

**As Reported by the Senate Education Committee**

**131st General Assembly**

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**2015-2016**

**Sub. H. B. No. 299**

**Representatives Blessing, Rezabek**

**Cosponsors: Representatives Butler, Terhar, Dever, Brenner, Bishoff, LaTourette, Grossman, Huffman, Schaffer, Amstutz, Anielski, Ashford, Baker, Barnes, Boyce, Boyd, Brown, Buchy, Burkley, Conditt, Craig, Driehaus, Duffey, Green, Hackett, Hall, Hambley, Hayes, Henne, Hill, Johnson, G., Johnson, T., Kuhns, Kunze, Maag, Manning, O'Brien, M., O'Brien, S., Patmon, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Ryan, Scherer, Schuring, Sheehy, Slesnick, Sprague, Stinziano, Strahorn, Sweeney, Sykes, Thompson**

**Senator Hite**

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**A BILL**

To amend sections 3301.079, 3301.0711, 3301.0712, 1  
3301.16, 3310.03, 3310.14, 3310.41, 3310.522, 2  
3313.612, 3313.615, 3313.619, and 3313.976 of 3  
the Revised Code to permit the temporary, legal, 4  
or permanent custodian of a qualified child to 5  
apply for an Autism Scholarship and to revise 6  
the law regarding the testing and graduation 7  
requirements for students attending a chartered 8  
nonpublic school. 9

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

**Section 1.** That sections 3301.079, 3301.0711, 3301.0712, 10  
3301.16, 3310.03, 3310.14, 3310.41, 3310.522, 3313.612, 11  
3313.615, 3313.619, and 3313.976 of the Revised Code be amended 12  
to read as follows: 13

**Sec. 3301.079.** (A) (1) The state board of education 14  
periodically shall adopt statewide academic standards with 15  
emphasis on coherence, focus, and essential knowledge and that 16  
are more challenging and demanding when compared to 17  
international standards for each of grades kindergarten through 18  
twelve in English language arts, mathematics, science, and 19  
social studies. 20

(a) The state board shall ensure that the standards do all 21  
of the following: 22

(i) Include the essential academic content and skills that 23  
students are expected to know and be able to do at each grade 24  
level that will allow each student to be prepared for 25  
postsecondary instruction and the workplace for success in the 26  
twenty-first century; 27

(ii) Include the development of skill sets that promote 28  
information, media, and technological literacy; 29

(iii) Include interdisciplinary, project-based, real-world 30  
learning opportunities; 31

(iv) Instill life-long learning by providing essential 32  
knowledge and skills based in the liberal arts tradition, as 33  
well as science, technology, engineering, mathematics, and 34  
career-technical education; 35

(v) Be clearly written, transparent, and understandable by 36  
parents, educators, and the general public. 37

(b) Not later than July 1, 2012, the state board shall 38  
incorporate into the social studies standards for grades four to 39  
twelve academic content regarding the original texts of the 40  
Declaration of Independence, the Northwest Ordinance, the 41  
Constitution of the United States and its amendments, with 42

emphasis on the Bill of Rights, and the Ohio Constitution, and 43  
their original context. The state board shall revise the model 44  
curricula and achievement assessments adopted under divisions 45  
(B) and (C) of this section as necessary to reflect the 46  
additional American history and American government content. The 47  
state board shall make available a list of suggested grade- 48  
appropriate supplemental readings that place the documents 49  
prescribed by this division in their historical context, which 50  
teachers may use as a resource to assist students in reading the 51  
documents within that context. 52

(c) When the state board adopts or revises academic 53  
content standards in social studies, American history, American 54  
government, or science under division (A)(1) of this section, 55  
the state board shall develop such standards independently and 56  
not as part of a multistate consortium. 57

(2) After completing the standards required by division 58  
(A)(1) of this section, the state board shall adopt standards 59  
and model curricula for instruction in technology, financial 60  
literacy and entrepreneurship, fine arts, and foreign language 61  
for grades kindergarten through twelve. The standards shall meet 62  
the same requirements prescribed in division (A)(1)(a) of this 63  
section. 64

(3) The state board shall adopt the most recent standards 65  
developed by the national association for sport and physical 66  
education for physical education in grades kindergarten through 67  
twelve or shall adopt its own standards for physical education 68  
in those grades and revise and update them periodically. 69

The department of education shall employ a full-time 70  
physical education coordinator to provide guidance and technical 71  
assistance to districts, community schools, and STEM schools in 72

implementing the physical education standards adopted under this 73  
division. The superintendent of public instruction shall 74  
determine that the person employed as coordinator is qualified 75  
for the position, as demonstrated by possessing an adequate 76  
combination of education, license, and experience. 77

(4) When academic standards have been completed for any 78  
subject area required by this section, the state board shall 79  
inform all school districts, all community schools established 80  
under Chapter 3314. of the Revised Code, all STEM schools 81  
established under Chapter 3326. of the Revised Code, and all 82  
nonpublic schools required to administer the assessments 83  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 84  
Code of the content of those standards. Additionally, upon 85  
completion of any academic standards under this section, the 86  
department shall post those standards on the department's web 87  
site. 88

(B) (1) The state board shall adopt a model curriculum for 89  
instruction in each subject area for which updated academic 90  
standards are required by division (A) (1) of this section and 91  
for each of grades kindergarten through twelve that is 92  
sufficient to meet the needs of students in every community. The 93  
model curriculum shall be aligned with the standards, to ensure 94  
that the academic content and skills specified for each grade 95  
level are taught to students, and shall demonstrate vertical 96  
articulation and emphasize coherence, focus, and rigor. When any 97  
model curriculum has been completed, the state board shall 98  
inform all school districts, community schools, and STEM schools 99  
of the content of that model curriculum. 100

(2) Not later than June 30, 2013, the state board, in 101  
consultation with any office housed in the governor's office 102

that deals with workforce development, shall adopt model 103  
curricula for grades kindergarten through twelve that embed 104  
career connection learning strategies into regular classroom 105  
instruction. 106

(3) All school districts, community schools, and STEM 107  
schools may utilize the state standards and the model curriculum 108  
established by the state board, together with other relevant 109  
resources, examples, or models to ensure that students have the 110  
opportunity to attain the academic standards. Upon request, the 111  
department shall provide technical assistance to any district, 112  
community school, or STEM school in implementing the model 113  
curriculum. 114

Nothing in this section requires any school district to 115  
utilize all or any part of a model curriculum developed under 116  
this section. 117

(C) The state board shall develop achievement assessments 118  
aligned with the academic standards and model curriculum for 119  
each of the subject areas and grade levels required by divisions 120  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 121

When any achievement assessment has been completed, the 122  
state board shall inform all school districts, community 123  
schools, STEM schools, and nonpublic schools required to 124  
administer the assessment of its completion, and the department 125  
shall make the achievement assessment available to the districts 126  
and schools. 127

(D) (1) The state board shall adopt a diagnostic assessment 128  
aligned with the academic standards and model curriculum for 129  
each of grades kindergarten through two in reading, writing, and 130  
mathematics and for grade three in reading and writing. The 131

diagnostic assessment shall be designed to measure student 132  
comprehension of academic content and mastery of related skills 133  
for the relevant subject area and grade level. Any diagnostic 134  
assessment shall not include components to identify gifted 135  
students. Blank copies of diagnostic assessments shall be public 136  
records. 137

(2) When each diagnostic assessment has been completed, 138  
the state board shall inform all school districts of its 139  
completion and the department shall make the diagnostic 140  
assessment available to the districts at no cost to the 141  
district. School districts shall administer the diagnostic 142  
assessment pursuant to section 3301.0715 of the Revised Code 143  
beginning the first school year following the development of the 144  
assessment. 145

(E) The state board shall not adopt a diagnostic or 146  
achievement assessment for any grade level or subject area other 147  
than those specified in this section. 148

(F) Whenever the state board or the department consults 149  
with persons for the purpose of drafting or reviewing any 150  
standards, diagnostic assessments, achievement assessments, or 151  
model curriculum required under this section, the state board or 152  
the department shall first consult with parents of students in 153  
kindergarten through twelfth grade and with active Ohio 154  
classroom teachers, other school personnel, and administrators 155  
with expertise in the appropriate subject area. Whenever 156  
practicable, the state board and department shall consult with 157  
teachers recognized as outstanding in their fields. 158

If the department contracts with more than one outside 159  
entity for the development of the achievement assessments 160  
required by this section, the department shall ensure the 161

interchangeability of those assessments. 162

(G) Whenever the state board adopts standards or model 163  
curricula under this section, the department also shall provide 164  
information on the use of blended or digital learning in the 165  
delivery of the standards or curricula to students in accordance 166  
with division (A)(4) of this section. 167

(H) The fairness sensitivity review committee, established 168  
by rule of the state board of education, shall not allow any 169  
question on any achievement or diagnostic assessment developed 170  
under this section or any proficiency test prescribed by former 171  
section 3301.0710 of the Revised Code, as it existed prior to 172  
September 11, 2001, to include, be written to promote, or 173  
inquire as to individual moral or social values or beliefs. The 174  
decision of the committee shall be final. This section does not 175  
create a private cause of action. 176

(I)(1)(a) The English language arts academic standards 177  
review committee is hereby created to review academic content 178  
standards in the subject of English language arts. The committee 179  
shall consist of the following members: 180

(i) Three experts who are residents of this state and who 181  
primarily conduct research, provide instruction, currently work 182  
in, or possess an advanced degree in the subject area. One 183  
expert shall be appointed by each of the president of the 184  
senate, the speaker of the house of representatives, and the 185  
governor; 186

(ii) One parent or guardian appointed by the president of 187  
the senate; 188

(iii) One educator who is currently teaching in a 189  
classroom, appointed by the speaker of the house of 190

representatives;	191
(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;	192 193
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	194 195
(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members:	196 197 198 199
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	200 201 202 203 204 205
(ii) One parent or guardian appointed by the speaker of the house of representatives;	206 207
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	208 209
(iv) The chancellor, or the chancellor's designee;	210
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	211 212
(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:	213 214 215 216
(i) Three experts who are residents of this state and who	217



primarily conduct research, provide instruction, currently work 218  
in, or possess an advanced degree in the subject area. One 219  
expert shall be appointed by each of the president of the 220  
senate, the speaker of the house of representatives, and the 221  
governor; 222

(ii) One parent or guardian appointed by the president of 223  
the senate; 224

(iii) One educator who is currently teaching in a 225  
classroom, appointed by the speaker of the house of 226  
representatives; 227

(iv) The chancellor, or the chancellor's designee; 228

(v) The state superintendent, or the superintendent's 229  
designee, who shall serve as the chairperson of the committee. 230

(d) The social studies academic standards review committee 231  
is hereby created to review academic content standards in the 232  
subject of social studies. The committee shall consist of the 233  
following members: 234

(i) Three experts who are residents of this state and who 235  
primarily conduct research, provide instruction, currently work 236  
in, or possess an advanced degree in the subject area. One 237  
expert shall be appointed by each of the president of the 238  
senate, the speaker of the house of representatives, and the 239  
governor; 240

(ii) One parent or guardian appointed by the speaker of 241  
the house of representatives; 242

(iii) One educator who is currently teaching in a 243  
classroom, appointed by the president of the senate; 244

