

AN ACT

To amend sections 307.031, 3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3325.08, and 3365.15; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3301.079 (3301.078) and 3301.0712 (3301.0719); to enact new sections 3301.079, 3301.0712, and 3301.0715 and sections 3301.0713, 3301.0718, 3302.031, 3313.6012, 3313.614, and 3313.615; to repeal sections 3301.0715 and 3301.0716 of the Revised Code and to repeal Section 4 of Am. Sub. S.B. 55 of the 122nd General Assembly to implement recommendations of the Governor's Commission for Student Success, and to amend section 3313.608 of the Revised Code effective July 1, 2003.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 307.031, 3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3325.08, and 3365.15 be amended, sections 3301.079 (3301.078) and 3301.0712 (3301.0719) be amended for the purpose of adopting new section numbers as indicated in parentheses, and new sections 3301.079, 3301.0712, and 3301.0715 and sections 3301.0713, 3301.0718, 3302.031, 3313.6012, 3313.614, and 3313.615 of the Revised Code be enacted to read as follows:

Sec. 307.031. As used in this section, "ADM" means the average daily

membership of an educational service center for which a board of county commissioners is required to provide an office under section 3319.19 of the Revised Code, as certified by the superintendent of public instruction to the tax commissioner pursuant to division (C) of that section.

(A) There is hereby created in the treasury of each county in which the office of an educational service center is located the educational service center governing board office fund. Any moneys received by a board of county commissioners under division (B) or (C) of this section shall be credited to the educational service center governing board office fund in that county treasury. The board of county commissioners shall utilize and expend moneys from the fund solely to meet or to assist in meeting the requirements of division (A) or (B) of section 3319.19 and division (A)(2) of section ~~3301.0712~~ 3301.0719 of the Revised Code and any rules of the department of education regarding facilities of educational service centers.

(B) For the purpose of this division, "licensed employee" shall be defined by the department of education by rule.

(1) From moneys appropriated for the purposes of this section, during March of each year the tax commissioner shall determine for and distribute to the board of county commissioners of each county in which an educational service center office is located the amount required under divisions (B)(3) to (5) of this section. If moneys appropriated for the purposes of this section are not sufficient to provide that amount to each board of county commissioners, the tax commissioner shall reduce the amount distributed to each board of county commissioners by the percentage that the amount of the moneys appropriated for the purposes of this section is less than the total of the amounts determined under divisions (B)(3) to (5) of this section for all boards of county commissioners in the state.

(2) Except as provided in division (C) of this section, moneys expended from the educational service center governing board office fund may be used by a board of county commissioners for the actual costs of meeting the requirements of division (A) of this section. The board of county commissioners shall calculate these costs and submit the calculations and the methodology for the calculation to the educational service center superintendent at least thirty days prior to expending moneys from the educational service center governing board office fund. The educational service center superintendent may question any item or cost, or the methodology of arriving at the cost of any item.

(3) Except as provided under division (B)(5) of this section, if the ratio of the ADM to the number of full-time equivalent licensed employees of the

educational service center governing board equals or exceeds one hundred to one, the amount distributed under division (B)(1) of this section to a board of county commissioners shall be the greater of the following:

- (a) An amount equal to six dollars times the ADM;
- (b) Fifteen thousand dollars.

(4) Except as provided under division (B)(5) of this section, if the ratio of the ADM to the number of full-time equivalent licensed employees of the educational service center governing board is less than one hundred to one, the amount distributed under division (B)(1) of this section to a board of county commissioners shall be the greater of the following:

- (a) An amount equal to the total of six dollars times the ADM plus two hundred fifty dollars times the number of full-time equivalent licensed employees of the educational service center governing board;
- (b) Fifteen thousand dollars.

(5) If the amount determined under division (B)(3) or (4) of this section for a board of county commissioners exceeds the actual cost to the board of providing and equipping offices for the use of the educational service center superintendent of schools as required under division (A) or (B) of section 3319.19 and division (A)(2) of section ~~3301.0712~~ 3301.0719 of the Revised Code, the amount distributed to the board of county commissioners under division (B)(1) of this section shall equal the actual cost.

(C) Any amount appropriated by the general assembly for the purposes of this section in any fiscal year and remaining after the distribution to boards of county commissioners pursuant to division (B) of this section shall be distributed by the tax commissioner in accordance with this division and division (D) of section 3319.19 of the Revised Code.

A board of county commissioners, upon receiving the notice from the superintendent of public instruction of the selection of a grant proposal as submitted or modified and the amount of any grant to be distributed to the board pursuant to division (D) of section 3319.19 of the Revised Code, shall adopt a resolution to either accept or reject the selected proposal and grant, and shall submit copies of the resolution to the superintendent of public instruction, the educational service center superintendent, and the tax commissioner. Upon receipt of a resolution accepting a proposal and grant from a board, the tax commissioner shall pay to the board the amount of the grant certified by the superintendent of public instruction. Upon acceptance, the board shall deposit the moneys in the educational service center governing board office fund and may expend such moneys as set forth in division (B)(2) of this section or as specifically provided for in the grant proposal selected by the superintendent of public instruction.

Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the following powers:

(A) Exercise policy forming, planning, and evaluative functions for the public schools of the state, and for adult education, except as otherwise provided by law;

(B) Exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state. The board also shall develop a standard of financial reporting which shall be used by all school districts and educational service centers to make their financial information available to the public in a format understandable by the average citizen and provide year-to-year comparisons for at least five years. The format shall show, among other things, district and educational service center revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures.

(C) Administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D) Formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately

~~for: a curriculum sufficient to meet the needs of pupils in every community; locally developed competency programs;~~ the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

(E) Formulate and prescribe minimum standards for driver education courses conducted at high schools in the state or by educational service centers or joint vocational school district boards of education. In the formulation of standards for driver education courses, the board shall call upon the director of public safety for advice and assistance. The standards shall require twenty-four hours of classroom instruction, and eight hours of actual behind-the-wheel instruction conducted on public streets and highways of this state, but shall not require any additional hours of observation within a vehicle. The board shall require energy conservation information as part of the driver education curriculum. Such information shall include, but need not be limited to, the identification of inefficient driving techniques and improper maintenance as they relate to decreased gas mileage, information regarding the costs and benefits of different modes of travel, and information concerning relative fuel economy and life-cycle costs of new automobile purchases. The board also shall require financial responsibility information as part of the driver education curriculum. The board also may require as part of the health and driver education curricula information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and provide the information to high schools, educational service centers, and joint vocational school district boards of education.

(F) Prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level;

(G) Prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public schools of the state;

(H) Cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state;

(I) Require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, adopt procedures, standards, and guidelines for the education of handicapped children pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of mental retardation and developmental disabilities pursuant to section 3323.09 of the Revised Code;

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) Require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades;

(M) Formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten

through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) Develop and modify as necessary a state plan for technology to encourage and promote the use of technological advancements in educational settings.

The board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

~~Sec. 3301.079~~ 3301.078. The state board of education shall adopt a standard restricting to not more than twenty-five pupils, the size of any class in which instruction is provided to bilingual multicultural pupils by a teacher holding a license to teach bilingual pupils pursuant to section 3319.22 of the Revised Code.

Sec. 3301.079. (A)(1) Not later than December 31, 2001, the state board of education shall adopt statewide academic standards for each of grades kindergarten through twelve in reading, writing, and mathematics. Not later than December 31, 2002, the state board shall adopt statewide academic standards for each of grades kindergarten through twelve in science and social studies. The standards shall specify the academic content and skills that students are expected to know and be able to do at each grade level.

(2) When academic standards have been completed for any subject area required by this division, the state board shall inform all school districts of the content of those standards.

(B) Not later than eighteen months after the completion of academic standards for any subject area required by division (A) of this section, the state board shall adopt a model curriculum for instruction in that subject area for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards to ensure that the academic content and skills specified for each grade level are taught to students. When any model curriculum has been completed, the state board shall inform all school districts of the content of that model curriculum.

All school districts may utilize the state standards and the model curriculum established by the state board, together with other relevant

resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department of education shall provide technical assistance to any district in implementing the model curriculum.

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

(C) The state board shall develop achievement tests aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by section 3301.0710 of the Revised Code.

When any achievement test has been completed, the state board shall inform all school districts of its completion, and the department of education shall make the achievement test available to the districts. School districts shall administer the achievement test beginning in the school year indicated in section 3301.0712 of the Revised Code.

(D)(1) Not later than July 1, 2007, and except as provided in division (D)(3) of this section, the state board shall adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades kindergarten through two in reading, writing, and mathematics and for each of grades three through eight in reading, writing, mathematics, science, and social studies. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic tests shall be public records.

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department of education shall make the diagnostic assessment available to the districts at no cost to the district. School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

(3) The state board shall not adopt a diagnostic assessment for any subject area and grade level for which the state board develops an achievement test under division (C) of this section.

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

board and department shall consult with teachers recognized as outstanding in their fields.

(F) Not later than forty-five days prior to any deadline established under division (A) or (B) of this section for the adoption of academic standards or model curricula, the superintendent of public instruction shall present the relevant academic standards or curricula to a joint meeting of the house of representatives and senate committees with jurisdiction over education legislation.

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

Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to test student proficiency for the purpose of ensuring achievement. The state board shall ensure that all tests administered under the testing program are aligned with the academic standards and model curricula adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code.

The testing program shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of proficiency achievement in reading, writing, mathematics, science, and citizenship social studies. In order to determine this proficiency, the minimum standards shall be appropriate for tenth grade proficiency level in each of the specified areas.

(A)(1) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a fourth grade level of proficiency in the measured skill.

(2) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and determine and designate the score on each such test that is deemed to demonstrate that any student attaining such score has achieved

at least a sixth-grade level of proficiency in the measured skill.

~~(3) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a twelfth-grade level of proficiency in the measured skill. The state board shall prescribe all of the following:~~

(a) A statewide achievement test designed to measure the level of reading skill expected at the end of third grade;

(b) Two statewide achievement tests, one each designed to measure the level of writing and mathematics skill expected at the end of fourth grade;

(c) Two statewide achievement tests, one each designed to measure the level of science and social studies skill expected at the end of fifth grade;

(d) Three statewide achievement tests, one each designed to measure the level of reading, writing, and mathematics skill expected at the end of seventh grade;

(e) Two statewide achievement tests, one each designed to measure the level of science and social studies skill expected at the end of eighth grade.

