

**As Introduced**

**131st General Assembly**

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**H. B. No. 420**

**Representative Roegner**

**Cosponsors: Representatives Hayes, Henne, Bishoff, Becker, Conditt, Burkley, Ruhl, Buchy, Hood, Blessing, LaTourette, Phillips, Hambley, Fedor, Patterson, Vitale, Thompson, Brinkman, Koehler, Manning, Zeltwanger**

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**A BILL**

To amend sections 3302.01 and 3302.03 of the 1  
Revised Code to prohibit the Department of 2  
Education from including students who "opt-out" 3  
of state assessments in calculations of certain 4  
grades in the state report card and to declare 5  
an emergency. 6

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

**Section 1.** That sections 3302.01 and 3302.03 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 3302.01.** As used in this chapter: 9

(A) "Performance index score" means the average of the 10  
totals derived from calculations, for each subject area, of the 11  
weighted proportion of untested students and students scoring at 12  
each level of skill described in division (A) (2) of section 13  
3301.0710 of the Revised Code on the state achievement 14  
assessments, as follows: 15

(1) For the assessments prescribed by division (A) (1) of 16

section 3301.0710 of the Revised Code, the average for each of 17  
the subject areas of English language arts, mathematics, 18  
science, and social studies. 19

(2) For the assessments prescribed by division (B)(1) of 20  
section 3301.0710 and division (B)(2) of section 3301.0712 of 21  
the Revised Code, the average for each of the subject areas of 22  
English language arts and mathematics. 23

~~The~~ Except as provided in division (K)(2)(d) of section 24  
3302.03 of the Revised Code, the department of education shall 25  
assign weights such that students who do not take an assessment 26  
receive a weight of zero ~~and~~ . 27

For students who take an assessment ~~receive~~, the 28  
department shall assign progressively larger weights dependent 29  
upon the level of skill attained on the assessment. ~~The~~ 30

The department shall assign additional weights to students 31  
who have been permitted to pass over a subject in accordance 32  
with a student acceleration policy adopted under section 3324.10 33  
of the Revised Code. If such a student attains the proficient 34  
score prescribed under division (A)(2)(c) of section 3301.0710 35  
of the Revised Code or higher on an assessment, the department 36  
shall assign the student the weight prescribed for the next 37  
higher scoring level. If such a student attains the advanced 38  
score, prescribed under division (A)(2)(a) of section 3301.0710 39  
of the Revised Code, on an assessment, the department shall 40  
assign to the student an additional proportional weight, as 41  
approved by the state board. For each school year that such a 42  
student's score is included in the performance index score and 43  
the student attains the proficient score on an assessment, that 44  
additional weight shall be assigned to the student on a subject- 45  
by-subject basis. 46

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

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

(1) Major racial and ethnic groups;

(2) Students with disabilities;

(3) Economically disadvantaged students;

(4) Limited English proficient students;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

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

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

(D) "Adequate yearly progress" means a measure of annual

academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 75  
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(E) "Supplemental educational services" means additional 77  
academic assistance, such as tutoring, remediation, or other 78  
educational enrichment activities, that is conducted outside of 79  
the regular school day by a provider approved by the department 80  
in accordance with the "No Child Left Behind Act of 2001." 81

(F) "Value-added progress dimension" means a measure of 82  
academic gain for a student or group of students over a specific 83  
period of time that is calculated by applying a statistical 84  
methodology to individual student achievement data derived from 85  
the achievement assessments prescribed by section 3301.0710 of 86  
the Revised Code. The "value-added progress dimension" shall be 87  
developed and implemented in accordance with section 3302.021 of 88  
the Revised Code. 89

(G) (1) "Four-year adjusted cohort graduation rate" means 90  
the number of students who graduate in four years or less with a 91  
regular high school diploma divided by the number of students 92  
who form the adjusted cohort for the graduating class. 93