(iv) The chancellor, or the chancellor's designee; 245

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	246 247
(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation.	248 249 250 251 252 253 254 255 256 257
(b) Each committee shall determine whether the assessments submitted to that committee under division (I) (4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations.	258 259 260 261 262
(3) The department of education shall provide administrative support for each committee created in division (I) (1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.	263 264 265 266 267 268
(4) Notwithstanding anything to the contrary in division <del>(N)</del> <u>(O)</u> of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I) (1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The	269 270 271 272 273 274 275

department shall provide each committee with the entire content	276
of each relevant assessment, including corresponding answers.	277
The assessments received by the committees are not public	278
records of the committees and are not subject to release by the	279
committees to any other person or entity under section 149.43 of	280
the Revised Code. However, the assessments shall become public	281
records in accordance with division <del>(N)</del> <u>(O)</u> of section 3301.0711	282
of the Revised Code.	283
(J) Not later than sixty days prior to the adoption by the	284
state board of updated academic standards under division (A) (1)	285
of this section or updated model curricula under division (B) (1)	286
of this section, the superintendent of public instruction shall	287
present the academic standards or model curricula, as	288
applicable, in person at a public hearing of the respective	289
committees of the house of representatives and senate that	290
consider education legislation.	291
(K) As used in this section:	292
(1) "Blended learning" means the delivery of instruction	293
in a combination of time in a supervised physical location away	294
from home and online delivery whereby the student has some	295
element of control over time, place, path, or pace of learning.	296
(2) "Coherence" means a reflection of the structure of the	297
discipline being taught.	298
(3) "Digital learning" means learning facilitated by	299
technology that gives students some element of control over	300
time, place, path, or pace of learning.	301
(4) "Focus" means limiting the number of items included in	302
a curriculum to allow for deeper exploration of the subject	303
matter.	304

(5) "Vertical articulation" means key academic concepts 305  
and skills associated with mastery in particular content areas 306  
should be articulated and reinforced in a developmentally 307  
appropriate manner at each grade level so that over time 308  
students acquire a depth of knowledge and understanding in the 309  
core academic disciplines. 310

**Sec. 3301.0711.** (A) The department of education shall: 311

(1) Annually furnish to, grade, and score all assessments 312  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 313  
the Revised Code to be administered by city, local, exempted 314  
village, and joint vocational school districts, except that each 315  
district shall score any assessment administered pursuant to 316  
division (B) (10) of this section. Each assessment so furnished 317  
shall include the data verification code of the student to whom 318  
the assessment will be administered, as assigned pursuant to 319  
division (D) (2) of section 3301.0714 of the Revised Code. In 320  
furnishing the practice versions of Ohio graduation tests 321  
prescribed by division (D) of section 3301.0710 of the Revised 322  
Code, the department shall make the tests available on its web 323  
site for reproduction by districts. In awarding contracts for 324  
grading assessments, the department shall give preference to 325  
Ohio-based entities employing Ohio residents. 326

(2) Adopt rules for the ethical use of assessments and 327  
prescribing the manner in which the assessments prescribed by 328  
section 3301.0710 of the Revised Code shall be administered to 329  
students. 330

(B) Except as provided in divisions (C) and (J) of this 331  
section, the board of education of each city, local, and 332  
exempted village school district shall, in accordance with rules 333  
adopted under division (A) of this section: 334

(1) Administer the English language arts assessments	335
prescribed under division (A) (1) (a) of section 3301.0710 of the	336
Revised Code twice annually to all students in the third grade	337
who have not attained the score designated for that assessment	338
under division (A) (2) (c) of section 3301.0710 of the Revised	339
Code.	340
(2) Administer the mathematics assessment prescribed under	341
division (A) (1) (a) of section 3301.0710 of the Revised Code at	342
least once annually to all students in the third grade.	343
(3) Administer the assessments prescribed under division	344
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	345
annually to all students in the fourth grade.	346
(4) Administer the assessments prescribed under division	347
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	348
annually to all students in the fifth grade.	349
(5) Administer the assessments prescribed under division	350
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	351
annually to all students in the sixth grade.	352
(6) Administer the assessments prescribed under division	353
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	354
annually to all students in the seventh grade.	355
(7) Administer the assessments prescribed under division	356
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	357
annually to all students in the eighth grade.	358
(8) Except as provided in division (B) (9) of this section,	359
administer any assessment prescribed under division (B) (1) of	360
section 3301.0710 of the Revised Code as follows:	361
(a) At least once annually to all tenth grade students and	362

at least twice annually to all students in eleventh or twelfth 363  
grade who have not yet attained the score on that assessment 364  
designated under that division; 365

(b) To any person who has successfully completed the 366  
curriculum in any high school or the individualized education 367  
program developed for the person by any high school pursuant to 368  
section 3323.08 of the Revised Code but has not received a high 369  
school diploma and who requests to take such assessment, at any 370  
time such assessment is administered in the district. 371

(9) In lieu of the board of education of any city, local, 372  
or exempted village school district in which the student is also 373  
enrolled, the board of a joint vocational school district shall 374  
administer any assessment prescribed under division (B)(1) of 375  
section 3301.0710 of the Revised Code at least twice annually to 376  
any student enrolled in the joint vocational school district who 377  
has not yet attained the score on that assessment designated 378  
under that division. A board of a joint vocational school 379  
district may also administer such an assessment to any student 380  
described in division (B)(8)(b) of this section. 381

(10) If the district has a three-year average graduation 382  
rate of not more than seventy-five per cent, administer each 383  
assessment prescribed by division (D) of section 3301.0710 of 384  
the Revised Code in September to all ninth grade students who 385  
entered ninth grade prior to July 1, 2014. 386

Except as provided in section 3313.614 of the Revised Code 387  
for administration of an assessment to a person who has 388  
fulfilled the curriculum requirement for a high school diploma 389  
but has not passed one or more of the required assessments, the 390  
assessments prescribed under division (B)(1) of section 391  
3301.0710 of the Revised Code shall not be administered after 392

the date specified in the rules adopted by the state board of 393  
education under division (D) (1) of section 3301.0712 of the 394  
Revised Code. 395

(11) Administer the assessments prescribed by division (B) 396  
(2) of section 3301.0710 and section 3301.0712 of the Revised 397  
Code in accordance with the timeline and plan for implementation 398  
of those assessments prescribed by rule of the state board 399  
adopted under division (D) (1) of section 3301.0712 of the 400  
Revised Code. 401

(C) (1) (a) In the case of a student receiving special 402  
education services under Chapter 3323. of the Revised Code, the 403  
individualized education program developed for the student under 404  
that chapter shall specify the manner in which the student will 405  
participate in the assessments administered under this section. 406  
The individualized education program may excuse the student from 407  
taking any particular assessment required to be administered 408  
under this section if it instead specifies an alternate 409  
assessment method approved by the department of education as 410  
conforming to requirements of federal law for receipt of federal 411  
funds for disadvantaged pupils. To the extent possible, the 412  
individualized education program shall not excuse the student 413  
from taking an assessment unless no reasonable accommodation can 414  
be made to enable the student to take the assessment. 415

(b) Any alternate assessment approved by the department 416  
for a student under this division shall produce measurable 417  
results comparable to those produced by the assessment it 418  
replaces in order to allow for the student's results to be 419  
included in the data compiled for a school district or building 420  
under section 3302.03 of the Revised Code. 421

(c) Any student enrolled in a chartered nonpublic school 422

who has been identified, based on an evaluation conducted in 423  
accordance with section 3323.03 of the Revised Code or section 424  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 425  
U.S.C.A. 794, as amended, as a child with a disability shall be 426  
excused from taking any particular assessment required to be 427  
administered under this section if a plan developed for the 428  
student pursuant to rules adopted by the state board excuses the 429  
student from taking that assessment. In the case of any student 430  
so excused from taking an assessment, the chartered nonpublic 431  
school shall not prohibit the student from taking the 432  
assessment. 433

(2) A district board may, for medical reasons or other 434  
good cause, excuse a student from taking an assessment 435  
administered under this section on the date scheduled, but that 436  
assessment shall be administered to the excused student not 437  
later than nine days following the scheduled date. The district 438  
board shall annually report the number of students who have not 439  
taken one or more of the assessments required by this section to 440  
the state board not later than the thirtieth day of June. 441

(3) As used in this division, "limited English proficient 442  
student" has the same meaning as in 20 U.S.C. 7801. 443

No school district board shall excuse any limited English 444  
proficient student from taking any particular assessment 445  
required to be administered under this section, except that any 446  
limited English proficient student who has been enrolled in 447  
United States schools for less than one full school year shall 448  
not be required to take any reading, writing, or English 449  
language arts assessment. However, no board shall prohibit a 450  
limited English proficient student who is not required to take 451  
an assessment under this division from taking the assessment. A 452



board may permit any limited English proficient student to take 453  
an assessment required to be administered under this section 454  
with appropriate accommodations, as determined by the 455  
department. For each limited English proficient student, each 456  
school district shall annually assess that student's progress in 457  
learning English, in accordance with procedures approved by the 458  
department. 459

The governing authority of a chartered nonpublic school 460  
may excuse a limited English proficient student from taking any 461  
assessment administered under this section. However, no 462  
governing authority shall prohibit a limited English proficient 463  
student from taking the assessment. 464

(D) (1) In the school year next succeeding the school year 465  
in which the assessments prescribed by division (A) (1) or (B) (1) 466  
of section 3301.0710 of the Revised Code or former division (A) 467  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 468  
it existed prior to September 11, 2001, are administered to any 469  
student, the board of education of any school district in which 470  
the student is enrolled in that year shall provide to the 471  
student intervention services commensurate with the student's 472  
performance, including any intensive intervention required under 473  
section 3313.608 of the Revised Code, in any skill in which the 474  
student failed to demonstrate at least a score at the proficient 475  
level on the assessment. 476

(2) Following any administration of the assessments 477  
prescribed by division (D) of section 3301.0710 of the Revised 478  
Code to ninth grade students, each school district that has a 479  
three-year average graduation rate of not more than seventy-five 480  
per cent shall determine for each high school in the district 481  
whether the school shall be required to provide intervention 482

services to any students who took the assessments. In 483  
determining which high schools shall provide intervention 484  
services based on the resources available, the district shall 485  
consider each school's graduation rate and scores on the 486  
practice assessments. The district also shall consider the 487  
scores received by ninth grade students on the English language 488  
arts and mathematics assessments prescribed under division (A) 489  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 490  
grade in determining which high schools shall provide 491  
intervention services. 492

Each high school selected to provide intervention services 493  
under this division shall provide intervention services to any 494  
student whose results indicate that the student is failing to 495  
make satisfactory progress toward being able to attain scores at 496  
the proficient level on the Ohio graduation tests. Intervention 497  
services shall be provided in any skill in which a student 498  
demonstrates unsatisfactory progress and shall be commensurate 499  
with the student's performance. Schools shall provide the 500  
intervention services prior to the end of the school year, 501  
during the summer following the ninth grade, in the next 502  
succeeding school year, or at any combination of those times. 503

