

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 74

Representative Brenner

A BILL

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 2
3313.608, and 3319.111 and to enact sections 3
3301.132 and 3313.903 of the Revised Code and to 4
amend Sections 10 and 13 of Am. Sub. H.B. 487 of 5
the 130th General Assembly with regard to the 6
administration of state primary and secondary 7
education assessments. 8

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 9
3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 3313.608, and 10
3319.111 be amended and sections 3301.132 and 3313.903 of the 11
Revised Code be enacted to read as follows: 12

Sec. 3301.079. (A) (1) The state board of education 13
periodically shall adopt statewide academic standards with 14
emphasis on coherence, focus, and essential knowledge and that 15
are more challenging and demanding when compared to 16
international standards for each of grades kindergarten through 17
twelve in English language arts, mathematics, science, and 18
social studies. 19

(a) The state board shall ensure that the standards do all	20
of the following:	21
(i) Include the essential academic content and skills that	22
students are expected to know and be able to do at each grade	23
level that will allow each student to be prepared for	24
postsecondary instruction and the workplace for success in the	25
twenty-first century;	26
(ii) Include the development of skill sets that promote	27
information, media, and technological literacy;	28
(iii) Include interdisciplinary, project-based, real-world	29
learning opportunities;	30
(iv) Instill life-long learning by providing essential	31
knowledge and skills based in the liberal arts tradition, as	32
well as science, technology, engineering, mathematics, and	33
career-technical education;	34
(v) Be clearly written, transparent, and understandable by	35
parents, educators, and the general public.	36
(b) Not later than July 1, 2012, the state board shall	37
incorporate into the social studies standards for grades four to	38
twelve academic content regarding the original texts of the	39
Declaration of Independence, the Northwest Ordinance, the	40
Constitution of the United States and its amendments, with	41
emphasis on the Bill of Rights, and the Ohio Constitution, and	42
their original context. The state board shall revise the model	43
curricula and achievement assessments adopted under divisions	44
(B) and (C) of this section as necessary to reflect the	45
additional American history and American government content. The	46
state board shall make available a list of suggested grade-	47
appropriate supplemental readings that place the documents	48

prescribed by this division in their historical context, which 49
teachers may use as a resource to assist students in reading the 50
documents within that context. 51

(c) When the state board adopts or revises academic 52
content standards in social studies, American history, American 53
government, or science under division (A) (1) of this section, 54
the state board shall develop such standards independently and 55
not as part of a multistate consortium. 56

(2) After completing the standards required by division 57
(A) (1) of this section, the state board shall adopt standards 58
and model curricula for instruction in technology, financial 59
literacy and entrepreneurship, fine arts, and foreign language 60
for grades kindergarten through twelve. The standards shall meet 61
the same requirements prescribed in division (A) (1) (a) of this 62
section. 63

(3) The state board shall adopt the most recent standards 64
developed by the national association for sport and physical 65
education for physical education in grades kindergarten through 66
twelve or shall adopt its own standards for physical education 67
in those grades and revise and update them periodically. 68

The department of education shall employ a full-time 69
physical education coordinator to provide guidance and technical 70
assistance to districts, community schools, and STEM schools in 71
implementing the physical education standards adopted under this 72
division. The superintendent of public instruction shall 73
determine that the person employed as coordinator is qualified 74
for the position, as demonstrated by possessing an adequate 75
combination of education, license, and experience. 76

(4) When academic standards have been completed for any 77

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

(B) (1) The state board shall adopt a model curriculum for 88
instruction in each subject area for which updated academic 89
standards are required by division (A) (1) of this section and 90
for each of grades kindergarten through twelve that is 91
sufficient to meet the needs of students in every community. The 92
model curriculum shall be aligned with the standards, to ensure 93
that the academic content and skills specified for each grade 94
level are taught to students, and shall demonstrate vertical 95
articulation and emphasize coherence, focus, and rigor. When any 96
model curriculum has been completed, the state board shall 97
inform all school districts, community schools, and STEM schools 98
of the content of that model curriculum. 99

(2) Not later than June 30, 2013, the state board, in 100
consultation with any office housed in the governor's office 101
that deals with workforce development, shall adopt model 102
curricula for grades kindergarten through twelve that embed 103
career connection learning strategies into regular classroom 104
instruction. 105

(3) All school districts, community schools, and STEM 106
schools may utilize the state standards and the model curriculum 107

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

Nothing in this section requires any school district to 114
utilize all or any part of a model curriculum developed under 115
this section. 116

(C) The state board shall develop achievement assessments 117
aligned with the academic standards and model curriculum for 118
each of the subject areas and grade levels required by divisions 119
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 120

When any achievement assessment has been completed, the 121
state board shall inform all school districts, community 122
schools, STEM schools, and nonpublic schools required to 123
administer the assessment of its completion, and the department 124
shall make the achievement assessment available to the districts 125
and schools. 126

(D) (1) The state board shall adopt a diagnostic assessment 127
aligned with the academic standards and model curriculum for 128
each of grades kindergarten through ~~two-three~~ in reading, ~~129~~
~~writing,~~ and for grade two in mathematics and for grade three ~~130~~
~~in reading and writing.~~ The diagnostic assessment shall be 131
designed to measure student comprehension of academic content 132
and mastery of related skills for the relevant subject area and 133
grade level. Any diagnostic assessment shall not include 134
components to identify gifted students. Blank copies of 135
diagnostic assessments shall be public records. The department 136
of education shall specify not less than two mathematics 137

diagnostic assessments that are approved for identifying 138
students as gifted in superior cognitive ability and specific 139
academic ability fields under Chapter 3324. of the Revised Code 140
and for the student academic growth component of teacher 141
evaluations conducted in accordance with sections 3319.111, 142
3319.112, and 3319.114 of the Revised Code. 143

(2) When each diagnostic assessment has been completed, 144
the state board shall inform all school districts of its 145
completion and the department shall make the diagnostic 146
assessment available to the districts at no cost to the 147
district. School districts shall administer the diagnostic 148
assessment pursuant to section 3301.0715 of the Revised Code 149
beginning the first school year following the development of the 150
assessment. 151

(E) The state board shall not adopt a diagnostic or 152
achievement assessment for any grade level or subject area other 153
than those specified in this section. 154

(F) Whenever the state board or the department consults 155
with persons for the purpose of drafting or reviewing any 156
standards, diagnostic assessments, achievement assessments, or 157
model curriculum required under this section, the state board or 158
the department shall first consult with parents of students in 159
kindergarten through twelfth grade and with active Ohio 160
classroom teachers, other school personnel, and administrators 161
with expertise in the appropriate subject area. Whenever 162
practicable, the state board and department shall consult with 163
teachers recognized as outstanding in their fields. 164

If the department contracts with more than one outside 165
entity for the development of the achievement assessments 166
required by this section, the department shall ensure the 167

interchangeability of those assessments. 168

(G) Whenever the state board adopts standards or model 169
curricula under this section, the department also shall provide 170
information on the use of blended or digital learning in the 171
delivery of the standards or curricula to students in accordance 172
with division (A)(4) of this section. 173

(H) The fairness sensitivity review committee, established 174
by rule of the state board of education, shall not allow any 175
question on any achievement or diagnostic assessment developed 176
under this section or any proficiency test prescribed by former 177
section 3301.0710 of the Revised Code, as it existed prior to 178
September 11, 2001, to include, be written to promote, or 179
inquire as to individual moral or social values or beliefs. The 180
decision of the committee shall be final. This section does not 181
create a private cause of action. 182

(I)(1)(a) The English language arts academic standards 183
review committee is hereby created to review academic content 184
standards in the subject of English language arts. The committee 185
shall consist of the following members: 186

(i) Three experts who are residents of this state and who 187
primarily conduct research, provide instruction, currently work 188
in, or possess an advanced degree in the subject area. One 189
expert shall be appointed by each of the president of the 190
senate, the speaker of the house of representatives, and the 191
governor; 192

(ii) One parent or guardian appointed by the president of 193
the senate; 194

(iii) One educator who is currently teaching in a 195
classroom, appointed by the speaker of the house of 196

representatives;	197
(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;	198 199
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	200 201
(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:	202 203 204 205
(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;	206 207 208 209 210 211
(ii) One parent or guardian appointed by the speaker of the house of representatives;	212 213
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	214 215
(iv) The chancellor, or the chancellor's designee;	216
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	217 218
(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:	219 220 221 222
(i) Three experts who are residents of this state and who	223

primarily conduct research, provide instruction, currently work 224
in, or possess an advanced degree in the subject area. One 225
expert shall be appointed by each of the president of the 226
senate, the speaker of the house of representatives, and the 227
governor; 228

(ii) One parent or guardian appointed by the president of 229
the senate; 230

(iii) One educator who is currently teaching in a 231
classroom, appointed by the speaker of the house of 232
representatives; 233

(iv) The chancellor, or the chancellor's designee; 234

(v) The state superintendent, or the superintendent's 235
designee, who shall serve as the chairperson of the committee. 236

(d) The social studies academic standards review committee 237
is hereby created to review academic content standards in the 238
subject of social studies. The committee shall consist of the 239
following members: 240

(i) Three experts who are residents of this state and who 241
primarily conduct research, provide instruction, currently work 242
in, or possess an advanced degree in the subject area. One 243
expert shall be appointed by each of the president of the 244
senate, the speaker of the house of representatives, and the 245
governor; 246

(ii) One parent or guardian appointed by the speaker of 247
the house of representatives; 248

(iii) One educator who is currently teaching in a 249
classroom, appointed by the president of the senate; 250

(iv) The chancellor, or the chancellor's designee; 251

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. 252
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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. 254
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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. 264
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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. 269
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(4) Notwithstanding anything to the contrary in division (N) 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 275
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department shall provide each committee with the entire content 282
of each relevant assessment, including corresponding answers. 283

The assessments received by the committees are not public 284
records of the committees and are not subject to release by the 285
committees to any other person or entity under section 149.43 of 286
the Revised Code. However, the assessments shall become public 287
records in accordance with division (N) of section 3301.0711 of 288
the Revised Code. 289

(J) Not later than forty-five days prior to the adoption 290
by the state board of updated academic standards under division 291
(A) (1) of this section or updated model curricula under division 292
(B) (1) of this section, the superintendent of public instruction 293
shall present the academic standards or model curricula, as 294
applicable, to the respective committees of the house of 295
representatives and senate that consider education legislation. 296

(K) As used in this section: 297

(1) "Blended learning" means the delivery of instruction 298
in a combination of time in a supervised physical location away 299
from home and online delivery whereby the student has some 300
element of control over time, place, path, or pace of learning. 301

(2) "Coherence" means a reflection of the structure of the 302
discipline being taught. 303

(3) "Digital learning" means learning facilitated by 304
technology that gives students some element of control over 305
time, place, path, or pace of learning. 306

(4) "Focus" means limiting the number of items included in 307
a curriculum to allow for deeper exploration of the subject 308
matter. 309

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

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

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

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

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

(b) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and social studies skill expected at the end of fourth grade;

