this section. Thereafter, no waivers shall be granted under this section.

**Sec. 3317.03.** (A) The superintendent of each city, local,

and exempted village school district shall report to the state 6719  
board of education as of the last day of October, March, and 6720  
June of each year the enrollment of students receiving services 6721  
from schools under the superintendent's supervision, and the 6722  
numbers of other students entitled to attend school in the 6723  
district under section 3313.64 or 3313.65 of the Revised Code 6724  
the superintendent is required to report under this section, so 6725  
that the department of education can calculate the district's 6726  
formula ADM, total ADM, category one through five career- 6727  
technical education ADM, category one through three English 6728  
learner ADM, category one through six special education ADM, 6729  
preschool scholarship ADM, transportation ADM, and, for purposes 6730  
of provisions of law outside of Chapter 3317. of the Revised 6731  
Code, average daily membership. 6732

(1) The enrollment reported by the superintendent during 6733  
the reporting period shall consist of the number of students in 6734  
grades kindergarten through twelve receiving any educational 6735  
services from the district, except that the following categories 6736  
of students shall not be included in the determination: 6737

(a) Students enrolled in adult education classes; 6738

(b) Adjacent or other district students enrolled in the 6739  
district under an open enrollment policy pursuant to section 6740  
3313.98 of the Revised Code; 6741

(c) Students receiving services in the district pursuant 6742  
to a compact, cooperative education agreement, or a contract, 6743  
but who are entitled to attend school in another district 6744  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 6745

(d) Students for whom tuition is payable pursuant to 6746  
sections 3317.081 and 3323.141 of the Revised Code; 6747

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.

(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open



enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 6777  
6778

(e) An educational service center or cooperative education district; 6779  
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(f) Another school district under a cooperative education agreement, compact, or contract; 6781  
6782

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code; 6783  
6784  
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6786

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 6787  
6788  
6789

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 6790  
6791  
6792

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 6793  
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(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school. 6797  
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6800

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical 6801  
6802  
6803  
6804

education compact, excluding any students so entitled to attend 6805  
school in the district who are enrolled in another school 6806  
district through an open enrollment policy as reported under 6807  
division (A) (2) (d) of this section and then enroll in a joint 6808  
vocational school district or under a career-technical education 6809  
compact. 6810

The department shall provide each city, local, and 6811  
exempted village school district with an opportunity to review 6812  
the list of students compiled under divisions (A) (2) and (3) of 6813  
this section to ensure that the students reported accurately 6814  
reflect the enrollment of students in the district. 6815

(B) To enable the department of education to obtain the 6816  
data needed to complete the calculation of payments pursuant to 6817  
this chapter, each superintendent shall certify from the reports 6818  
provided by the department under division (A) of this section 6819  
all of the following: 6820

(1) The total student enrollment in regular learning day 6821  
classes included in the report under division (A) (1) or (2) of 6822  
this section for each of the individual grades kindergarten 6823  
through twelve in schools under the superintendent's 6824  
supervision; 6825

(2) The unduplicated count of the number of preschool 6826  
children with disabilities enrolled in the district for whom the 6827  
district is eligible to receive funding under section 3317.0213 6828  
of the Revised Code adjusted for the portion of the year each 6829  
child is so enrolled, in accordance with the disability 6830  
categories prescribed in section 3317.013 of the Revised Code; 6831

(3) The number of children entitled to attend school in 6832  
the district pursuant to section 3313.64 or 3313.65 of the 6833

Revised Code who are:	6834
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	6835 6836 6837
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	6838 6839 6840 6841 6842 6843 6844
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	6845 6846
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	6847 6848 6849 6850 6851 6852
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	6853 6854 6855 6856
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	6857 6858 6859 6860
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider	6861 6862

with a scholarship awarded under section 3310.41 of the Revised Code;	6863 6864
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	6865 6866 6867 6868
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	6869 6870
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	6871 6872 6873 6874 6875
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	6876 6877 6878 6879
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	6880 6881 6882
(4) The total enrollment of pupils in joint vocational schools;	6883 6884
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections	6885 6886 6887 6888 6889 6890 6891

3310.51 to 3310.64 of the Revised Code;	6892
(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	6893 6894 6895 6896 6897 6898 6899 6900
(7) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	6901 6902 6903 6904 6905 6906 6907 6908
(8) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	6909 6910 6911 6912 6913 6914 6915 6916
(9) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program	6917 6918 6919 6920 6921

operated by an alternative public provider or a registered 6922  
private provider with a scholarship awarded under sections 6923  
3310.51 to 3310.64 of the Revised Code; 6924

(10) The combined enrollment of children with disabilities 6925  
reported under division (A) (1) or (2) and under division (B) (3) 6926  
(h) of this section receiving special education services for 6927  
category six disabilities described in division (F) of section 6928  
3317.013 of the Revised Code, including children attending a 6929  
special education program operated by an alternative public 6930  
provider or a registered private provider with a scholarship 6931  
awarded under either section 3310.41 or sections 3310.51 to 6932  
3310.64 of the Revised Code; 6933

(11) The enrollment of pupils reported under division (A) 6934  
(1) or (2) of this section on a full-time equivalency basis in 6935  
category one career-technical education programs or classes, 6936  
described in division (A) of section 3317.014 of the Revised 6937  
Code, operated by the school district or by another district 6938  
that is a member of the district's career-technical planning 6939  
district, other than a joint vocational school district, or by 6940  
an educational service center, notwithstanding division (G) of 6941  
section 3317.02 of the Revised Code and division (C) (3) of this 6942  
section; 6943

(12) The enrollment of pupils reported under division (A) 6944  
(1) or (2) of this section on a full-time equivalency basis in 6945  
category two career-technical education programs or services, 6946  
described in division (B) of section 3317.014 of the Revised 6947  
Code, operated by the school district or another school district 6948  
that is a member of the district's career-technical planning 6949  
district, other than a joint vocational school district, or by 6950  
an educational service center, notwithstanding division (G) of 6951

section 3317.02 of the Revised Code and division (C) (3) of this section; 6952  
6953

(13) The enrollment of pupils reported under division (A) 6954  
(1) or (2) of this section on a full-time equivalency basis in 6955  
category three career-technical education programs or services, 6956  
described in division (C) of section 3317.014 of the Revised 6957  
Code, operated by the school district or another school district 6958  
that is a member of the district's career-technical planning 6959  
district, other than a joint vocational school district, or by 6960  
an educational service center, notwithstanding division (G) of 6961  
section 3317.02 of the Revised Code and division (C) (3) of this 6962  
section; 6963

(14) The enrollment of pupils reported under division (A) 6964  
(1) or (2) of this section on a full-time equivalency basis in 6965  
category four career-technical education programs or services, 6966  
described in division (D) of section 3317.014 of the Revised 6967  
Code, operated by the school district or another school district 6968  
that is a member of the district's career-technical planning 6969  
district, other than a joint vocational school district, or by 6970  
an educational service center, notwithstanding division (G) of 6971  
section 3317.02 of the Revised Code and division (C) (3) of this 6972  
section; 6973