(E) Except as provided in section 3313.608 of the Revised 504  
Code and division ~~(M)~~ (N) of this section, no school district 505  
board of education shall utilize any student's failure to attain 506  
a specified score on an assessment administered under this 507  
section as a factor in any decision to deny the student 508  
promotion to a higher grade level. However, a district board may 509  
choose not to promote to the next grade level any student who 510  
does not take an assessment administered under this section or 511  
make up an assessment as provided by division (C) (2) of this 512  
section and who is not exempt from the requirement to take the 513

assessment under division (C) (3) of this section. 514

(F) No person shall be charged a fee for taking any 515  
assessment administered under this section. 516

(G) (1) Each school district board shall designate one 517  
location for the collection of assessments administered in the 518  
spring under division (B) (1) of this section and those 519  
administered under divisions (B) (2) to (7) of this section. Each 520  
district board shall submit the assessments to the entity with 521  
which the department contracts for the scoring of the 522  
assessments as follows: 523

(a) If the district's total enrollment in grades 524  
kindergarten through twelve during the first full school week of 525  
October was less than two thousand five hundred, not later than 526  
the Friday after all of the assessments have been administered; 527

(b) If the district's total enrollment in grades 528  
kindergarten through twelve during the first full school week of 529  
October was two thousand five hundred or more, but less than 530  
seven thousand, not later than the Monday after all of the 531  
assessments have been administered; 532

(c) If the district's total enrollment in grades 533  
kindergarten through twelve during the first full school week of 534  
October was seven thousand or more, not later than the Tuesday 535  
after all of the assessments have been administered. 536

However, any assessment that a student takes during the 537  
make-up period described in division (C) (2) of this section 538  
shall be submitted not later than the Friday following the day 539  
the student takes the assessment. 540

(2) The department or an entity with which the department 541  
contracts for the scoring of the assessment shall send to each 542

school district board a list of the individual scores of all 543  
persons taking a state achievement assessment as follows: 544

(a) Except as provided in division (G) (2) (b) or (c) of 545  
this section, within forty-five days after the administration of 546  
the assessments prescribed by sections 3301.0710 and 3301.0712 547  
of the Revised Code, but in no case shall the scores be returned 548  
later than the thirtieth day of June following the 549  
administration; 550

(b) In the case of the third-grade English language arts 551  
assessment, within forty-five days after the administration of 552  
that assessment, but in no case shall the scores be returned 553  
later than the fifteenth day of June following the 554  
administration; 555

(c) In the case of the writing component of an assessment 556  
or end-of-course examination in the area of English language 557  
arts, except for the third-grade English language arts 558  
assessment, the results may be sent after forty-five days of the 559  
administration of the writing component, but in no case shall 560  
the scores be returned later than the thirtieth day of June 561  
following the administration. 562

(3) For assessments administered under this section by a 563  
joint vocational school district, the department or entity shall 564  
also send to each city, local, or exempted village school 565  
district a list of the individual scores of any students of such 566  
city, local, or exempted village school district who are 567  
attending school in the joint vocational school district. 568

(H) Individual scores on any assessments administered 569  
under this section shall be released by a district board only in 570  
accordance with section 3319.321 of the Revised Code and the 571

rules adopted under division (A) of this section. No district 572  
board or its employees shall utilize individual or aggregate 573  
results in any manner that conflicts with rules for the ethical 574  
use of assessments adopted pursuant to division (A) of this 575  
section. 576

(I) Except as provided in division (G) of this section, 577  
the department or an entity with which the department contracts 578  
for the scoring of the assessment shall not release any 579  
individual scores on any assessment administered under this 580  
section. The state board shall adopt rules to ensure the 581  
protection of student confidentiality at all times. The rules 582  
may require the use of the data verification codes assigned to 583  
students pursuant to division (D)(2) of section 3301.0714 of the 584  
Revised Code to protect the confidentiality of student scores. 585

(J) Notwithstanding division (D) of section 3311.52 of the 586  
Revised Code, this section does not apply to the board of 587  
education of any cooperative education school district except as 588  
provided under rules adopted pursuant to this division. 589

(1) In accordance with rules that the state board shall 590  
adopt, the board of education of any city, exempted village, or 591  
local school district with territory in a cooperative education 592  
school district established pursuant to divisions (A) to (C) of 593  
section 3311.52 of the Revised Code may enter into an agreement 594  
with the board of education of the cooperative education school 595  
district for administering any assessment prescribed under this 596  
section to students of the city, exempted village, or local 597  
school district who are attending school in the cooperative 598  
education school district. 599

(2) In accordance with rules that the state board shall 600  
adopt, the board of education of any city, exempted village, or 601

local school district with territory in a cooperative education 602  
school district established pursuant to section 3311.521 of the 603  
Revised Code shall enter into an agreement with the cooperative 604  
district that provides for the administration of any assessment 605  
prescribed under this section to both of the following: 606

(a) Students who are attending school in the cooperative 607  
district and who, if the cooperative district were not 608  
established, would be entitled to attend school in the city, 609  
local, or exempted village school district pursuant to section 610  
3313.64 or 3313.65 of the Revised Code; 611

(b) Persons described in division (B) (8) (b) of this 612  
section. 613

Any assessment of students pursuant to such an agreement 614  
shall be in lieu of any assessment of such students or persons 615  
pursuant to this section. 616

(K) (1) ~~(a)~~ Except as otherwise provided in division (K) (1) 617  
~~(a)~~ or ~~(K) (1) (c)~~ (2) of this section, each chartered nonpublic 618  
school for which at least sixty-five per cent of its total 619  
enrollment is made up of students who are participating in state 620  
scholarship programs shall administer the elementary assessments 621  
prescribed by section 3301.0710 of the Revised Code. In 622  
accordance with procedures and deadlines prescribed by the 623  
department, the parent or guardian of a student enrolled in the 624  
school who is not participating in a state scholarship program 625  
may submit notice to the chief administrative officer of the 626  
school that the parent or guardian does not wish to have the 627  
student take the elementary assessments prescribed for the 628  
student's grade level under division (A) of section 3301.0710 of 629  
the Revised Code. If a parent or guardian submits an opt-out 630  
notice, the school shall not administer the assessments to that 631

student. This option does not apply to any assessment required 632  
for a high school diploma under section 3313.612 of the Revised 633  
Code. 634

~~(b) If a chartered nonpublic school is educating students 635  
in grades nine through twelve, it shall administer the 636  
assessments prescribed by divisions (B) (1) and (2) of section 637  
3301.0710 of the Revised Code. Division (K) (1) (b) of this 638  
section shall not apply to the following: 639~~

~~(i) A chartered nonpublic school accredited through the 640  
independent school association of the central states, except for 641  
a student attending a chartered nonpublic school under a state 642  
scholarship program; 643~~

~~(ii) A chartered nonpublic school that is not accredited 644  
through the independent school association of the central states 645  
but that is acting in accordance with division (D) of section 646  
3313.612 of the Revised Code. 647~~

~~(e) (2)~~ A chartered nonpublic school may submit to the 648  
superintendent of public instruction a request for a waiver from 649  
administering the elementary assessments prescribed by division 650  
(A) of section 3301.0710 of the Revised Code. The state 651  
superintendent shall approve or disapprove a request for a 652  
waiver submitted under division (K) ~~(1)~~ ~~(e)~~ (2) of this section. 653  
No waiver shall be approved for any school year prior to the 654  
2015-2016 school year. 655

To be eligible to submit a request for a waiver, a 656  
chartered nonpublic school shall meet the following conditions: 657

~~(i)~~ (a) At least ninety-five per cent of the students 658  
enrolled in the school are children with disabilities, as 659  
defined under section 3323.01 of the Revised Code, or have 660

received a diagnosis by a school district or from a physician, 661  
including a neuropsychiatrist or psychiatrist, or a psychologist 662  
who is authorized to practice in this or another state as having 663  
a condition that impairs academic performance, such as dyslexia, 664  
dyscalculia, attention deficit hyperactivity disorder, or 665  
Asperger's syndrome. 666

~~(ii)~~(b) The school has solely served a student population 667  
described in division (K) (1) ~~(e)~~ ~~(i)~~ (a) of this section for at 668  
least ten years. 669

~~(iii)~~(c) The school provides to the department at least 670  
five years of records of internal testing conducted by the 671  
school that affords the department data required for 672  
accountability purposes, including diagnostic assessments and 673  
nationally standardized norm-referenced achievement assessments 674  
that measure reading and math skills. 675

~~(d)~~(3) Any chartered nonpublic school that is not subject 676  
to division (K) (1) ~~(a)~~ of this section may participate in the 677  
assessment program by administering any of the assessments 678  
prescribed by division (A) of section 3301.0710 of the Revised 679  
Code. The chief administrator of the school shall specify which 680  
assessments the school will administer. Such specification shall 681  
be made in writing to the superintendent of public instruction 682  
prior to the first day of August of any school year in which 683  
assessments are administered and shall include a pledge that the 684  
nonpublic school will administer the specified assessments in 685  
the same manner as public schools are required to do under this 686  
section and rules adopted by the department. 687

~~(2)~~(4) The department of education shall furnish the 688  
assessments prescribed by section 3301.0710 ~~or 3301.0712~~ of the 689  
Revised Code to each chartered nonpublic school that is subject 690



to division (K) (1) ~~(a)~~ of this section or participates under 691  
division (K) ~~(1) (b)~~ (3) of this section. 692

(L) If a chartered nonpublic school is educating students 693  
in grades nine through twelve, the following shall apply: 694

(1) For a student who is enrolled in a chartered nonpublic 695  
school that is accredited through the independent schools 696  
association of the central states and who is attending the 697  
school under a state scholarship program, the student shall 698  
either take all of the assessments prescribed by division (B) of 699  
section 3301.0712 of the Revised Code or take an alternative 700  
assessment approved by the department under section 3313.619 of 701  
the Revised Code. 702

(2) For a student who is enrolled in a chartered nonpublic 703  
school that is accredited through the independent schools 704  
association of the central states, and who is not attending the 705  
school under a state scholarship program, the student shall not 706  
be required to take any assessment prescribed under section 707  
3301.0712 or 3313.619 of the Revised Code. 708

(3) For a student who is enrolled in a chartered nonpublic 709  
school that is not accredited through the independent schools 710  
association of the central states, regardless of whether the 711  
student is attending or is not attending the school under a 712  
state scholarship program, the student shall do one of the 713  
following: 714

(a) Take all of the assessments prescribed by division (B) 715  
of section 3301.0712 of the Revised Code; 716

(b) Take only the assessment prescribed by division (B) (1) 717  
of section 3301.0712 of the Revised Code, provided that the 718  
student's school publishes the results of that assessment for 719

each graduating class. The published results of that assessment 720  
shall include the overall composite scores, mean scores, twenty- 721  
fifth percentile scores, and seventy-fifth percentile scores for 722  
each subject area of the assessment. 723

(c) Take an alternative assessment approved by the 724  
department under section 3313.619 of the Revised Code. 725

(M) (1) The superintendent of the state school for the 726  
blind and the superintendent of the state school for the deaf 727  
shall administer the assessments described by sections 3301.0710 728  
and 3301.0712 of the Revised Code. Each superintendent shall 729  
administer the assessments in the same manner as district boards 730  
are required to do under this section and rules adopted by the 731  
department of education and in conformity with division (C) (1) 732  
(a) of this section. 733