(c) Three statewide achievement assessments, one each designed to measure the level of English language arts,

mathematics, and science skill expected at the end of fifth grade;	339 340
(d) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and social studies skill expected at the end of sixth grade;	341 342 343 344
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	345 346 347
(f) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of eighth grade.	348 349 350 351
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A) (1) and (B) (1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	352 353 354 355 356 357
(a) An advanced level of skill;	358
(b) An accelerated level of skill;	359
(c) A proficient level of skill;	360
(d) A basic level of skill;	361
(e) A limited level of skill.	362
(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than	363 364 365

the level designated in division (A) (2) (e) of this section, on 366
the third grade English language arts assessment for a student 367
to be promoted to the fourth grade. The state board shall review 368
and adjust upward the level of achievement designated under this 369
division each year the test is administered until the level is 370
set equal to the level designated in division (A) (2) (c) of this 371
section. 372

(B) (1) The assessments prescribed under division (B) (1) of 373
this section shall collectively be known as the Ohio graduation 374
tests. The state board shall prescribe five statewide high 375
school achievement assessments, one each designed to measure the 376
level of reading, writing, mathematics, science, and social 377
studies skill expected at the end of tenth grade. The state 378
board shall designate a score in at least the range designated 379
under division (A) (2) (c) of this section on each such assessment 380
that shall be deemed to be a passing score on the assessment as 381
a condition toward granting high school diplomas under sections 382
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 383
until the assessment system prescribed by section 3301.0712 of 384
the Revised Code is implemented in accordance with division (B) 385
(2) of this section. 386

(2) The state board shall prescribe an assessment system 387
in accordance with section 3301.0712 of the Revised Code that 388
shall replace the Ohio graduation tests beginning with students 389
who enter the ninth grade for the first time on or after July 1, 390
2014. 391

(3) The state board may enter into a reciprocal agreement 392
with the appropriate body or agency of any other state that has 393
similar statewide achievement assessment requirements for 394
receiving high school diplomas, under which any student who has 395

met an achievement assessment requirement of one state is 396
recognized as having met the similar requirement of the other 397
state for purposes of receiving a high school diploma. For 398
purposes of this section and sections 3301.0711 and 3313.61 of 399
the Revised Code, any student enrolled in any public high school 400
in this state who has met an achievement assessment requirement 401
specified in a reciprocal agreement entered into under this 402
division shall be deemed to have attained at least the 403
applicable score designated under this division on each 404
assessment required by division (B) (1) or (2) of this section 405
that is specified in the agreement. 406

Beginning with assessments administered on or after July 407
1, 2015, the duration of the administration for each elementary 408
assessment prescribed by division (A) of this section shall not 409
exceed three hours per assessment, and the duration of the 410
administration for each high school end-of-course examination 411
prescribed by division (B) (2) of section 3301.0712 of the 412
Revised Code shall not exceed three hours per year. The 413
limitations prescribed by this paragraph shall not apply to 414
assessments for students with disabilities, the English language 415
arts assessment prescribed by division (A) (1) (a) of section 416
3301.0710 of the Revised Code or any related diagnostic 417
assessment for students who failed to attain a passing score on 418
that English language arts achievement assessment, the 419
nationally standardized assessments that measure college and 420
career readiness as prescribed by division (B) (1) of section 421
3301.0712 of the Revised Code, or substitute examinations as 422
prescribed by division (B) (4) of section 3301.0712 of the 423
Revised Code. 424

(C) The superintendent of public instruction shall 425
designate dates and times for the administration of the 426

assessments prescribed by divisions (A) and (B) of this section. 427

In prescribing administration dates pursuant to this 428
division, the superintendent shall designate the dates in such a 429
way as to allow a reasonable length of time between the 430
administration of assessments prescribed under this section and 431
any administration of the national assessment of educational 432
progress given to students in the same grade level pursuant to 433
section 3301.27 of the Revised Code or federal law. 434

(D) The state board shall prescribe a practice version of 435
each Ohio graduation test described in division (B) (1) of this 436
section that is of comparable length to the actual test. 437

(E) Any committee established by the department of 438
education for the purpose of making recommendations to the state 439
board regarding the state board's designation of scores on the 440
assessments described by this section shall inform the state 441
board of the probable percentage of students who would score in 442
each of the ranges established under division (A) (2) of this 443
section on the assessments if the committee's recommendations 444
are adopted by the state board. To the extent possible, these 445
percentages shall be disaggregated by gender, major racial and 446
ethnic groups, limited English proficient students, economically 447
disadvantaged students, students with disabilities, and migrant 448
students. 449

Sec. 3301.0711. (A) The department of education shall: 450

(1) Annually furnish to, grade, and score all assessments 451
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 452
the Revised Code to be administered by city, local, exempted 453
village, and joint vocational school districts, except that each 454
district shall score any assessment administered pursuant to 455

division (B)(10) of this section. Each assessment so furnished 456
shall include the data verification code of the student to whom 457
the assessment will be administered, as assigned pursuant to 458
division (D)(2) of section 3301.0714 of the Revised Code. In 459
furnishing the practice versions of Ohio graduation tests 460
prescribed by division (D) of section 3301.0710 of the Revised 461
Code, the department shall make the tests available on its web 462
site for reproduction by districts. In awarding contracts for 463
grading assessments, the department shall give preference to 464
Ohio-based entities employing Ohio residents. 465

(2) Adopt rules for the ethical use of assessments and 466
prescribing the manner in which the assessments prescribed by 467
section 3301.0710 of the Revised Code shall be administered to 468
students. 469

(B) Except as provided in divisions (C) and (J) of this 470
section, the board of education of each city, local, and 471
exempted village school district shall, in accordance with rules 472
adopted under division (A) of this section: 473

~~(1) Administer~~ (a) Until the 2015-2016 school year, 474
administer the English language arts assessments prescribed 475
under division (A)(1)(a) of section 3301.0710 of the Revised 476
Code twice annually to all students in the third grade who have 477
not attained the score designated for that assessment under 478
division (A)(2)(c) of section 3301.0710 of the Revised Code. 479

(b) For the 2015-2016 school year, and for each school 480
year thereafter, administer the English language arts assessment 481
prescribed under division (A)(1)(a) of section 3301.0710 of the 482
Revised Code once annually to all students in the third grade. 483
The department shall not require districts to administer the 484
assessment described in division (B)(1)(b) of this section in 485

the fall. 486

The department shall identify and approve at least two 487
assessments that can be used for multiple purposes, including a 488
diagnostic assessment administered to third-grade students under 489
section 3301.0715 of the Revised Code, an assessment that 490
permits a student to demonstrate an acceptable level of 491
performance for purposes of the third grade reading guarantee as 492
prescribed under division (A) (2) (c) of section 3313.608 of the 493
Revised Code, and an assessment used to identify students as 494
gifted in specific academic ability fields in reading, writing, 495
or both, under Chapter 3324. of the Revised Code. 496

(2) Administer the mathematics assessment prescribed under 497
division (A) (1) (a) of section 3301.0710 of the Revised Code at 498
least once annually to all students in the third grade. 499

(3) Administer the assessments prescribed under division 500
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 501
annually to all students in the fourth grade. 502

(4) Administer the assessments prescribed under division 503
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 504
annually to all students in the fifth grade. 505

(5) Administer the assessments prescribed under division 506
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 507
annually to all students in the sixth grade. 508

(6) Administer the assessments prescribed under division 509
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 510
annually to all students in the seventh grade. 511

(7) Administer the assessments prescribed under division 512
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 513
annually to all students in the eighth grade. 514

(8) Except as provided in division (B) (9) of this section, 515
administer any assessment prescribed under division (B) (1) of 516
section 3301.0710 of the Revised Code as follows: 517

(a) At least once annually to all tenth grade students and 518
at least twice annually to all students in eleventh or twelfth 519
grade who have not yet attained the score on that assessment 520
designated under that division; 521

(b) To any person who has successfully completed the 522
curriculum in any high school or the individualized education 523
program developed for the person by any high school pursuant to 524
section 3323.08 of the Revised Code but has not received a high 525
school diploma and who requests to take such assessment, at any 526
time such assessment is administered in the district. 527

(9) In lieu of the board of education of any city, local, 528
or exempted village school district in which the student is also 529
enrolled, the board of a joint vocational school district shall 530
administer any assessment prescribed under division (B) (1) of 531
section 3301.0710 of the Revised Code at least twice annually to 532
any student enrolled in the joint vocational school district who 533
has not yet attained the score on that assessment designated 534
under that division. A board of a joint vocational school 535
district may also administer such an assessment to any student 536
described in division (B) (8) (b) of this section. 537

(10) If the district has a three-year average graduation 538
rate of not more than seventy-five per cent, administer each 539
assessment prescribed by division (D) of section 3301.0710 of 540
the Revised Code in September to all ninth grade students who 541
entered ninth grade prior to July 1, 2014. 542

Except as provided in section 3313.614 of the Revised Code 543

for administration of an assessment to a person who has 544
fulfilled the curriculum requirement for a high school diploma 545
but has not passed one or more of the required assessments, the 546
assessments prescribed under division (B) (1) of section 547
3301.0710 of the Revised Code shall not be administered after 548
the date specified in the rules adopted by the state board of 549
education under division (D) (1) of section 3301.0712 of the 550
Revised Code. 551

(11) Administer the assessments prescribed by division (B) 552
(2) of section 3301.0710 and section 3301.0712 of the Revised 553
Code in accordance with the timeline and plan for implementation 554
of those assessments prescribed by rule of the state board 555
adopted under division (D) (1) of section 3301.0712 of the 556
Revised Code. 557

(C) (1) (a) In the case of a student receiving special 558
education services under Chapter 3323. of the Revised Code, the 559
individualized education program developed for the student under 560
that chapter shall specify the manner in which the student will 561
participate in the assessments administered under this section. 562
The individualized education program may excuse the student from 563
taking any particular assessment required to be administered 564
under this section if it instead specifies an alternate 565
assessment method approved by the department of education as 566
conforming to requirements of federal law for receipt of federal 567
funds for disadvantaged pupils. To the extent possible, the 568
individualized education program shall not excuse the student 569
from taking an assessment unless no reasonable accommodation can 570
be made to enable the student to take the assessment. 571

(b) Any alternate assessment approved by the department 572
for a student under this division shall produce measurable 573

results comparable to those produced by the assessment it 574
replaces in order to allow for the student's results to be 575
included in the data compiled for a school district or building 576
under section 3302.03 of the Revised Code. 577

(c) Any student enrolled in a chartered nonpublic school 578
who has been identified, based on an evaluation conducted in 579
accordance with section 3323.03 of the Revised Code or section 580
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 581
U.S.C.A. 794, as amended, as a child with a disability shall be 582
excused from taking any particular assessment required to be 583
administered under this section if a plan developed for the 584
student pursuant to rules adopted by the state board excuses the 585
student from taking that assessment. In the case of any student 586
so excused from taking an assessment, the chartered nonpublic 587
school shall not prohibit the student from taking the 588
assessment. 589

(2) A district board may, for medical reasons or other 590
good cause, excuse a student from taking an assessment 591
administered under this section on the date scheduled, but that 592
assessment shall be administered to the excused student not 593
later than nine days following the scheduled date. The district 594
board shall annually report the number of students who have not 595
taken one or more of the assessments required by this section to 596
the state board not later than the thirtieth day of June. 597