(15) The enrollment of pupils reported under division (A) 6974  
(1) or (2) of this section on a full-time equivalency basis in 6975  
category five career-technical education programs or services, 6976  
described in division (E) of section 3317.014 of the Revised 6977  
Code, operated by the school district or another school district 6978  
that is a member of the district's career-technical planning 6979  
district, other than a joint vocational school district, or by 6980  
an educational service center, notwithstanding division (G) of 6981

section 3317.02 of the Revised Code and division (C) (3) of this section;	6982 6983
(16) The enrollment of pupils reported under division (A) (1) or (2) of this section who are English learners described in division (A) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;	6984 6985 6986 6987 6988
(17) The enrollment of pupils reported under division (A) (1) or (2) of this section who are English learners described in division (B) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;	6989 6990 6991 6992 6993
(18) The enrollment of pupils reported under division (A) (1) or (2) of this section who are English learners described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;	6994 6995 6996 6997 6998
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	6999 7000 7001 7002
(20) (a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B) (20) (a) of this section does not apply after fiscal year 2013.	7003 7004 7005 7006 7007
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to	7008 7009 7010



receive special education services for the category one 7011  
disability described in division (A) of section 3317.013 of the 7012  
Revised Code; 7013

(c) The number of children with disabilities, other than 7014  
preschool children with disabilities, placed with a county board 7015  
of developmental disabilities in the current fiscal year to 7016  
receive special education services for category two disabilities 7017  
described in division (B) of section 3317.013 of the Revised 7018  
Code; 7019

(d) The number of children with disabilities, other than 7020  
preschool children with disabilities, placed with a county board 7021  
of developmental disabilities in the current fiscal year to 7022  
receive special education services for category three 7023  
disabilities described in division (C) of section 3317.013 of 7024  
the Revised Code; 7025

(e) The number of children with disabilities, other than 7026  
preschool children with disabilities, placed with a county board 7027  
of developmental disabilities in the current fiscal year to 7028  
receive special education services for category four 7029  
disabilities described in division (D) of section 3317.013 of 7030  
the Revised Code; 7031

(f) The number of children with disabilities, other than 7032  
preschool children with disabilities, placed with a county board 7033  
of developmental disabilities in the current fiscal year to 7034  
receive special education services for the category five 7035  
disabilities described in division (E) of section 3317.013 of 7036  
the Revised Code; 7037

(g) The number of children with disabilities, other than 7038  
preschool children with disabilities, placed with a county board 7039

of developmental disabilities in the current fiscal year to 7040  
receive special education services for category six disabilities 7041  
described in division (F) of section 3317.013 of the Revised 7042  
Code. 7043

(21) The enrollment of students who are economically 7044  
disadvantaged, as defined by the department, excluding any 7045  
student reported under division (B) (3) (e) of this section as 7046  
enrolled in an internet- or computer-based community school. A 7047  
student shall not be categorically excluded from the number 7048  
reported under division (B) (21) of this section based on 7049  
anything other than family income. 7050

(C) (1) The state board of education shall adopt rules 7051  
necessary for implementing divisions (A), (B), and (D) of this 7052  
section. 7053

(2) A student enrolled in a community school established 7054  
under Chapter 3314., a science, technology, engineering, and 7055  
mathematics school established under Chapter 3326., or a 7056  
college-preparatory boarding school established under Chapter 7057  
3328. of the Revised Code shall be counted in the formula ADM 7058  
and, if applicable, the category one, two, three, four, five, or 7059  
six special education ADM of the school district in which the 7060  
student is entitled to attend school under section 3313.64 or 7061  
3313.65 of the Revised Code for the same proportion of the 7062  
school year that the student is counted in the enrollment of the 7063  
community school, the science, technology, engineering, and 7064  
mathematics school, or the college-preparatory boarding school 7065  
for purposes of section 3314.08, 3326.33, or 3328.24 of the 7066  
Revised Code. Notwithstanding the enrollment of students 7067  
certified pursuant to division (B) (3) (d), (e), (j), or (k) of 7068  
this section, the department may adjust the formula ADM of a 7069

school district to account for students entitled to attend 7070  
school in the district under section 3313.64 or 3313.65 of the 7071  
Revised Code who are enrolled in a community school, a science, 7072  
technology, engineering, and mathematics school, or a college- 7073  
preparatory boarding school for only a portion of the school 7074  
year. 7075

(3) No child shall be counted as more than a total of one 7076  
child in the sum of the enrollment of students of a school 7077  
district under division (A), divisions (B) (1) to (22), or 7078  
division (D) of this section, except as follows: 7079

(a) A child with a disability described in section 7080  
3317.013 of the Revised Code may be counted both in formula ADM 7081  
and in category one, two, three, four, five, or six special 7082  
education ADM and, if applicable, in category one, two, three, 7083  
four, or five career-technical education ADM. As provided in 7084  
division (G) of section 3317.02 of the Revised Code, such a 7085  
child shall be counted in category one, two, three, four, five, 7086  
or six special education ADM in the same proportion that the 7087  
child is counted in formula ADM. 7088

(b) A child enrolled in career-technical education 7089  
programs or classes described in section 3317.014 of the Revised 7090  
Code may be counted both in formula ADM and category one, two, 7091  
three, four, or five career-technical education ADM and, if 7092  
applicable, in category one, two, three, four, five, or six 7093  
special education ADM. Such a child shall be counted in category 7094  
one, two, three, four, or five career-technical education ADM in 7095  
the same proportion as the percentage of time that the child 7096  
spends in the career-technical education programs or classes. 7097

(4) Based on the information reported under this section, 7098  
the department of education shall determine the total student 7099

count, as defined in section 3301.011 of the Revised Code, for 7100  
each school district. 7101

(D) (1) The superintendent of each joint vocational school 7102  
district shall report and certify to the superintendent of 7103  
public instruction as of the last day of October, March, and 7104  
June of each year the enrollment of students receiving services 7105  
from schools under the superintendent's supervision so that the 7106  
department can calculate the district's formula ADM, total ADM, 7107  
category one through five career-technical education ADM, 7108  
category one through three English learner ADM, category one 7109  
through six special education ADM, and for purposes of 7110  
provisions of law outside of Chapter 3317. of the Revised Code, 7111  
average daily membership. 7112

The enrollment reported and certified by the 7113  
superintendent, except as otherwise provided in this division, 7114  
shall consist of the number of students in grades six through 7115  
twelve receiving any educational services from the district, 7116  
except that the following categories of students shall not be 7117  
included in the determination: 7118

(a) Students enrolled in adult education classes; 7119

(b) Adjacent or other district joint vocational students 7120  
enrolled in the district under an open enrollment policy 7121  
pursuant to section 3313.98 of the Revised Code; 7122