(2) "Five-year adjusted cohort graduation rate" means the 94  
number of students who graduate in five years with a regular 95  
high school diploma divided by the number of students who form 96  
the adjusted cohort for the four-year graduation rate. 97

(H) "State institution of higher education" has the same 98  
meaning as in section 3345.011 of the Revised Code. 99

(I) "Annual measurable objectives" means a measure of 100  
student progress determined in accordance with an agreement 101  
between the department of education and the United States 102  
department of education. 103

**Sec. 3302.03.** Annually, not later than the fifteenth day 104  
of September or the preceding Friday when that day falls on a 105  
Saturday or Sunday, the department of education shall assign a 106  
letter grade for overall academic performance and for each 107  
separate performance measure for each school district, and each 108  
school building in a district, in accordance with this section. 109  
The state board shall adopt rules pursuant to Chapter 119. of 110  
the Revised Code to establish performance criteria for each 111  
letter grade and prescribe a method by which the department 112  
assigns each letter grade. For a school building to which any of 113  
the performance measures do not apply, due to grade levels 114  
served by the building, the state board shall designate the 115  
performance measures that are applicable to the building and 116  
that must be calculated separately and used to calculate the 117  
building's overall grade. The department shall issue annual 118  
report cards reflecting the performance of each school district, 119  
each building within each district, and for the state as a whole 120  
using the performance measures and letter grade system described 121  
in this section. The department shall include on the report card 122  
for each district and each building within each district the 123  
most recent two-year trend data in student achievement for each 124  
subject and each grade. 125

(A) (1) For the 2012-2013 school year, the department shall 126  
issue grades as described in division (E) of this section for 127  
each of the following performance measures: 128

(a) Annual measurable objectives; 129

(b) Performance index score for a school district or 130  
building. Grades shall be awarded as a percentage of the total 131  
possible points on the performance index system as adopted by 132  
the state board. In adopting benchmarks for assigning letter 133

grades under division (A) (1) (b) of this section, the state board 134  
of education shall designate ninety per cent or higher for an 135  
"A," at least seventy per cent but not more than eighty per cent 136  
for a "C," and less than fifty per cent for an "F." 137

(c) The extent to which the school district or building 138  
meets each of the applicable performance indicators established 139  
by the state board under section 3302.02 of the Revised Code and 140  
the percentage of applicable performance indicators that have 141  
been achieved. In adopting benchmarks for assigning letter 142  
grades under division (A) (1) (c) of this section, the state board 143  
shall designate ninety per cent or higher for an "A." 144

(d) The four- and five-year adjusted cohort graduation 145  
rates. 146

In adopting benchmarks for assigning letter grades under 147  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 148  
department shall designate a four-year adjusted cohort 149  
graduation rate of ninety-three per cent or higher for an "A" 150  
and a five-year cohort graduation rate of ninety-five per cent 151  
or higher for an "A." 152

(e) The overall score under the value-added progress 153  
dimension of a school district or building, for which the 154  
department shall use up to three years of value-added data as 155  
available. The letter grade assigned for this growth measure 156  
shall be as follows: 157

(i) A score that is at least two standard errors of 158  
measure above the mean score shall be designated as an "A." 159

(ii) A score that is at least one standard error of 160  
measure but less than two standard errors of measure above the 161  
mean score shall be designated as a "B." 162

(iii) A score that is less than one standard error of 163  
measure above the mean score but greater than or equal to one 164  
standard error of measure below the mean score shall be 165  
designated as a "C." 166

(iv) A score that is not greater than one standard error 167  
of measure below the mean score but is greater than or equal to 168  
two standard errors of measure below the mean score shall be 169  
designated as a "D." 170

(v) A score that is not greater than two standard errors 171  
of measure below the mean score shall be designated as an "F." 172

Whenever the value-added progress dimension is used as a 173  
graded performance measure, whether as an overall measure or as 174  
a measure of separate subgroups, the grades for the measure 175  
shall be calculated in the same manner as prescribed in division 176  
(A) (1) (e) of this section. 177