(2) The department of education shall furnish the 734  
assessments described by sections 3301.0710 and 3301.0712 of the 735  
Revised Code to each superintendent. 736

~~(M)~~ (N) Notwithstanding division (E) of this section, a 737  
school district may use a student's failure to attain a score in 738  
at least the proficient range on the mathematics assessment 739  
described by division (A) (1) (a) of section 3301.0710 of the 740  
Revised Code or on an assessment described by division (A) (1) 741  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 742  
Code as a factor in retaining that student in the current grade 743  
level. 744

~~(N)~~ (O) (1) In the manner specified in divisions ~~(N)~~ (O) (3), 745  
(4), and (6) of this section, the assessments required by 746  
division (A) (1) of section 3301.0710 of the Revised Code shall 747  
become public records pursuant to section 149.43 of the Revised 748

Code on the thirty-first day of July following the school year 749  
that the assessments were administered. 750

(2) The department may field test proposed questions with 751  
samples of students to determine the validity, reliability, or 752  
appropriateness of questions for possible inclusion in a future 753  
year's assessment. The department also may use anchor questions 754  
on assessments to ensure that different versions of the same 755  
assessment are of comparable difficulty. 756

Field test questions and anchor questions shall not be 757  
considered in computing scores for individual students. Field 758  
test questions and anchor questions may be included as part of 759  
the administration of any assessment required by division (A) (1) 760  
or (B) of section 3301.0710 and division (B) of section 761  
3301.0712 of the Revised Code. 762

(3) Any field test question or anchor question 763  
administered under division ~~(N)~~ (O) (2) of this section shall not 764  
be a public record. Such field test questions and anchor 765  
questions shall be redacted from any assessments which are 766  
released as a public record pursuant to division ~~(N)~~ (O) (1) of 767  
this section. 768

(4) This division applies to the assessments prescribed by 769  
division (A) of section 3301.0710 of the Revised Code. 770

(a) The first administration of each assessment, as 771  
specified in former section 3301.0712 of the Revised Code, shall 772  
be a public record. 773

(b) For subsequent administrations of each assessment 774  
prior to the 2011-2012 school year, not less than forty per cent 775  
of the questions on the assessment that are used to compute a 776  
student's score shall be a public record. The department shall 777

determine which questions will be needed for reuse on a future 778  
assessment and those questions shall not be public records and 779  
shall be redacted from the assessment prior to its release as a 780  
public record. However, for each redacted question, the 781  
department shall inform each city, local, and exempted village 782  
school district of the statewide academic standard adopted by 783  
the state board under section 3301.079 of the Revised Code and 784  
the corresponding benchmark to which the question relates. The 785  
preceding sentence does not apply to field test questions that 786  
are redacted under division ~~(N)~~(O)(3) of this section. 787

(c) The administrations of each assessment in the 2011- 788  
2012, 2012-2013, and 2013-2014 school years shall not be a 789  
public record. 790

(5) Each assessment prescribed by division (B)(1) of 791  
section 3301.0710 of the Revised Code shall not be a public 792  
record. 793

(6) Beginning with the spring administration for the 2014- 794  
2015 school year, questions on the assessments prescribed under 795  
division (A) of section 3301.0710 and division (B)(2) of section 796  
3301.0712 of the Revised Code and the corresponding preferred 797  
answers that are used to compute a student's score shall become 798  
a public record as follows: 799

(a) Forty per cent of the questions and preferred answers 800  
on the assessments on the thirty-first day of July following the 801  
administration of the assessment; 802

(b) Twenty per cent of the questions and preferred answers 803  
on the assessment on the thirty-first day of July one year after 804  
the administration of the assessment; 805

(c) The remaining forty per cent of the questions and 806

preferred answers on the assessment on the thirty-first day of 807  
July two years after the administration of the assessment. 808

The entire content of an assessment shall become a public 809  
record within three years of its administration. 810

The department shall make the questions that become a 811  
public record under this division readily accessible to the 812  
public on the department's web site. Questions on the spring 813  
administration of each assessment shall be released on an annual 814  
basis, in accordance with this division. 815

~~(O)~~ (P) As used in this section: 816

(1) "Three-year average" means the average of the most 817  
recent consecutive three school years of data. 818

(2) "Dropout" means a student who withdraws from school 819  
before completing course requirements for graduation and who is 820  
not enrolled in an education program approved by the state board 821  
of education or an education program outside the state. 822  
"Dropout" does not include a student who has departed the 823  
country. 824

(3) "Graduation rate" means the ratio of students 825  
receiving a diploma to the number of students who entered ninth 826  
grade four years earlier. Students who transfer into the 827  
district are added to the calculation. Students who transfer out 828  
of the district for reasons other than dropout are subtracted 829  
from the calculation. If a student who was a dropout in any 830  
previous year returns to the same school district, that student 831  
shall be entered into the calculation as if the student had 832  
entered ninth grade four years before the graduation year of the 833  
graduating class that the student joins. 834

(4) "State scholarship programs" means the educational 835

choice scholarship pilot program established under sections 836  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 837  
program established under section 3310.41 of the Revised Code, 838  
the Jon Peterson special needs scholarship program established 839  
under sections 3310.51 to 3310.64 of the Revised Code, and the 840  
pilot project scholarship program established under sections 841  
3313.974 to 3313.979 of the Revised Code. 842

**Sec. 3301.0712.** (A) The state board of education, the 843  
superintendent of public instruction, and the chancellor of 844  
higher education shall develop a system of college and work 845  
ready assessments as described in division (B) of this section 846  
to assess whether each student upon graduating from high school 847  
is ready to enter college or the workforce. Beginning with 848  
students who enter the ninth grade for the first time on or 849  
after July 1, 2014, the system shall replace the Ohio graduation 850  
tests prescribed in division (B)(1) of section 3301.0710 of the 851  
Revised Code as a measure of student academic performance and 852  
one determinant of eligibility for a high school diploma in the 853  
manner prescribed by rule of the state board adopted under 854  
division (D) of this section. 855

(B) The college and work ready assessment system shall 856  
consist of the following: 857

(1) Nationally standardized assessments that measure 858  
college and career readiness and are used for college admission. 859  
The assessments shall be selected jointly by the state 860  
superintendent and the chancellor, and one of which shall be 861  
selected by each school district or school to administer to its 862  
students. The assessments prescribed under division (B)(1) of 863  
this section shall be administered to all eleventh-grade 864  
students in the spring of the school year. 865

(2) Seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B) (4) (a) (i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B) (4) (a) (ii) of this section.

(3) (a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B) (3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations

in American history and American government. 897

(i) The end-of-course examinations in American history and 898  
American government shall require demonstration of mastery of 899  
the American history and American government content for social 900  
studies standards adopted under division (A) (1) (b) of section 901  
3301.079 of the Revised Code and the topics required under 902  
division (M) of section 3313.603 of the Revised Code. 903

(ii) At least twenty per cent of the end-of-course 904  
examination in American government shall address the topics on 905  
American history and American government described in division 906  
(M) of section 3313.603 of the Revised Code. 907

(4) (a) Notwithstanding anything to the contrary in this 908  
section, beginning with the 2014-2015 school year, both of the 909  
following shall apply: 910

(i) If a student is enrolled in an appropriate advanced 911  
placement or international baccalaureate course, that student 912  
shall take the advanced placement or international baccalaureate 913  
examination in lieu of the science, American history, or 914  
American government end-of-course examinations prescribed under 915  
division (B) (2) of this section. The state board shall specify 916  
the score levels for each advanced placement examination and 917  
international baccalaureate examination for purposes of 918  
calculating the minimum cumulative performance score that 919  
demonstrates the level of academic achievement necessary to earn 920  
a high school diploma. 921

(ii) If a student is enrolled in an appropriate course 922  
under any other advanced standing program, as described in 923  
section 3313.6013 of the Revised Code, that student shall not be 924  
required to take the science, American history, or American 925



government end-of-course examination, whichever is applicable, 926  
prescribed under division (B) (2) of this section. Instead, that 927  
student's final course grade shall be used in lieu of the 928  
applicable end-of-course examination prescribed under that 929  
section. The state superintendent, in consultation with the 930  
chancellor, shall adopt guidelines for purposes of calculating 931  
the corresponding final course grades that demonstrate the level 932  
of academic achievement necessary to earn a high school diploma. 933

Division (B) (4) (a) (ii) of this section shall apply only to 934  
courses for which students receive transcribed credit, as 935  
defined in division (U) of section 3365.01 of the Revised Code. 936  
It shall not apply to remedial or developmental courses. 937

(b) No student shall take a substitute examination or 938  
examination prescribed under division (B) (4) (a) of this section 939  
in place of the end-of-course examinations in English language 940  
arts I, English language arts II, Algebra I, or geometry 941  
prescribed under division (B) (2) of this section. 942

(c) The state board shall consider additional assessments 943  
that may be used, beginning with the 2016-2017 school year, as 944  
substitute examinations in lieu of the end-of-course 945  
examinations prescribed under division (B) (2) of this section. 946

(5) The state board shall do all of the following: 947

(a) Determine and designate at least five ranges of scores 948  
on each of the end-of-course examinations prescribed under 949  
division (B) (2) of this section, and substitute examinations 950  
prescribed under division (B) (4) of this section. Each range of 951  
scores shall be considered to demonstrate a level of achievement 952  
so that any student attaining a score within such range has 953  
achieved one of the following: 954

(i) An advanced level of skill;	955
(ii) An accelerated level of skill;	956
(iii) A proficient level of skill;	957
(iv) A basic level of skill;	958
(v) A limited level of skill.	959
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	960 961 962
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	963 964 965
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	966 967 968 969
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	970 971 972
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	973 974 975
(ii) The examination was not available for administration prior to July 1, 2015.	976 977
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course	978 979 980 981

examination at a later date.	982
(b) For purposes of determining whether a student who is	983
exempt from taking an end-of-course examination under division	984
(B) (6) (a) of this section has attained the cumulative score	985
prescribed by division (B) (5) (c) of this section, such student	986
shall select either of the following:	987
(i) The student is considered to have attained a	988
proficient score on the end-of-course examination from which the	989
student is exempt;	990
(ii) The student's final course grade shall be used in	991
lieu of a score on the end-of-course examination from which the	992
student is exempt.	993
The state superintendent, in consultation with the	994
chancellor, shall adopt guidelines for purposes of calculating	995
the corresponding final course grades and the minimum cumulative	996
performance score that demonstrates the level of academic	997
achievement necessary to earn a high school diploma.	998
(7) (a) Notwithstanding anything to the contrary in this	999
section, the state board may replace the algebra I end-of-course	1000
examination prescribed under division (B) (2) of this section	1001
with an algebra II end-of-course examination, beginning with the	1002
2016-2017 school year for students who enter ninth grade on or	1003
after July 1, 2016.	1004
(b) If the state board replaces the algebra I end-of-	1005
course examination with an algebra II end-of-course examination	1006
as authorized under division (B) (7) (a) of this section, both of	1007
the following shall apply:	1008
(i) A student who is enrolled in an advanced placement or	1009
international baccalaureate course in algebra II shall take the	1010

advanced placement or international baccalaureate examination in 1011  
lieu of the algebra II end-of-course examination. 1012