(3) As used in this division, "limited English proficient 598
student" has the same meaning as in 20 U.S.C. 7801. 599

No school district board shall excuse any limited English 600
proficient student from taking any particular assessment 601
required to be administered under this section, except that any 602
limited English proficient student who has been enrolled in 603

United States schools for less than one full school year shall 604
not be required to take any reading, writing, or English 605
language arts assessment. However, no board shall prohibit a 606
limited English proficient student who is not required to take 607
an assessment under this division from taking the assessment. A 608
board may permit any limited English proficient student to take 609
an assessment required to be administered under this section 610
with appropriate accommodations, as determined by the 611
department. For each limited English proficient student, each 612
school district shall annually assess that student's progress in 613
learning English, in accordance with procedures approved by the 614
department. 615

The governing authority of a chartered nonpublic school 616
may excuse a limited English proficient student from taking any 617
assessment administered under this section. However, no 618
governing authority shall prohibit a limited English proficient 619
student from taking the assessment. 620

(D) (1) In the school year next succeeding the school year 621
in which the assessments prescribed by division (A) (1) or (B) (1) 622
of section 3301.0710 of the Revised Code or former division (A) 623
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 624
it existed prior to September 11, 2001, are administered to any 625
student, the board of education of any school district in which 626
the student is enrolled in that year shall provide to the 627
student intervention services commensurate with the student's 628
performance, including any intensive intervention required under 629
section 3313.608 of the Revised Code, in any skill in which the 630
student failed to demonstrate at least a score at the proficient 631
level on the assessment. 632

(2) Following any administration of the assessments 633

prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A) (1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

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

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a

higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C) (2) of this section and who is not exempt from the requirement to take the assessment under division (C) (3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section, except that a school district or school may charge a student for an advanced placement or international baccalaureate examination.

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

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

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

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday

after all of the assessments have been administered. 694

However, any assessment that a student takes during the 695
make-up period described in division (C) (2) of this section 696
shall be submitted not later than the Friday following the day 697
the student takes the assessment. 698

(2) The department or an entity with which the department 699
contracts for the scoring of the assessment shall send to each 700
school district board a list of the individual scores of all 701
persons taking an assessment prescribed by division (A) (1) or 702
(B) (1) of section 3301.0710 of the Revised Code within sixty 703
days after its administration, but in no case shall the scores 704
be returned later than the fifteenth day of June following the 705
administration. For assessments administered under this section 706
by a joint vocational school district, the department or entity 707
shall also send to each city, local, or exempted village school 708
district a list of the individual scores of any students of such 709
city, local, or exempted village school district who are 710
attending school in the joint vocational school district. 711

(H) Individual scores on any assessments administered 712
under this section shall be released by a district board only in 713
accordance with section 3319.321 of the Revised Code and the 714
rules adopted under division (A) of this section. No district 715
board or its employees shall utilize individual or aggregate 716
results in any manner that conflicts with rules for the ethical 717
use of assessments adopted pursuant to division (A) of this 718
section. 719

(I) Except as provided in division (G) of this section, 720
the department or an entity with which the department contracts 721
for the scoring of the assessment shall not release any 722
individual scores on any assessment administered under this 723

section. The state board shall adopt rules to ensure the 724
protection of student confidentiality at all times. The rules 725
may require the use of the data verification codes assigned to 726
students pursuant to division (D) (2) of section 3301.0714 of the 727
Revised Code to protect the confidentiality of student scores. 728

(J) Notwithstanding division (D) of section 3311.52 of the 729
Revised Code, this section does not apply to the board of 730
education of any cooperative education school district except as 731
provided under rules adopted pursuant to this division. 732

(1) In accordance with rules that the state board shall 733
adopt, the board of education of any city, exempted village, or 734
local school district with territory in a cooperative education 735
school district established pursuant to divisions (A) to (C) of 736
section 3311.52 of the Revised Code may enter into an agreement 737
with the board of education of the cooperative education school 738
district for administering any assessment prescribed under this 739
section to students of the city, exempted village, or local 740
school district who are attending school in the cooperative 741
education school district. 742

(2) In accordance with rules that the state board shall 743
adopt, the board of education of any city, exempted village, or 744
local school district with territory in a cooperative education 745
school district established pursuant to section 3311.521 of the 746
Revised Code shall enter into an agreement with the cooperative 747
district that provides for the administration of any assessment 748
prescribed under this section to both of the following: 749

(a) Students who are attending school in the cooperative 750
district and who, if the cooperative district were not 751
established, would be entitled to attend school in the city, 752
local, or exempted village school district pursuant to section 753

3313.64 or 3313.65 of the Revised Code; 754

(b) Persons described in division (B) (8) (b) of this 755
section. 756

Any assessment of students pursuant to such an agreement 757
shall be in lieu of any assessment of such students or persons 758
pursuant to this section. 759

(K) (1) (a) Except as otherwise provided in division (K) (1) 760
(a) or (K) (1) (c) of this section, each chartered nonpublic 761
school for which at least sixty-five per cent of its total 762
enrollment is made up of students who are participating in state 763
scholarship programs shall administer the elementary assessments 764
prescribed by section 3301.0710 of the Revised Code. In 765
accordance with procedures and deadlines prescribed by the 766
department, the parent or guardian of a student enrolled in the 767
school who is not participating in a state scholarship program 768
may submit notice to the chief administrative officer of the 769
school that the parent or guardian does not wish to have the 770
student take the elementary assessments prescribed for the 771
student's grade level under division (A) of section 3301.0710 of 772
the Revised Code. If a parent or guardian submits an opt-out 773
notice, the school shall not administer the assessments to that 774
student. This option does not apply to any assessment required 775
for a high school diploma under section 3313.612 of the Revised 776
Code. 777

(b) If a chartered nonpublic school is educating students 778
in grades nine through twelve, it shall administer the 779
assessments prescribed by divisions (B) (1) and (2) of section 780
3301.0710 of the Revised Code as a condition of compliance with 781
section 3313.612 of the Revised Code. 782

(c) A chartered nonpublic school may submit to the 783
superintendent of public instruction a request for a waiver from 784
administering the elementary assessments prescribed by division 785
(A) of section 3301.0710 of the Revised Code. The state 786
superintendent shall approve or disapprove a request for a 787
waiver submitted under division (K) (1) (c) of this section. No 788
waiver shall be approved for any school year prior to the 2015- 789
2016 school year. 790

To be eligible to submit a request for a waiver, a 791
chartered nonpublic school shall meet the following conditions: 792

(i) At least ninety-five per cent of the students enrolled 793
in the school are children with disabilities, as defined under 794
section 3323.01 of the Revised Code, or have received a 795
diagnosis by a school district or from a physician, including a 796
neuropsychiatrist or psychiatrist, or a psychologist who is 797
authorized to practice in this or another state as having a 798
condition that impairs academic performance, such as dyslexia, 799
dyscalculia, attention deficit hyperactivity disorder, or 800
Asperger's syndrome. 801

(ii) The school has solely served a student population 802
described in division (K) (1) (c) (i) of this section for at least 803
ten years. 804

(iii) The school provides to the department at least five 805
years of records of internal testing conducted by the school 806
that affords the department data required for accountability 807
purposes, including diagnostic assessments and nationally 808
standardized norm-referenced achievement assessments that 809
measure reading and math skills. 810

(d) Any chartered nonpublic school that is not subject to 811

division (K) (1) (a) of this section may participate in the 812
assessment program by administering any of the assessments 813
prescribed by division (A) of section 3301.0710 of the Revised 814
Code. The chief administrator of the school shall specify which 815
assessments the school will administer. Such specification shall 816
be made in writing to the superintendent of public instruction 817
prior to the first day of August of any school year in which 818
assessments are administered and shall include a pledge that the 819
nonpublic school will administer the specified assessments in 820
the same manner as public schools are required to do under this 821
section and rules adopted by the department. 822

(2) The department of education shall furnish the 823
assessments prescribed by section 3301.0710 or 3301.0712 of the 824
Revised Code to each chartered nonpublic school that is subject 825
to division (K) (1) (a) of this section or participates under 826
division (K) (1) (b) of this section. 827

(L) (1) The superintendent of the state school for the 828
blind and the superintendent of the state school for the deaf 829
shall administer the assessments described by sections 3301.0710 830
and 3301.0712 of the Revised Code. Each superintendent shall 831
administer the assessments in the same manner as district boards 832
are required to do under this section and rules adopted by the 833
department of education and in conformity with division (C) (1) 834
(a) of this section. 835

(2) The department of education shall furnish the 836
assessments described by sections 3301.0710 and 3301.0712 of the 837
Revised Code to each superintendent. 838

(M) Notwithstanding division (E) of this section, a school 839
district may use a student's failure to attain a score in at 840
least the proficient range on the mathematics assessment 841

described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

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

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

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

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

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 871

(a) The first administration of each assessment, as 872
specified in former section 3301.0712 of the Revised Code, shall 873
be a public record. 874

(b) For subsequent administrations of each assessment 875
prior to the 2011-2012 school year, not less than forty per cent 876
of the questions on the assessment that are used to compute a 877
student's score shall be a public record. The department shall 878
determine which questions will be needed for reuse on a future 879
assessment and those questions shall not be public records and 880
shall be redacted from the assessment prior to its release as a 881
public record. However, for each redacted question, the 882
department shall inform each city, local, and exempted village 883
school district of the statewide academic standard adopted by 884
the state board under section 3301.079 of the Revised Code and 885
the corresponding benchmark to which the question relates. The 886
preceding sentence does not apply to field test questions that 887
are redacted under division (N) (3) of this section. 888

(c) The administrations of each assessment in the 2011- 889
2012, 2012-2013, and 2013-2014 school years shall not be a 890
public record. 891

(5) Each assessment prescribed by division (B) (1) of 892
section 3301.0710 of the Revised Code shall not be a public 893
record. 894

(6) Beginning with the spring administration for the 2014- 895
2015 school year, questions on the assessments prescribed under 896
division (A) of section 3301.0710 and division (B) (2) of section 897
3301.0712 of the Revised Code and the corresponding preferred 898
answers that are used to compute a student's score shall become 899

a public record as follows: 900

(a) Forty per cent of the questions and preferred answers 901
on the assessments on the thirty-first day of July following the 902
administration of the assessment; 903

(b) Twenty per cent of the questions and preferred answers 904
on the assessment on the thirty-first day of July one year after 905
the administration of the assessment; 906

(c) The remaining forty per cent of the questions and 907
preferred answers on the assessment on the thirty-first day of 908
July two years after the administration of the assessment. 909

The entire content of an assessment shall become a public 910
record within three years of its administration. 911

The department shall make the questions that become a 912
public record under this division readily accessible to the 913
public on the department's web site. Questions on the spring 914
administration of each assessment shall be released on an annual 915
basis, in accordance with this division. 916

(0) As used in this section: 917

(1) "Three-year average" means the average of the most 918
recent consecutive three school years of data. 919