(f) The value-added progress dimension score for a school 178  
district or building disaggregated for each of the following 179  
subgroups: students identified as gifted, students with 180  
disabilities, and students whose performance places them in the 181  
lowest quintile for achievement on a statewide basis. Each 182  
subgroup shall be a separate graded measure. 183

(2) Not later than April 30, 2013, the state board of 184  
education shall adopt a resolution describing the performance 185  
measures, benchmarks, and grading system for the 2012-2013 186  
school year and, not later than June 30, 2013, shall adopt rules 187  
in accordance with Chapter 119. of the Revised Code that 188  
prescribe the methods by which the performance measures under 189  
division (A) (1) of this section shall be assessed and assigned a 190  
letter grade, including performance benchmarks for each letter 191

grade. 192

At least forty-five days prior to the state board's 193  
adoption of rules to prescribe the methods by which the 194  
performance measures under division (A) (1) of this section shall 195  
be assessed and assigned a letter grade, the department shall 196  
conduct a public presentation before the standing committees of 197  
the house of representatives and the senate that consider 198  
education legislation describing such methods, including 199  
performance benchmarks. 200

(3) There shall not be an overall letter grade for a 201  
school district or building for the 2012-2013 school year. 202

(B) (1) For the 2013-2014 and 2014-2015 school years, the 203  
department shall issue grades as described in division (E) of 204  
this section for each of the following performance measures: 205

(a) Annual measurable objectives; 206

(b) Performance index score for a school district or 207  
building. Grades shall be awarded as a percentage of the total 208  
possible points on the performance index system as created by 209  
the department. In adopting benchmarks for assigning letter 210  
grades under division (B) (1) (b) of this section, the state board 211  
shall designate ninety per cent or higher for an "A," at least 212  
seventy per cent but not more than eighty per cent for a "C," 213  
and less than fifty per cent for an "F." In accordance with 214  
division (K) (2) of this section, any student to whom a district 215  
or school is required to administer an assessment under section 216  
3301.0710 or 3301.0712 of the Revised Code, but who chooses not 217  
to take the assessment, shall not be included in the calculation 218  
of the district's or school's grade under division (B) (1) (b) of 219  
this section. 220

(c) The extent to which the school district or building 221  
meets each of the applicable performance indicators established 222  
by the state board under section 3302.03 of the Revised Code and 223  
the percentage of applicable performance indicators that have 224  
been achieved. In adopting benchmarks for assigning letter 225  
grades under division (B) (1) (c) of this section, the state board 226  
shall designate ninety per cent or higher for an "A." 227

(d) The four- and five-year adjusted cohort graduation 228  
rates; 229

(e) The overall score under the value-added progress 230  
dimension of a school district or building, for which the 231  
department shall use up to three years of value-added data as 232  
available. 233

(f) The value-added progress dimension score for a school 234  
district or building disaggregated for each of the following 235  
subgroups: students identified as gifted in superior cognitive 236  
ability and specific academic ability fields under Chapter 3324. 237  
of the Revised Code, students with disabilities, and students 238  
whose performance places them in the lowest quintile for 239  
achievement on a statewide basis. Each subgroup shall be a 240  
separate graded measure. 241

(g) Whether a school district or building is making 242  
progress in improving literacy in grades kindergarten through 243  
three, as determined using a method prescribed by the state 244  
board. The state board shall adopt rules to prescribe benchmarks 245  
and standards for assigning grades to districts and buildings 246  
for purposes of division (B) (1) (g) of this section. In adopting 247  
benchmarks for assigning letter grades under divisions (B) (1) (g) 248  
and (C) (1) (g) of this section, the state board shall determine 249  
progress made based on the reduction in the total percentage of 250