(ii) A student who is enrolled in an algebra II course 1013  
under any other advanced standing program, as described in 1014  
section 3313.6013 of the Revised Code, shall not be required to 1015  
take the algebra II end-of-course examination. Instead, that 1016  
student's final course grade shall be used in lieu of the 1017  
examination. 1018

(c) If a school district or school utilizes an integrated 1019  
approach to mathematics instruction, the district or school may 1020  
do either or both of the following: 1021

(i) Administer an integrated mathematics I end-of-course 1022  
examination in lieu of the prescribed algebra I end-of-course 1023  
examination; 1024

(ii) Administer an integrated mathematics II end-of-course 1025  
examination in lieu of the prescribed geometry end-of-course 1026  
examination. 1027

(8) (a) For students entering the ninth grade for the first 1028  
time on or after July 1, 2014, but prior to July 1, 2015, the 1029  
assessment in the area of science shall be physical science or 1030  
biology. For students entering the ninth grade for the first 1031  
time on or after July 1, 2015, the assessment in the area of 1032  
science shall be biology. 1033

(b) Until July 1, 2019, the department of education shall 1034  
make available the end-of-course examination in physical science 1035  
for students who entered the ninth grade for the first time on 1036  
or after July 1, 2014, but prior to July 1, 2015, and who wish 1037  
to retake the examination. 1038

(c) Not later than July 1, 2016, the state board shall 1039

adopt rules prescribing the requirements for the end-of-course 1040  
examination in science for students who entered the ninth grade 1041  
for the first time on or after July 1, 2014, but prior to July 1042  
1, 2015, and who have not met the requirement prescribed by 1043  
section 3313.618 of the Revised Code by July 1, 2019, due to a 1044  
student's failure to satisfy division (A)(2) of section 3313.618 1045  
of the Revised Code. 1046

(9) Neither the state board nor the department of 1047  
education shall develop or administer an end-of-course 1048  
examination in the area of world history. 1049

(C) The state board shall convene a group of national 1050  
experts, state experts, and local practitioners to provide 1051  
advice, guidance, and recommendations for the alignment of 1052  
standards and model curricula to the assessments and in the 1053  
design of the end-of-course examinations prescribed by this 1054  
section. 1055

(D) Upon completion of the development of the assessment 1056  
system, the state board shall adopt rules prescribing all of the 1057  
following: 1058

(1) A timeline and plan for implementation of the 1059  
assessment system, including a phased implementation if the 1060  
state board determines such a phase-in is warranted; 1061

(2) The date after which a person shall meet the 1062  
requirements of the entire assessment system as a prerequisite 1063  
for a diploma of adult education under section 3313.611 of the 1064  
Revised Code; 1065

(3) Whether and the extent to which a person may be 1066  
excused from an American history end-of-course examination and 1067  
an American government end-of-course examination under division 1068

(H) of section 3313.61 and division (B) ~~(4)~~ (3) of section 1069  
3313.612 of the Revised Code; 1070

(4) The date after which a person who has fulfilled the 1071  
curriculum requirement for a diploma but has not passed one or 1072  
more of the required assessments at the time the person 1073  
fulfilled the curriculum requirement shall meet the requirements 1074  
of the entire assessment system as a prerequisite for a high 1075  
school diploma under division (B) of section 3313.614 of the 1076  
Revised Code; 1077

(5) The extent to which the assessment system applies to 1078  
students enrolled in a dropout recovery and prevention program 1079  
for purposes of division (F) of section 3313.603 and section 1080  
3314.36 of the Revised Code. 1081

(E) Not later than forty-five days prior to the state 1082  
board's adoption of a resolution directing the department to 1083  
file the rules prescribed by division (D) of this section in 1084  
final form under section 119.04 of the Revised Code, the 1085  
superintendent of public instruction shall present the 1086  
assessment system developed under this section to the respective 1087  
committees of the house of representatives and senate that 1088  
consider education legislation. 1089

(F) (1) Any person enrolled in a nonchartered nonpublic 1090  
school or any person who has been excused from attendance at 1091  
school for the purpose of home instruction under section 3321.04 1092  
of the Revised Code may choose to participate in the system of 1093  
assessments administered under divisions (B) (1) and (2) of this 1094  
section. However, no such person shall be required to 1095  
participate in the system of assessments. 1096

(2) The department shall adopt rules for the 1097

administration and scoring of any assessments under division (F) 1098  
(1) of this section. 1099

(G) Not later than December 31, 2014, the state board 1100  
shall select at least one nationally recognized job skills 1101  
assessment. Each school district shall administer that 1102  
assessment to those students who opt to take it. The state shall 1103  
reimburse a school district for the costs of administering that 1104  
assessment. The state board shall establish the minimum score a 1105  
student must attain on the job skills assessment in order to 1106  
demonstrate a student's workforce readiness and employability. 1107  
The administration of the job skills assessment to a student 1108  
under this division shall not exempt a school district from 1109  
administering the assessments prescribed in division (B) of this 1110  
section to that student. 1111

**Sec. 3301.16.** Pursuant to standards prescribed by the 1112  
state board of education as provided in division (D) of section 1113  
3301.07 of the Revised Code, the state board shall classify and 1114  
charter school districts and individual schools within each 1115  
district except that no charter shall be granted to a nonpublic 1116  
school unless the school complies with divisions (K) (1) ~~(a)~~ and 1117  
~~(b)~~ (L) of section 3301.0711, as applicable, and section 1118  
3313.612 of the Revised Code. 1119

In the course of considering the charter of a new school 1120  
district created under section 3311.26 or 3311.38 of the Revised 1121  
Code, the state board shall require the party proposing creation 1122  
of the district to submit to the board a map, certified by the 1123  
county auditor of the county in which the proposed new district 1124  
is located, showing the boundaries of the proposed new district. 1125  
In the case of a proposed new district located in more than one 1126  
county, the map shall be certified by the county auditor of each 1127

county in which the proposed district is located. 1128

The state board shall revoke the charter of any school 1129  
district or school which fails to meet the standards for 1130  
elementary and high schools as prescribed by the board. The 1131  
state board shall also revoke the charter of any nonpublic 1132  
school that does not comply with ~~division~~divisions (K) (1) ~~(a)~~ 1133  
and (L) of section 3301.0711, if applicable, and section 1134  
3313.612 of the Revised Code. 1135

In the issuance and revocation of school district or 1136  
school charters, the state board shall be governed by the 1137  
provisions of Chapter 119. of the Revised Code. 1138

No school district, or individual school operated by a 1139  
school district, shall operate without a charter issued by the 1140  
state board under this section. 1141

In case a school district charter is revoked pursuant to 1142  
this section, the state board may dissolve the school district 1143  
and transfer its territory to one or more adjacent districts. An 1144  
equitable division of the funds, property, and indebtedness of 1145  
the school district shall be made by the state board among the 1146  
receiving districts. The board of education of a receiving 1147  
district shall accept such territory pursuant to the order of 1148  
the state board. Prior to dissolving the school district, the 1149  
state board shall notify the appropriate educational service 1150  
center governing board and all adjacent school district boards 1151  
of education of its intention to do so. Boards so notified may 1152  
make recommendations to the state board regarding the proposed 1153  
dissolution and subsequent transfer of territory. Except as 1154  
provided in section 3301.161 of the Revised Code, the transfer 1155  
ordered by the state board shall become effective on the date 1156  
specified by the state board, but the date shall be at least 1157



thirty days following the date of issuance of the order. 1158

A high school is one of higher grade than an elementary 1159  
school, in which instruction and training are given in 1160  
accordance with sections 3301.07 and 3313.60 of the Revised Code 1161  
and which also offers other subjects of study more advanced than 1162  
those taught in the elementary schools and such other subjects 1163  
as may be approved by the state board of education. 1164

An elementary school is one in which instruction and 1165  
training are given in accordance with sections 3301.07 and 1166  
3313.60 of the Revised Code and which offers such other subjects 1167  
as may be approved by the state board of education. In districts 1168  
wherein a junior high school is maintained, the elementary 1169  
schools in that district may be considered to include only the 1170  
work of the first six school years inclusive, plus the 1171  
kindergarten year. 1172

**Sec. 3310.03.** A student is an "eligible student" for 1173  
purposes of the educational choice scholarship pilot program if 1174  
the student's resident district is not a school district in 1175  
which the pilot project scholarship program is operating under 1176  
sections 3313.974 to 3313.979 of the Revised Code and the 1177  
student satisfies one of the conditions in division (A), (B), 1178  
(C), (D), or (E) of this section: 1179

(A) (1) The student is enrolled in a school building 1180  
operated by the student's resident district that, on the report 1181  
card issued under section 3302.03 of the Revised Code published 1182  
prior to the first day of July of the school year for which a 1183  
scholarship is sought, did not receive a rating as described in 1184  
division (H) of this section, and to which any or a combination 1185  
of any of the following apply for two of the three most recent 1186  
report cards published prior to the first day of July of the 1187

school year for which a scholarship is sought: 1188

(a) The building was declared to be in a state of academic 1189  
emergency or academic watch under section 3302.03 of the Revised 1190  
Code as that section existed prior to March 22, 2013. 1191

(b) The building received a grade of "D" or "F" for the 1192  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1193  
section 3302.03 of the Revised Code and for the value-added 1194  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1195  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1196  
2014, 2014-2015, or 2015-2016 school year; or if the building 1197  
serves only grades ten through twelve, the building received a 1198  
grade of "D" or "F" for the performance index score under 1199  
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 1200  
Revised Code and had a four-year adjusted cohort graduation rate 1201  
of less than seventy-five per cent. 1202

(c) The building received an overall grade of "D" or "F" 1203  
under division (C) (3) of section 3302.03 of the Revised Code or 1204  
a grade of "F" for the value-added progress dimension under 1205  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1206  
the 2016-2017 school year or any school year thereafter. 1207

(2) The student will be enrolling in any of grades 1208  
kindergarten through twelve in this state for the first time in 1209  
the school year for which a scholarship is sought, will be at 1210  
least five years of age by the first day of January of the 1211  
school year for which a scholarship is sought, and otherwise 1212  
would be assigned under section 3319.01 of the Revised Code in 1213  
the school year for which a scholarship is sought, to a school 1214  
building described in division (A) (1) of this section. 1215

(3) The student is enrolled in a community school 1216

established under Chapter 3314. of the Revised Code but 1217  
otherwise would be assigned under section 3319.01 of the Revised 1218  
Code to a building described in division (A)(1) of this section. 1219

(4) The student is enrolled in a school building operated 1220  
by the student's resident district or in a community school 1221  
established under Chapter 3314. of the Revised Code and 1222  
otherwise would be assigned under section 3319.01 of the Revised 1223  
Code to a school building described in division (A)(1) of this 1224  
section in the school year for which the scholarship is sought. 1225

(5) The student will be both enrolling in any of grades 1226  
kindergarten through twelve in this state for the first time and 1227  
at least five years of age by the first day of January of the 1228  
school year for which a scholarship is sought, or is enrolled in 1229  
a community school established under Chapter 3314. of the 1230  
Revised Code, and all of the following apply to the student's 1231  
resident district: 1232

(a) The district has in force an intradistrict open 1233  
enrollment policy under which no student in the student's grade 1234  
level is automatically assigned to a particular school building; 1235