(2) "Dropout" means a student who withdraws from school 920
before completing course requirements for graduation and who is 921
not enrolled in an education program approved by the state board 922
of education or an education program outside the state. 923
"Dropout" does not include a student who has departed the 924
country. 925

(3) "Graduation rate" means the ratio of students 926
receiving a diploma to the number of students who entered ninth 927

grade four years earlier. Students who transfer into the 928
district are added to the calculation. Students who transfer out 929
of the district for reasons other than dropout are subtracted 930
from the calculation. If a student who was a dropout in any 931
previous year returns to the same school district, that student 932
shall be entered into the calculation as if the student had 933
entered ninth grade four years before the graduation year of the 934
graduating class that the student joins. 935

(4) "State scholarship programs" means the educational 936
choice scholarship pilot program established under sections 937
3310.01 to 3310.17 of the Revised Code, the autism scholarship 938
program established under section 3310.41 of the Revised Code, 939
the Jon Peterson special needs scholarship program established 940
under sections 3310.51 to 3310.64 of the Revised Code, and the 941
pilot project scholarship program established under sections 942
3313.974 to 3313.979 of the Revised Code. 943

Sec. 3301.0712. (A) The state board of education, the 944
superintendent of public instruction, and the chancellor of the 945
Ohio board of regents shall develop a system of college and work 946
ready assessments as described in division (B) of this section 947
to assess whether each student upon graduating from high school 948
is ready to enter college or the workforce. Beginning with 949
students who enter the ninth grade for the first time on or 950
after July 1, 2014, the system shall replace the Ohio graduation 951
tests prescribed in division (B)(1) of section 3301.0710 of the 952
Revised Code as a measure of student academic performance and 953
one determinant of eligibility for a high school diploma in the 954
manner prescribed by rule of the state board adopted under 955
division (D) of this section. 956

(B) The college and work ready assessment system shall 957

consist of the following: 958

(1) Nationally standardized assessments that measure 959
college and career readiness and are used for college admission. 960
The assessments shall be selected jointly by the state 961
superintendent and the chancellor, and one of which shall be 962
selected by each school district or school to administer to its 963
students. The assessments prescribed under division (B)(1) of 964
this section shall be administered to all eleventh-grade 965
students in the spring of the school year. 966

(2) ~~Seven-Five~~ end-of-course examinations, one in each of 967
the areas of English language arts I, ~~English language arts II,~~ 968
science, Algebra I, ~~geometry,~~ American history, and American 969
government. The end-of-course examinations shall be selected 970
jointly by the state superintendent and the chancellor in 971
consultation with faculty in the appropriate subject areas at 972
institutions of higher education of the university system of 973
Ohio. 974

Not later than March 1, 2016, the state board shall 975
compile a list of multiple assessments that are equivalent to 976
the end-of-course examinations prescribed under division (B)(2) 977
of this section that school districts, public schools, and 978
chartered nonpublic schools may use instead of the end-of-course 979
examinations prescribed under that division. The state board may 980
update or revise the list of equivalent examinations. Beginning 981
with the 2016-2017 school year, a school district or school 982
shall notify the department of education which assessment or 983
assessments the district or school selects for each subject area 984
not later than the fifteenth day of September of each school 985
year. For any equivalent examination, the state board may 986
require the entity that scores that examination to provide the 987

student score data on that equivalent examination on behalf of 988
the district or school, for purposes of calculating measures for 989
the state report card under section 3302.03 of the Revised Code. 990

Advanced placement examinations and international 991
baccalaureate examinations, as prescribed under section 992
3313.6013 of the Revised Code, in the areas of science, American 993
history, and American government may be used as substitute end- 994
of-course examinations in accordance with division (B) (4) (a) (i) 995
of this section. Final course grades for courses taken under any 996
other advanced standing program, as prescribed under section 997
3313.6013 of the Revised Code, in the areas of science, American 998
history, and American government may be used in lieu of end-of- 999
course examinations in accordance with division (B) (4) (a) (ii) of 1000
this section. 1001

(3) (a) Not later than July 1, 2013, each school district 1002
board of education shall adopt interim end-of-course 1003
examinations that comply with the requirements of divisions (B) 1004
(3) (b) (i) and (ii) of this section to assess mastery of American 1005
history and American government standards adopted under division 1006
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 1007
required under division (M) of section 3313.603 of the Revised 1008
Code. Each high school of the district shall use the interim 1009
examinations until the state superintendent and chancellor 1010
select end-of-course examinations in American history and 1011
American government under division (B) (2) of this section. 1012

(b) Not later than July 1, 2014, the state superintendent 1013
and the chancellor shall select the end-of-course examinations 1014
in American history and American government. 1015

(i) The end-of-course examinations in American history and 1016
American government shall require demonstration of mastery of 1017

the American history and American government content for social 1018
studies standards adopted under division (A) (1) (b) of section 1019
3301.079 of the Revised Code and the topics required under 1020
division (M) of section 3313.603 of the Revised Code. 1021

(ii) At least twenty per cent of the end-of-course 1022
examination in American government shall address the topics on 1023
American history and American government described in division 1024
(M) of section 3313.603 of the Revised Code. 1025

(4) (a) Notwithstanding anything to the contrary in this 1026
section, beginning with the 2014-2015 school year, both of the 1027
following shall apply: 1028

(i) If a student is enrolled in an appropriate advanced 1029
placement or international baccalaureate course, that student 1030
shall take the advanced placement or international baccalaureate 1031
examination in lieu of the science, American history, or 1032
American government end-of-course examinations prescribed under 1033
division (B) (2) of this section. The state board shall specify 1034
the score levels for each advanced placement examination and 1035
international baccalaureate examination for purposes of 1036
calculating the minimum cumulative performance score that 1037
demonstrates the level of academic achievement necessary to earn 1038
a high school diploma. 1039

(ii) If a student is enrolled in an appropriate course 1040
under any other advanced standing program, as described in 1041
section 3313.6013 of the Revised Code, that student shall not be 1042
required to take the science, American history, or American 1043
government end-of-course examination, whichever is applicable, 1044
prescribed under division (B) (2) of this section. Instead, that 1045
student's final course grade shall be used in lieu of the 1046
applicable end-of-course examination prescribed under that 1047

section. The state superintendent, in consultation with the 1048
chancellor, shall adopt guidelines for purposes of calculating 1049
the corresponding final course grades that demonstrate the level 1050
of academic achievement necessary to earn a high school diploma. 1051

Division (B) (4) (a) (ii) of this section shall apply only to 1052
courses for which students receive transcribed credit, as 1053
defined in division (U) of section 3365.01 of the Revised Code. 1054
It shall not apply to remedial or developmental courses. 1055

(b) No student shall take a substitute examination or 1056
examination prescribed under division (B) (4) (a) of this section 1057
in place of the end-of-course examinations in English language 1058
arts I, ~~English language arts II, or Algebra I, or geometry~~ 1059
prescribed under division (B) (2) of this section. 1060

(c) The state board shall consider additional assessments 1061
that may be used, beginning with the 2016-2017 school year, as 1062
substitute examinations in lieu of the end-of-course 1063
examinations prescribed under division (B) (2) of this section. 1064

(5) The state board shall do all of the following: 1065

(a) Determine and designate at least five ranges of scores 1066
on each of the end-of-course examinations prescribed under 1067
division (B) (2) of this section, and substitute examinations 1068
prescribed under division (B) (4) of this section. Each range of 1069
scores shall be considered to demonstrate a level of achievement 1070
so that any student attaining a score within such range has 1071
achieved one of the following: 1072

(i) An advanced level of skill; 1073

(ii) An accelerated level of skill; 1074

(iii) A proficient level of skill; 1075

(iv) A basic level of skill;	1076
(v) A limited level of skill.	1077
(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;	1078 1079 1080
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	1081 1082 1083
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and , <u>substitute examinations, and equivalent examinations</u> in order to calculate student performance consistently across the different examinations.	1084 1085 1086 1087
<u>A score of two on an advanced placement examination or a score of three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.</u>	1088 1089 1090 1091
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	1092 1093 1094
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	1095 1096 1097
(ii) The examination was not available for administration prior to July 1, 2015.	1098 1099
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	1100 1101 1102 1103

examination at a later date. 1104

(b) For purposes of determining whether a student who is 1105
exempt from taking an end-of-course examination under division 1106
(B) (6) (a) of this section has attained the cumulative score 1107
prescribed by division (B) (5) (c) of this section, such student 1108
shall select either of the following: 1109

(i) The student is considered to have attained a 1110
proficient score on the end-of-course examination from which the 1111
student is exempt; 1112

(ii) The student's final course grade shall be used in 1113
lieu of a score on the end-of-course examination from which the 1114
student is exempt. 1115

The state superintendent, in consultation with the 1116
chancellor, shall adopt guidelines for purposes of calculating 1117
the corresponding final course grades and the minimum cumulative 1118
performance score that demonstrates the level of academic 1119
achievement necessary to earn a high school diploma. 1120

(7) (a) Notwithstanding anything to the contrary in this 1121
section, the state board may replace the algebra I end-of-course 1122
examination prescribed under division (B) (2) of this section 1123
with an algebra II end-of-course examination, beginning with the 1124
2016-2017 school year for students who enter ninth grade on or 1125
after July 1, 2016. 1126

(b) If the state board replaces the algebra I end-of- 1127
course examination with an algebra II end-of-course examination 1128
as authorized under division (B) (7) (a) of this section, both of 1129
the following shall apply: 1130

(i) A student who is enrolled in an advanced placement or 1131
international baccalaureate course in algebra II shall take the 1132

advanced placement or international baccalaureate examination in 1133
lieu of the algebra II end-of-course examination. 1134

(ii) A student who is enrolled in an algebra II course 1135
under any other advanced standing program, as described in 1136
section 3313.6013 of the Revised Code, shall not be required to 1137
take the algebra II end-of-course examination. Instead, that 1138
student's final course grade shall be used in lieu of the 1139
examination. 1140

(c) If a school district or school utilizes an integrated 1141
approach to mathematics instruction, the district or school may 1142
~~do either or both of the following:~~ 1143

~~(i) Administer administer an integrated mathematics I end-~~ 1144
~~of-course examination in lieu of the prescribed algebra I end-~~ 1145
~~of-course examination;~~ 1146

~~(ii) Administer an integrated mathematics II end-of-course-~~ 1147
~~examination in lieu of the prescribed geometry end-of-course-~~ 1148
~~examination.~~ 1149

(8) (a) For students entering the ninth grade for the first 1150
time on or after July 1, 2014, but prior to July 1, 2015, the 1151
assessment in the area of science shall be physical science or 1152
biology. For students entering the ninth grade for the first 1153
time on or after July 1, 2015, the assessment in the area of 1154
science shall be biology. 1155

(b) Until July 1, 2019, the department of education shall 1156
make available the end-of-course examination in physical science 1157
for students who entered the ninth grade for the first time on 1158
or after July 1, 2014, but prior to July 1, 2015, and who wish 1159
to retake the examination. 1160