students scoring below grade level, or below proficient, 251  
compared from year to year on the reading and writing diagnostic 252  
assessments administered under section 3301.0715 of the Revised 253  
Code and the third grade English language arts assessment under 254  
section 3301.0710 of the Revised Code, as applicable. The state 255  
board shall designate for a "C" grade a value that is not lower 256  
than the statewide average value for this measure. No grade 257  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 258  
section for a district or building in which less than five per 259  
cent of students have scored below grade level on the diagnostic 260  
assessment administered to students in kindergarten under 261  
division (B) (1) of section 3313.608 of the Revised Code. Any 262  
student to whom a district or school is required to administer 263  
an assessment under section 3301.0710 or 3301.0712 of the 264  
Revised Code, but who chooses not to take the assessment, shall 265  
not be included in the calculation of the district's or school's 266  
grade under division (B) (1) (g) of this section. 267

(h) For a high mobility school district or building, an 268  
additional value-added progress dimension score. For this 269  
measure, the department shall use value-added data from the most 270  
recent school year available and shall use assessment scores for 271  
only those students to whom the district or building has 272  
administered the assessments prescribed by section 3301.0710 of 273  
the Revised Code for each of the two most recent consecutive 274  
school years. 275

As used in this division, "high mobility school district 276  
or building" means a school district or building where at least 277  
twenty-five per cent of its total enrollment is made up of 278  
students who have attended that school district or building for 279  
less than one year. 280

(2) In addition to the graded measures in division (B) (1) 281  
of this section, the department shall include on a school 282  
district's or building's report card all of the following 283  
without an assigned letter grade: 284

(a) The percentage of students enrolled in a district or 285  
building participating in advanced placement classes and the 286  
percentage of those students who received a score of three or 287  
better on advanced placement examinations; 288

(b) The number of a district's or building's students who 289  
have earned at least three college credits through dual 290  
enrollment or advanced standing programs, such as the post- 291  
secondary enrollment options program under Chapter 3365. of the 292  
Revised Code and state-approved career-technical courses offered 293  
through dual enrollment or statewide articulation, that appear 294  
on a student's transcript or other official document, either of 295  
which is issued by the institution of higher education from 296  
which the student earned the college credit. The credits earned 297  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 298  
this section shall not include any that are remedial or 299  
developmental and shall include those that count toward the 300  
curriculum requirements established for completion of a degree. 301

(c) The percentage of students enrolled in a district or 302  
building who have taken a national standardized test used for 303  
college admission determinations and the percentage of those 304  
students who are determined to be remediation-free in accordance 305  
with standards adopted under division (F) of section 3345.061 of 306  
the Revised Code; 307

(d) The percentage of the district's or the building's 308  
students who receive industry-recognized credentials. The state 309  
board shall adopt criteria for acceptable industry-recognized 310

credentials. 311

(e) The percentage of students enrolled in a district or 312  
building who are participating in an international baccalaureate 313  
program and the percentage of those students who receive a score 314  
of four or better on the international baccalaureate 315  
examinations. 316

(f) The percentage of the district's or building's 317  
students who receive an honors diploma under division (B) of 318  
section 3313.61 of the Revised Code. 319

(3) Not later than December 31, 2013, the state board 320  
shall adopt rules in accordance with Chapter 119. of the Revised 321  
Code that prescribe the methods by which the performance 322  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 323  
will be assessed and assigned a letter grade, including 324  
performance benchmarks for each grade. 325

At least forty-five days prior to the state board's 326  
adoption of rules to prescribe the methods by which the 327  
performance measures under division (B) (1) of this section shall 328  
be assessed and assigned a letter grade, the department shall 329  
conduct a public presentation before the standing committees of 330  
the house of representatives and the senate that consider 331  
education legislation describing such methods, including 332  
performance benchmarks. 333

(4) There shall not be an overall letter grade for a 334  
school district or building for the 2013-2014, 2014-2015, 2015- 335  
2016, and 2016-2017 school years. 336