(c) Students receiving services in the district pursuant 7123  
to a compact, cooperative education agreement, or a contract, 7124  
but who are entitled to attend school in a city, local, or 7125  
exempted village school district whose territory is not part of 7126  
the territory of the joint vocational district; 7127

(d) Students for whom tuition is payable pursuant to 7128

sections 3317.081 and 3323.141 of the Revised Code.	7129
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:	7130 7131 7132 7133 7134
(a) Students enrolled in each individual grade included in the joint vocational district schools;	7135 7136
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	7137 7138 7139
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	7140 7141 7142
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	7143 7144 7145
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	7146 7147 7148
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	7149 7150 7151
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	7152 7153 7154
(h) Students receiving category one career-technical education services, described in division (A) of section	7155 7156

3317.014 of the Revised Code;	7157
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	7158 7159 7160
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	7161 7162 7163
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	7164 7165 7166
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	7167 7168 7169
(m) English learners described in division (A) of section 3317.016 of the Revised Code;	7170 7171
(n) English learners described in division (B) of section 3317.016 of the Revised Code;	7172 7173
(o) English learners described in division (C) of section 3317.016 of the Revised Code;	7174 7175
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	7176 7177 7178 7179
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	7180 7181 7182 7183 7184

(E) In each school of each city, local, exempted village, 7185  
joint vocational, and cooperative education school district 7186  
there shall be maintained a record of school enrollment, which 7187  
record shall accurately show, for each day the school is in 7188  
session, the actual enrollment in regular day classes. For the 7189  
purpose of determining the enrollment of students, the 7190  
enrollment figure of any school shall not include any pupils 7191  
except those pupils described by division (A) of this section. 7192  
The record of enrollment for each school shall be maintained in 7193  
such manner that no pupil shall be counted as enrolled prior to 7194  
the actual date of entry in the school and also in such manner 7195  
that where for any cause a pupil permanently withdraws from the 7196  
school that pupil shall not be counted as enrolled from and 7197  
after the date of such withdrawal. There shall not be included 7198  
in the enrollment of any school any of the following: 7199

(1) Any pupil who has graduated from the twelfth grade of 7200  
a public or nonpublic high school; 7201

(2) Any pupil who is not a resident of the state; 7202

~~(3) Any pupil who was enrolled in the schools of the 7203  
district during the previous school year when assessments were 7204  
administered under section 3301.0711 of the Revised Code but did 7205  
not take one or more of the assessments required by that section 7206  
and was not excused pursuant to division (C) (1) or (3) of that 7207  
section;— 7208~~

~~(4) Any pupil who has attained the age of twenty-two 7209  
years, except for veterans of the armed services whose 7210  
attendance was interrupted before completing the recognized 7211  
twelve-year course of the public schools by reason of induction 7212  
or enlistment in the armed forces and who apply for reenrollment 7213  
in the public school system of their residence not later than 7214~~

four years after termination of war or their honorable 7215  
discharge; 7216

~~(5)~~ (4) Any pupil who has a certificate of high school 7217  
equivalence as defined in section 5107.40 of the Revised Code. 7218

If, however, any veteran described by division ~~(E) (4)~~ (E) 7219  
(3) of this section elects to enroll in special courses 7220  
organized for veterans for whom tuition is paid under the 7221  
provisions of federal laws, or otherwise, that veteran shall not 7222  
be included in the enrollment of students determined under this 7223  
section. 7224

~~Notwithstanding division (E) (3) of this section, the~~ 7225  
~~enrollment of any school may include a pupil who did not take an~~ 7226  
~~assessment required by section 3301.0711 of the Revised Code if~~ 7227  
~~the superintendent of public instruction grants a waiver from~~ 7228  
~~the requirement to take the assessment to the specific pupil and~~ 7229  
~~a parent is not paying tuition for the pupil pursuant to section~~ 7230  
~~3313.6410 of the Revised Code. The superintendent may grant such~~ 7231  
~~a waiver only for good cause in accordance with rules adopted by~~ 7232  
~~the state board of education.~~ 7233

The formula ADM, total ADM, category one through five 7234  
career-technical education ADM, category one through three 7235  
English learner ADM, category one through six special education 7236  
ADM, preschool scholarship ADM, transportation ADM, and, for 7237  
purposes of provisions of law outside of Chapter 3317. of the 7238  
Revised Code, average daily membership of any school district 7239  
shall be determined in accordance with rules adopted by the 7240  
state board of education. 7241

(F) (1) If a student attending a community school under 7242  
Chapter 3314., a science, technology, engineering, and 7243



mathematics school established under Chapter 3326., or a 7244  
college-preparatory boarding school established under Chapter 7245  
3328. of the Revised Code is not included in the formula ADM 7246  
calculated for the school district in which the student is 7247  
entitled to attend school under section 3313.64 or 3313.65 of 7248  
the Revised Code, the department of education shall adjust the 7249  
formula ADM of that school district to include the student in 7250  
accordance with division (C) (2) of this section, and shall 7251  
recalculate the school district's payments under this chapter 7252  
for the entire fiscal year on the basis of that adjusted formula 7253  
ADM. 7254

(2) If a student awarded an educational choice scholarship 7255  
is not included in the formula ADM of the school district from 7256  
which the department deducts funds for the scholarship under 7257  
section 3310.08 of the Revised Code, the department shall adjust 7258  
the formula ADM of that school district to include the student 7259  
to the extent necessary to account for the deduction, and shall 7260  
recalculate the school district's payments under this chapter 7261  
for the entire fiscal year on the basis of that adjusted formula 7262  
ADM. 7263

(3) If a student awarded a scholarship under the Jon 7264  
Peterson special needs scholarship program is not included in 7265  
the formula ADM of the school district from which the department 7266  
deducts funds for the scholarship under section 3310.55 of the 7267  
Revised Code, the department shall adjust the formula ADM of 7268  
that school district to include the student to the extent 7269  
necessary to account for the deduction, and shall recalculate 7270  
the school district's payments under this chapter for the entire 7271  
fiscal year on the basis of that adjusted formula ADM. 7272

(G) (1) (a) The superintendent of an institution operating a 7273

special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed 7303  
by the board, the enrollment in classes under section 3317.20 of 7304  
the Revised Code for each school district that has placed 7305  
children in the classes; 7306

(b) Certify to the state board, in the manner prescribed 7307  
by the board, the unduplicated count of the number of all 7308  
preschool children with disabilities enrolled in classes for 7309  
which the board is eligible to receive funding under section 7310  
3317.0213 of the Revised Code adjusted for the portion of the 7311  
year each child is so enrolled, reported according to the 7312  
categories prescribed in section 3317.013 of the Revised Code, 7313  
and the number of those classes. 7314