(2) The state board shall determine and designate at least four ranges of scores on each of the achievement tests described in division (A)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(a) An advanced level of skill;

(b) A proficient level of skill;

(c) A basic level of skill;

(d) A below basic level of skill.

(B) The tests prescribed under this division shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school ~~proficiency~~ achievement tests, one each designed to measure skill in the level of reading, writing, mathematics, science, and ~~citizenship~~ social studies skill expected at the end of tenth grade, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least ~~the~~ a proficient level of ~~proficiency in the measured~~ skill appropriate for tenth grade.

The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide ~~proficiency~~ achievement testing requirements for receiving high school diplomas, under which any student who has met a ~~proficiency~~ an

achievement testing requirement of one state is recognized as having met the similar ~~proficiency~~ achievement testing requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state ~~and~~ who has met a ~~proficiency~~ an achievement testing requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each test required by this division that is specified in the agreement.

(C) The state board shall annually designate as follows the dates on which the tests prescribed under this section shall be administered:

(1) For the test prescribed under division (A)(1)~~(a)~~ of this section ~~to measure skill in reading~~, as follows:

~~(a) For students entering fourth grade in school years that start prior to July 1, 2001, the same dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;~~

~~(b) For students entering fourth grade beginning with the school year that starts July 1, 2001:~~

~~(i) One date prior to the thirty-first day of December each school year;~~

~~(ii) Any dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;~~

~~(iii)(b) At least one date of each school year that is not earlier than Monday of the week containing the eighth day of March;~~

~~(c) One date during the summer for students receiving summer remediation services under division (B)(3) of section 3313.608 of the Revised Code.~~

(2) For the tests prescribed under ~~division~~ divisions (A)(1)~~(b), (c), (d), and (e)~~ of this section ~~to measure skill in writing, mathematics, science, and citizenship and the tests prescribed under division (A)(2) of this section~~, at least one date of each school year that is not earlier than Monday of the week containing the ~~fifteenth~~ eighth day of March;

(3) ~~For the tests prescribed under division (A)(3) of this section, at least one date subsequent to the thirty-first day of December but prior to the thirty-first day of March of each school year;~~

(4) For the tests prescribed under division (B) of this section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty-first day of December and at least one date

subsequent to that date but prior to the thirty-first day of March of each school year for eleventh and twelfth grade students.

(D) In prescribing test dates pursuant to division (C)(4)(3) of this section, the board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.

(E) In prescribing test dates pursuant to this section, the state board of education shall designate the dates in such a way as to allow a reasonable length of time between the administration of tests prescribed under this section and any administration of the National Assessment of Education Progress Test given to students in the same grade level pursuant to section 3301.27 of the Revised Code.

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

(1) Annually furnish to, grade, and score all tests required by section 3301.0710 of the Revised Code to be administered by city, local, ~~and~~ exempted village, and joint vocational school districts; In awarding contracts for grading tests, the department shall give preference to Ohio-based entities employing Ohio residents.

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

(B) Except as provided in divisions (C) and (J)(2) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the test prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code ~~to measure skill in reading as follows:~~

(a) ~~For students entering fourth grade in school years that start prior to July 1, 2001, at least once annually to all students in the fourth grade;~~

(b) ~~For students entering fourth grade beginning with the school year that starts July 1, 2001, twice annually to all students in the fourth~~ third grade who have not attained the score designated for that test under division (A)(4)(2)(b) of section 3301.0710 of the Revised Code and once each summer to students receiving summer remediation services under ~~division (B)(3) of section 3313.608 of the Revised Code.~~

(2) Administer the tests prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code ~~to measure skill in writing, mathematics, science, and citizenship~~ at least once annually to all students in the fourth

grade.

(3) Administer the tests prescribed under division (A)(2)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the ~~sixth~~ fifth grade.

(4) Administer ~~any~~ the tests prescribed under division (A)(3)(1)(d) of section 3301.0710 of the Revised Code at least once annually to ~~any student~~ all students in the ~~twelfth~~ seventh grade ~~who, on all the tests prescribed under division (B) of that section, has attained the applicable scores designated under such division prior to the first day of January of that year.~~

(5) Administer the tests prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(6) Except as provided in division (B)(7) of this sections, administer any test prescribed under division (B) of section 3301.0710 of the Revised Code as follows:

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

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

(7) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any test prescribed under division (B) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that test designated under that division. A board of a joint vocational school district may also administer such a test to any student described in division (B)(6)(b) of this section.

(C)(1)(a) Any student receiving special education services under Chapter 3323. of the Revised Code ~~shall~~ may be excused from taking any particular test required to be administered under this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. ~~In the case of any student so excused from taking a test, the school district board of education shall not prohibit the student from taking the test. Any~~ and instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for

receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking a test unless no reasonable accommodation can be made to enable the student to take the test.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the tests which the alternate assessments are replacing in order to allow for the student's assessment results to be included in the data compiled for a school district under section 3302.03 of the Revised Code.

(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular test required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that test. In the case of any student so excused from taking a test, the chartered nonpublic school shall not prohibit the student from taking the test.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than nine days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

(3) As used in this division, "English-limited student" means a student whose primary language is not English ~~and~~, who has been enrolled in United States schools for less than ~~two~~ three full school years, and who within the school year has been identified, in accordance with criteria provided by the department of education, as lacking adequate proficiency in English for a test under this section to produce valid results with respect to that student's academic progress.

A school district board or governing authority of a nonpublic school may grant a temporary, one-year exemption from any test administered under this section to an English-limited student. Not more than three temporary one-year exemptions may be granted to any student. During any school year in which a student is excused from taking one or more tests administered under this section, the school district shall assess that student's progress in learning English, in accordance with procedures approved by the department.

~~No English-limited student shall be required to take any test administered under this section. However, no~~ district board or governing authority of a chartered nonpublic school shall prohibit an English-limited student from taking a test under this section.

(D) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) of section 3301.0710 of the Revised Code or former division (A)(1) or (B) of section 3301.0710 of the Revised Code as it existed prior to the effective date of this amendment are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services ~~to the student~~ commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed ~~on those tests~~ to demonstrate at least ~~fourth-grade levels of literacy and basic competency~~ a score at the proficient level on a proficiency test or a score in the basic range on an achievement test. This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall ~~permit~~ utilize any student ~~to be denied promotion to a higher grade level solely because of the student's failure to attain a specified score on any test administered under this section as a factor in any decision to deny the student promotion to a higher grade level.~~ However, a district board may choose not to promote to the next grade level any student who does not take any ~~proficiency~~ test administered under this section or make up such test as provided by division (C)(2) of this section and who is not exempted from the requirement to take the test under division (C)(1) or (3) of this section.

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

(G) Not later than sixty days after any administration of any test prescribed by section 3301.0710 of the Revised Code, the department shall send to each school district board a list of the individual test scores of all persons taking the test. For any tests administered under this section by a joint vocational school district, the department shall also send to each city, local, or exempted village school district a list of the individual test scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(H) Individual test scores on any tests administered under this section shall be released by a district board only in accordance with section

3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate test results in any manner that conflicts with rules for the ethical use of tests adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department shall not release any individual test scores on any test administered under this section and shall adopt rules to ensure the protection of student confidentiality at all times.

(J) Notwithstanding ~~division (D) of section 3311.19 and~~ division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any ~~joint vocational or~~ cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a ~~joint vocational school district or a~~ cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the ~~joint vocational or~~ cooperative education school district for administering any test prescribed under this section to students of the city, exempted village, or local school district who are attending school in the ~~joint vocational or~~ cooperative education school district.

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

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

(b) Persons described in division (B)~~(5)~~(6)(b) of this section.

Any testing of students pursuant to such an agreement shall be in lieu of any testing of such students or persons pursuant to this section.

(K)(1) Any chartered nonpublic school may participate in the testing program by administering any of the tests prescribed by section 3301.0710 of the Revised Code if the chief administrator of the school specifies which tests the school wishes to administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which tests are administered and shall include

a pledge that the nonpublic school will administer the specified tests in the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the tests prescribed by section 3301.0710 of the Revised Code to any chartered nonpublic school electing to participate under this division.

~~(L)(1) Except as provided in division (L)(3) of this section, the~~ The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the tests described by section 3301.0710 of the Revised Code. Each superintendent shall administer the tests in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the tests described by section 3301.0710 of the Revised Code to each superintendent.

~~(3) Any student enrolled in the state school for the blind or the state school for the deaf shall be excused from taking any particular test required to be administered under division (L)(1) of this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. In the case of any student so excused from taking a test, the superintendent of the school shall not prohibit the student from taking the test.~~

~~(M) Notwithstanding division (E) of this section, beginning July 1, 1999, a school district may retain any student for an additional year in such student's current grade level if such student has failed to attain the designated scores on three or more of the five~~ use a student's failure to attain a score in at least the basic range on any of the tests described by division (A)(1) or (2)(b), (c), (d), or (e) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

~~This division does not supersede the requirements of section 3313.608 of the Revised Code.~~

(N)(1) All ~~proficiency~~ tests required by section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the test was administered.

(2) The department may field test proposed ~~proficiency~~ test questions with samples of students to determine the validity, reliability, or appropriateness of test questions for possible inclusion in a future year's ~~proficiency~~ test.

Field test questions shall not be considered in computing test scores for

individual students. Field test questions may be included as part of the administration of any ~~proficiency~~ test required by section 3301.0710 of the Revised Code.

(3) Any field test question administered under division (N)(2) of this section shall not be a public record. Such field test questions shall be redacted from any ~~proficiency~~ tests which are released as a public record pursuant to division (N)(1) of this section.

Sec. 3301.0712. (A) Notwithstanding sections 3301.0710 and 3301.0711 of the Revised Code, the state board of education shall continue to prescribe and the department of education and each school district shall continue to administer any proficiency test as required by those former sections until the applicable achievement test, as indicated on the chart below, has been developed and made available in accordance with section 3301.079 of the Revised Code. Thereafter, such achievement test shall be administered to students under sections 3301.0710 and 3301.0711 of the Revised Code. School districts shall continue to provide intervention services as required under former division (D) of section 3301.0711 of the Revised Code to students who fail to attain a score in the proficient range on a fourth grade proficiency test.