(b) In the most recent rating published prior to the first 1236  
day of July of the school year for which scholarship is sought, 1237  
the district did not receive a rating described in division (H) 1238  
of this section, and in at least two of the three most recent 1239  
report cards published prior to the first day of July of that 1240  
school year, any or a combination of the following apply to the 1241  
district: 1242

(i) The district was declared to be in a state of academic 1243  
emergency under section 3302.03 of the Revised Code as it 1244  
existed prior to March 22, 2013. 1245

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

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

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

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

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

(b) The building was not declared to be excellent or 1275  
effective, or the equivalent of such ratings as determined by 1276  
the department, under section 3302.03 of the Revised Code in the 1277  
most recent rating published prior to the first day of July of 1278  
the school year for which a scholarship is sought. 1279

(2) The student will be enrolling in any of grades 1280  
kindergarten through twelve in this state for the first time in 1281  
the school year for which a scholarship is sought, will be at 1282  
least five years of age, as defined in section 3321.01 of the 1283  
Revised Code, by the first day of January of the school year for 1284  
which a scholarship is sought, and otherwise would be assigned 1285  
under section 3319.01 of the Revised Code in the school year for 1286  
which a scholarship is sought, to a school building described in 1287  
division (B) (1) of this section. 1288

(3) The student is enrolled in a community school 1289  
established under Chapter 3314. of the Revised Code but 1290  
otherwise would be assigned under section 3319.01 of the Revised 1291  
Code to a building described in division (B) (1) of this section. 1292

(4) The student is enrolled in a school building operated 1293  
by the student's resident district or in a community school 1294  
established under Chapter 3314. of the Revised Code and 1295  
otherwise would be assigned under section 3319.01 of the Revised 1296  
Code to a school building described in division (B) (1) of this 1297  
section in the school year for which the scholarship is sought. 1298

(C) The student is enrolled in a nonpublic school at the 1299  
time the school is granted a charter by the state board of 1300  
education under section 3301.16 of the Revised Code and the 1301  
student meets the standards of division (B) of section 3310.031 1302  
of the Revised Code. 1303

(D) For the 2016-2017 school year and each school year 1304  
thereafter, the student is in any of grades kindergarten through 1305  
three, is enrolled in a school building that is operated by the 1306  
student's resident district or will be enrolling in any of 1307  
grades kindergarten through twelve in this state for the first 1308  
time in the school year for which a scholarship is sought, and 1309  
to which both of the following apply: 1310

(1) The building, in at least two of the three most recent 1311  
ratings of school buildings published prior to the first day of 1312  
July of the school year for which a scholarship is sought, 1313  
received a grade of "D" or "F" for making progress in improving 1314  
literacy in grades kindergarten through three under division (B) 1315  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 1316

(2) The building did not receive a grade of "A" for making 1317  
progress in improving literacy in grades kindergarten through 1318  
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 1319  
of the Revised Code in the most recent rating published prior to 1320  
the first day of July of the school year for which a scholarship 1321  
is sought. 1322

(E) The student's resident district is subject to section 1323  
3302.10 of the Revised Code and the student either: 1324

(1) Is enrolled in a school building operated by the 1325  
resident district or in a community school established under 1326  
Chapter 3314. of the Revised Code; 1327

(2) Will be both enrolling in any of grades kindergarten 1328  
through twelve in this state for the first time and at least 1329  
five years of age by the first day of January of the school year 1330  
for which a scholarship is sought. 1331

(F) A student who receives a scholarship under the 1332

educational choice scholarship pilot program remains an eligible 1333  
student and may continue to receive scholarships in subsequent 1334  
school years until the student completes grade twelve, so long 1335  
as all of the following apply: 1336

(1) The student's resident district remains the same, or 1337  
the student transfers to a new resident district and otherwise 1338  
would be assigned in the new resident district to a school 1339  
building described in division (A) (1), (B) (1), (D), or (E) of 1340  
this section~~7~~. 1341

(2) Except as provided in ~~division~~ divisions (K) (1) ~~(b) (ii)~~ 1342  
and (L) of section 3301.0711 of the Revised Code, the student 1343  
takes each assessment prescribed for the student's grade level 1344  
under section 3301.0710 or 3301.0712 of the Revised Code while 1345  
enrolled in a chartered nonpublic school~~7~~. 1346

(3) In each school year that the student is enrolled in a 1347  
chartered nonpublic school, the student is absent from school 1348  
for not more than twenty days that the school is open for 1349  
instruction, not including excused absences. 1350

(G) (1) The department shall cease awarding first-time 1351  
scholarships pursuant to divisions (A) (1) to (4) of this section 1352  
with respect to a school building that, in the most recent 1353  
ratings of school buildings published under section 3302.03 of 1354  
the Revised Code prior to the first day of July of the school 1355  
year, ceases to meet the criteria in division (A) (1) of this 1356  
section. The department shall cease awarding first-time 1357  
scholarships pursuant to division (A) (5) of this section with 1358  
respect to a school district that, in the most recent ratings of 1359  
school districts published under section 3302.03 of the Revised 1360  
Code prior to the first day of July of the school year, ceases 1361  
to meet the criteria in division (A) (5) of this section. 1362

(2) The department shall cease awarding first-time 1363  
scholarships pursuant to divisions (B)(1) to (4) of this section 1364  
with respect to a school building that, in the most recent 1365  
ratings of school buildings under section 3302.03 of the Revised 1366  
Code prior to the first day of July of the school year, ceases 1367  
to meet the criteria in division (B)(1) of this section. 1368

(3) The department shall cease awarding first-time 1369  
scholarships pursuant to division (D) of this section with 1370  
respect to a school building that, in the most recent ratings of 1371  
school buildings under section 3302.03 of the Revised Code prior 1372  
to the first day of July of the school year, ceases to meet the 1373  
criteria in division (D) of this section. 1374

(4) The department shall cease awarding first-time 1375  
scholarships pursuant to division (E) of this section with 1376  
respect to a school district subject to section 3302.10 of the 1377  
Revised Code when the academic distress commission established 1378  
for the district ceases to exist. 1379

(5) However, students who have received scholarships in 1380  
the prior school year remain eligible students pursuant to 1381  
division (F) of this section. 1382

(H) The state board of education shall adopt rules 1383  
defining excused absences for purposes of division (F)(3) of 1384  
this section. 1385

(I)(1) A student who satisfies only the conditions 1386  
prescribed in divisions (A)(1) to (4) of this section shall not 1387  
be eligible for a scholarship if the student's resident building 1388  
meets any of the following in the most recent rating under 1389  
section 3302.03 of the Revised Code published prior to the first 1390  
day of July of the school year for which a scholarship is 1391



sought: 1392

(a) The building has an overall designation of excellent 1393  
or effective under section 3302.03 of the Revised Code as it 1394  
existed prior to March 22, 2013. 1395

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 1396  
school year, the building has a grade of "A" or "B" for the 1397  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1398  
section 3302.03 of the Revised Code and for the value-added 1399  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1400  
section 3302.03 of the Revised Code; or if the building serves 1401  
only grades ten through twelve, the building received a grade of 1402  
"A" or "B" for the performance index score under division (A) (1) 1403  
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 1404  
a four-year adjusted cohort graduation rate of greater than or 1405  
equal to seventy-five per cent. 1406

(c) For the 2016-2017 school year or any school year 1407  
thereafter, the building has a grade of "A" or "B" under 1408  
division (C) (3) of section 3302.03 of the Revised Code and a 1409  
grade of "A" for the value-added progress dimension under 1410  
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 1411  
the building serves only grades ten through twelve, the building 1412  
received a grade of "A" or "B" for the performance index score 1413  
under division (C) (1) (b) of section 3302.03 of the Revised Code 1414  
and had a four-year adjusted cohort graduation rate of greater 1415  
than or equal to seventy-five per cent. 1416

(2) A student who satisfies only the conditions prescribed 1417  
in division (A) (5) of this section shall not be eligible for a 1418  
scholarship if the student's resident district meets any of the 1419  
following in the most recent rating under section 3302.03 of the 1420  
Revised Code published prior to the first day of July of the 1421

school year for which a scholarship is sought: 1422

(a) The district has an overall designation of excellent 1423  
or effective under section 3302.03 of the Revised Code as it 1424  
existed prior to March 22, 2013. 1425

(b) The district has a grade of "A" or "B" for the 1426  
performance index score under division (A) (1) (b) or (B) (1) (b) of 1427  
section 3302.03 of the Revised Code and for the value-added 1428  
progress dimension under division (A) (1) (e) or (B) (1) (e) of 1429  
section 3302.03 of the Revised Code for the 2012-2013, 2013- 1430  
2014, 2014-2015, and 2015-2016 school years. 1431

(c) The district has an overall grade of "A" or "B" under 1432  
division (C) (3) of section 3302.03 of the Revised Code and a 1433  
grade of "A" for the value-added progress dimension under 1434  
division (C) (1) (e) of section 3302.03 of the Revised Code for 1435  
the 2016-2017 school year or any school year thereafter. 1436

**Sec. 3310.14.** (A) Except as provided in division (B) of 1437  
this section, each chartered nonpublic school that is not 1438  
subject to division (K) (1) ~~(a)~~ of section 3301.0711 of the 1439  
Revised Code and enrolls students awarded scholarships under 1440  
sections 3310.01 to 3310.17 of the Revised Code annually shall 1441  
administer the assessments prescribed by section 3301.0710 ~~or~~, 1442  
3301.0712, or 3313.619 of the Revised Code, as applicable, to 1443  
each scholarship student enrolled in the school in accordance 1444  
with section 3301.0711 of the Revised Code. Each chartered 1445  
nonpublic school that is subject to this section shall report to 1446  
the department of education the results of each assessment 1447  
administered to each scholarship student under this section. 1448

Nothing in this section requires a chartered nonpublic 1449  
school to administer any achievement assessment, except for an 1450

Ohio graduation test prescribed by division (B) (1) of section 1451  
3301.0710 or the college and work ready assessment system 1452  
prescribed by division (B) of section 3301.0712 of the Revised 1453  
Code to any student enrolled in the school who is not a 1454  
scholarship student. 1455

(B) ~~(1)~~ A chartered nonpublic school that meets the 1456  
conditions specified in division (K) ~~(1)(e)~~ (2) of section 1457  
3301.0711 of the Revised Code shall not be required to 1458  
administer the elementary assessments prescribed by division (A) 1459  
of section 3301.0710 of the Revised Code. 1460

~~(2) A chartered nonpublic school that meets the conditions~~ 1461  
~~specified in division (D) (2) of section 3313.612 of the Revised~~ 1462  
~~Code shall not be required to administer the end of course~~ 1463  
~~examinations prescribed by section 3301.0712 of the Revised~~ 1464  
~~Code.~~ 1465

**Sec. 3310.41.** (A) As used in this section: 1466

(1) "Alternative public provider" means either of the 1467  
following providers that agrees to enroll a child in the 1468  
provider's special education program to implement the child's 1469  
individualized education program and to which the child's parent 1470  
owes fees for the services provided to the child: 1471

(a) A school district that is not the school district in 1472  
which the child is entitled to attend school; 1473