(H) Except as provided in division (I) of this section, 7315  
when any city, local, or exempted village school district 7316  
provides instruction for a nonresident pupil whose attendance is 7317  
unauthorized attendance as defined in section 3327.06 of the 7318  
Revised Code, that pupil's enrollment shall not be included in 7319  
that district's enrollment figure used in calculating the 7320  
district's payments under this chapter. The reporting official 7321  
shall report separately the enrollment of all pupils whose 7322  
attendance in the district is unauthorized attendance, and the 7323  
enrollment of each such pupil shall be credited to the school 7324  
district in which the pupil is entitled to attend school under 7325  
division (B) of section 3313.64 or section 3313.65 of the 7326  
Revised Code as determined by the department of education. 7327

(I) (1) A city, local, exempted village, or joint 7328  
vocational school district admitting a scholarship student of a 7329  
pilot project district pursuant to division (C) of section 7330  
3313.976 of the Revised Code may count such student in its 7331  
enrollment. 7332

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3319.02.** (A) (1) As used in this section, "other administrator" means any of the following:

(a) Except as provided in division (A) (2) of this section,

any employee in a position for which a board of education 7362  
requires a license designated by rule of the department of 7363  
education for being an administrator issued under section 7364  
3319.22 of the Revised Code, including a professional pupil 7365  
services employee or administrative specialist or an equivalent 7366  
of either one who is not employed as a school counselor and 7367  
spends less than fifty per cent of the time employed teaching or 7368  
working with students; 7369

(b) Any nonlicensed employee whose job duties enable such 7370  
employee to be considered as either a "supervisor" or a 7371  
"management level employee," as defined in section 4117.01 of 7372  
the Revised Code; 7373

(c) A business manager appointed under section 3319.03 of 7374  
the Revised Code. 7375

(2) As used in this section, "other administrator" does 7376  
not include a superintendent, assistant superintendent, 7377  
principal, or assistant principal. 7378

(B) The board of education of each school district and the 7379  
governing board of an educational service center may appoint one 7380  
or more assistant superintendents and such other administrators 7381  
as are necessary. An assistant educational service center 7382  
superintendent or service center supervisor employed on a part- 7383  
time basis may also be employed by a local board as a teacher. 7384  
The board of each city, exempted village, and local school 7385  
district shall employ principals for all high schools and for 7386  
such other schools as the board designates, and those boards may 7387  
appoint assistant principals for any school that they designate. 7388

(C) In educational service centers and in city, exempted 7389  
village, and local school districts, assistant superintendents, 7390

principals, assistant principals, and other administrators shall 7391  
only be employed or reemployed in accordance with nominations of 7392  
the superintendent, except that a board of education of a school 7393  
district or the governing board of a service center, by a three- 7394  
fourths vote of its full membership, may reemploy any assistant 7395  
superintendent, principal, assistant principal, or other 7396  
administrator whom the superintendent refuses to nominate. 7397

The board of education or governing board shall execute a 7398  
written contract of employment with each assistant 7399  
superintendent, principal, assistant principal, and other 7400  
administrator it employs or reemploys. The term of such contract 7401  
shall not exceed three years except that in the case of a person 7402  
who has been employed as an assistant superintendent, principal, 7403  
assistant principal, or other administrator in the district or 7404  
center for three years or more, the term of the contract shall 7405  
be for not more than five years and, unless the superintendent 7406  
of the district recommends otherwise, not less than two years. 7407  
If the superintendent so recommends, the term of the contract of 7408  
a person who has been employed by the district or service center 7409  
as an assistant superintendent, principal, assistant principal, 7410  
or other administrator for three years or more may be one year, 7411  
but all subsequent contracts granted such person shall be for a 7412  
term of not less than two years and not more than five years. 7413  
When a teacher with continuing service status becomes an 7414  
assistant superintendent, principal, assistant principal, or 7415  
other administrator with the district or service center with 7416  
which the teacher holds continuing service status, the teacher 7417  
retains such status in the teacher's nonadministrative position 7418  
as provided in sections 3311.77, 3319.08, and 3319.09 of the 7419  
Revised Code. 7420

A board of education or governing board may reemploy an 7421

assistant superintendent, principal, assistant principal, or 7422  
other administrator at any regular or special meeting held 7423  
during the period beginning on the first day of January of the 7424  
calendar year immediately preceding the year of expiration of 7425  
the employment contract and ending on the first day of June of 7426  
the year the employment contract expires. 7427

Except by mutual agreement of the parties thereto, no 7428  
assistant superintendent, principal, assistant principal, or 7429  
other administrator shall be transferred during the life of a 7430  
contract to a position of lesser responsibility. No contract may 7431  
be terminated by a board except pursuant to section 3319.16 of 7432  
the Revised Code. No contract may be suspended except pursuant 7433  
to section 3319.17 or 3319.171 of the Revised Code. The salaries 7434  
and compensation prescribed by such contracts shall not be 7435  
reduced by a board unless such reduction is a part of a uniform 7436  
plan affecting the entire district or center. The contract shall 7437  
specify the employee's administrative position and duties as 7438  
included in the job description adopted under division (D) of 7439  
this section, the salary and other compensation to be paid for 7440  
performance of duties, the number of days to be worked, the 7441  
number of days of vacation leave, if any, and any paid holidays 7442  
in the contractual year. 7443

An assistant superintendent, principal, assistant 7444  
principal, or other administrator is, at the expiration of the 7445  
current term of employment, deemed reemployed at the same salary 7446  
plus any increments that may be authorized by the board, unless 7447  
such employee notifies the board in writing to the contrary on 7448  
or before the fifteenth day of June, or unless such board, on or 7449  
before the first day of June of the year in which the contract 7450  
of employment expires, either reemploys such employee for a 7451  
succeeding term or gives written notice of its intention not to 7452

reemploy the employee. The term of reemployment of a person 7453  
reemployed under this paragraph shall be one year, except that 7454  
if such person has been employed by the school district or 7455  
service center as an assistant superintendent, principal, 7456  
assistant principal, or other administrator for three years or 7457  
more, the term of reemployment shall be two years. 7458

(D) ~~(1)~~ Each board shall adopt procedures for the 7459  
evaluation of all assistant superintendents, principals, 7460  
assistant principals, and other administrators and shall 7461  
evaluate such employees in accordance with those procedures. ~~The~~ 7462  
~~procedures for the evaluation of principals and assistant~~ 7463  
~~principals shall be based on principles comparable to the~~ 7464  
~~teacher evaluation policy adopted by the board under section~~ 7465  
~~3319.111 of the Revised Code, but shall be tailored to the~~ 7466  
~~duties and responsibilities of principals and assistant~~ 7467  
~~principals and the environment in which they work. An evaluation~~ 7468  
~~based upon procedures adopted under this division shall be~~ 7469  
~~considered by the board in deciding whether to renew the~~ 7470  
~~contract of employment of an assistant superintendent,~~ 7471  
~~principal, assistant principal, or other administrator.~~ 7472

~~(2) The evaluation shall measure each assistant~~ 7473  
~~superintendent's, principal's, assistant principal's, and other~~ 7474  
~~administrator's effectiveness in performing the duties included~~ 7475  
~~in the job description and the evaluation procedures shall~~ 7476  
~~provide for, but not be limited to, the following:~~ 7477