<u>Proficiency</u> <u>Test</u>	<u>Achievement</u> <u>Test</u>	<u>First administration</u> <u>in school year</u> <u>beginning July 1 of</u>
<u>4th grade reading</u> <u>test</u>	<u>3rd grade reading</u> <u>test</u>	<u>2003</u>
<u>4th grade writing</u> <u>test</u>	<u>4th grade writing</u> <u>test</u>	<u>2004</u>
<u>4th grade mathematics</u> <u>test</u>	<u>4th grade</u> <u>mathematics</u> <u>test</u>	<u>2004</u>
<u>4th grade science</u> <u>test</u>	<u>5th grade science</u> <u>test</u>	<u>2005</u>
<u>4th grade citizenship</u> <u>test</u>	<u>5th grade social</u> <u>studies test</u>	<u>2005</u>
<u>6th grade reading</u> <u>test</u>	<u>7th grade reading</u> <u>test</u>	<u>2006</u>
<u>6th grade writing</u> <u>test</u>	<u>7th grade writing</u> <u>test</u>	<u>2006</u>
<u>6th grade mathematics</u> <u>test</u>	<u>7th grade</u> <u>mathematics</u> <u>test</u>	<u>2006</u>

<u>6th grade science test</u>	<u>8th grade science test</u>	<u>2006</u>
<u>6th grade citizenship test</u>	<u>8th grade social studies test</u>	<u>2006</u>
<u>9th grade reading test</u>	<u>Ohio graduation test in reading</u>	<u>2004</u>
<u>9th grade writing test</u>	<u>Ohio graduation test in writing</u>	<u>2004</u>
<u>9th grade mathematics test</u>	<u>Ohio graduation test in mathematics</u>	<u>2004</u>
<u>9th grade science test</u>	<u>Ohio graduation test in science</u>	<u>2004</u>
<u>9th grade citizenship test</u>	<u>Ohio graduation test in social studies</u>	<u>2004</u>

(B) The state board shall continue to prescribe and school districts and chartered nonpublic schools shall continue to administer ninth grade proficiency tests in reading, writing, mathematics, science, and citizenship to students who enter ninth grade prior to July 1, 2003, for as long as those students remain eligible under section 3313.614 of the Revised Code to receive their high school diplomas based on passage of those ninth grade proficiency tests. No student who enters ninth grade prior to July 1, 2003, is required to take any Ohio graduation test, even if any are administered to the student's grade level, until the student is required by section 3313.614 of the Revised Code to pass Ohio graduation tests to receive a high school diploma.

Sec. 3301.0713. (A) The state board of education shall recommend a plan to the general assembly for developing and implementing a series of end-of-course examinations aligned with the academic standards described in section 3301.079 of the Revised Code to be administered to high school students upon the completion of specified courses as an alternative to passing the tests required under division (B) of section 3301.0710 of the Revised Code to receive a high school diploma.

(B) The state board shall appoint a committee to develop recommendations to incorporate end-of-program assessments for career-technical education programs in a manner similar to the plan for end-of-course examinations required under division (A) of this section. The committee shall present its recommendations to the state board. The committee shall include representatives from each of the following groups:

- (1) Business;
- (2) Labor;

(3) Career-technical education workforce development teachers;

(4) Career-technical education administrators represented by a superintendent of a joint vocational school district;

(5) Career-technical education administrators represented by a director of a city career-technical education school;

(6) Parents;

(7) Career-technical education student organizations;

(8) Alumni of career-technical education workforce development programs.

In developing its recommendations, the committee shall consider the feasibility of substituting industry, state, or national certification examinations, when available, for end-of-program assessments for career-technical education programs. The committee shall also consider appropriate measures of student performance for career-technical education programs and methods of reporting such data to the public.

(C) The department of education shall fund all development costs associated with any career-technical education end-of-program assessment recommendations made pursuant to division (B) of this section. In the event that such assessments are adopted as an alternative for the Ohio graduation tests required under division (B) of section 3301.0710 of the Revised Code, the department shall fund all implementation and administration costs associated with those assessments.

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:

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

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

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

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

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

(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:

(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 handicapped students, 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 handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

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

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

~~(d) Academic achievement levels in grades one through eight as assessed by the locally developed competency programs required by division (D) of section 3301.07 of the Revised Code;~~

(e) Academic achievement levels as assessed by the testing of student proficiency achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

~~(f)~~(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

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

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

~~(i)~~(h) Expulsion rates;

~~(j)~~(i) Suspension rates;

~~(k)~~(j) The percentage of students receiving corporal punishment;

~~(l)~~(k) Dropout rates;

~~(m)~~(l) Rates of retention in grade;

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

~~(o)~~(n) Graduation rates, to be calculated in a manner specified by the department 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;

(o) 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 if the parent of that student requests the district not to report those results.

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

(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.

(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 employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) 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.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such

class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

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

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

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

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

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

breakdown of the total cost, a cost for each of the following components:

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

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

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

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

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

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

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

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about

individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines ~~may~~ shall not authorize school districts to request social security numbers of individual students ~~so that school districts and the data acquisition sites operated under section 3301.075 of the Revised Code can assure accuracy and avoid errors in collecting the data.~~ ~~However, the~~ The guidelines shall prohibit the reporting under this section of any personally identifiable information about any student, including a student's ~~social security number~~, name, or address, to the state board of education or the department of education or to any other person unless such person is employed by the school district or the data acquisition site and is authorized by the district or acquisition site to have access to such information. The guidelines may require school districts to provide the social security numbers of individual staff members.

(2) The guidelines shall provide for each school district or community school to assign a data verification code to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the data acquisition sites utilizing the code but at no time shall anyone other than an employee of the school district or community school in which the student is enrolled have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls and shall remove all references to the code in any records retained in the district or school that pertain to any student no longer enrolled. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(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 2151.358 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 district and shall compile the data in accordance with these formats. These profile formats shall:

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

(2) Present the data on academic achievement levels as assessed by the testing of student ~~proficiency~~ achievement maintained pursuant to division (B)(1)(e) of this section so that the academic achievement levels of students who are excused from taking any such test pursuant to division (C)(1) of section 3301.0711 of the Revised Code are distinguished from the academic achievement levels of students who are not so excused.

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

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

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district,

at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

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

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district.

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

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

(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:

(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;

(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;

(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.

Any report made under this division shall include recommendations for corrective action by the school district.

Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The

department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within ninety days of the date upon which the report was made by the department.

(M) The department of education, after consultation with the Ohio education computer network, may provide at no cost to school districts uniform computer software for use in reporting data to the education management information system, provided that no school district shall be required to utilize such software to report data to the education management information system if such district is so reporting data in an accurate, complete, and timely manner in a format compatible with that required by the education management information system.

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

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

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (D)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as provided in division (E) of this section, the board of education of each city, local, and exempted village school district shall administer each diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to measure student progress toward the attainment of academic standards for grades kindergarten through two in reading, writing, and mathematics and for grades three through eight in reading, writing, mathematics, science, and social studies.

(B) Each district board shall administer each diagnostic assessment as the board deems appropriate. However, the board shall administer any

diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the "value added" of the instruction received by students during that school year.

(C) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department of education. Except as required by division (B)(1)(o) of section 3301.0714 of the Revised Code, neither the state board nor the department shall require school districts to report the results of diagnostic assessments for any students to the department or to make any such results available in any form to the public. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student upon the parent's request.

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

(E) Any district declared excellent under section 3302.03 of the Revised Code may assess student progress using a diagnostic assessment other than the diagnostic assessment required by division (A) of this section.

(F) Within thirty days after a student transfers into a school district or to a different school within the same district, the district shall administer each diagnostic assessment required under division (A) of this section to the student.

Sec. 3301.0717. In addition to the duties imposed on it by law, the state board of education shall establish and submit to the governor and the general assembly a clear and measurable set of goals with specific timetables for their achievement. The goals shall be established for programs designed to accomplish:

- (A) A reduction in rates of retention in grade;
- (B) Reductions in the need for remedial courses;
- (C) Reductions in the student dropout rate;
- (D) Improvements in scores on standardized tests;
- (E) Increases in satisfactory completion of high school ~~proficiency~~ achievement tests;
- (F) Increases in American college test scores;
- (G) Increases in the rate of college entry;
- (H) Reductions in the need for remedial courses for first-year college ~~freshmen~~ students.

In July of each odd-numbered year, the state board of education shall submit a report on progress made toward these goals to the governor and the general assembly.

Sec. 3301.0718. (A) After completing the required standards specified in section 3301.079 of the Revised Code, the state board of education shall adopt standards and model curricula for instruction in computer literacy for grades three through twelve and in fine arts and foreign language for grades kindergarten through twelve. The state board shall not adopt or revise any standards or curriculum in the area of health or physical education unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health or physical education standards, curriculum, or revisions, its standing committee having jurisdiction over education legislation shall conduct at least one public hearing on the standards, curriculum, or revisions.

(B) The state board shall not adopt a diagnostic assessment or achievement test for any grade level or subject area other than those specified in section 3301.079 of the Revised Code.

~~Sec. 3301.0712~~ 3301.0719. (A) The state board of education shall adopt minimum standards under which each governing board of an educational service center shall develop a plan of service to school districts within the center's territory. The standards shall require that the plan of service include, but need not be limited to, provisions that ensure:

(1) The maximum involvement of boards of education of local school districts in all aspects of the service plan;

(2) Adequate and well-maintained physical facilities for the offices of the county board;

(3) Fiscal monitoring of the local districts by the educational service center governing board;

(4) The availability of qualified staff in sufficient numbers to implement the service plan;

(5) Supervision and evaluation of classroom activities in the local districts;

(6) The availability of in-service and continuing education programs for all local district and educational service center personnel;

(7) The offering of specified curriculum services to the local districts;

(8) The development of research and development programs;

(9) Regular and continuing communication among the educational service center governing board, local districts, and the community;

(10) Continuing planning for the maximum utilization of existing school

buildings and the development of new facilities;

(11) Monitoring and enforcement of the compulsory attendance law;

(12) Accurate recordkeeping in the local district schools;

(13) Assistance to local districts in the provision of special accommodations and classes for handicapped students.