(C) (1) For the ~~2014-2015~~2015-2016 school year and each 337  
school year thereafter, the department shall issue grades as 338  
described in division (E) of this section for each of the 339

performance measures prescribed in division (C) (1) of this 340  
section. The graded measures are as follows: 341

(a) Annual measurable objectives; 342

(b) Performance index score for a school district or 343  
building. Grades shall be awarded as a percentage of the total 344  
possible points on the performance index system as created by 345  
the department. In adopting benchmarks for assigning letter 346  
grades under division (C) (1) (b) of this section, the state board 347  
shall designate ninety per cent or higher for an "A," at least 348  
seventy per cent but not more than eighty per cent for a "C," 349  
and less than fifty per cent for an "F." In accordance with 350  
division (K) (2) of this section, any student to whom a district 351  
or school is required to administer an assessment under section 352  
3301.0710 or 3301.0712 of the Revised Code, but who chooses not 353  
to take the assessment, shall not be included in the calculation 354  
of the district's or school's grade under division (C) (1) (b) of 355  
this section. 356

(c) The extent to which the school district or building 357  
meets each of the applicable performance indicators established 358  
by the state board under section 3302.03 of the Revised Code and 359  
the percentage of applicable performance indicators that have 360  
been achieved. In adopting benchmarks for assigning letter 361  
grades under division (C) (1) (c) of this section, the state board 362  
shall designate ninety per cent or higher for an "A." 363

(d) The four- and five-year adjusted cohort graduation 364  
rates; 365

(e) The overall score under the value-added progress 366  
dimension, or another measure of student academic progress if 367  
adopted by the state board, of a school district or building, 368

for which the department shall use up to three years of value- 369  
added data as available. 370

In adopting benchmarks for assigning letter grades for 371  
overall score on value-added progress dimension under division 372  
(C) (1) (e) of this section, the state board shall prohibit the 373  
assigning of a grade of "A" for that measure unless the 374  
district's or building's grade assigned for value-added progress 375  
dimension for all subgroups under division (C) (1) (f) of this 376  
section is a "B" or higher. 377

For the metric prescribed by division (C) (1) (e) of this 378  
section, the state board may adopt a student academic progress 379  
measure to be used instead of the value-added progress 380  
dimension. If the state board adopts such a measure, it also 381  
shall prescribe a method for assigning letter grades for the new 382  
measure that is comparable to the method prescribed in division 383  
(A) (1) (e) of this section. 384

(f) The value-added progress dimension score of a school 385  
district or building disaggregated for each of the following 386  
subgroups: students identified as gifted in superior cognitive 387  
ability and specific academic ability fields under Chapter 3324. 388  
of the Revised Code, students with disabilities, and students 389  
whose performance places them in the lowest quintile for 390  
achievement on a statewide basis, as determined by a method 391  
prescribed by the state board. Each subgroup shall be a separate 392  
graded measure. 393

The state board may adopt student academic progress 394  
measures to be used instead of the value-added progress 395  
dimension. If the state board adopts such measures, it also 396  
shall prescribe a method for assigning letter grades for the new 397  
measures that is comparable to the method prescribed in division 398

(A) (1) (e) of this section. 399

(g) Whether a school district or building is making 400  
progress in improving literacy in grades kindergarten through 401  
three, as determined using a method prescribed by the state 402  
board. The state board shall adopt rules to prescribe benchmarks 403  
and standards for assigning grades to a district or building for 404  
purposes of division (C) (1) (g) of this section. The state board 405  
shall designate for a "C" grade a value that is not lower than 406  
the statewide average value for this measure. No grade shall be 407  
issued under division (C) (1) (g) of this section for a district 408  
or building in which less than five per cent of students have 409  
scored below grade level on the kindergarten diagnostic 410  
assessment under division (B) (1) of section 3313.608 of the 411  
Revised Code. Any student to whom a district or school is 412  
required to administer an assessment under section 3301.0710 or 413  
3301.0712 of the Revised Code, but who chooses not to take the 414  
assessment, shall not be included in the calculation of the 415  
district's or school's grade under division (C) (1) (g) of this 416  
section. 417