(c) Not later than July 1, 2016, the state board shall 1161

adopt rules prescribing the requirements for the end-of-course 1162
examination in science for students who entered the ninth grade 1163
for the first time on or after July 1, 2014, but prior to July 1164
1, 2015, and who have not met the requirement prescribed by 1165
section 3313.618 of the Revised Code by July 1, 2019, due to a 1166
student's failure to satisfy division (A)(2) of section 3313.618 1167
of the Revised Code. 1168

(9) Neither the state board nor the department of 1169
education shall develop or administer an end-of-course 1170
examination in the area of world history. 1171

(C) The state board shall convene a group of national 1172
experts, state experts, and local practitioners to provide 1173
advice, guidance, and recommendations for the alignment of 1174
standards and model curricula to the assessments and in the 1175
design of the end-of-course examinations prescribed by this 1176
section. 1177

(D) Upon completion of the development of the assessment 1178
system, the state board shall adopt rules prescribing all of the 1179
following: 1180

(1) A timeline and plan for implementation of the 1181
assessment system, including a phased implementation if the 1182
state board determines such a phase-in is warranted; 1183

(2) The date after which a person shall meet the 1184
requirements of the entire assessment system as a prerequisite 1185
for a diploma of adult education under section 3313.611 of the 1186
Revised Code; 1187

(3) Whether and the extent to which a person may be 1188
excused from an American history end-of-course examination and 1189
an American government end-of-course examination under division 1190

(H) of section 3313.61 and division (B) (3) of section 3313.612 1191
of the Revised Code; 1192

(4) The date after which a person who has fulfilled the 1193
curriculum requirement for a diploma but has not passed one or 1194
more of the required assessments at the time the person 1195
fulfilled the curriculum requirement shall meet the requirements 1196
of the entire assessment system as a prerequisite for a high 1197
school diploma under division (B) of section 3313.614 of the 1198
Revised Code; 1199

(5) The extent to which the assessment system applies to 1200
students enrolled in a dropout recovery and prevention program 1201
for purposes of division (F) of section 3313.603 and section 1202
3314.36 of the Revised Code. 1203

(E) Not later than forty-five days prior to the state 1204
board's adoption of a resolution directing the department to 1205
file the rules prescribed by division (D) of this section in 1206
final form under section 119.04 of the Revised Code, the 1207
superintendent of public instruction shall present the 1208
assessment system developed under this section to the respective 1209
committees of the house of representatives and senate that 1210
consider education legislation. 1211

(F) (1) Any person enrolled in a nonchartered nonpublic 1212
school or any person who has been excused from attendance at 1213
school for the purpose of home instruction under section 3321.04 1214
of the Revised Code may choose to participate in the system of 1215
assessments administered under divisions (B) (1) and (2) of this 1216
section. However, no such person shall be required to 1217
participate in the system of assessments. 1218

(2) The department shall adopt rules for the 1219

administration and scoring of any assessments under division (F) 1220
(1) of this section. 1221

(G) Not later than December 31, 2014, the state board 1222
shall select at least one nationally recognized job skills 1223
assessment. Each school district shall administer that 1224
assessment to those students who opt to take it. The state shall 1225
reimburse a school district for the costs of administering that 1226
assessment. The state board shall establish the minimum score a 1227
student must attain on the job skills assessment in order to 1228
demonstrate a student's workforce readiness and employability. 1229
The administration of the job skills assessment to a student 1230
under this division shall not exempt a school district from 1231
administering the assessments prescribed in division (B) of this 1232
section to that student. 1233

(H) (1) Except as provided in division (H) (2) of this 1234
section, no school district shall charge a student for any 1235
assessment, end-of-course examination, substitute examination, 1236
or equivalent examination administered under division (B) or (G) 1237
of this section. 1238

(2) A school district or school may charge a student for 1239
an advanced placement or international baccalaureate 1240
examination. 1241

(I) Beginning with the 2016-2017 school year, a school 1242
district may use the end-of-course examinations, substitute 1243
examinations, or equivalent examinations, administered under 1244
division (B) of this section as final examinations for the 1245
related subject-area class or course of study. 1246

Sec. 3301.0715. (A) Except as otherwise required under 1247
division (B) (1) of section 3313.608 of the Revised Code, the 1248

board of education of each city, local, and exempted village 1249
school district shall administer each applicable diagnostic 1250
assessment developed and provided to the district in accordance 1251
with section 3301.079 of the Revised Code to the following: 1252

(1) Any student who transfers into the district or to a 1253
different school within the district if each applicable 1254
diagnostic assessment was not administered by the district or 1255
school the student previously attended in the current school 1256
year, within thirty days after the date of transfer. If the 1257
district or school into which the student transfers cannot 1258
determine whether the student has taken any applicable 1259
diagnostic assessment in the current school year, the district 1260
or school may administer the diagnostic assessment to the 1261
student. However, if a student transfers into the district prior 1262
to the administration of the diagnostic assessments to all 1263
students under division (B) of this section, the district may 1264
administer the diagnostic assessments to that student on the 1265
date or dates determined under that division. 1266

(2) Each kindergarten student, not earlier than the first 1267
day of ~~the school year August~~ and not later than the first day 1268
of November, except that the language and reading skills portion 1269
of the assessment shall be administered by the thirtieth day of 1270
September to fulfill the requirements of division (B) of section 1271
3313.608 of the Revised Code. 1272

For the purpose of division (A) (2) of this section, the 1273
district shall administer the kindergarten readiness assessment 1274
provided by the department of education. In no case shall the 1275
results of the readiness assessment be used to prohibit a 1276
student from enrolling in kindergarten. 1277

A district or school may administer the kindergarten 1278

readiness diagnostic assessment all at one time or may 1279
administer it in portions at different times, so long as the 1280
assessment has been administered in its entirety not later than 1281
the first day of November. The administration of the 1282
kindergarten readiness assessment shall not exceed one hour. 1283

(3) Each student enrolled in first, second, or third 1284
grade. 1285

Division (A) of this section does not apply to students 1286
with significant cognitive disabilities, as defined by the 1287
department of education. 1288

(B) Each district board shall administer each diagnostic 1289
assessment when the board deems appropriate, provided the 1290
administration complies with section 3313.608 of the Revised 1291
Code. However, the board shall administer any diagnostic 1292
assessment at least once annually to all students in the 1293
appropriate grade level. A district board may administer any 1294
diagnostic assessment in the fall and spring of a school year to 1295
measure the amount of academic growth attributable to the 1296
instruction received by students during that school year. 1297

(C) Any district that received a grade of "A" or "B" for 1298
the performance index score under division (A) (1) (b), (B) (1) (b), 1299
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 1300
value-added progress dimension under division (A) (1) (e), (B) (1) 1301
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 1302
immediately preceding school year may use different diagnostic 1303
assessments from those adopted under division (D) of section 1304
3301.079 of the Revised Code in order to satisfy the 1305
requirements of division (A) (3) of this section. 1306

(D) Each district board shall utilize and score any 1307

diagnostic assessment administered under division (A) of this 1308
section in accordance with rules established by the department. 1309
After the administration of any diagnostic assessment, each 1310
district shall provide a student's completed diagnostic 1311
assessment, the results of such assessment, and any other 1312
accompanying documents used during the administration of the 1313
assessment to the parent of that student, and shall include all 1314
such documents and information in any plan developed for the 1315
student under division (C) of section 3313.608 of the Revised 1316
Code. Each district shall submit to the department, in the 1317
manner the department prescribes, the results of the diagnostic 1318
assessments administered under this section, regardless of the 1319
type of assessment used under section 3313.608 of the Revised 1320
Code. The department may issue reports with respect to the data 1321
collected. The department may report school and district level 1322
kindergarten diagnostic assessment data and use diagnostic 1323
assessment data to calculate the measure prescribed by divisions 1324
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 1325

(E) Each district board shall provide intervention 1326
services to students whose diagnostic assessments show that they 1327
are failing to make satisfactory progress toward attaining the 1328
academic standards for their grade level. 1329

Sec. 3301.132. (A) The department of education shall 1330
determine which components of the resident educator performance- 1331
based assessment, as prescribed by rule of the state board of 1332
education for purposes of the Ohio teacher residency program 1333
established under section 3319.223 of the Revised Code, may be 1334
used as part of the teacher evaluations required by section 1335
3319.111 of the Revised Code. 1336

(B) The department shall develop a table of assessments 1337

that may be used for multiple purposes for which a measure of 1338
student performance or aptitude is required, in order to reduce 1339
the total number of assessments administered by a district or 1340
school. The table shall include achievement assessments, 1341
diagnostic assessments, end-of-course examinations, substitute 1342
examinations, examinations related to student academic growth 1343
measures, assessments used to identify students as gifted in 1344
superior cognitive ability and specific academic ability fields 1345
under Chapter 3324. of the Revised Code, and other assessments. 1346
The department shall make the table available to school 1347
districts, community schools established under Chapter 3314. of 1348
the Revised Code, STEM schools established under Chapter 3326. 1349
of the Revised Code, college-preparatory boarding schools 1350
established under Chapter 3328. of the Revised Code, and 1351
chartered nonpublic schools. 1352

Sec. 3302.02. Not later than one year after the adoption 1353
of rules under division (D) of section 3301.0712 of the Revised 1354
Code and at least every sixth year thereafter, upon 1355
recommendations of the superintendent of public instruction, the 1356
state board of education shall establish a set of performance 1357
indicators that considered as a unit will be used as one of the 1358
performance categories for the report cards required by section 1359
3302.03 of the Revised Code. In establishing these indicators, 1360
the superintendent shall consider inclusion of student 1361
performance on assessments prescribed under section 3301.0710 or 1362
3301.0712 of the Revised Code, rates of student improvement on 1363
such assessments, the breadth of coursework available within the 1364
district, and other indicators of student success. 1365

Beginning with the report card for the 2014-2015 school 1366
year, the performance indicators shall include an indicator that 1367
reflects the level of services provided to, and the performance 1368

of, students identified as gifted under Chapter 3324. of the 1369
Revised Code. The indicator shall include the performance of 1370
students identified as gifted on state assessments and value- 1371
added growth measure disaggregated for students identified as 1372
gifted. 1373

For the 2013-2014 school year, except as otherwise 1374
provided in this section, for any indicator based on the 1375
percentage of students attaining a proficient score on the 1376
assessments prescribed by divisions (A) and (B) (1) of section 1377
3301.0710 of the Revised Code, a school district or building 1378
shall be considered to have met the indicator if at least eighty 1379
per cent of the tested students attain a score of proficient or 1380
higher on the assessment. A school district or building shall be 1381
considered to have met the indicator for the assessments 1382
prescribed by division (B) (1) of section 3301.0710 of the 1383
Revised Code and only as administered to eleventh grade 1384
students, if at least eighty-five per cent of the tested 1385
students attain a score of proficient or higher on the 1386
assessment. Not later than July 1, 2014, the state board may 1387
adopt rules, under Chapter 119. of the Revised Code, to 1388
establish different proficiency percentages to meet each 1389
indicator that is based on a state assessment, prescribed under 1390
section 3301.0710 or 3301.0712 of the Revised Code, for the 1391
2014-2015 school year and thereafter. 1392