(B) Each educational service center governing board shall, within one hundred eighty days of the effective date of the minimum standards adopted by the state board under division (A) of this section, submit to the state board a plan of service that meets these standards. The state board shall approve any plan of service that meets these standards and, upon approval of any such plan, shall issue a charter to that educational service center.

(C) The state board shall conduct an evaluation every five years of each educational service center governing board and the services it provides. The evaluation shall include recommendations and shall be discussed in a public meeting held by the superintendent of the educational service center within thirty days of receipt of the evaluation report. The educational service center superintendent shall also submit a plan to the state board for correcting any violations specified in the evaluation within ninety days of receipt of the evaluation report. The state board shall approve any such plan that meets the minimum standards adopted by the state board under division (A) of this section.

(D) The state board shall revoke the charter of any educational service center that fails to comply with the plan of service approved by the state board under division (B) of this section or with any plan for correcting violations approved by the state board under division (C) of this section.

(E) If any educational service center fails to submit a plan of service in compliance with the provisions of division (B) of this section or if the charter of any educational service center is revoked pursuant to division (D) of this section, the state board may dissolve the educational service center and pursuant to this division transfer its territory to one or more adjacent educational service centers.

Prior to dissolving an educational service center pursuant to this division, the state board shall notify the educational service center governing board to be dissolved and the governing boards of all adjacent educational service centers of its intention to dissolve the educational service center. The governing boards receiving such a notice may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory.

No order of the state board to transfer the territory of an educational service center being dissolved pursuant to this division shall divide the

territory of a local school district between two or more adjacent educational service centers. An equitable division of the funds, property, and indebtedness of any educational service center being dissolved pursuant to this division shall be made by the state board among the educational service centers receiving territory. The governing board of an educational service center receiving territory shall accept such territory pursuant to the order of the state board. Any transfer of territory ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days after the date on which the order was issued.

(F) In issuing and revoking charters under this section, the state board shall be governed by the provisions of Chapter 119. of the Revised Code.

Sec. 3301.801. (A) The Ohio SchoolNet commission shall create and maintain a clearinghouse for classroom teachers, including any classroom teachers employed by community schools established under Chapter 3314. of the Revised Code, to easily obtain lesson plans and materials and other practical resources for use in classroom teaching. The commission shall develop a method of obtaining submissions, from classroom teachers and others, of such plans, materials, and other resources that have been used in the classroom and that can be readily used and implemented by classroom teachers in their regular teaching activities. The commission also shall develop methods of informing classroom teachers of both the availability of such plans, materials, and other resources, and of the opportunity to submit such plans, materials, and other resources and other classroom teaching ideas to the clearinghouse.

The department of education shall regularly identify research-based practices concerned with scheduling and allotting instructional time and submit such practices to the commission for inclusion in the clearinghouse.

The commission shall periodically report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the education committees of the senate and the house of representatives regarding the clearinghouse and make recommendations for changes in state law or administrative rules that may facilitate the usefulness of the clearinghouse.

(B) Not later than one year after the effective date of this amendment, the department of education shall identify research studies on academic intervention and prevention practices that have been successful in improving the academic performance of students from different ethnic and socioeconomic groups, develop an annotated bibliography of such studies, and provide that bibliography to the Ohio SchoolNet commission. The

commission shall promptly make the bibliography available to school districts as a part of the clearinghouse established under this section.

Sec. 3301.91. (A) The OhioReads council's responsibilities include, but are not limited to, the following:

(1) Advising and consenting to the superintendent of public instruction's appointments to the position of executive director of the OhioReads office;

(2) Evaluating the effectiveness of the OhioReads initiative established by this section and sections 3301.86 and 3301.87 of the Revised Code and conducting annual evaluations beginning in fiscal year 2002;

(3) Developing a strategic plan for identifying, recruiting, training, qualifying, and placing volunteers for the OhioReads initiative;

(4) Establishing standards for the awarding of classroom reading grants under section 3301.86 of the Revised Code and community reading grants under section 3301.87 of the Revised Code, including eligibility criteria, grant amounts, purposes for which grants may be used, and administrative, programmatic, and reporting requirements;

(5) Awarding classroom reading grants and community reading grants to be paid by the OhioReads office under sections 3301.86 and 3301.87 of the Revised Code;

(6) Establishing guidelines for and overseeing the general responsibilities and mission of the executive director of the OhioReads office;

(7) Adopting rules pursuant to Chapter 119. of the Revised Code to establish standards required under sections 3301.86 and 3301.87 of the Revised Code.

(B) In performing its duties, the council shall, to the extent practicable:

(1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;

(2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under former division (A)(1) of section 3301.0710 of the Revised Code and the third grade reading achievement test established under division (A)(1)(a) of section 3301.0710 of the Revised Code;

(3) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs;

(4) Focus on early reading intervention strategies, professional development, and parental involvement;

(5) Give priority to programs recognized as promising educational practices for accelerating student achievement, including, but not limited to, programs primarily using volunteers and programs that may have been

reviewed by the education commission of the states.

Sec. 3302.02. ~~The following are the expected state performance standards for school districts:~~

~~(A) A ninety per cent graduation rate;~~

~~(B) At least seventy five per cent of fourth graders proficient on the mathematics test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(C) At least seventy five per cent of fourth graders proficient on the reading test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(D) At least seventy five per cent of fourth graders proficient on the writing test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(E) At least seventy five per cent of fourth graders proficient on the citizenship test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;~~

~~(F) At least seventy five per cent of ninth graders proficient on the mathematics test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(G) At least seventy five per cent of ninth graders proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(H) At least seventy five per cent of ninth graders proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(I) At least seventy five per cent of ninth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(J) At least eighty five per cent of tenth graders proficient on the mathematics test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(K) At least eighty five per cent of tenth graders proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(L) At least eighty five per cent of tenth graders proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(M) At least eighty five per cent of tenth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;~~

~~(N) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;~~

~~(O) At least sixty per cent of twelfth graders proficient on the reading test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;~~

~~(P) At least sixty per cent of twelfth graders proficient on the writing test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;~~

~~(Q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;~~

~~(R) At least a ninety-three per cent attendance rate.~~

~~When sufficient data concerning the tests given pursuant to division (A)(2) of section 3301.0710 of the Revised Code and the science tests given pursuant to divisions (A)(1), (3), and (B) of section 3301.0710 of the Revised Code are available for the department of education to establish performance standards for those tests, the department shall recommend a rule adding standards to reflect these additional tests. The department shall also recommend a rule when necessary to allow for the phasing out of the ninth grade proficiency test and its replacement with a high school proficiency test pursuant to section 3301.0710 of the Revised Code as amended by Amended Substitute Senate Bill No. 55 of the 122nd general assembly. The rules~~

The state board of education annually through 2006, and every six years thereafter, shall establish at least seventeen performance indicators for the report cards required by division (D) of section 3302.03 of the Revised Code. In establishing these indicators, the state board shall consider inclusion of student performance on any tests given under section 3301.0710 of the Revised Code, rates of student improvement on such tests, student attendance, the breadth of coursework available within the district, and other indicators of student success. The state board shall notify all school districts of the selected performance indicators at least two years before they are included in the report card.

The state board shall not recommend establish any standard be established performance indicator for passage of the third or fourth grade reading test that is solely based on the test given in the fall for the purpose of determining whether students have met the fourth-grade reading guarantee provisions of section 3313.608 of the Revised Code.

~~Rules recommended by the department under this section shall not take effect unless approved by joint resolution of the general assembly.~~

~~Sec. 3302.03. (A) Beginning with the fiscal year that starts on July 1,~~

~~1999, every three years~~ Annually the department of education shall ~~calculate~~ and report for each school district ~~its percentages on the extent to which it meets each of the performance indicators listed in~~ created by the state board of education under section 3302.02 of the Revised Code and shall specify for each such district the extent to which the acceptable number of performance indicator has indicators that have been achieved and whether the district is an excellent school district, an effective school district, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

When possible, the department shall also determine for each school building in a district the extent to which it meets any of the performance indicators applicable to the grade levels of the students in that school building and whether the school building is an excellent school, an effective school, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

(B)(4) If the state board establishes seventeen performance indicators applicable to a school district or building under section 3302.02 of the Revised Code:

(1) A school district or building shall be declared excellent if it meets at least sixteen of the applicable state performance indicators.

(2) A school district or building shall be declared an effective school district if it meets at least ninety-four per cent thirteen through fifteen of the applicable state performance standards indicators.

(2)(3) A school district or building shall be declared to be in need of continuous improvement if it meets more than fifty per cent eight but less than ninety-four per cent thirteen of the applicable state performance standards indicators.

(3)(4) A school district or building shall be declared to be under an academic watch if it meets more than thirty-three per cent five but not more than fifty per cent eight of the applicable state performance standards indicators.

(4)(5) A school district or building shall be declared to be in a state of academic emergency if it does not meet more than thirty-three per cent five of the applicable state performance standards indicators.

(C) Whenever feasible, the department shall utilize three-year averaging of the district's percentages on the performance standards specified in section 3302.02 of the Revised Code If the state board establishes more than seventeen performance indicators under section 3302.02 of the Revised Code, or if less than seventeen performance indicators are applicable to a school building, the state board shall establish the number of indicators that

must be met in order for a district or building to be designated as excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency. The number established for each such category under this division shall bear a similar relationship to the total number of indicators as the number of indicators required for the respective categories stated in division (B) of this section bears to seventeen.

(D)(1) The department shall issue annual report cards for each school district, each building within each district, and for the state as a whole based on reflecting performance on the indicators created by the state board under section 3302.02 of the Revised Code.

(2) The department shall include on the report card for each district information pertaining to any change from the previous year made by the school district or school buildings within the district on any performance indicator.

(3) When reporting data on student performance, the department shall disaggregate that data according to the following categories:

(a) Performance of students by age group;

(b) Performance of students by race and ethnic group;

(c) Performance of students by gender;

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

(e) 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;

(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(g) Performance of students grouped by those who are classified as vocational education students pursuant to guidelines adopted by the department for purposes of this division;

(h) Performance of students grouped by those who are economically disadvantaged, to the extent that such data is available from the education management information system established under section 3301.0714 of the Revised Code.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate.

In reporting data pursuant to division (D)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students.