(h) For a high mobility school district or building, an 418  
additional value-added progress dimension score. For this 419  
measure, the department shall use value-added data from the most 420  
recent school year available and shall use assessment scores for 421  
only those students to whom the district or building has 422  
administered the assessments prescribed by section 3301.0710 of 423  
the Revised Code for each of the two most recent consecutive 424  
school years. 425

As used in this division, "high mobility school district 426  
or building" means a school district or building where at least 427  
twenty-five per cent of its total enrollment is made up of 428

students who have attended that school district or building for 429  
less than one year. 430

(2) In addition to the graded measures in division (C) (1) 431  
of this section, the department shall include on a school 432  
district's or building's report card all of the following 433  
without an assigned letter grade: 434

(a) The percentage of students enrolled in a district or 435  
building who have taken a national standardized test used for 436  
college admission determinations and the percentage of those 437  
students who are determined to be remediation-free in accordance 438  
with the standards adopted under division (F) of section 439  
3345.061 of the Revised Code; 440

(b) The percentage of students enrolled in a district or 441  
building participating in advanced placement classes and the 442  
percentage of those students who received a score of three or 443  
better on advanced placement examinations; 444

(c) The percentage of a district's or building's students 445  
who have earned at least three college credits through advanced 446  
standing programs, such as the college credit plus program under 447  
Chapter 3365. of the Revised Code and state-approved career- 448  
technical courses offered through dual enrollment or statewide 449  
articulation, that appear on a student's college transcript 450  
issued by the institution of higher education from which the 451  
student earned the college credit. The credits earned that are 452  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 453  
shall not include any that are remedial or developmental and 454  
shall include those that count toward the curriculum 455  
requirements established for completion of a degree. 456

(d) The percentage of the district's or building's 457

students who receive an honor's diploma under division (B) of 458  
section 3313.61 of the Revised Code; 459

(e) The percentage of the district's or building's 460  
students who receive industry-recognized credentials; 461

(f) The percentage of students enrolled in a district or 462  
building who are participating in an international baccalaureate 463  
program and the percentage of those students who receive a score 464  
of four or better on the international baccalaureate 465  
examinations; 466

(g) The results of the college and career-ready 467  
assessments administered under division (B) (1) of section 468  
3301.0712 of the Revised Code. 469

(3) The state board shall adopt rules pursuant to Chapter 470  
119. of the Revised Code that establish a method to assign an 471  
overall grade for a school district or school building for the 472  
2017-2018 school year and each school year thereafter. The rules 473  
shall group the performance measures in divisions (C) (1) and (2) 474  
of this section into the following components: 475

(a) Gap closing, which shall include the performance 476  
measure in division (C) (1) (a) of this section; 477

(b) Achievement, which shall include the performance 478  
measures in divisions (C) (1) (b) and (c) of this section; 479

(c) Progress, which shall include the performance measures 480  
in divisions (C) (1) (e) and (f) of this section; 481

(d) Graduation, which shall include the performance 482  
measure in division (C) (1) (d) of this section; 483

(e) Kindergarten through third-grade literacy, which shall 484  
include the performance measure in division (C) (1) (g) of this 485

section; 486

(f) Prepared for success, which shall include the 487  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 488  
and (f) of this section. The state board shall develop a method 489  
to determine a grade for the component in division (C) (3) (f) of 490  
this section using the performance measures in divisions (C) (2) 491  
(a), (b), (c), (d), (e), and (f) of this section. When 492  
available, the state board may incorporate the performance 493  
measure under division (C) (2) (g) of this section into the 494  
component under division (C) (3) (f) of this section. When 495  
determining the overall grade for the prepared for success 496  
component prescribed by division (C) (3) (f) of this section, no 497  
individual student shall be counted in more than one performance 498  
measure. However, if a student qualifies for more than one 499  
performance measure in the component, the state board may, in 500  
its method to determine a grade for the component, specify an 501  
additional weight for such a student that is not greater than or 502  
equal to 1.0. In determining the overall score under division 503  
(C) (3) (f) of this section, the state board shall ensure that the 504  
pool of students included in the performance measures aggregated 505  
under that division are all of the students included in the 506  
four- and five-year adjusted graduation cohort. 507