(b) A public entity other than a school district. 1474

(2) "Entitled to attend school" means entitled to attend 1475  
school in a school district under section 3313.64 or 3313.65 of 1476  
the Revised Code. 1477

(3) "Formula ADM" and "category six special education ADM" 1478

have the same meanings as in section 3317.02 of the Revised Code. 1479  
1480

(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 1481  
1482  
1483

(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency. 1484  
1485  
1486  
1487  
1488  
1489  
1490

(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B) (3) (h) of section 3317.03 of the Revised Code. 1491  
1492  
1493

(7) "Qualified special education child" is a child for whom all of the following conditions apply: 1494  
1495

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section. 1496  
1497  
1498  
1499  
1500

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 1501  
1502  
1503

(c) The child either: 1504

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through 1505  
1506

twelve in the school year prior to the year in which a 1507  
scholarship under this section is first sought for the child; or 1508

(ii) Is eligible to enter school in any grade preschool 1509  
through twelve in the school district in which the child is 1510  
entitled to attend school in the school year in which a 1511  
scholarship under this section is first sought for the child. 1512

(8) "Registered private provider" means a nonpublic school 1513  
or other nonpublic entity that has been approved by the 1514  
department of education to participate in the program 1515  
established under this section. 1516

(9) "Special education program" means a school or facility 1517  
that provides special education and related services to children 1518  
with disabilities. 1519

(B) There is hereby established the autism scholarship 1520  
program. Under the program, the department of education shall 1521  
pay a scholarship to the parent of each qualified special 1522  
education child upon application of that parent pursuant to 1523  
procedures and deadlines established by rule of the state board 1524  
of education. Each scholarship shall be used only to pay tuition 1525  
for the child on whose behalf the scholarship is awarded to 1526  
attend a special education program that implements the child's 1527  
individualized education program and that is operated by an 1528  
alternative public provider or by a registered private provider, 1529  
and to pay for other services agreed to by the provider and the 1530  
parent of a qualified special education child that are not 1531  
included in the individualized education program but are 1532  
associated with educating the child. Upon agreement with the 1533  
parent of a qualified special education child, the alternative 1534  
public provider or the registered private provider may modify 1535  
the services provided to the child. Each scholarship shall be in 1536

an amount not to exceed the lesser of the tuition charged for 1537  
the child by the special education program or twenty-seven 1538  
thousand dollars. The purpose of the scholarship is to permit 1539  
the parent of a qualified special education child the choice to 1540  
send the child to a special education program, instead of the 1541  
one operated by or for the school district in which the child is 1542  
entitled to attend school, to receive the services prescribed in 1543  
the child's individualized education program once the 1544  
individualized education program is finalized and any other 1545  
services agreed to by the provider and the parent of a qualified 1546  
special education child. The services provided under the 1547  
scholarship shall include an educational component or services 1548  
designed to assist the child to benefit from the child's 1549  
education. 1550

A scholarship under this section shall not be awarded to 1551  
the parent of a child while the child's individualized education 1552  
program is being developed by the school district in which the 1553  
child is entitled to attend school, or while any administrative 1554  
or judicial mediation or proceedings with respect to the content 1555  
of the child's individualized education program are pending. A 1556  
scholarship under this section shall not be used for a child to 1557  
attend a public special education program that operates under a 1558  
contract, compact, or other bilateral agreement between the 1559  
school district in which the child is entitled to attend school 1560  
and another school district or other public provider, or for a 1561  
child to attend a community school established under Chapter 1562  
3314. of the Revised Code. However, nothing in this section or 1563  
in any rule adopted by the state board shall prohibit a parent 1564  
whose child attends a public special education program under a 1565  
contract, compact, or other bilateral agreement, or a parent 1566  
whose child attends a community school, from applying for and 1567

accepting a scholarship under this section so that the parent 1568  
may withdraw the child from that program or community school and 1569  
use the scholarship for the child to attend a special education 1570  
program for which the parent is required to pay for services for 1571  
the child. 1572

Except for development of the child's individualized 1573  
education program, the school district in which a qualified 1574  
special education child is entitled to attend school and the 1575  
child's school district of residence, as defined in section 1576  
3323.01 of the Revised Code, if different, are not obligated to 1577  
provide the child with a free appropriate public education under 1578  
Chapter 3323. of the Revised Code for as long as the child 1579  
continues to attend the special education program operated by 1580  
either an alternative public provider or a registered private 1581  
provider for which a scholarship is awarded under the autism 1582  
scholarship program. If at any time, the eligible applicant for 1583  
the child decides no longer to accept scholarship payments and 1584  
enrolls the child in the special education program of the school 1585  
district in which the child is entitled to attend school, that 1586  
district shall provide the child with a free appropriate public 1587  
education under Chapter 3323. of the Revised Code. 1588

A child attending a special education program with a 1589  
scholarship under this section shall continue to be entitled to 1590  
transportation to and from that program in the manner prescribed 1591  
by law. 1592

(C) (1) As prescribed in divisions (A) (2) (h), (B) (3) (g), 1593  
and (B) (10) of section 3317.03 of the Revised Code, a child who 1594  
is not a preschool child with a disability for whom a 1595  
scholarship is awarded under this section shall be counted in 1596  
the formula ADM and the category six special education ADM of 1597

the district in which the child is entitled to attend school and 1598  
not in the formula ADM and the category six special education 1599  
ADM of any other school district. As prescribed in divisions (B) 1600  
(3) (h) and (B) (10) of section 3317.03 of the Revised Code, a 1601  
child who is a preschool child with a disability for whom a 1602  
scholarship is awarded under this section shall be counted in 1603  
the preschool scholarship ADM and category six special education 1604  
ADM of the school district in which the child is entitled to 1605  
attend school and not in the preschool scholarship ADM or 1606  
category six special education ADM of any other school district. 1607

(2) In each fiscal year, the department shall deduct from 1608  
the amounts paid to each school district under Chapter 3317. of 1609  
the Revised Code, and, if necessary, sections 321.24 and 323.156 1610  
of the Revised Code, the aggregate amount of scholarships 1611  
awarded under this section for qualified special education 1612  
children included in the formula ADM, or preschool scholarship 1613  
ADM, and in the category six special education ADM of that 1614  
school district as provided in division (C) (1) of this section. 1615

The scholarships deducted shall be considered as an 1616  
approved special education and related services expense of the 1617  
school district. 1618

(3) From time to time, the department shall make a payment 1619  
to the parent of each qualified special education child for whom 1620  
a scholarship has been awarded under this section. The 1621  
scholarship amount shall be proportionately reduced in the case 1622  
of any such child who is not enrolled in the special education 1623  
program for which a scholarship was awarded under this section 1624  
for the entire school year. The department shall make no 1625  
payments to the parent of a child while any administrative or 1626  
judicial mediation or proceedings with respect to the content of 1627



the child's individualized education program are pending. 1628

(D) A scholarship shall not be paid to a parent for 1629  
payment of tuition owed to a nonpublic entity unless that entity 1630  
is a registered private provider. The department shall approve 1631  
entities that meet the standards established by rule of the 1632  
state board for the program established under this section. 1633

(E) The state board shall adopt rules under Chapter 119. 1634  
of the Revised Code prescribing procedures necessary to 1635  
implement this section, including, but not limited to, 1636  
procedures and deadlines for parents to apply for scholarships, 1637  
standards for registered private providers, and procedures for 1638  
approval of entities as registered private providers. 1639

The rules also shall specify that intervention services 1640  
under the autism scholarship program may be provided by a 1641  
qualified, credentialed provider, including, but not limited to, 1642  
all of the following: 1643

(1) A behavior analyst certified by a nationally 1644  
recognized organization that certifies behavior analysts; 1645

(2) A psychologist licensed to practice in this state 1646  
under Chapter 4732. of the Revised Code; 1647

(3) A school psychologist licensed by the state board 1648  
under section 3319.22 of the Revised Code; 1649

(4) Any person employed by a licensed psychologist or 1650  
licensed school psychologist, while carrying out specific tasks, 1651  
under the licensee's supervision, as an extension of the 1652  
licensee's legal and ethical authority as specified under 1653  
Chapter 4732. of the Revised Code who is ascribed as "psychology 1654  
trainee," "psychology assistant," "psychology intern," or other 1655  
appropriate term that clearly implies their supervised or 1656

training status; 1657

(5) Unlicensed persons holding a doctoral degree in 1658  
psychology or special education from a program approved by the 1659  
state board; 1660

(6) Any other qualified individual as determined by the 1661  
state board. 1662

(F) The department shall provide reasonable notice to all 1663  
parents of children receiving a scholarship under the autism 1664  
scholarship program, alternative public providers, and 1665  
registered private providers of any amendment to a rule 1666  
governing, or change in the administration of, the autism 1667  
scholarship program. 1668

**Sec. 3310.522.** In order to maintain eligibility for a 1669  
scholarship ~~under the program~~, a student shall take each 1670  
assessment prescribed by ~~sections~~ section 3301.0710 and , 1671  
3301.0712, or 3313.619 of the Revised Code, as applicable, in 1672  
accordance with section 3301.0711 of the Revised Code, unless 1673  
the student is excused from taking that assessment under federal 1674  
law or the student's individualized education program or the 1675  
student is enrolled in a chartered nonpublic school that meets 1676  
the conditions specified in ~~divisions (K)(1)(b)(ii) and division~~ 1677  
~~(K)(1)(e)(2)~~ of section 3301.0711 of the Revised Code. 1678

Each registered private provider that is not subject to 1679  
division (K)(1) ~~(a)~~ of section 3301.0711 of the Revised Code and 1680  
enrolls a student who is awarded a scholarship ~~under this~~ 1681  
~~section~~ shall administer each assessment prescribed by ~~sections~~ 1682  
section 3301.0710 and , 3301.0712, or 3313.619 of the Revised 1683  
Code, as applicable, to that student in accordance with section 1684  
3301.0711 of the Revised Code, unless the student is excused 1685

from taking that assessment or the student is enrolled in a 1686  
chartered nonpublic school that meets the conditions specified 1687  
in ~~divisions (K) (1) (b) (ii) and division (K) (1) (e) (2)~~ of section 1688  
3301.0711 of the Revised Code, and shall report to the 1689  
department the results of each assessment so administered. 1690

Nothing in this section requires any chartered nonpublic 1691  
school that is a registered private provider to administer any 1692  
achievement assessment, except for an Ohio graduation test 1693  
prescribed by division (B) (1) of section 3301.0710 or the 1694  
college and work ready assessment system prescribed by division 1695  
(B) of section 3301.0712 of the Revised Code to any student 1696  
enrolled in the school who is not a scholarship student. 1697

**Sec. 3313.612.** (A) No nonpublic school chartered by the 1698  
state board of education shall grant a high school diploma to 1699  
any person unless, subject to section 3313.614 of the Revised 1700  
Code, the person has met the assessment requirements of division 1701  
(A) (1) or (2) of this section, as applicable. 1702

(1) If the person entered the ninth grade prior to July 1, 1703  
2014, the person has attained at least the applicable scores 1704  
designated under division (B) (1) of section 3301.0710 of the 1705  
Revised Code on all the assessments required by that division, 1706  
or has satisfied the alternative conditions prescribed in 1707  
section 3313.615 of the Revised Code. 1708