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

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

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

~~(2) The department shall not include in the report card required by this division proficiency test passage data according to any ethnic, racial, or gender classification.~~

~~(E) In calculating the reading, writing, mathematics, social studies, or science proficiency or achievement test passage rates used to determine school district performance under this section, the department shall include all students except:~~

~~(1) Those students exempted from the requirement to take the applicable proficiency test taking a test with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, but shall not include any student excused from taking a test pursuant to division (C)(3) of that section, whether or not the student chose to take the test voluntarily in spite of the exemption granted in that division;~~

~~(2) Those students to whom the twelfth grade tests are not administered, pursuant to division (B)(4) of section 3301.0711 of the Revised Code.~~

Sec. 3302.031. In addition to the report cards required under section 3302.03 of the Revised Code, the department of education shall annually prepare the following reports for each school district and make a copy of each report available to the superintendent of each district:

(A) A funding and expenditure accountability report which shall consist of the amount of state aid payments the school district will receive during the fiscal year under Chapter 3317. of the Revised Code and any other fiscal data the department determines is necessary to inform the public about the financial status of the district;

(B) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated

according to race and gender:

(C) A student equity report which shall consist of at least a description of the status of teacher qualifications, library and media resources, textbooks, classroom materials and supplies, and technology resources for each district. To the extent possible, the information included in the report required under this division shall be disaggregated according to grade level, race, gender, disability, and scores attained on tests required under section 3301.0710 of the Revised Code.

(D) A school enrollment report which shall consist of information about the composition of classes within each district by grade and subject disaggregated according to race, gender, and scores attained on tests required under section 3301.0710 of the Revised Code;

(E) A student retention report which shall consist of the number of students retained in their respective grade levels in the district disaggregated by grade level, subject area, race, gender, and disability.

Sec. 3302.04. (A) ~~By March 1, 1998, the~~ The state board of education shall ~~recommend to the general assembly~~ adopt a rule establishing both of the following:

(1) A standard unit of improvement that any building within a district or school district would be required to achieve on a specific performance ~~standard~~ indicator that it failed to meet in order to be deemed to have made satisfactory improvement toward meeting that ~~standard~~ indicator.

(2) The percentage of those performance ~~standards~~ indicators that a building within a district or a district did not meet, on which a building or district would be required to achieve the standard unit of improvement in order to be deemed to be making overall progress toward becoming an effective excellent building or district.

~~Upon approval of the general assembly, the~~ The rule shall apply to determinations of school district improvement under division (B) of this section.

(B) When a school district has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or a building within the district needs continuous improvement, is under an academic watch, or is in a state of academic emergency, the district shall develop a three-year continuous improvement plan containing an analysis of the reasons for the district's failure as a whole, or the failure of any buildings, to meet any of the ~~standards it does~~ indicators not meet met and specifying the strategies ~~it the district~~ will use and the resources it will allocate to address the problem. Copies of the plan shall be made available to the public.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the ~~territory of the~~ affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district.

(C) When a school district has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or a building within the district is under an academic watch or in a state of academic emergency, the district shall be subject to any rules establishing intervention in academic watch or emergency school districts that have been recommended to the general assembly by the department of education and approved by joint resolution of the general assembly. ~~The department shall recommend such rules by July 1, 1998.~~

(D)(1) Within one hundred twenty days after any school district or building within the district is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department shall initiate a site evaluation of the building or school district.

(2) If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan ~~for the school district~~ under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(3) Site evaluations conducted under divisions (D)(1) and (2) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether ~~the school district has~~ materials and equipment necessary to implement the curriculum approved by the school district board are available.

(E)(1) If, after three years under a continuous improvement plan developed pursuant to division (B) of this section, any school district that is declared to be in a state of academic emergency under section 3302.03 of the Revised Code has any building within the district that is declared to be in a state of academic emergency under that section and that fails to improve on the performance indicators that the building did not meet under that section to make progress toward becoming an excellent building, the district shall implement at least one of the following options with respect to that building:

(a) Replace the building principal;

(b) Examine the factors impeding student success and redesign the building to address those factors, including transferring or reassigning personnel;

(C) Institute a new schoolwide curriculum or educational model that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code and alter the structure of the school day or year;

(d) Contract with departments of education at public and private colleges in Ohio, educational service centers, or the state department of education to operate the building, including the provision of personnel, supplies, and equipment;

(e) Grant priority over all other applicants to students from the building who apply to attend another building within the district under the intradistrict open enrollment policy adopted by the district pursuant to section 3313.97 of the Revised Code;

(f) Close the building and reassign its students to other buildings within the district;

(g) Develop and implement a comprehensive alternative plan, subject to approval by the department of education, to improve the overall performance of the building.

Any action taken under division (E)(1)(f) of this section may include the establishment of a state intervention team to evaluate all aspects of the building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations to the district regarding methods for improving the performance of the building. The department shall not approve a district's request for an intervention team if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the

team.

(2) If any building subject to this division fails to improve on the performance indicators that the building did not meet under section 3302.03 of the Revised Code to make progress toward becoming an excellent building within two years following any action taken by the district under this division, the district shall select another option described by this division and implement such option with respect to the building.

Sec. 3302.05. ~~By March 1, 1998, the~~ The department of education shall recommend rules to the general assembly freeing school districts declared to be ~~effective~~ excellent under division (B)(1) or ~~in need of continuous improvement~~ effective under division (B)(2) of section 3302.03 of the Revised Code from specified state mandates. Any mandates included in the recommended rules shall be only those statutes or rules pertaining to state education requirements. The rules shall take effect upon their approval through passage of a joint resolution by the general assembly.

Sec. 3313.532. (A) Any person twenty-two or more years of age and enrolled in an adult high school continuation program established pursuant to section 3313.531 of the Revised Code may request the board of education operating the program to conduct an evaluation in accordance with division (C) of this section.

(B) Any applicant to a board of education for a diploma of adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is handicapped, in accordance with rules adopted by the state board of education. If the evaluation indicates that the person is handicapped, the board shall determine whether to excuse the person from taking any of the tests required by division (B) of section 3301.0710 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The determination of whether to excuse the person from any such test shall be made in the same manner as it would be for students enrolled in the district who are receiving special education under Chapter 3323. of the Revised Code.

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

~~In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall not require chartered schools to utilize any model curriculum adopted pursuant to section 3301.0716 of the Revised Code.~~

(A) The board of education of each city and exempted village school district, the governing board of each educational service center, and the board of each cooperative education school district established pursuant to section 3311.521 of the Revised Code shall prescribe a curriculum for all schools under their control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

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

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

(3) Mathematics;

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

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

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

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

(c) Venereal disease education, except that upon written request of ~~his~~ 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 ~~his~~ the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of ~~his~~ the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history.

(C) Except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio.

(D) Except as provided in division (E) of this section, basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curriculums for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

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

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

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

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each

district school building.

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

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

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

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

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

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

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, eight units until September 15, 2003, and seven units thereafter.

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.

(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both:

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

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

(D) Units earned in English language arts, mathematics, science, and

social studies that are delivered through integrated academic and technical instruction are eligible to meet the graduation requirements of division (B) of this section.

Sec. 3313.608. ~~(A) This section does not apply to students who enter the fourth grade after July 1, 2003.~~

(A) For each school year prior to July 1, 2004, for the test to measure skill in reading prescribed by former division (A)(1) of section 3301.0710 of the Revised Code, the state board of education shall establish at least four ranges of scores to measure the following levels of skill:

- (1) An advanced level of skill;
- (2) A proficient level of skill;
- (3) A basic level of skill;
- (4) A below basic level of skill.

(B) Beginning with students who enter fourth grade in the school year that starts July 1, 2001, no city, exempted village, or local school district shall promote to fifth grade any student who fails to attain the score designated under division (A)(1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading, unless either of the following applies:

(1) The pupil was excused from taking the test under division (C)(1) of section 3301.0711 of the Revised Code;

(2) The pupil's principal and reading teacher agree that the pupil is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade.

(B) for any student who attains a score in the range designated under division (A)(4) of this section on such reading test, each school district shall do one of the following:

(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared, as determined pursuant to the district policy adopted under section 3313.609 of the Revised Code, to be promoted to fifth grade;

(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;

(3) Retain the student in fourth grade.

This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code.

(C)(1) To assist students in meeting this fourth grade guarantee established by this section, each city, exempted village, and local school district shall adopt policies and procedures with which it shall, beginning in

~~the school year that starts July 1, 1998,~~ annually assess the reading skills of each student at the end of first, second, and third grade and identify students who are reading below their grade level. The policy and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division ~~(C)~~(D) of this section, provide intervention services to each student reading below grade level. Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the state board of education.

(2) For each student identified as reading below grade level at the end of third grade, the district shall offer intense remediation services during the summer following third grade.

(3) For each student entering fourth grade after July 1, 2001, who does not attain by the end of the fourth grade ~~the at least a score designated under division (A)(1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading in the range designated under division (A)(2) of this section,~~ the district also shall offer intense remediation services, and another opportunity to take that test, during the summer following fourth grade.

~~(C)~~(D) For each student required to be offered ~~remediation~~ intervention services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

~~(D) Beginning in the summer of 1999, in~~ (E) In addition to the remediation requirements of ~~divisions (B) and~~ division (C) of this section, every city, exempted village, or local school district shall offer summer remediation to any student who has failed to attain the designated scores indicating proficiency on three or more of the five tests described by former division (A)(1) or (2) of section 3301.0710 of the Revised Code.

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

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

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

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

(4) The services are conducted in a school building or community center and not on an at-home basis.

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

Sec. 3313.6011. (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division(A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:

(1) Stress that students should abstain from sexual activity until after marriage;

(2) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;

(3) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;

(4) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;

(5) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

(6) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code.

(D) Any model ~~competency-based~~ education program for health education the state board of education adopts ~~under section 3301.0716 of the Revised Code~~ shall conform to the requirements of this section.

(E) On and after ~~the effective date of this section~~ March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, the superintendent of public instruction shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section or of any rule adopted by the state board of education pursuant to this section.

Sec. 3313.6012. (A) The board of education of each city, exempted village, and local school district shall adopt a policy governing the conduct of academic prevention/intervention services for all grades and all schools

throughout the district. The board shall update the policy annually. The policy shall include, but not be limited to, all of the following:

(1) Procedures for using diagnostic assessments to measure student progress toward the attainment of academic standards and to identify students who may not attain the academic standards;

(2) A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of diagnostic assessments;

(3) Procedures for the regular collection of student performance data;

(4) Procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify such services.