In the rules adopted under division (C) (3) of this 508  
section, the state board shall adopt a method for determining a 509  
grade for each component in divisions (C) (3) (a) to (f) of this 510  
section. The state board also shall establish a method to assign 511  
an overall grade of "A," "B," "C," "D," or "F" using the grades 512  
assigned for each component. The method the state board adopts 513  
for assigning an overall grade shall give equal weight to the 514  
components in divisions (C) (3) (b) and (c) of this section. 515

At least forty-five days prior to the state board's 516  
adoption of rules to prescribe the methods for calculating the 517  
overall grade for the report card, as required by this division, 518  
the department shall conduct a public presentation before the 519  
standing committees of the house of representatives and the 520  
senate that consider education legislation describing the format 521  
for the report card, weights that will be assigned to the 522  
components of the overall grade, and the method for calculating 523  
the overall grade. 524

(D) On or after ~~than~~ July 1, 2015, the state board may 525  
develop a measure of student academic progress for high school 526  
students using only data from assessments in English language 527  
arts and mathematics. If the state board develops this measure, 528  
each school district and applicable school building shall be 529  
assigned a separate letter grade for ~~if~~it not sooner than the 530  
2017-2018 school year. The district's or building's grade for 531  
that measure shall not be included in determining the district's 532  
or building's overall letter grade. 533

(E) The letter grades assigned to a school district or 534  
building under this section shall be as follows: 535

(1) "A" for a district or school making excellent 536  
progress; 537

(2) "B" for a district or school making above average 538  
progress; 539

(3) "C" for a district or school making average progress; 540

(4) "D" for a district or school making below average 541  
progress; 542

(5) "F" for a district or school failing to meet minimum 543  
progress. 544

(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	545 546 547
(1) Performance of students by grade-level;	548
(2) Performance of students by race and ethnic group;	549
(3) Performance of students by gender;	550
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	551 552
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	553 554 555
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	556 557
(7) Performance of students grouped by those who are economically disadvantaged;	558 559
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	560 561 562
(9) Performance of students grouped by those who are classified as limited English proficient;	563 564
(10) Performance of students grouped by those who have disabilities;	565 566
(11) Performance of students grouped by those who are classified as migrants;	567 568
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to	569 570 571

Chapter 3324. of the Revised Code. In disaggregating specific 572  
academic ability fields for gifted students, the department 573  
shall use data for those students with specific academic ability 574  
in math and reading. If any other academic field is assessed, 575  
the department shall also include data for students with 576  
specific academic ability in that field as well. 577

(13) Performance of students grouped by those who perform 578  
in the lowest quintile for achievement on a statewide basis, as 579  
determined by a method prescribed by the state board. 580

The department may disaggregate data on student 581  
performance according to other categories that the department 582  
determines are appropriate. To the extent possible, the 583  
department shall disaggregate data on student performance 584  
according to any combinations of two or more of the categories 585  
listed in divisions (F) (1) to (13) of this section that it deems 586  
relevant. 587

In reporting data pursuant to division (F) of this 588  
section, the department shall not include in the report cards 589  
any data statistical in nature that is statistically unreliable 590  
or that could result in the identification of individual 591  
students. For this purpose, the department shall not report 592  
student performance data for any group identified in division 593  
(F) of this section that contains less than ten students. If the 594  
department does not report student performance data for a group 595  
because it contains less than ten students, the department shall 596  
indicate on the report card that is why data was not reported. 597