(2) If the person entered the ninth grade on or after July 1709  
1, 2014, the person has met the requirement prescribed by 1710  
section 3313.618 or 3313.619 of the Revised Code. 1711

(B) This section does not apply to any of the following: 1712

(1) Any person with regard to any assessment from which 1713  
the person was excused pursuant to division (C) (1) (c) of section 1714

3301.0711 of the Revised Code; 1715

~~(2) Any person who attends a nonpublic school acting in accordance with division (D) of this section with regard to any end-of-course examination prescribed under division (B) of section 3301.0712 of the Revised Code, including a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;~~ 1716  
1717  
1718  
1719  
1720  
1721

~~(3)~~ Any person who attends a nonpublic school accredited through the independent ~~school~~ schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code. 1722  
1723  
1724  
1725  
1726

~~(4)~~ (3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply: 1727  
1728  
1729  
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(a) The person is not a citizen of the United States; 1737

(b) The person is not a permanent resident of the United States; 1738  
1739

(c) The person indicates no intention to reside in the United States after completion of high school. 1740  
1741

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 1742  
1743

3301.0711 of the Revised Code. 1744

Notwithstanding division (C) (3) of section 3301.0711 of 1745  
the Revised Code, no limited English proficient student who has 1746  
not either attained the applicable scores designated under 1747  
division (B) (1) of section 3301.0710 of the Revised Code on all 1748  
the assessments required by that division, or met the 1749  
requirement prescribed by section 3313.618 or 3313.619 of the 1750  
Revised Code, shall be awarded a diploma under this section. 1751

~~(D) A nonpublic school chartered by the state board that 1752  
is not accredited through the independent school association of 1753  
the central states may forgo the end-of-course examinations 1754  
under division (B) (2) of section 3301.0712 of the Revised Code, 1755  
if either of the following apply: 1756~~

~~(1) The school publishes the results of the standardized 1757  
assessment prescribed under division (B) (1) of section 3301.0712 1758  
of the Revised Code for each graduating class. The published 1759  
results shall include the overall composite scores, mean scores, 1760  
twenty-fifth percentile scores, and seventy-fifth percentile 1761  
scores for each subject area of the assessment. 1762~~

~~(2) The school administers to its students an alternative 1763  
assessment specified under section 3313.619 of the Revised Code. 1764~~

~~(3) Notwithstanding anything in the Revised Code to the 1765  
contrary, division (D) (2) of this section applies to all 1766  
students enrolled in a chartered nonpublic school, including 1767  
students attending the school under a state scholarship program. 1768~~

~~(E) The state board shall not impose additional 1769  
requirements or assessments for the granting of a high school 1770  
diploma under this section that are not prescribed by this 1771  
section. 1772~~

~~(F)~~ (E) The department of education shall furnish the 1773  
assessment administered by a nonpublic school pursuant to 1774  
division (B) (1) of section 3301.0712 of the Revised Code. 1775

**Sec. 3313.615.** This section shall apply to diplomas 1776  
awarded after September 15, 2006, to students who are required 1777  
to take the five Ohio graduation tests prescribed by division 1778  
(B) (1) of section 3301.0710 of the Revised Code. This section 1779  
does not apply to any student who enters ninth grade for the 1780  
first time on or after July 1, 2014. 1781

(A) As an alternative to the requirement that a person 1782  
attain the scores designated under division (B) (1) of section 1783  
3301.0710 of the Revised Code on all the assessments required 1784  
under that division in order to be eligible for a high school 1785  
diploma or an honors diploma under sections 3313.61, 3313.612, 1786  
or 3325.08 of the Revised Code or for a diploma of adult 1787  
education under section 3313.611 of the Revised Code, a person 1788  
who has attained at least the applicable scores designated under 1789  
division (B) (1) of section 3301.0710 of the Revised Code on all 1790  
but one of the assessments required by that division and from 1791  
which the person was not excused or exempted, pursuant to 1792  
division (L) of section 3313.61, division (B) (1) of section 1793  
3313.612, or section 3313.532 of the Revised Code, may be 1794  
awarded a diploma or honors diploma if the person has satisfied 1795  
all of the following conditions: 1796

(1) On the one assessment required under division (B) (1) 1797  
of section 3301.0710 of the Revised Code for which the person 1798  
failed to attain the designated score, the person missed that 1799  
score by ten points or less; 1800

(2) Has a ninety-seven per cent school attendance rate in 1801  
each of the last four school years, excluding any excused 1802

absences;	1803
(3) Has not been expelled from school under section	1804
3313.66 of the Revised Code in any of the last four school	1805
years;	1806
(4) Has a grade point average of at least 2.5 out of 4.0,	1807
or its equivalent as designated in rules adopted by the state	1808
board of education, in the subject area of the assessment	1809
required under division (B)(1) of section 3301.0710 of the	1810
Revised Code for which the person failed to attain the	1811
designated score;	1812
(5) Has completed the high school curriculum requirements	1813
prescribed in section 3313.603 of the Revised Code or has	1814
qualified under division (D) or (F) of that section;	1815
(6) Has taken advantage of any intervention programs	1816
provided by the school district or school in the subject area	1817
described in division (A)(4) of this section and has a ninety-	1818
seven per cent attendance rate, excluding any excused absences,	1819
in any of those programs that are provided at times beyond the	1820
normal school day, school week, or school year or has received	1821
comparable intervention services from a source other than the	1822
school district or school;	1823
(7) Holds a letter recommending graduation from each of	1824
the person's high school teachers in the subject area described	1825
in division (A)(4) of this section and from the person's high	1826
school principal.	1827
(B) The state board of education shall establish rules	1828
designating grade point averages equivalent to the average	1829
specified in division (A)(4) of this section for use by school	1830
districts and schools with different grading systems.	1831

(C) Any student who is exempt from attaining the applicable score designated under division (B) (1) of section 3301.0710 of the Revised Code on the Ohio graduation test in social studies pursuant to division (H) of section 3313.61 or division (B) ~~(4)~~ (3) of section 3313.612 of the Revised Code shall not qualify for a high school diploma under this section, unless, notwithstanding the exemption, the student attains the applicable score on that assessment. If the student attains the applicable score on that assessment, the student may qualify for a diploma under this section in the same manner as any other student who is required to take the five Ohio graduation tests prescribed by division (B) (1) of section 3301.0710 of the Revised Code.

~~**Sec. 3313.619.** This section shall apply only to a chartered nonpublic school that is not accredited through the independent school association of the central states.~~

(A) In lieu of the requirement prescribed by section 3313.618 of the Revised Code, a chartered nonpublic school ~~to~~ ~~which this section applies~~ may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be



standardized, have specific evidence of content, concurrent, or 1862  
criterion validity, have evidence of norming studies in the 1863  
previous ten years, have a measure of student achievement in 1864  
core academic areas, and have high validity evidenced by the 1865  
alignment of the assessment with nationally recognized content. 1866

(D) Nothing in this section shall prohibit a chartered 1867  
nonpublic school ~~to which this section applies~~ from granting a 1868  
high school diploma to a student if the student satisfies the 1869  
requirement prescribed by section 3313.618 of the Revised Code. 1870

**Sec. 3313.976.** (A) No private school may receive 1871  
scholarship payments from parents pursuant to section 3313.979 1872  
of the Revised Code until the chief administrator of the private 1873  
school registers the school with the superintendent of public 1874  
instruction. The state superintendent shall register any school 1875  
that meets the following requirements: 1876

(1) The school either: 1877

(a) Offers any of grades kindergarten through twelve and 1878  
is located within the boundaries of the pilot project school 1879  
district; 1880

(b) Offers any of grades nine through twelve and is 1881  
located within the boundaries of a city, local, or exempted 1882  
village school district that is both: 1883

(i) Located in a municipal corporation with a population 1884  
of fifteen thousand or more; 1885

(ii) Located within five miles of the border of the pilot 1886  
project school district. 1887

(2) The school indicates in writing its commitment to 1888  
follow all requirements for a state-sponsored scholarship 1889

program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty

guidelines, whose scholarship amounts are less than the actual 1919  
tuition charge of the school, the school agrees not to charge 1920  
any tuition in excess of the difference between the actual 1921  
tuition charge of the school and the scholarship amount 1922  
established pursuant to division (C) (1) of section 3313.978 of 1923  
the Revised Code, excluding any increase described in division 1924  
(C) (2) of that section. The school shall permit such tuition, at 1925  
the discretion of the parent, to be satisfied by the family's 1926  
provision of in-kind contributions or services. 1927

(10) The school agrees not to charge any tuition to 1928  
families of students in grades nine through twelve receiving a 1929  
scholarship in excess of the actual tuition charge of the school 1930  
less the scholarship amount established pursuant to division (C) 1931  
(1) of section 3313.978 of the Revised Code, excluding any 1932  
increase described in division (C) (2) of that section. 1933

(11) Except as provided in ~~division (K) (1) (b) (ii) of~~ 1934  
~~section 3301.0711 of the Revised Code, if the school is not~~ 1935  
~~subject to division~~ divisions (K) (1) (a) and (L) of section 1936  
3301.0711 of the Revised Code, it annually administers the 1937  
applicable assessments prescribed by section 3301.0710 ~~or~~ 1 1938  
3301.0712, or 3313.619 of the Revised Code to each scholarship 1939  
student enrolled in the school in accordance with section 1940  
3301.0711 or 3301.0712 of the Revised Code and reports to the 1941  
department of education the results of each such assessment 1942  
administered to each scholarship student. 1943

(B) The state superintendent shall revoke the registration 1944  
of any school if, after a hearing, the superintendent determines 1945  
that the school is in violation of any of the provisions of 1946  
division (A) of this section. 1947

(C) Any public school located in a school district 1948

adjacent to the pilot project district may receive scholarship 1949  
payments on behalf of parents pursuant to section 3313.979 of 1950  
the Revised Code if the superintendent of the district in which 1951  
such public school is located notifies the state superintendent 1952  
prior to the first day of March that the district intends to 1953  
admit students from the pilot project district for the ensuing 1954  
school year pursuant to section 3327.06 of the Revised Code. 1955

(D) Any parent wishing to purchase tutorial assistance 1956  
from any person or governmental entity pursuant to the pilot 1957  
project program under sections 3313.974 to 3313.979 of the 1958  
Revised Code shall apply to the state superintendent. The state 1959  
superintendent shall approve providers who appear to possess the 1960  
capability of furnishing the instructional services they are 1961  
offering to provide. 1962

**Section 2.** That existing sections 3301.079, 3301.0711, 1963  
3301.0712, 3301.16, 3310.03, 3310.14, 3310.41, 3310.522, 1964  
3313.612, 3313.615, 3313.619, and 3313.976 of the Revised Code 1965  
are hereby repealed. 1966

**Section 3.** Section 3310.03 of the Revised Code is 1967  
presented in this act as a composite of the section as amended 1968  
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 1969  
General Assembly. The General Assembly, applying the principle 1970  
stated in division (B) of section 1.52 of the Revised Code that 1971  
amendments are to be harmonized if reasonably capable of 1972  
simultaneous operation, finds that the composite is the 1973  
resulting version of the section in effect prior to the 1974  
effective date of the section as presented in this act. 1975