The policy shall include any prevention/intervention services required under sections 3301.0711, 3301.0715, and 3313.608 of the Revised Code.

(B) In accordance with the policy adopted under division (A) of this section, each school district shall provide prevention/intervention services in pertinent subject areas to students who score below the proficient level on a reading, writing, mathematics, social studies, or science proficiency test administered in the fourth, sixth, or ninth grade or below the basic level on any achievement test or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

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

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) The Subject to section 3313.614 of the Revised Code, the person has either:

(a) Has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division unless the person was excused from taking any such test pursuant to division (C)(1) of section 3301.0711 or section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

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

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

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board of education, by any such district board to anyone who successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, who has attained subject to section 3313.614 of the Revised Code at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code, and who has met additional criteria established by the state board for the granting of such a diploma. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

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

(C) Any such district board administering any of the tests required by section 3301.0710 or 3301.0712 of the Revised Code to any person requesting to take such test pursuant to division (B)~~(5)(6)~~(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests administered and if the person has previously attained the applicable scores on all the other tests required by division (B) of that section or has been exempted or excused from any such test pursuant to division (H) or (L) of this section ~~or division (C)(1) of section 3301.0711~~ or section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools,

and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.

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

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

(G) The state board of education shall provide by rule for the administration of the tests required by section 3301.0710 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the test in social studies designated under division (B) of section 3301.0710 of the Revised Code or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to the effective date of this amendment:

- (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 3311.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district

abished 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 of the Revised Code that a student has received a diploma under that 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 of the Revised Code.

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

Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all ~~five proficiency~~ the tests required by that division shall be awarded a diploma under this section.

(L) Any student described by division (A)(1) of this section may be awarded a diploma without attaining the applicable scores designated on the tests prescribed under division (B) of section 3301.0710 of the Revised Code provided an individualized education program specifically exempts the student from attaining such scores. This division does not negate the requirement for such a student to take all such tests or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code for the purpose of assessing student progress as required by federal law.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

- (1) Work experiences or experiences as a volunteer;
- (2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;
- (3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;
- (4) Other life experiences considered by the board to provide knowledge

and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) The Subject to section 3313.614 of the Revised Code, the applicant has either:

(a) Has attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all of the tests required by that division or was excused or exempted from any such test pursuant to division (C)(1) of section 3301.0711, section 3313.532; or division (H) or (L) of section 3313.61 of the Revised Code;

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation.

(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, it shall inform the applicant of the reason the applicant is ineligible and shall provide a list of any courses required for the diploma for which the applicant has not received credit. An applicant may reapply for a diploma under this section at any time.

(D) If a district board awards an adult education diploma under this section, the president and treasurer of the board and the superintendent of schools shall sign it. Each diploma shall bear the date of its issuance, be in such form as the district board prescribes, and be paid for from the district's general fund, except that the state board may by rule prescribe standard language to be included on each diploma.

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

Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all ~~five proficiency~~ the tests required by that division shall be awarded a diploma under this section.

Sec. 3313.612. ~~On and after September 15, 1998, no~~ (A) No nonpublic school chartered by the state board of education shall grant any high school diploma to any person unless the person has attained, subject to section 3313.614 of the Revised Code at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required by that division ~~except as follows:~~, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

~~(A)(B)~~ This ~~prohibition~~ section does not apply to ~~any~~ either of the following:

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

~~(B) This prohibition does not apply to any~~ (2) Any person with regard to the citizenship social studies test or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to the effective date of this amendment if all of the following apply:

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

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

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

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

Notwithstanding the exemption for English-limited students provided in division (C)(3) of section 3301.0711 of the Revised Code, no English-limited student who has not attained the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all ~~five proficiency~~ the tests required by that division shall be awarded a diploma under this section.

Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time one of the following conditions is satisfied:

(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution.

(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code.

(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district.

(B) This division specifies the testing requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.

(2) Except as provided in division (B)(3) of this section, a person who fulfills the curriculum requirement for a diploma prior to September 15, 2006, is not required to pass the Ohio graduation test in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. For this purpose, the ninth grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person fulfills the curriculum requirement for a diploma prior to September 15, 2006, but does not pass a ninth grade proficiency test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person must pass the Ohio graduation test in that subject to receive a diploma.

(3) A person who begins tenth grade after July 1, 2004, in a school district, community school, or chartered nonpublic school is not eligible to receive a diploma based on passage of ninth grade proficiency tests. Each such person must pass Ohio graduation tests to meet the testing requirements applicable to that person as a condition to receiving a diploma.

(C) Once a person fulfills the curriculum requirement for a diploma, the person is never required, as a condition of receiving a diploma, to meet any different curriculum requirements that take effect pending the person's passage of proficiency or achievement tests, including changes mandated by section 3313.603 of the Revised Code, the state board, a school district board of education, or a governing authority of a community school or chartered nonpublic school.

Sec. 3313.615. This section shall apply to diplomas awarded after September 15, 2006, to students who are required to take the five Ohio graduation tests prescribed by division (B) of section 3301.0710 of the Revised Code.

(A) As an alternative to the requirement that a person attain the scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under

section 3313.611 of the Revised Code, a person who has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all but one of the tests required by that division and from which the person was not excused or exempted, pursuant to division (H) or (L) of section 3313.61, division (B) of section 3313.612, or section 3313.532 of the Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education in the subject area of the test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code in the subject area described in division (A)(4) of this section;

(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules designating grade point averages equivalent to the average specified in division (A)(4) of this section for use by school districts and schools with different grading systems.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through third.

The state superintendent shall provide information about the scholarship

program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the state superintendent as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to students from low-income families. For each student selected, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, at any time before the beginning of the school year, of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:

(a) By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the parent makes an application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by the school pursuant to division (A) of section 3313.977 of the Revised Code;

(ii) Within one week of the decision to admit the student if the student is admitted pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students

who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish. For each student awarded a grant, the state superintendent shall also determine whether the student qualifies for seventy-five or ninety per cent of the grant amount and so notify the student. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the grant amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the grant amount.

(C)(1) In the case of basic scholarships, the scholarship amount shall not exceed the lesser of the tuition charges of the alternative school the scholarship recipient attends or an amount established by the state superintendent not in excess of twenty-five hundred dollars.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed handicapped student and shall further increase such amount in the case of any separately educated handicapped child. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount.

(4) No scholarship or tutorial assistance grant shall be awarded unless the state superintendent determines that twenty-five or ten per cent, as applicable, of the amount specified for such scholarship or grant pursuant to division (C)(1), (2), or (3) of this section will be furnished by a political subdivision, a private nonprofit or for profit entity, or another person. Only seventy-five or ninety per cent of such amounts, as applicable, shall be paid from state funds pursuant to section 3313.979 of the Revised Code.

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, ~~proficiency examination~~ achievement test results, and any sectarian or other organizational affiliations.

Sec. 3314.03. (A) Each contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as a nonprofit corporation established under Chapter 1702. of the Revised Code;

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide ~~proficiency~~ achievement tests;

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code;

(6) Dismissal procedures;

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements and procedures for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to

section 3319.301 of the Revised Code;

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;

(d) The school will comply with divisions (A), (B), and (C) of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, and 4113.52 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district;

(e) The school shall comply with Chapter 102. of the Revised Code except that nothing in that chapter shall prohibit a member of the school's governing board from also being an employee of the school and nothing in that chapter or section 2921.42 of the Revised Code shall prohibit a member of the school's governing board from having an interest in a contract into which the governing board enters;

(f) The school will comply with sections 3313.61 ~~and~~ 3313.611, and 3313.614 of the Revised Code, except that the requirement in ~~those~~ sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education;

(g) The school governing authority will submit an annual report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am. Sub. H.B. 215 of the 122nd

neral assembly and Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general assembly, as amended.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year and shall not exceed five years;

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to

the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor.

Sec. 3314.20. This section does not apply to any school district declared to be excellent or effective pursuant to division (B)(1) or (2) of section 3302.03 of the Revised Code.

(A) The department of education shall recommend rules to the general assembly requiring school districts with a total student count of over five thousand, as determined pursuant to section 3317.03 of the Revised Code, to designate one school building to be operated by a site-based management council. The rules shall specify the composition of the council and the manner in which members of the council are to be selected and removed.

(B) The rules adopted under division (A) of this section shall specify those powers, duties, functions, and responsibilities that shall be vested in the management council and that would otherwise be exercised by the district board of education. The rules shall also establish a mechanism for resolving any differences between the council and the district board if there is disagreement as to their respective powers, duties, functions, and responsibilities.

(C) The board of education of any school district described by division (A) of this section may, in lieu of complying with the rules adopted under this section, file with the department of education an alternative structure for a district site-based management program in at least one of its school buildings. The proposal shall specify the composition of the council, which

shall include an equal number of parents and teachers and the building principal, and the method of selection and removal of the council members. The proposal shall also clearly delineate the respective powers, duties, functions, and responsibilities of the district board and the council. The district's proposal shall comply substantially with the rules approved by the general assembly.

(D) The rules recommended under this section shall take effect upon approval of the general assembly through the passage of a joint resolution.

Sec. 3317.012. (A) The general assembly, having analyzed school district expenditure and cost data for fiscal year 1996, performed the calculation described in division (B) of this section, and adjusted the results for inflation, hereby determines that the base cost of an adequate education per pupil for the fiscal year beginning July 1, 1998, is \$4,063. For the five following fiscal years, the base cost per pupil for each of those years, reflecting an annual rate of inflation of two and eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal year 2003, and \$4,665 for fiscal year 2004.

(B) In determining the base cost stated in division (A) of this section, capital and debt costs, costs paid for by federal funds, and costs covered by funds provided pursuant to sections 3317.023 and 3317.024 of the Revised Code as they existed prior to July 1, 1998, for disadvantaged pupil impact aid and transportation were excluded, as were the effects on the districts' state funds of the application of the cost-of-doing-business factors, assuming an eighteen per cent variance.