(G) The department may include with the report cards any 598  
additional education and fiscal performance data it deems 599  
valuable. 600

(H) The department shall include on each report card a 601  
list of additional information collected by the department that 602  
is available regarding the district or building for which the 603  
report card is issued. When available, such additional 604  
information shall include student mobility data disaggregated by 605  
race and socioeconomic status, college enrollment data, and the 606  
reports prepared under section 3302.031 of the Revised Code. 607

The department shall maintain a site on the world wide 608  
web. The report card shall include the address of the site and 609  
shall specify that such additional information is available to 610  
the public at that site. The department shall also provide a 611  
copy of each item on the list to the superintendent of each 612  
school district. The district superintendent shall provide a 613  
copy of any item on the list to anyone who requests it. 614

(I) Division (I) of this section does not apply to 615  
conversion community schools that primarily enroll students 616  
between sixteen and twenty-two years of age who dropped out of 617  
high school or are at risk of dropping out of high school due to 618  
poor attendance, disciplinary problems, or suspensions. 619

(1) For any district that sponsors a conversion community 620  
school under Chapter 3314. of the Revised Code, the department 621  
shall combine data regarding the academic performance of 622  
students enrolled in the community school with comparable data 623  
from the schools of the district for the purpose of determining 624  
the performance of the district as a whole on the report card 625  
issued for the district under this section or section 3302.033 626  
of the Revised Code. 627

(2) Any district that leases a building to a community 628  
school located in the district or that enters into an agreement 629  
with a community school located in the district whereby the 630

district and the school endorse each other's programs may elect 631  
to have data regarding the academic performance of students 632  
enrolled in the community school combined with comparable data 633  
from the schools of the district for the purpose of determining 634  
the performance of the district as a whole on the district 635  
report card. Any district that so elects shall annually file a 636  
copy of the lease or agreement with the department. 637

(3) Any municipal school district, as defined in section 638  
3311.71 of the Revised Code, that sponsors a community school 639  
located within the district's territory, or that enters into an 640  
agreement with a community school located within the district's 641  
territory whereby the district and the community school endorse 642  
each other's programs, may exercise either or both of the 643  
following elections: 644

(a) To have data regarding the academic performance of 645  
students enrolled in that community school combined with 646  
comparable data from the schools of the district for the purpose 647  
of determining the performance of the district as a whole on the 648  
district's report card; 649

(b) To have the number of students attending that 650  
community school noted separately on the district's report card. 651

The election authorized under division (I) (3) (a) of this 652  
section is subject to approval by the governing authority of the 653  
community school. 654

Any municipal school district that exercises an election 655  
to combine or include data under division (I) (3) of this 656  
section, by the first day of October of each year, shall file 657  
with the department documentation indicating eligibility for 658  
that election, as required by the department. 659

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

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

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

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

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

(c) Except as required by the No Child Left Behind Act of 689  
2001, exclude for each district or building any limited English 690  
proficient student who has been enrolled in United States 691  
schools for less than one full school year; 692

(d) For a district's or school's performance index score, 693  
exclude any student to whom the district or school is required 694  
to administer an assessment under section 3301.0710 or 3301.0712 695  
of the Revised Code but who chooses not to take the assessment. 696

(L) Beginning with the 2015-2016 school year and at least 697  
once every three years thereafter, the state board of education 698  
shall review and may adjust the benchmarks for assigning letter 699  
grades to the performance measures and components prescribed 700  
under divisions (C) (3) and (D) of this section. 701

**Section 2.** That existing sections 3302.01 and 3302.03 of 702  
the Revised Code are hereby repealed. 703

**Section 3.** This act is hereby declared to be an emergency 704  
measure necessary for the immediate preservation of the public 705  
peace, health, and safety. The reason for such necessity is to 706  
provide in a timely manner that students who "opt-out" of state 707  
assessments are not included in a district's or school's state 708  
report card score. Therefore, this act shall go into immediate 709  
effect. 710