~~(a) Each assistant superintendent, principal, assistant~~ 7478  
~~principal, and other administrator shall be evaluated annually~~ 7479  
~~through a written evaluation process.~~ 7480

~~(b) The evaluation shall be conducted by the~~ 7481  
~~superintendent or designee.~~ 7482



~~(c) In order to provide time to show progress in  
correcting the deficiencies identified in the evaluation  
process, the evaluation process shall be completed as follows:~~ 7483  
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~~(i) In any school year that the employee's contract of  
employment is not due to expire, at least one evaluation shall  
be completed in that year. A written copy of the evaluation  
shall be provided to the employee no later than the end of the  
employee's contract year as defined by the employee's annual  
salary notice.~~ 7486  
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~~(ii) In any school year that the employee's contract of  
employment is due to expire, at least a preliminary evaluation  
and at least a final evaluation shall be completed in that year.  
A written copy of the preliminary evaluation shall be provided  
to the employee at least sixty days prior to any action by the  
board on the employee's contract of employment. The final  
evaluation shall indicate the superintendent's intended  
recommendation to the board regarding a contract of employment  
for the employee. A written copy of the evaluation shall be  
provided to the employee at least five days prior to the board's  
acting to renew or not renew the contract.~~ 7492  
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~~(3) Termination of an assistant superintendent, principal,  
assistant principal, or other administrator's contract shall be  
pursuant to section 3319.16 of the Revised Code. Suspension of  
any such employee shall be pursuant to section 3319.17 or  
3319.171 of the Revised Code.~~ 7503  
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~~(4) Before taking action to renew or nonrenew the contract  
of an assistant superintendent, principal, assistant principal,  
or other administrator under this section and prior to the first  
day of June of the year in which such employee's contract  
expires, the board shall notify each such employee of the date~~ 7508  
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~~that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting.~~

~~(5) The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in division (D) of this section shall prevent a board from making the final determination regarding the renewal or nonrenewal of the contract of any assistant superintendent, principal, assistant principal, or other administrator. However, if a board fails to provide evaluations pursuant to division (D) (2) (c) (i) or (ii) of this section, or if the board fails to provide at the request of the employee a meeting as prescribed in division (D) (4) of this section, the employee automatically shall be reemployed at the same salary plus any increments that may be authorized by the board for a period of one year, except that if the employee has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the period of reemployment shall be for two years.~~

(E) On nomination of the superintendent of a service center a governing board may employ supervisors who shall be employed under written contracts of employment for terms not to exceed five years each. Such contracts may be terminated by a governing board pursuant to section 3319.16 of the Revised Code. Any supervisor employed pursuant to this division may terminate the contract of employment at the end of any school year after giving the board at least thirty days' written notice prior to

such termination. On the recommendation of the superintendent 7544  
the contract or contracts of any supervisor employed pursuant to 7545  
this division may be suspended for the remainder of the term of 7546  
any such contract pursuant to section 3319.17 or 3319.171 of the 7547  
Revised Code. 7548

(F) A board may establish vacation leave for any 7549  
individuals employed under this section. Upon such an 7550  
individual's separation from employment, a board that has such 7551  
leave may compensate such an individual at the individual's 7552  
current rate of pay for all lawfully accrued and unused vacation 7553  
leave credited at the time of separation, not to exceed the 7554  
amount accrued within three years before the date of separation. 7555  
In case of the death of an individual employed under this 7556  
section, such unused vacation leave as the board would have paid 7557  
to the individual upon separation under this section shall be 7558  
paid in accordance with section 2113.04 of the Revised Code, or 7559  
to the estate. 7560

(G) The board of education of any school district may 7561  
contract with the governing board of the educational service 7562  
center from which it otherwise receives services to conduct 7563  
searches and recruitment of candidates for assistant 7564  
superintendent, principal, assistant principal, and other 7565  
administrator positions authorized under this section. 7566

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 7567  
Revised Code, this section applies to any person who is employed 7568  
under a teacher license issued under this chapter, or under a 7569  
professional or permanent teacher's certificate issued under 7570  
former section 3319.222 of the Revised Code, and who spends at 7571  
least fifty per cent of the time employed providing student 7572  
instruction. However, this section does not apply to any person 7573

who is employed as a substitute teacher or as an instructor of 7574  
adult education. 7575

(A) ~~Not later than July 1, 2020, the~~ The board of 7576  
education of each school district, in consultation with teachers 7577  
employed by the board and the district's teacher's labor 7578  
organization, shall ~~update its standards based~~ adopt a teacher 7579  
evaluation policy to conform with the framework for evaluation 7580  
of teachers adopted under section 3319.112 of the Revised Code. 7581  
A policy may, but shall not be required to, use measures of 7582  
student academic growth as a component of a teacher's 7583  
evaluation. The policy shall become operative at the expiration 7584  
of any collective bargaining agreement covering teachers 7585  
employed by the board that is in effect ~~on the effective date of~~ 7586  
~~this amendment~~ the effective date of this amendment, and shall 7587  
be included in any renewal or extension of such an agreement. 7588

(B) When using measures of student performance as evidence 7589  
in a teacher's evaluation, those measures shall be high-quality 7590  
student data. The board of education of each school district may 7591  
use data from the assessments on the list developed under 7592  
division (B) (2) of former section 3319.112 of the Revised Code 7593  
as high-quality student data. However, any student academic 7594  
growth component shall not account for more than twenty per cent 7595  
of an evaluation. 7596

(C) ~~(1)~~ The board shall conduct an evaluation of each 7597  
teacher employed by the board at least once each school year, ~~7~~ 7598  
~~except as provided in division (C) (2) of this section. The~~ 7599  
~~evaluation shall be completed by the first day of May and the~~ 7600  
~~teacher shall receive a written report of the results of the~~ 7601  
~~evaluation by the tenth day of May.~~ 7602

~~(2) (a) The board may evaluate each teacher who received a~~ 7603

~~rating of accomplished on the teacher's most recent evaluation- 7604  
conducted under this section once every three school years, so- 7605  
long as the teacher submits a self-directed professional growth- 7606  
plan to the evaluator that focuses on specific areas identified- 7607  
in the observations and evaluation and the evaluator determines- 7608  
that the teacher is making progress on that plan. 7609~~

~~(b) The board may evaluate each teacher who received a- 7610  
rating of skilled on the teacher's most recent evaluation- 7611  
conducted under this section once every two years, so long as- 7612  
the teacher and evaluator jointly develop a professional growth- 7613  
plan for the teacher that focuses on specific areas identified- 7614  
in the observations and evaluation and the evaluator determines- 7615  
that the teacher is making progress on that plan. 7616~~

~~(c) For each teacher who is evaluated pursuant to division- 7617  
(C) (2) of this section, the evaluation shall be completed by the- 7618  
first day of May of the applicable school year, and the teacher- 7619  
shall receive a written report of the results of the evaluation- 7620  
by the tenth day of May of that school year. 7621~~