The base cost for fiscal year 1996 was calculated as the unweighted average cost per student, on a school district basis, of educating students who were not receiving vocational education or services pursuant to Chapter 3323. of the Revised Code and who were enrolled in a city, exempted village, or local school district that in fiscal year 1994 met all of the following criteria:

(1) The district met at least all but one of the following performance standards indicators:

- (a) A three per cent or lower dropout rate;
- (b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;
- (c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;
- (d) At least seventy-five per cent of fourth graders proficient on the

writing test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;

(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;

(f) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(g) At least seventy-five per cent of ninth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(h) At least seventy-five per cent of ninth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(i) At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(j) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(k) At least eighty-five per cent of tenth graders proficient on the reading test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(l) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(m) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under former division (B) of section 3301.0710 of the Revised Code;

(n) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;

(o) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;

(p) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;

(q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the

Revised Code;

(r) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.

(2) The district was not among the ten per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ten per cent of all districts with the lowest income factors.

(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998, nor among the five per cent of all districts with the lowest valuation per pupil.

(C) In July of 2000, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. No more than two members from any political party shall represent each house. The director of budget and management and the superintendent of public instruction shall serve as nonvoting ex officio members of the committee.

The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six-year period, and shall report the methodology and the resulting costs to the general assembly. In performing its function, the committee is not bound by any method used by previous general assemblies to examine and calculate costs and instead may utilize any rational method it deems suitable and reasonable given the educational needs and requirements of the state at that time.

The methodology for determining the cost of an adequate education system shall take into account the basic educational costs that all districts incur in educating regular students, the unique needs of special categories of students, and significant special conditions encountered by certain classifications of school districts.

Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within six months of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.

Sec. 3317.029. (A) As used in this section:

(1) "DPIA percentage" means the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving family assistance, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

(2) "Family assistance" means assistance received under the Ohio works first program or, for the purpose of determining the five-year average number of recipients of family assistance in fiscal years 1999 through 2002, assistance received under an antecedent program known as TANF or ADC.

(3) "Statewide DPIA percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.

(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.

(6) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.

(7) "Statewide average teacher salary" means forty thousand one hundred eighty-seven dollars in fiscal year 2000, and forty-one thousand three hundred twelve dollars in fiscal year 2001, which includes an amount for the value of fringe benefits.

(8) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.

(9) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.

(10) "Buildings with the highest concentration of need" means the school buildings in a district with percentages of students receiving family assistance in grades kindergarten through three at least as high as the district-wide percentage of students receiving family assistance. If, however, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the family assistance percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades

kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (G) of this section to designate buildings where the family assistance percentage in those grades equals or exceeds the district-wide family assistance percentage.

(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, a school district shall receive the greater of the amount the district received in fiscal year 1998 pursuant to division (B) of section 3317.023 of the Revised Code as it existed at that time or the sum of the computations made under divisions (C) to (E) of this section.

(C) A supplemental payment that may be utilized for measures related to safety and security and for remediation or similar programs, calculated as follows:

(1) If the DPIA index of the school district is greater than or equal to thirty-five-hundredths, but less than one, an amount obtained by multiplying the five-year average number of pupils in a district receiving family assistance by two hundred thirty dollars;

(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index by two hundred thirty dollars and multiplying that product by the five-year average number of pupils in a district receiving family assistance.

(D) A payment for all-day kindergarten if the DPIA index of the school district is greater than or equal to one or if the district's three-year average formula ADM exceeded seventeen thousand five hundred, calculated by multiplying the all-day kindergarten percentage by the kindergarten ADM and multiplying that product by the formula amount.

(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the DPIA index of the school district as follows:

(a) If the DPIA index of the school district is less than six-tenths, the formula number of teachers is 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one;

(b) If the DPIA index of the school district is greater than or equal to six-tenths, but less than two and one-half, the formula number of teachers is calculated as follows:

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$

Where 43.478 is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 1.9 is the interval from a DPIA

index of six-tenths to a DPIA index of two and one-half; and 23.188 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one.

(c) If the DPIA index of the school district is greater than or equal to two and one-half, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers salary.

(F) This division applies only to school districts whose DPIA index is one or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage.

(2) Up to an amount equal to the district's DPIA index multiplied by the five-year average number of pupils in a district receiving family assistance multiplied by two hundred thirty dollars of the money distributed under this section may be utilized for one or both of the following:

(a) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(b) Remediation for students who have failed or are in danger of failing any of the ~~proficiency~~ tests administered pursuant to section 3301.0710 of the Revised Code.

(3) Except as otherwise required by division (G) or permitted under division (K) of this section, all other funds distributed under this section to districts subject to this division shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of increasing the amount of instructional attention received per pupil in kindergarten through third

grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year.

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:

(a) Reducing the number of students in a classroom taught by a single teacher;

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit

to the department of education an estimate of its all-day kindergarten percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.

(I) Any school district with a DPIA index less than one and a three-year average formula ADM exceeding seventeen thousand five hundred shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. Such a district shall expend at least seventy per cent of the remaining funds received under this section, and any other district with a DPIA index less than one shall expend at least seventy per cent of all funds received under this section, for any of the following purposes:

- (1) The purchase of technology for instructional purposes;
- (2) All-day kindergarten;
- (3) Reduction of class sizes;
- (4) Summer school remediation;
- (5) Dropout prevention programs;
- (6) Guaranteeing that all third graders are ready to progress to more advanced work;

- (7) Summer education and work programs;
- (8) Adolescent pregnancy programs;
- (9) Head start or preschool programs;
- (10) Reading improvement programs described by the department of education;
- (11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;
- (12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;
- (13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.

Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.

(J) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.

The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.

(K)(1) A district may use a portion of the funds calculated for it under division (D) of this section to modify or purchase classroom space to provide all-day kindergarten, if both of the following conditions are met:

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section.

(2) A district may use a portion of the funds described in division (F)(3) of this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner

atisfactory to the department.

Sec. 3319.19. (A) Upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. The board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment not covered by funds received under section 307.031 of the Revised Code shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

(C) By the first day of March of each year, the superintendent of public instruction shall certify to the tax commissioner the ADM and the number of full-time licensed employees of each educational service center for the purposes of the distribution of funds to boards of county commissioners required under division (B) of section 307.031 of the Revised Code. As used in this section, "ADM" means the formula ADMs of all the local districts having territory in the service center, as certified in October of the previous year by the service center superintendent to the state board of education under section 3317.03 of the Revised Code. As used in this division, "licensed employee" has the same meaning as in section 307.031 of the Revised Code.

(D) The superintendent of a service center may annually submit a proposal approved by the board of county commissioners to the state superintendent of public instruction, in such manner and by such date as specified by the state board of education, for a grant for the board of county commissioners to do one of the following:

(1) To improve or enhance the offices and equipment provided under division (A) or (B) of this section or section ~~3301.0712~~ 3301.0719 of the Revised Code;

(2) If funds received under division (B) of section 307.031 of the Revised Code are insufficient to provide for the actual cost of meeting the requirements of division (A) or (B) of this section ~~3319.19~~ and division (A)(2) of section ~~3301.0712~~ 3301.0719 of the Revised Code, to provide funds to meet such costs.

Any service center superintendent intending to submit a proposal shall submit it to the board of county commissioners that provides and equips the office of the superintendent for approval at least twenty days before the date of submission to the superintendent of public instruction. The superintendent of public instruction shall evaluate the proposals and select those that will most benefit the local districts supervised by the governing boards under standards adopted by the state board. For each proposal selected for a grant, the superintendent of public instruction shall determine the grant amount and, with the approval of the superintendent and the board of county commissioners, may modify a grant proposal to reflect the amount of money available for the grant. The superintendent of public instruction shall notify the board of county commissioners and the tax commissioner of the selection of the proposal as submitted or modified and the amount of the grant. If, pursuant to division (C) of section 307.031 of the Revised Code, the board of county commissioners accepts the proposal and grant, it shall expend the funds as specified in the grant proposal. If the board of county commissioners rejects the proposal and grant, the superintendent of public instruction may select another proposal from among the district proposals that initially failed to be selected for a grant.

The state board of education shall adopt rules to implement the requirements of this section.

Sec. 3324.03. The board of education of each school district shall identify gifted students in grades kindergarten through twelve as follows:

(A) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:

(1) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed school psychologist or licensed psychologist;

(2) Accomplished any one of the following:

(a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group

elligence test;

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test;

(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests.

(B) A student shall be identified as exhibiting "specific academic ability" superior to that of children of similar age in a specific academic ability field if within the preceding twenty-four months the student performs at or above the ninety-fifth percentile at the national level on an approved individual or group standardized achievement test of specific academic ability in that field. A student may be identified as gifted in more than one specific academic ability field.

(C) A student shall be identified as exhibiting "creative thinking ability" superior to children of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and also did either of the following:

(1) Attained a sufficient score, as established by the department of education, on an approved individual or group test of creative ability;

(2) Exhibited sufficient performance, as established by the department of education, on an approved checklist of creative behaviors.

(D) A student shall be identified as exhibiting "visual or performing arts ability" superior to that of children of similar age if the student has done both of the following:

(1) Demonstrated through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area;

(2) Exhibited sufficient performance, as established by the department of education, on an approved checklist of behaviors related to a specific arts area.

Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student enrolled in one of these state schools to whom all of the following apply:

(1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) ~~The Subject to section 3313.614 of the Revised Code, the student has either:~~

(a) Has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests prescribed by that division unless ~~the student was excused from taking any such test pursuant to division (L)(3) of section 3301.0711~~ 3313.61 of the Revised Code applies to the student;

(b) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

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

No diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in one of these state schools who successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code, who has attained subject to section 3313.614 of the Revised Code at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests prescribed under that division, and who has met additional criteria for granting such a diploma. These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable. Each diploma shall bear the date of its issue and be in such form as the school superintendent prescribes.

(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

Sec. 3365.15. ~~No~~ This section does not apply to students enrolled in twelfth grade after July 1, 2001.

No later than July 1, 1999, the board of regents shall adopt rules under which it shall award at least a five-hundred dollar scholarship to each student who both:

(A) After July 1, 1998, and while the student attends twelfth grade, attains on all five tests at least the ~~applicable~~ scores designated under former division (A)(3) of section 3301.0710 of the Revised Code ~~on all five tests prescribed under that division;~~

(B) Submits to the board of regents, in the form and manner and by any deadline prescribed by the rules, evidence of having enrolled in a state-assisted college or university, a nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or an institution registered by the state board of proprietary school registration that has program authorization to award an associate or bachelor's degree.