The superintendent shall not establish any performance 1393
indicator for passage of the third or fourth grade English 1394
language arts assessment that is solely based on the assessment 1395
given in the fall, as required prior to the 2015-2016 school 1396
year, for the purpose of determining whether students have met 1397
the reading guarantee provisions of section 3313.608 of the 1398
Revised Code. 1399

Sec. 3302.03. Annually, not later than the fifteenth day 1400
of September or the preceding Friday when that day falls on a 1401
Saturday or Sunday, the department of education shall assign a 1402
letter grade for overall academic performance and for each 1403
separate performance measure for each school district, and each 1404
school building in a district, in accordance with this section. 1405
The state board shall adopt rules pursuant to Chapter 119. of 1406
the Revised Code to establish performance criteria for each 1407
letter grade and prescribe a method by which the department 1408
assigns each letter grade. For a school building to which any of 1409
the performance measures do not apply, due to grade levels 1410
served by the building, the state board shall designate the 1411
performance measures that are applicable to the building and 1412
that must be calculated separately and used to calculate the 1413
building's overall grade. The department shall issue annual 1414
report cards reflecting the performance of each school district, 1415
each building within each district, and for the state as a whole 1416
using the performance measures and letter grade system described 1417
in this section. The department shall include on the report card 1418
for each district and each building within each district the 1419
most recent two-year trend data in student achievement for each 1420
subject and each grade. 1421

(A) (1) For the 2012-2013 school year, the department shall 1422
issue grades as described in division (E) of this section for 1423
each of the following performance measures: 1424

(a) Annual measurable objectives; 1425

(b) Performance index score for a school district or 1426
building. Grades shall be awarded as a percentage of the total 1427
possible points on the performance index system as adopted by 1428
the state board. In adopting benchmarks for assigning letter 1429

grades under division (A) (1) (b) of this section, the state board 1430
of education shall designate ninety per cent or higher for an 1431
"A," at least seventy per cent but not more than eighty per cent 1432
for a "C," and less than fifty per cent for an "F." 1433

(c) The extent to which the school district or building 1434
meets each of the applicable performance indicators established 1435
by the state board under section 3302.02 of the Revised Code and 1436
the percentage of applicable performance indicators that have 1437
been achieved. In adopting benchmarks for assigning letter 1438
grades under division (A) (1) (c) of this section, the state board 1439
shall designate ninety per cent or higher for an "A." 1440

(d) The four- and five-year adjusted cohort graduation 1441
rates. 1442

In adopting benchmarks for assigning letter grades under 1443
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1444
department shall designate a four-year adjusted cohort 1445
graduation rate of ninety-three per cent or higher for an "A" 1446
and a five-year cohort graduation rate of ninety-five per cent 1447
or higher for an "A." 1448

(e) The overall score under the value-added progress 1449
dimension of a school district or building, for which the 1450
department shall use up to three years of value-added data as 1451
available. The letter grade assigned for this growth measure 1452
shall be as follows: 1453

(i) A score that is at least two standard errors of 1454
measure above the mean score shall be designated as an "A." 1455

(ii) A score that is at least one standard error of 1456
measure but less than two standard errors of measure above the 1457
mean score shall be designated as a "B." 1458

(iii) A score that is less than one standard error of 1459
measure above the mean score but greater than or equal to one 1460
standard error of measure below the mean score shall be 1461
designated as a "C." 1462

(iv) A score that is not greater than one standard error 1463
of measure below the mean score but is greater than or equal to 1464
two standard errors of measure below the mean score shall be 1465
designated as a "D." 1466

(v) A score that is not greater than two standard errors 1467
of measure below the mean score shall be designated as an "F." 1468

Whenever the value-added progress dimension is used as a 1469
graded performance measure, whether as an overall measure or as 1470
a measure of separate subgroups, the grades for the measure 1471
shall be calculated in the same manner as prescribed in division 1472
(A) (1) (e) of this section. 1473

(f) The value-added progress dimension score for a school 1474
district or building disaggregated for each of the following 1475
subgroups: students identified as gifted, students with 1476
disabilities, and students whose performance places them in the 1477
lowest quintile for achievement on a statewide basis. Each 1478
subgroup shall be a separate graded measure. 1479

(2) Not later than April 30, 2013, the state board of 1480
education shall adopt a resolution describing the performance 1481
measures, benchmarks, and grading system for the 2012-2013 1482
school year and, not later than June 30, 2013, shall adopt rules 1483
in accordance with Chapter 119. of the Revised Code that 1484
prescribe the methods by which the performance measures under 1485
division (A) (1) of this section shall be assessed and assigned a 1486
letter grade, including performance benchmarks for each letter 1487

grade. 1488

At least forty-five days prior to the state board's 1489
adoption of rules to prescribe the methods by which the 1490
performance measures under division (A) (1) of this section shall 1491
be assessed and assigned a letter grade, the department shall 1492
conduct a public presentation before the standing committees of 1493
the house of representatives and the senate that consider 1494
education legislation describing such methods, including 1495
performance benchmarks. 1496

(3) There shall not be an overall letter grade for a 1497
school district or building for the 2012-2013 school year. 1498

(B) (1) For the 2013-2014 school year, the department shall 1499
issue grades as described in division (E) of this section for 1500
each of the following performance measures: 1501

(a) Annual measurable objectives; 1502

(b) Performance index score for a school district or 1503
building. Grades shall be awarded as a percentage of the total 1504
possible points on the performance index system as created by 1505
the department. In adopting benchmarks for assigning letter 1506
grades under division (B) (1) (b) of this section, the state board 1507
shall designate ninety per cent or higher for an "A," at least 1508
seventy per cent but not more than eighty per cent for a "C," 1509
and less than fifty per cent for an "F." 1510

(c) The extent to which the school district or building 1511
meets each of the applicable performance indicators established 1512
by the state board under section 3302.03 of the Revised Code and 1513
the percentage of applicable performance indicators that have 1514
been achieved. In adopting benchmarks for assigning letter 1515
grades under division (B) (1) (c) of this section, the state board 1516

shall designate ninety per cent or higher for an "A." 1517

(d) The four- and five-year adjusted cohort graduation 1518
rates; 1519

(e) The overall score under the value-added progress 1520
dimension of a school district or building, for which the 1521
department shall use up to three years of value-added data as 1522
available. 1523

(f) The value-added progress dimension score for a school 1524
district or building disaggregated for each of the following 1525
subgroups: students identified as gifted in superior cognitive 1526
ability and specific academic ability fields under Chapter 3324. 1527
of the Revised Code, students with disabilities, and students 1528
whose performance places them in the lowest quintile for 1529
achievement on a statewide basis. Each subgroup shall be a 1530
separate graded measure. 1531

(g) Whether a school district or building is making 1532
progress in improving literacy in grades kindergarten through 1533
three, as determined using a method prescribed by the state 1534
board. The state board shall adopt rules to prescribe benchmarks 1535
and standards for assigning grades to districts and buildings 1536
for purposes of division (B) (1) (g) of this section. In adopting 1537
benchmarks for assigning letter grades under divisions (B) (1) (g) 1538
and (C) (1) (g) of this section, the state board shall determine 1539
progress made based on the reduction in the total percentage of 1540
students scoring below grade level, or below proficient, 1541
compared from year to year on the reading ~~and writing~~ diagnostic 1542
assessments administered under section 3301.0715 of the Revised 1543
Code and the third grade English language arts assessment under 1544
section 3301.0710 of the Revised Code, as applicable. The state 1545
board shall designate for a "C" grade a value that is not lower 1546

than the statewide average value for this measure. No grade 1547
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1548
section for a district or building in which less than five per 1549
cent of students have scored below grade level on the diagnostic 1550
assessment administered to students in kindergarten under 1551
division (B) (1) of section 3313.608 of the Revised Code. 1552

(h) For a high mobility school district or building, an 1553
additional value-added progress dimension score. For this 1554
measure, the department shall use value-added data from the most 1555
recent school year available and shall use assessment scores for 1556
only those students to whom the district or building has 1557
administered the assessments prescribed by section 3301.0710 of 1558
the Revised Code for each of the two most recent consecutive 1559
school years. 1560

As used in this division, "high mobility school district 1561
or building" means a school district or building where at least 1562
twenty-five per cent of its total enrollment is made up of 1563
students who have attended that school district or building for 1564
less than one year. 1565

(2) In addition to the graded measures in division (B) (1) 1566
of this section, the department shall include on a school 1567
district's or building's report card all of the following 1568
without an assigned letter grade: 1569

(a) The percentage of students enrolled in a district or 1570
building participating in advanced placement classes and the 1571
percentage of those students who received a score of three or 1572
better on advanced placement examinations; 1573

(b) The number of a district's or building's students who 1574
have earned at least three college credits through dual 1575

enrollment or advanced standing programs, such as the post- 1576
secondary enrollment options program under Chapter 3365. of the 1577
Revised Code and state-approved career-technical courses offered 1578
through dual enrollment or statewide articulation, that appear 1579
on a student's transcript or other official document, either of 1580
which is issued by the institution of higher education from 1581
which the student earned the college credit. The credits earned 1582
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1583
this section shall not include any that are remedial or 1584
developmental and shall include those that count toward the 1585
curriculum requirements established for completion of a degree. 1586

(c) The percentage of students enrolled in a district or 1587
building who have taken a national standardized test used for 1588
college admission determinations and the percentage of those 1589
students who are determined to be remediation-free in accordance 1590
with standards adopted under division (F) of section 3345.061 of 1591
the Revised Code; 1592

(d) The percentage of the district's or the building's 1593
students who receive industry-recognized credentials. The state 1594
board shall adopt criteria for acceptable industry-recognized 1595
credentials. 1596

(e) The percentage of students enrolled in a district or 1597
building who are participating in an international baccalaureate 1598
program and the percentage of those students who receive a score 1599
of four or better on the international baccalaureate 1600
examinations. 1601

(f) The percentage of the district's or building's 1602
students who receive an honors diploma under division (B) of 1603
section 3313.61 of the Revised Code. 1604

(3) Not later than December 31, 2013, the state board 1605
shall adopt rules in accordance with Chapter 119. of the Revised 1606
Code that prescribe the methods by which the performance 1607
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1608
will be assessed and assigned a letter grade, including 1609
performance benchmarks for each grade. 1610

At least forty-five days prior to the state board's 1611
adoption of rules to prescribe the methods by which the 1612
performance measures under division (B) (1) of this section shall 1613
be assessed and assigned a letter grade, the department shall 1614
conduct a public presentation before the standing committees of 1615
the house of representatives and the senate that consider 1616
education legislation describing such methods, including 1617
performance benchmarks. 1618

(4) There shall not be an overall letter grade for a 1619
school district or building for the 2013-2014 school year. 1620

(C) (1) For the 2014-2015 school year and each school year 1621
thereafter, the department shall issue grades as described in 1622
division (E) of this section for each of the performance 1623
measures prescribed in division (C) (1) of this section and an 1624
overall letter grade based on an aggregate of those measures, 1625
except for the performance measure set forth in division (C) (1) 1626
(h) of this section. The graded measures are as follows: 1627