~~(d) The board may elect not to conduct an evaluation of a- 7622  
teacher who meets one of the following requirements: 7623~~

~~(i) The teacher was on leave from the school district for- 7624  
fifty per cent or more of the school year, as calculated by the- 7625  
board. 7626~~

~~(ii) The teacher has submitted notice of retirement and- 7627  
that notice has been accepted by the board not later than the- 7628  
first day of December of the school year in which the evaluation- 7629  
is otherwise scheduled to be conducted. 7630~~

~~(e) The board may elect not to conduct an evaluation of a- 7631  
teacher who is participating in the teacher residency program- 7632~~

~~established under section 3319.223 of the Revised Code for the year during which that teacher takes, for the first time, at least half of the performance-based assessment prescribed by the state board of education for resident educators.~~ 7633  
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~~(3) In any year that a teacher is not formally evaluated pursuant to division (C) of this section as a result of receiving a rating of accomplished or skilled on the teacher's most recent evaluation, an individual qualified to evaluate a teacher under division (D) of this section shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher's professional growth plan.~~ 7637  
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~~(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the department of education for being an evaluator:~~ 7646  
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~~(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;~~ 7650  
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~~(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;~~ 7655  
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~~(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement~~ 7660  
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~~providing for peer review entered into by the board and  
representatives of teachers employed by the board;~~ 7662  
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~~(4) A person who is employed by an entity contracted by  
the board to conduct evaluations and who holds a license  
designated for being a superintendent, assistant superintendent,  
principal, vocational director, administrative specialist, or  
supervisor in any educational area issued under section 3319.22  
of the Revised Code or is qualified to conduct evaluations.~~ 7664  
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~~(E) Notwithstanding division (A) (3) of section 3319.112 of  
the Revised Code, the board shall require at least three formal  
observations of each teacher who is under consideration for  
nonrenewal and with whom the board has entered into a limited  
contract or an extended limited contract under section 3319.11  
of the Revised Code.~~ 7670  
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~~(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.~~ 7676  
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~~(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~~ 7682  
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~~identifiable information about, any teacher be reported under  
this division.~~ 7692  
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~~(H) A teacher may appeal the result of the teacher's  
evaluation conducted under this section to the educational  
service center with which the district has an agreement or, if  
the district of the teacher does not have an agreement with an  
educational service center, an educational service center of an  
adjacent district or an educational service center selected by  
the teacher.~~ 7694  
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(D) Notwithstanding any provision to the contrary in 7701  
Chapter 4117. of the Revised Code, the requirements of this 7702  
section prevail over any conflicting provisions of a collective 7703  
bargaining agreement entered into on or after ~~the effective date~~ 7704  
of this amendment, the effective date of this amendment. 7705

**Sec. 3319.23.** A valid educator license for teaching social 7706  
studies in the applicable grade shall be considered sufficient 7707  
to teach the additional American history and American government 7708  
content adopted under division (A) (1) ~~(b)~~ of section 3301.079 of 7709  
the Revised Code. 7710

**Sec. 3319.324.** (A) Each school district or school shall 7711  
provide students or the parents or guardians of a student who is 7712  
less than eighteen years of age a formal written explanation of 7713  
the goals and capabilities of any digital-learning platform, 7714  
digital assessment platform, or student survey that is used by 7715  
the school. The explanation shall include the following: 7716

(1) How the platform or survey works and its principal 7717  
purposes; 7718

(2) The title and business address of the school official 7719  
who is responsible for the platform or survey and the name and 7720



business address of any contractor or other outside party 7721  
maintaining the platform or survey for or on behalf of the 7722  
school; 7723

(3) The information the software is designed to collect 7724  
from or record about the student, including any data matches 7725  
with other personally identifiable information; 7726

(4) Every element of data that the platform, software, or 7727  
survey will collect or record about the student, including any 7728  
personal psychological characteristics, noncognitive attributes 7729  
or skills, such as collaboration, resilience, and perseverance, 7730  
and physiological measurements; 7731

(5) The purpose of collecting and recording such data; 7732

(6) Every contemplated use or disclosure of such data, the 7733  
categories of recipients, and the purpose of such use or 7734  
disclosure; 7735

(7) A full explanation of the privacy policy maintained by 7736  
the provider of the platform or survey; and 7737

(8) The policies and practices of the school regarding 7738  
storage, retrievability, access controls, retention, and 7739  
disposal of the records collected or recorded by the platform or 7740  
survey. 7741

(B)(1) No digital-learning platform or survey, or any 7742  
instructional material in digital format, shall be used unless 7743  
it includes a portal or other mechanism allowing parents access 7744  
to the platform or survey and all the content available to the 7745  
student users. 7746

(2) Any data of any type collected on a student through 7747  
his or her use of a digital-learning platform or survey shall be 7748

destroyed at the end of the course in which the platform or 7749  
survey is used. 7750

(3) Students or parents or guardians shall be allowed to 7751  
opt out of using any digital-learning platform or survey. 7752  
Students or parents or guardians who opt out shall be provided 7753  
traditional instruction in the academic content covered by such 7754  
digital-learning platform or survey. 7755

(C) As used in this section: 7756

(1) "Digital-learning platform" or "platform" means an 7757  
interactive digital platform that collects and records students' 7758  
personally identifiable information, whether maintained or 7759  
hosted externally by the school or by a third-party provider, 7760  
and includes any video-gaming platform. 7761

(2) "Personally identifiable information" means student 7762  
data that personally identifies a student that, alone or in 7763  
combination, is linked to information that would allow a 7764  
reasonable person who does not have personal knowledge of the 7765  
relevant circumstances to identify the student. 7766

**Sec. 3326.37.** The department of education shall not pay to 7767  
a science, technology, engineering, and mathematics school or to 7768  
the governing body of a group of science, technology, 7769  
engineering, or mathematics schools any amount for any of the 7770  
following: 7771

(A) Any student who has graduated from the twelfth grade 7772  
of a public or nonpublic school; 7773

(B) Any student who is not a resident of the state; 7774

~~(C) Any student who was enrolled in a STEM school during~~ 7775  
~~the previous school year when assessments were administered~~ 7776

~~under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.~~

~~(D) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a STEM school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to the school or to the governing body any amount for that veteran.~~

**Sec. 3328.01.** As used in this chapter:

(A) "Board of trustees" means the board of trustees established for a college-preparatory boarding school in accordance with section 3328.15 of the Revised Code.