The board of regents shall pay each scholarship awarded under this section to the student. It may be used to defray any educational expenses.

SECTION 2. That existing sections 307.031, 3301.07, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0717, 3301.801, 3301.91, 3302.02, 3302.03, 3302.04, 3302.05, 3313.532, 3313.60, 3313.603, 3313.608, 3313.6011, 3313.61, 3313.611, 3313.612, 3313.978, 3314.03, 3314.20, 3317.012, 3317.029, 3319.19, 3324.03, 3325.08, and 3365.15 and sections 3301.0715 and 3301.0716 of the Revised Code are hereby repealed.

SECTION 3. That section 3313.608 of the Revised Code be amended to read as follows:

Sec. 3313.608. ~~This section does not apply to students who enter the fourth grade after July 1, 2003.~~

(A) ~~For each school year prior to July 1, 2004, for the test to measure skill in reading prescribed by former division (A)(1) of section 3301.0710 of the Revised Code, the state board of education shall establish at least four ranges of scores to measure the following levels of skill:~~

- ~~(1) An advanced level of skill;~~
- ~~(2) A proficient level of skill;~~
- ~~(3) A basic level of skill;~~
- ~~(4) A below basic level of skill.~~

(B) Beginning with students who enter ~~fourth~~ third grade in the school

year that starts July 1, ~~2001~~ 2003, for any student who attains a score in the range designated under division (A)~~(4)~~(2)(d) of ~~this~~ section 3301.0710 of the Revised Code on ~~such reading the~~ test prescribed under that section to measure skill in reading expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(1) Promote the student to ~~fifth~~ fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to ~~fifth~~ fourth grade;

(2) Promote the student to ~~fifth~~ fourth grade but provide the student with intensive intervention services in ~~fifth~~ fourth grade;

(3) Retain the student in ~~fourth~~ third grade.

This section does not apply to any student excused from taking such test under division (C)(1) of section 3301.0711 of the Revised Code.

~~(C)(B)~~(1) To assist students in meeting this ~~fourth~~ third grade guarantee established by this section, each school district shall adopt policies and procedures with which it shall annually assess the reading skills of each student at the end of first, and second, ~~and third~~ grade and identify students who are reading below their grade level. If the diagnostic assessment to measure reading ability for the appropriate grade level has been developed in accordance with division (D)(1) of section 3301.079 of the Revised Code, each school district shall use such diagnostic assessment to identify such students, except that any district declared excellent under division (B)(1) of section 3302.03 of the Revised Code may use another assessment to identify such students. The ~~policy~~ policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division ~~(D)~~(C) of this section, provide intervention services to each student reading below grade level. Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the state board of education.

~~(2) For each student identified as reading below grade level at the end of third grade, the district shall offer intense remediation services during the summer following third grade.~~

~~(3)~~ For each student entering ~~fourth~~ third grade after July 1, ~~2001~~ 2003, who does not attain by the end of the ~~fourth~~ third grade at least a score in the range designated under division (A)(2)(b) of ~~this~~ section 3301.0710 of the Revised Code on the test prescribed under that section to measure skill in

reading expected at the end of third grade, the district also shall offer intense remediation services, and another opportunity to take that test, during the summer following ~~fourth~~ third grade.

~~(D)~~(C) For each student required to be offered intervention services under this section, the district shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

~~(E) In addition to the remediation requirements of division (C) of this section, every city, exempted village, or local school district shall offer summer remediation to any student who has failed to attain the designated scores indicating proficiency on three or more of the five tests described by former division (A)(1) or (2) of section 3301.0710 of the Revised Code.~~

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

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

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

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

(4) The services are conducted in a school building or community center and not on an at-home basis.

(E) In addition to the dates designated under division (C)(1) of section 3301.0710 of the Revised Code for the administration of the test prescribed under that section to measure skill in reading expected at the end of third grade, the state board of education shall annually designate dates on which such test shall be administered to students in the fourth and fifth grades who have not attained at least a score in the range designated under division (A)(2)(b) of section 3301.0710 of the Revised Code as follows:

(1) One date prior to the thirty-first day of December each school year for fourth grade students;

(2) One date that is not earlier than Monday of the week containing the eighth day of March each school year for fourth and fifth grade students;

(3) One date during the summer for fourth grade students.

(F) If any fourth grade student attains a score in the range designated under division (A)(2)(d) of section 3301.0710 of the Revised Code, on the test administered under division (E)(3) of this section, the school district, in accordance with the district policy adopted under section 3313.609 of the

Revised Code, shall do one of the following:

(1) Promote the student to fifth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fifth grade;

(2) Promote the student to fifth grade but provide the student with intensive intervention services in fifth grade;

(3) Retain the student in fourth grade.

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

SECTION 4. That existing section 3313.608 of the Revised Code is hereby repealed.

SECTION 5. Sections 3 and 4 of this act shall take effect July 1, 2003.

SECTION 6. That Section 4 of Am. Sub. S.B. 55 of the 122nd General Assembly is hereby repealed.

SECTION 7. In each of the school years beginning on July 1, 2002, and July 1, 2003, the State Board of Education shall prescribe and the Department of Education and each school district shall administer the tenth grade tests required under former division (B) of section 3301.0710 of the Revised Code to measure skill in reading and mathematics to all students in the tenth grade. The tests shall be used for the purposes of sections 3302.02 and 3302.03 of the Revised Code and for the purposes of assessments required by federal law. No score on the tests shall be used to determine the eligibility of any student to receive a high school diploma.

SECTION 8. (A) Notwithstanding sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code, as amended or enacted by this act, for any school year in which the total number of proficiency tests and achievement tests administered to students in grades four or six exceeds three, the State Board of Education shall designate the dates on which those tests shall be administered to students in accordance with the best interests of students. In doing so, the State Board may consider designating the dates so that all the tests are not administered to the relevant grade level in the same week.

SECTION 9. Notwithstanding section 3301.0712 of the Revised Code, as enacted by this act, in the school year beginning July 1, 2003, the Department of Education and each school district shall administer the test to measure skill in reading required under former division (A)(1) of section 3301.0710 of the Revised Code, as it existed prior to the effective date of this act, to all students enrolled in the fourth grade. The Department and each school district shall also administer the test to measure skill in reading required under division (A)(1)(a) of section 3301.0710 of the Revised Code, as amended by this act, to all students enrolled in the third grade.

Any fourth grade student subject to this section shall also be subject to the version of section 3313.608 of the Revised Code in effect prior to July 1, 2003.

SECTION 10. Until such time as the state board of education adopts a new rule holding school districts responsible for individual school buildings within the district pursuant to section 3302.04 of the Revised Code, as amended by this act, the rules adopted under that section in effect on the effective date of this act shall be deemed to apply to school districts with respect to their individual buildings as well as to the school districts as entire entities.

SECTION 11. (A) There is hereby established the Governor's Commission on Successful Teachers. The Commission shall recommend policies for the preparation, recruiting, hiring, and retention of teachers and shall recommend pilot programs to address the shortage of teachers, such as paid internships in mathematics and science and salary bonuses in hard-to-staff school districts or subject areas. The Commission shall issue a written report with its recommendations to the General Assembly not later than December 31, 2002. Upon issuance of its report the Commission shall cease to exist.

The Commission shall consist of the following members:

(1) Nine classroom teachers appointed by the Governor, at least three of whom are certified by the National Board for Professional Teaching Standards, at least two of whom are high school teachers, at least two of whom teach in grades six through eight, at least two of whom teach in grades kindergarten through six, and at least one of whom teaches special education;

(2) Three school administrators, appointed by the Governor;

(3) One person representing higher education, appointed by the Governor;

(4) The Superintendent of Public Instruction or the Superintendent's designee;

(5) The President of the State Board of Education or the President's designee;

(6) The chairperson of the House of Representatives standing committee primarily responsible for education legislation or the chairperson's designee;

(7) The chairperson of the Senate standing committee primarily responsible for education legislation or the chairperson's designee;

(8) Any additional members the Governor wishes to include.

(B) In conducting its work the Commission shall study and include recommendations regarding the following issues:

(1) How to develop college and university teacher preparation programs that ensure that teachers are qualified to teach the courses in grades kindergarten through twelve that are required by law;

(2) How to develop and operate incentive programs to encourage teachers to work in underserved school districts, such as large urban districts or districts in rural Appalachia, and underserved subject areas, such as mathematics, science, special education, and English as a second language;

(3) How to best implement professional development activities for all teachers, particularly how to design such activities so that teachers understand how to administer and interpret diagnostic assessments and achievement tests that will be developed by the State Board of Education under sections 3301.079 and 3301.0710 of the Revised Code, as enacted and amended, respectively, by this act, and so that teachers understand how to develop effective intervention tools for students in need of assistance;

(4) How best to implement professional development programs in terms of the amount of time allotted for such programs including, but not limited to, the number of days each school district should devote to the programs or to what extent the programs should be configured as half-day in-service programs, two-hour programs, or full-day seminars;

(5) How to provide the most effective regional delivery of professional development services;

(6) How to create building-level mentoring or advisory programs under which an experienced teacher would assist others in the building to increase their effectiveness;

(7) How to increase Ohio's participation in certification activities conducted by the National Board for Professional Teaching Standards.

SECTION 12. It is the intent of the General Assembly that upon its review of the recommendations of the Governor's Commission on Successful Teachers, as established under Section 11 of this act, that the General Assembly will consider laws to reallocate the funding for activities prescribed in that section based on the recommendations of the Commission.

SECTION 13. The State Board of Education shall adopt rules for instruction in intensive, systematic phonetics as prescribed in division (C)(1) of section 3313.608 of the Revised Code on or before July 1, 2002.

SECTION 14. No school district shall be required to administer any ninth grade proficiency test to any student before March of the student's ninth grade year. If the Department of Education permits the administration of the ninth grade proficiency tests to students in the eighth grade or in the fall of the ninth grade year, the school district may choose whether or not to participate in such administration of the tests.

SECTION 15. The amendment of section 3301.91 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

SECTION 16. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 121 and Am. Sub. H.B. 282 of the 123rd General Assembly. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____