(a) Annual measurable objectives; 1628

(b) Performance index score for a school district or 1629
building. Grades shall be awarded as a percentage of the total 1630
possible points on the performance index system as created by 1631
the department. In adopting benchmarks for assigning letter 1632
grades under division (C) (1) (b) of this section, the state board 1633

shall designate ninety per cent or higher for an "A," at least 1634
seventy per cent but not more than eighty per cent for a "C," 1635
and less than fifty per cent for an "F." 1636

(c) The extent to which the school district or building 1637
meets each of the applicable performance indicators established 1638
by the state board under section 3302.03 of the Revised Code and 1639
the percentage of applicable performance indicators that have 1640
been achieved. In adopting benchmarks for assigning letter 1641
grades under division (C) (1) (c) of this section, the state board 1642
shall designate ninety per cent or higher for an "A." 1643

(d) The four- and five-year adjusted cohort graduation 1644
rates; 1645

(e) The overall score under the value-added progress 1646
dimension, or another measure of student academic progress if 1647
adopted by the state board, of a school district or building, 1648
for which the department shall use up to three years of value- 1649
added data as available. 1650

In adopting benchmarks for assigning letter grades for 1651
overall score on value-added progress dimension under division 1652
(C) (1) (e) of this section, the state board shall prohibit the 1653
assigning of a grade of "A" for that measure unless the 1654
district's or building's grade assigned for value-added progress 1655
dimension for all subgroups under division (C) (1) (f) of this 1656
section is a "B" or higher. 1657

For the metric prescribed by division (C) (1) (e) of this 1658
section, the state board may adopt a student academic progress 1659
measure to be used instead of the value-added progress 1660
dimension. If the state board adopts such a measure, it also 1661
shall prescribe a method for assigning letter grades for the new 1662

measure that is comparable to the method prescribed in division 1663
(A) (1) (e) of this section. 1664

(f) The value-added progress dimension score of a school 1665
district or building disaggregated for each of the following 1666
subgroups: students identified as gifted in superior cognitive 1667
ability and specific academic ability fields under Chapter 3324. 1668
of the Revised Code, students with disabilities, and students 1669
whose performance places them in the lowest quintile for 1670
achievement on a statewide basis, as determined by a method 1671
prescribed by the state board. Each subgroup shall be a separate 1672
graded measure. 1673

The state board may adopt student academic progress 1674
measures to be used instead of the value-added progress 1675
dimension. If the state board adopts such measures, it also 1676
shall prescribe a method for assigning letter grades for the new 1677
measures that is comparable to the method prescribed in division 1678
(A) (1) (e) of this section. 1679

(g) Whether a school district or building is making 1680
progress in improving literacy in grades kindergarten through 1681
three, as determined using a method prescribed by the state 1682
board. The state board shall adopt rules to prescribe benchmarks 1683
and standards for assigning grades to a district or building for 1684
purposes of division (C) (1) (g) of this section. The state board 1685
shall designate for a "C" grade a value that is not lower than 1686
the statewide average value for this measure. No grade shall be 1687
issued under division (C) (1) (g) of this section for a district 1688
or building in which less than five per cent of students have 1689
scored below grade level on the kindergarten diagnostic 1690
assessment under division (B) (1) of section 3313.608 of the 1691
Revised Code. 1692

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

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

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

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

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

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced

standing programs, such as the college credit plus program under 1722
Chapter 3365. of the Revised Code and state-approved career- 1723
technical courses offered through dual enrollment or statewide 1724
articulation, that appear on a student's college transcript 1725
issued by the institution of higher education from which the 1726
student earned the college credit. The credits earned that are 1727
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1728
shall not include any that are remedial or developmental and 1729
shall include those that count toward the curriculum 1730
requirements established for completion of a degree. 1731

(d) The percentage of the district's or building's 1732
students who receive an honor's diploma under division (B) of 1733
section 3313.61 of the Revised Code; 1734

(e) The percentage of the district's or building's 1735
students who receive industry-recognized credentials; 1736

(f) The percentage of students enrolled in a district or 1737
building who are participating in an international baccalaureate 1738
program and the percentage of those students who receive a score 1739
of four or better on the international baccalaureate 1740
examinations; 1741

(g) The results of the college and career-ready 1742
assessments administered under division (B) (1) of section 1743
3301.0712 of the Revised Code. 1744

(3) The state board shall adopt rules pursuant to Chapter 1745
119. of the Revised Code that establish a method to assign an 1746
overall grade for a school district or school building for the 1747
2014-2015 school year and each school year thereafter. The rules 1748
shall group the performance measures in divisions (C) (1) and (2) 1749
of this section into the following components: 1750

(a) Gap closing, which shall include the performance 1751
measure in division (C) (1) (a) of this section; 1752

(b) Achievement, which shall include the performance 1753
measures in divisions (C) (1) (b) and (c) of this section; 1754

(c) Progress, which shall include the performance measures 1755
in divisions (C) (1) (e) and (f) of this section; 1756

(d) Graduation, which shall include the performance 1757
measure in division (C) (1) (d) of this section; 1758

(e) Kindergarten through third-grade literacy, which shall 1759
include the performance measure in division (C) (1) (g) of this 1760
section; 1761

(f) Prepared for success, which shall include the 1762
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1763
and (f) of this section. The state board shall develop a method 1764
to determine a grade for the component in division (C) (3) (f) of 1765
this section using the performance measures in divisions (C) (2) 1766
(a), (b), (c), (d), (e), and (f) of this section. When 1767
available, the state board may incorporate the performance 1768
measure under division (C) (2) (g) of this section into the 1769
component under division (C) (3) (f) of this section. When 1770
determining the overall grade for the prepared for success 1771
component prescribed by division (C) (3) (f) of this section, no 1772
individual student shall be counted in more than one performance 1773
measure. However, if a student qualifies for more than one 1774
performance measure in the component, the state board may, in 1775
its method to determine a grade for the component, specify an 1776
additional weight for such a student that is not greater than or 1777
equal to 1.0. In determining the overall score under division 1778
(C) (3) (f) of this section, the state board shall ensure that the 1779

pool of students included in the performance measures aggregated 1780
under that division are all of the students included in the 1781
four- and five-year adjusted graduation cohort. 1782

In the rules adopted under division (C)(3) of this 1783
section, the state board shall adopt a method for determining a 1784
grade for each component in divisions (C)(3)(a) to (f) of this 1785
section. The state board also shall establish a method to assign 1786
an overall grade of "A," "B," "C," "D," or "F" using the grades 1787
assigned for each component. The method the state board adopts 1788
for assigning an overall grade shall give equal weight to the 1789
components in divisions (C)(3)(b) and (c) of this section. 1790

At least forty-five days prior to the state board's 1791
adoption of rules to prescribe the methods for calculating the 1792
overall grade for the report card, as required by this division, 1793
the department shall conduct a public presentation before the 1794
standing committees of the house of representatives and the 1795
senate that consider education legislation describing the format 1796
for the report card, weights that will be assigned to the 1797
components of the overall grade, and the method for calculating 1798
the overall grade. 1799

(D) Not later than July 1, 2015, the state board shall 1800
develop a measure of student academic progress for high school 1801
students using only data from assessments in English language 1802
arts and mathematics. For the 2014-2015 school year, the 1803
department shall include this measure on a school district or 1804
building's report card, as applicable, without an assigned 1805
letter grade. Beginning with the report card for the 2015-2016 1806
school year, each school district and applicable school building 1807
shall be assigned a separate letter grade for this measure and 1808
the district's or building's grade for that measure shall be 1809

included in determining the district's or building's overall 1810
letter grade. This measure shall be included within the measure 1811
prescribed in division (C) (3) (c) of this section in the 1812
calculation for the overall letter grade. 1813

(E) The letter grades assigned to a school district or 1814
building under this section shall be as follows: 1815

(1) "A" for a district or school making excellent 1816
progress; 1817

(2) "B" for a district or school making above average 1818
progress; 1819

(3) "C" for a district or school making average progress; 1820

(4) "D" for a district or school making below average 1821
progress; 1822

(5) "F" for a district or school failing to meet minimum 1823
progress. 1824

(F) When reporting data on student achievement and 1825
progress, the department shall disaggregate that data according 1826
to the following categories: 1827

(1) Performance of students by grade-level; 1828

(2) Performance of students by race and ethnic group; 1829

(3) Performance of students by gender; 1830

(4) Performance of students grouped by those who have been 1831
enrolled in a district or school for three or more years; 1832

(5) Performance of students grouped by those who have been 1833
enrolled in a district or school for more than one year and less 1834
than three years; 1835

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1836 1837
(7) Performance of students grouped by those who are economically disadvantaged;	1838 1839
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1840 1841 1842
(9) Performance of students grouped by those who are classified as limited English proficient;	1843 1844
(10) Performance of students grouped by those who have disabilities;	1845 1846
(11) Performance of students grouped by those who are classified as migrants;	1847 1848
(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 Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, 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 as well.	1849 1850 1851 1852 1853 1854 1855 1856 1857
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	1858 1859 1860
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the	1861 1862 1863

department shall disaggregate data on student performance 1864
according to any combinations of two or more of the categories 1865
listed in divisions (F) (1) to (13) of this section that it deems 1866
relevant. 1867

In reporting data pursuant to division (F) of this 1868
section, the department shall not include in the report cards 1869
any data statistical in nature that is statistically unreliable 1870
or that could result in the identification of individual 1871
students. For this purpose, the department shall not report 1872
student performance data for any group identified in division 1873
(F) of this section that contains less than ten students. If the 1874
department does not report student performance data for a group 1875
because it contains less than ten students, the department shall 1876
indicate on the report card that is why data was not reported. 1877

(G) The department may include with the report cards any 1878
additional education and fiscal performance data it deems 1879
valuable. 1880

(H) The department shall include on each report card a 1881
list of additional information collected by the department that 1882
is available regarding the district or building for which the 1883
report card is issued. When available, such additional 1884
information shall include student mobility data disaggregated by 1885
race and socioeconomic status, college enrollment data, and the 1886
reports prepared under section 3302.031 of the Revised Code. 1887

The department shall maintain a site on the world wide 1888
web. The report card shall include the address of the site and 1889
shall specify that such additional information is available to 1890
the public at that site. The department shall also provide a 1891
copy of each item on the list to the superintendent of each 1892
school district. The district superintendent shall provide a 1893

copy of any item on the list to anyone who requests it. 1894

(I) Division (I) of this section does not apply to 1895
conversion community schools that primarily enroll students 1896
between sixteen and twenty-two years of age who dropped out of 1897
high school or are at risk of dropping out of high school due to 1898
poor attendance, disciplinary problems, or suspensions. 1899

(1) For any district that sponsors a conversion community 1900
school under Chapter 3314. of the Revised Code, the department 1901
shall combine data regarding the academic performance of 1902
students enrolled in the community school with comparable data 1903
from the schools of the district for the purpose of determining 1904
the performance of the district as a whole on the report card 1905
issued for the district under this section or section 3302.033 1906
of the Revised Code. 1907