(B) "Child with a disability," "IEP," and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible student" means a student who is entitled to attend school in a participating school district; is at risk of academic failure; is from a family whose income is below two hundred per cent of the federal poverty guidelines, as defined

in section 5101.46 of the Revised Code; meets any additional 7806  
criteria prescribed by agreement between the state board of 7807  
education and the operator of the college-preparatory boarding 7808  
school in which the student seeks enrollment; and meets at least 7809  
two of the following additional conditions: 7810

(1) The student has a record of in-school disciplinary 7811  
actions, suspensions, expulsions, or truancy. 7812

(2) The student has not attained at least a proficient 7813  
score on the state achievement assessments in English language 7814  
arts, reading, or mathematics prescribed under section 3301.0710 7815  
of the Revised Code, after those assessments have been 7816  
administered to the student at least once, or the student has 7817  
not attained at least a score designated by the board of 7818  
trustees of the college-preparatory boarding school in which the 7819  
student seeks enrollment under this chapter on an ~~end-of-course-~~ 7820  
~~examination~~ assessment in English language arts or mathematics 7821  
prescribed under division (B) of section 3301.0712 of the 7822  
Revised Code. 7823

(3) The student is a child with a disability. 7824

(4) The student has been referred for academic 7825  
intervention services. 7826

(5) The student's head of household is a single parent. As 7827  
used in this division and in division (C) (6) of this section, 7828  
"head of household" means a person who occupies the same 7829  
household as the student and who is financially responsible for 7830  
the student. 7831

(6) The student's head of household is not the student's 7832  
custodial parent. 7833

(7) A member of the student's family has been imprisoned, 7834

as defined in section 1.05 of the Revised Code. 7835

(D) "Entitled to attend school" means entitled to attend 7836  
school in a school district under section 3313.64 or 3313.65 of 7837  
the Revised Code. 7838

(E) "Formula ADM," "category one through six special 7839  
education ADM," and "state education aid" have the same meanings 7840  
as in section 3317.02 of the Revised Code. 7841

(F) "Operator" means the operator of a college-preparatory 7842  
boarding school selected under section 3328.11 of the Revised 7843  
Code. 7844

(G) "Participating school district" means either of the 7845  
following: 7846

(1) The school district in which a college-preparatory 7847  
boarding school established under this chapter is located; 7848

(2) A school district other than one described in division 7849  
(G) (1) of this section that, pursuant to procedures adopted by 7850  
the state board of education under section 3328.04 of the 7851  
Revised Code, agrees to be a participating school district so 7852  
that eligible students entitled to attend school in that 7853  
district may enroll in a college-preparatory boarding school 7854  
established under this chapter. 7855

**Sec. 3333.0411.** ~~Not~~The final report made under this 7856  
section shall be for teacher evaluations conducted for the 2020- 7857  
2021 school year. Beginning with teacher evaluations conducted 7858  
for the 2021-2022 school year, no report shall be made under 7859  
this section. 7860

Not later than December 31, 2014, and annually thereafter, 7861  
the chancellor of higher education shall report for each 7862

approved teacher preparation program, the number and percentage 7863  
of all graduates of the program who were rated at each of the 7864  
performance levels prescribed by division (B) (1) of former 7865  
section 3319.112 of the Revised Code on an evaluation conducted 7866  
in accordance with section 3319.111 of the Revised Code in the 7867  
previous school year. 7868

In no case shall the report identify any individual 7869  
graduate. The department of education shall share any data 7870  
necessary for the report with the chancellor. 7871

**Sec. 3365.05.** Each public and participating private 7872  
college shall do all of the following with respect to the 7873  
college credit plus program: 7874

(A) Apply established standards and procedures for 7875  
admission to the college and for course placement for 7876  
participants. When determining admission and course placement, 7877  
the college shall do all of the following: 7878

(1) Consider all available student data that may be an 7879  
indicator of college readiness, including grade point average 7880  
~~and end-of-course examination scores~~ results on assessments 7881  
prescribed under division (B) of section 3301.0712 of the 7882  
Revised Code, if applicable; 7883

(2) Give priority to its current students regarding 7884  
enrollment in courses. However, once a participant has been 7885  
accepted into a course, the college shall not displace the 7886  
participant for another student. 7887

(3) Adhere to any capacity limitations that the college 7888  
has established for specified courses. 7889

(B) Send written notice to the participant, the 7890  
participant's parent, and the participant's secondary school, 7891

not later than fourteen calendar days prior to the first day of 7892  
classes for that term, of the participant's admission to the 7893  
college and to specified courses under the program. 7894

(C) Provide both of the following, not later than twenty- 7895  
one calendar days after the first day of classes for that term, 7896  
to each participant and the participant's secondary school: 7897

(1) The courses and hours of enrollment of the 7898  
participant; 7899

(2) The option elected by the participant under division 7900  
(A) or (B) of section 3365.06 of the Revised Code for each 7901  
course. 7902

The college shall also provide to each partnering school a 7903  
roster of participants from that school that are enrolled in the 7904  
college and a list of course assignments for each participant. 7905

(D) Promote the program on the college's web site, 7906  
including the details of the college's current agreements with 7907  
partnering secondary schools. 7908

(E) Coordinate with each partnering secondary school that 7909  
is located within thirty miles of the college to present at 7910  
least one informational session per school year for interested 7911  
students and parents. The session shall include the benefits and 7912  
consequences of participation and shall outline any changes or 7913  
additions to the requirements of the program. If there are no 7914  
partnering schools located within thirty miles of the college, 7915  
the college shall coordinate with the closest partnering school 7916  
to offer an informational session. 7917

(F) Assign an academic advisor that is employed by the 7918  
college to each participant enrolled in that college. Prior to 7919  
the date on which a withdrawal from a course would negatively 7920

affect a participant's transcribed grade, as prescribed by the 7921  
college's established withdrawal policy, the college shall 7922  
ensure that the academic advisor and the participant meet at 7923  
least once to discuss the program and the courses in which the 7924  
participant is enrolled. 7925

(G) Do both of the following with regard to high school 7926  
teachers that are teaching courses for the college at a 7927  
secondary school under the program: 7928

(1) Provide at least one professional development session 7929  
per school year; 7930

(2) Conduct at least one classroom observation per school 7931  
year for each course that is authorized by the college and 7932  
taught by a high school teacher to ensure that the course meets 7933  
the quality of a college-level course. 7934

(H) Annually collect, report, and track specified data 7935  
related to the program according to data reporting guidelines 7936  
adopted by the chancellor and the superintendent of public 7937  
instruction pursuant to section 3365.15 of the Revised Code. 7938

(I) With the exception of divisions (D) and (E) of this 7939  
section, any eligible out-of-state college participating in the 7940  
college credit plus program shall be subject to the same 7941  
requirements as a participating private college under this 7942  
section. 7943

**Section 2.** That existing sections 3301.078, 3301.079, 7944  
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0718, 7945  
3301.0728, 3301.0729, 3302.01, 3302.02, 3302.03, 3302.036, 7946  
3302.05, 3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 7947  
3313.603, 3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 7948  
3313.618, 3313.619, 3313.6114, 3313.903, 3314.016, 3314.017, 7949



3314.02, 3314.05, 3314.08, 3314.26, 3314.36, 3317.03, 3319.02, 7950  
3319.111, 3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 of 7951  
the Revised Code are hereby repealed. 7952

