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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

Senators Hite, Bacon, Balderson, Brown, Coley, Eklund, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Seitz, Thomas

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

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| 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
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(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation. 248
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(b) Each committee shall determine whether the assessments submitted to that committee under division (I) (4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations. 258
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(3) The department of education shall provide administrative support for each committee created in division (I) (1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority. 263
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(4) Notwithstanding anything to the contrary in division ~~(N)~~ (O) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I) (1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The 269
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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 ~~(N)~~(O) 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

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| (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 866
areas of English language arts I, English language arts II, 867
science, Algebra I, geometry, American history, and American 868
government. The end-of-course examinations shall be selected 869
jointly by the state superintendent and the chancellor in 870
consultation with faculty in the appropriate subject areas at 871
institutions of higher education of the university system of 872
Ohio. Advanced placement examinations and international 873
baccalaureate examinations, as prescribed under section 874
3313.6013 of the Revised Code, in the areas of science, American 875
history, and American government may be used as end-of-course 876
examinations in accordance with division (B) (4) (a) (i) of this 877
section. Final course grades for courses taken under any other 878
advanced standing program, as prescribed under section 3313.6013 879
of the Revised Code, in the areas of science, American history, 880
and American government may be used in lieu of end-of-course 881
examinations in accordance with division (B) (4) (a) (ii) of this 882
section. 883

(3) (a) Not later than July 1, 2013, each school district 884
board of education shall adopt interim end-of-course 885
examinations that comply with the requirements of divisions (B) 886
(3) (b) (i) and (ii) of this section to assess mastery of American 887
history and American government standards adopted under division 888
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 889
required under division (M) of section 3313.603 of the Revised 890
Code. Each high school of the district shall use the interim 891
examinations until the state superintendent and chancellor 892
select end-of-course examinations in American history and 893
American government under division (B) (2) of this section. 894

(b) Not later than July 1, 2014, the state superintendent 895
and the chancellor shall select the end-of-course examinations 896

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 3313.612 of the Revised Code; 1069
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(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 1071
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 1078
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 1082
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(F) (1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B) (1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 1090
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(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
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(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 1481
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(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
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(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
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(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
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(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
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(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
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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
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~~(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
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~~(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
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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