**Section 3.** That sections 3301.0721 and 3319.112 of the 7953  
Revised Code are hereby repealed. 7954

**Section 4.** (A) (1) Notwithstanding anything in the Revised 7955  
Code to the contrary and except as provided in division (A) (2) 7956  
of this section, the board of education of a school district, 7957  
the governing authority of a community school established under 7958  
Chapter 3314. of the Revised Code, or the governing authority of 7959  
a STEM school established under Chapter 3326. of the Revised 7960  
Code shall not use the value-added progress dimension rating 7961  
that is based on the results of the assessments prescribed under 7962  
sections 3301.0710 and 3301.0712 of the Revised Code 7963  
administered in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 7964  
2018-2019, 2019-2020, and 2020-2021 school years for purposes of 7965  
assessing student academic growth for teacher and principal 7966  
evaluations conducted under sections 3311.80, 3319.02, and 7967  
3319.111 and former section 3319.112 of the Revised Code or when 7968  
making decisions regarding the dismissal, retention, tenure, or 7969  
compensation of the district's or school's teachers and 7970  
principals. 7971

(2) A school district, community school, or STEM school 7972  
may enter into a memorandum of understanding collectively with 7973  
its teachers or principals stipulating that the value-added 7974  
progress dimension rating that is based on the results of the 7975  
assessments prescribed under sections 3301.0710 and 3301.0712 of 7976  
the Revised Code administered in the 2014-2015, 2015-2016, 2016- 7977  
2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school 7978  
years may be used to assess student academic growth for purposes 7979

of teacher and principal evaluations or when making decisions 7980  
regarding the dismissal, retention, tenure, or compensation of 7981  
the district's or school's teachers and principals. 7982

(3) For a teacher of a grade level and subject area for 7983  
which the value-added progress dimension is applicable, if no 7984  
other measure is available to determine student academic growth 7985  
as required under section 3311.80 or former section 3319.112 or 7986  
3319.114 of the Revised Code, teacher and principal evaluations 7987  
shall be based solely on teacher or principal performance. 7988

(B) As used in this section, "value-added progress 7989  
dimension" means the value-added progress dimension prescribed 7990  
by section 3302.021 of the Revised Code or an alternative 7991  
student academic progress measure if adopted under division (C) 7992  
(1) (e) of section 3302.03 of the Revised Code. 7993

**Section 5.** Not later than thirty days after the effective 7994  
date of this section, the State Board of Education shall provide 7995  
on the web site of the Department of Education an online 7996  
opportunity to make comments on specific academic content 7997  
standards adopted under section 3301.079 of the Revised Code. 7998

**Section 6.** (A) (1) Not later than thirty days after the 7999  
effective date of this section, the Department of Education 8000  
shall issue a request for proposals to provide the elementary 8001  
assessments prescribed by section 3301.0710 of the Revised Code 8002  
and the assessments prescribed by section 3301.0712 of the 8003  
Revised Code for administration by school districts and schools 8004  
beginning with the 2022-2023 school year. In reviewing 8005  
proposals, the Department shall consider for the elementary- 8006  
level assessments, only nationally norm-referenced, standardized 8007  
assessments that were developed prior to 2010 and have specific 8008  
attributes, which include validity, reliability, percentile 8009

scores, identified stanine ranges, and useful diagnostic 8010  
information. For the secondary-level assessments, the Department 8011  
shall give preference to nationally norm-referenced assessments 8012  
and assessments that were developed prior to 2010. The 8013  
Department shall solicit input from teachers and administrators 8014  
when reviewing proposals. Multistate consortia, a subsidiary of 8015  
multistate consortia, or an affiliate acting on behalf of 8016  
multistate consortia shall not be eligible to submit a proposal. 8017

(2) The Department shall submit assessments that meet the 8018  
conditions prescribed under this section to the Legislative 8019  
Office of Education Oversight established under section 3301.65 8020  
of the Revised Code. 8021

(B) The Legislative Office of Education Oversight shall 8022  
evaluate the academic content standards aligned to the 8023  
assessments submitted by the Department under division (A) (2) of 8024  
this section. Based on the evaluation, the Legislative Office of 8025  
Education Oversight shall submit to the State Board of Education 8026  
recommendations on the assessments to be used for purposes of 8027  
sections 3301.0710 and 3301.0712 of the Revised Code. 8028

(C) The State Board of Education shall select the 8029  
assessments from the list provided by the Legislative Office of 8030  
Education Oversight, except that it shall not adopt any 8031  
assessments unless, by concurrent resolution, the assessments 8032  
are approved by both houses of the general assembly. 8033

(D) An entity that provides the assessments prescribed by 8034  
sections 3301.0710 and 3301.0712 of the Revised Code shall 8035  
ensure that the assessments are aligned with the academic 8036  
content standards adopted under section 3301.079 or 3301.65 of 8037  
the Revised Code, as applicable. 8038

As used in this section, "norm-referenced" has the same 8039  
meaning as in section 3301.079 of the Revised Code. 8040

**Section 7.** Not later than one hundred eighty days after 8041  
the effective date of this section, the Department of Education 8042  
shall convene a group of experts in norm-referenced assessments 8043  
to make recommendations to the State Board of Education on how 8044  
to incorporate aggregate data from the results of norm- 8045  
referenced assessments into a format similar to the report card 8046  
ratings issued under section 3302.03 of the Revised Code. 8047

As used in this section, "norm-referenced" has the same 8048  
meaning as in section 3301.079 of the Revised Code. 8049

**Section 8.** Notwithstanding anything in the Revised Code to 8050  
the contrary or in any rule or directive of the State Board of 8051  
Education, Superintendent of Public Instruction, or Department 8052  
of Education, upon the effective date of this section, the State 8053  
Board of Education, Superintendent of Public Instruction, and 8054  
Department of Education shall forthwith take the steps necessary 8055  
to terminate the contract entered into by the State of Ohio that 8056  
is effective from October 21, 2014, to June 30, 2020, or its 8057  
successor, and that is used for the use, facilitation, delivery, 8058  
and administration of the assessments prescribed under sections 8059  
3301.0710 and 3301.0712 of the Revised Code. 8060

**Section 9.** Notwithstanding anything in the Revised Code to 8061  
the contrary, for the 2016-2017, 2017-2018, 2018-2019, 2019- 8062  
2020, 2020-2021, and 2021-2022 school years only, if, for any 8063  
reason, a student enrolled in an internet- or computer-based 8064  
community school does not take an assessment prescribed under 8065  
section 3301.0710 or 3301.0712 of the Revised Code, the school 8066  
shall require that student to take an assessment equivalent to 8067  
the assessment for which the student was absent. The school 8068

shall report to the Department of Education which assessment a student did not take, proof that the student took an equivalent assessment, and results of that equivalent assessment.

**Section 10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 3302.036 of the Revised Code as amended by both H.B. 64 and H.B. 70 of the 131st General Assembly.

Section 3319.02 of the Revised Code as amended by both H.B. 525 and S.B. 316 of the 129th General Assembly.