(2) Any district that leases a building to a community 1908
school located in the district or that enters into an agreement 1909
with a community school located in the district whereby the 1910
district and the school endorse each other's programs may elect 1911
to have data regarding the academic performance of students 1912
enrolled in the community school combined with comparable data 1913
from the schools of the district for the purpose of determining 1914
the performance of the district as a whole on the district 1915
report card. Any district that so elects shall annually file a 1916
copy of the lease or agreement with the department. 1917

(3) Any municipal school district, as defined in section 1918
3311.71 of the Revised Code, that sponsors a community school 1919
located within the district's territory, or that enters into an 1920
agreement with a community school located within the district's 1921
territory whereby the district and the community school endorse 1922
each other's programs, may exercise either or both of the 1923

following elections: 1924

(a) To have data regarding the academic performance of 1925
students enrolled in that community school combined with 1926
comparable data from the schools of the district for the purpose 1927
of determining the performance of the district as a whole on the 1928
district's report card; 1929

(b) To have the number of students attending that 1930
community school noted separately on the district's report card. 1931

The election authorized under division (I) (3) (a) of this 1932
section is subject to approval by the governing authority of the 1933
community school. 1934

Any municipal school district that exercises an election 1935
to combine or include data under division (I) (3) of this 1936
section, by the first day of October of each year, shall file 1937
with the department documentation indicating eligibility for 1938
that election, as required by the department. 1939

(J) The department shall include on each report card the 1940
percentage of teachers in the district or building who are 1941
highly qualified, as defined by the No Child Left Behind Act of 1942
2001, and a comparison of that percentage with the percentages 1943
of such teachers in similar districts and buildings. 1944

(K) (1) In calculating English language arts, mathematics, 1945
social studies, or science assessment passage rates used to 1946
determine school district or building performance under this 1947
section, the department shall include all students taking an 1948
assessment with accommodation or to whom an alternate assessment 1949
is administered pursuant to division (C) (1) or (3) of section 1950
3301.0711 of the Revised Code. 1951

(2) In calculating performance index scores, rates of 1952

achievement on the performance indicators established by the 1953
state board under section 3302.02 of the Revised Code, and 1954
annual measurable objectives for determining adequate yearly 1955
progress for school districts and buildings under this section, 1956
the department shall do all of the following: 1957

(a) Include for each district or building only those 1958
students who are included in the ADM certified for the first 1959
full school week of October and are continuously enrolled in the 1960
district or building through the time of the spring 1961
administration of any assessment prescribed by division (A) (1) 1962
or (B) (1) of section 3301.0710 or division (B) of section 1963
3301.0712 of the Revised Code that is administered to the 1964
student's grade level; 1965

(b) ~~Include~~ Until the 2015-2016 school year, include 1966
cumulative totals from both the fall and spring administrations 1967
of the third grade English language arts achievement assessment; 1968

(c) Except as required by the No Child Left Behind Act of 1969
2001, exclude for each district or building any limited English 1970
proficient student who has been enrolled in United States 1971
schools for less than one full school year. 1972

(L) Beginning with the 2015-2016 school year and at least 1973
once every three years thereafter, the state board of education 1974
shall review and may adjust the benchmarks for assigning letter 1975
grades to the performance measures and components prescribed 1976
under divisions (C) (3) and (D) of this section. 1977

Sec. 3302.13. (A) This section applies to any school 1978
district or community school that meets both of the following 1979
criteria, as reported on the past two consecutive report cards 1980
issued for that district or school under section 3302.03 of the 1981

Revised Code:	1982
(1) The district or school received a grade of "D" or "F"	1983
on the kindergarten through third-grade literacy progress	1984
measure under division (C) (3) (e) of section 3302.03 of the	1985
Revised Code.	1986
(2) Less than sixty per cent of the district's students	1987
who took the third grade English language arts assessment	1988
prescribed under section 3301.0710 of the Revised Code during	1989
the most recent fall and spring administrations of that	1990
assessment for that school year attained at least a proficient	1991
score on that assessment.	1992
(B) By December 31, 2016, and by the thirty-first day of	1993
each December thereafter, any school district or community	1994
school that meets the criteria set forth in division (A) of this	1995
section shall submit to the department of education a school or	1996
district reading achievement improvement plan, which shall	1997
include all requirements prescribed by the state board of	1998
education pursuant to division (C) of this section.	1999
(C) Not later than December 31, 2014, the state board	2000
shall adopt rules in accordance with Chapter 119. of the Revised	2001
Code prescribing the content of and deadlines for the reading	2002
achievement improvement plans required under division (B) of	2003
this section. The rules shall prescribe that each plan include,	2004
at a minimum, an analysis of relevant student performance data,	2005
measurable student performance goals, strategies to meet	2006
specific student needs, a staffing and professional development	2007
plan, and instructional strategies for improving literacy.	2008
(D) Any school district or community school to which this	2009
section applies shall no longer be required to submit an	2010

improvement plan pursuant to division (B) of this section when 2011
that district or school meets either of the following criteria, 2012
as reported on the most recent report card issued for that 2013
district or school under section 3302.03 of the Revised Code: 2014

(1) The district or school received a grade of "C" or 2015
higher on the kindergarten through third-grade literacy progress 2016
measure under division (C) (3) (e) of section 3302.03 of the 2017
Revised Code. 2018

(2) Not less than sixty per cent of the district's 2019
students who took the third grade English language arts 2020
assessment prescribed under section 3301.0710 of the Revised 2021
Code ~~during the most recent fall and spring administrations of~~ 2022
~~that assessment attain for that school year attained~~ at least a 2023
proficient score on that assessment. 2024

(E) The department of education shall post in a prominent 2025
location on its web site all plans submitted pursuant to this 2026
section. 2027

Sec. 3313.608. (A) (1) Beginning with students who enter 2028
third grade in the school year that starts July 1, 2009, and 2029
until June 30, 2013, unless the student is excused under 2030
division (C) of section 3301.0711 of the Revised Code from 2031
taking the assessment described in this section, for any student 2032
who does not attain at least the equivalent level of achievement 2033
designated under division (A) (3) of section 3301.0710 of the 2034
Revised Code on the assessment prescribed under that section to 2035
measure skill in English language arts expected at the end of 2036
third grade, each school district, in accordance with the policy 2037
adopted under section 3313.609 of the Revised Code, shall do one 2038
of the following: 2039

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

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

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is a limited English proficient student who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

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

(B) (1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students

with significant cognitive disabilities or other disabilities as 2098
authorized by the department on a case-by-case basis, enrolled 2099
in kindergarten to third grade and shall identify students who 2100
are reading below their grade level. The reading skills 2101
assessment shall be completed by the thirtieth day of September 2102
for students in grades one to three, and by the first day of 2103
November for students in kindergarten. Each district shall use 2104
the diagnostic assessment to measure reading ability for the 2105
appropriate grade level adopted under section 3301.079 of the 2106
Revised Code, or a comparable tool approved by the department of 2107
education, to identify such students. The policies and 2108
procedures shall require the students' classroom teachers to be 2109
involved in the assessment and the identification of students 2110
reading below grade level. 2111

(2) For each student identified by the diagnostic 2112
assessment prescribed under this section as having reading 2113
skills below grade level, the district shall do both of the 2114
following: 2115

(a) Provide to the student's parent or guardian, in 2116
writing, all of the following: 2117

(i) Notification that the student has been identified as 2118
having a substantial deficiency in reading; 2119

(ii) A description of the current services that are 2120
provided to the student; 2121

(iii) A description of the proposed supplemental 2122
instructional services and supports that will be provided to the 2123
student that are designed to remediate the identified areas of 2124
reading deficiency; 2125

(iv) Notification that if the student attains a score in 2126

the range designated under division (A) (3) of section 3301.0710 2127
of the Revised Code on the assessment prescribed under that 2128
section to measure skill in English language arts expected at 2129
the end of third grade, the student shall be retained unless the 2130
student is exempt under division (A) of this section. The 2131
notification shall specify that the assessment under section 2132
3301.0710 of the Revised Code is not the sole determinant of 2133
promotion and that additional evaluations and assessments are 2134
available to the student to assist parents and the district in 2135
knowing when a student is reading at or above grade level and 2136
ready for promotion. 2137

(b) Provide intensive reading instruction services and 2138
regular diagnostic assessments to the student immediately 2139
following identification of a reading deficiency until the 2140
development of the reading improvement and monitoring plan 2141
required by division (C) of this section. These intervention 2142
services shall include research-based reading strategies that 2143
have been shown to be successful in improving reading among low- 2144
performing readers and instruction targeted at the student's 2145
identified reading deficiencies. 2146

(3) For each student retained under division (A) of this 2147
section, the district shall do all of the following: 2148

(a) Provide intense remediation services until the student 2149
is able to read at grade level. The remediation services shall 2150
include intensive interventions in reading that address the 2151
areas of deficiencies identified under this section including, 2152
but not limited to, not less than ninety minutes of reading 2153
instruction per day, and may include any of the following: 2154

(i) Small group instruction; 2155

(ii) Reduced teacher-student ratios;	2156
(iii) More frequent progress monitoring;	2157
(iv) Tutoring or mentoring;	2158
(v) Transition classes containing third and fourth grade students;	2159 2160
(vi) Extended school day, week, or year;	2161
(vii) Summer reading camps.	2162
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	2163 2164 2165 2166
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	2167 2168 2169
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	2170 2171 2172 2173 2174 2175 2176 2177
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	2178 2179 2180 2181 2182

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 2183
2184
2185

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 2186
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(1) Identification of the student's specific reading deficiencies; 2194
2195

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 2196
2197
2198

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section; 2199
2200
2201

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 2202
2203
2204

(5) A reading curriculum during regular school hours that does all of the following: 2205
2206

(a) Assists students to read at grade level; 2207

(b) Provides scientifically based and reliable assessment; 2208

(c) Provides initial and ongoing analysis of each student's reading progress. 2209
2210

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

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

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

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

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 2241

(1) The remediation methods are based on reliable 2242
educational research. 2243

(2) The school districts conduct assessment before and 2244
after students participate in the program to facilitate 2245
monitoring results of the remediation services. 2246

(3) The parents of participating students are involved in 2247
programming decisions. 2248

(F) Any intervention or remediation services required by 2249
this section shall include intensive, explicit, and systematic 2250
instruction. 2251

(G) This section does not create a new cause of action or 2252
a substantive legal right for any person. 2253

(H) (1) Except as provided under divisions (H) (2), (3), and 2254
(4) of this section, each student described in division (B) (3) 2255
or (C) of this section who enters third grade for the first time 2256
on or after July 1, 2013, shall be assigned a teacher who has at 2257
least one year of teaching experience and who satisfies one or 2258
more of the following criteria: 2259

(a) The teacher holds a reading endorsement on the 2260
teacher's license and has attained a passing score on the 2261
corresponding assessment for that endorsement, as applicable. 2262

(b) The teacher has completed a master's degree program 2263
with a major in reading. 2264

(c) The teacher was rated "most effective" for reading 2265
instruction consecutively for the most recent two years based on 2266
assessments of student growth measures developed by a vendor and 2267
that is on the list of student assessments approved by the state 2268

board under division (B) (2) of section 3319.112 of the Revised Code. 2269
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 2271
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 2274
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 2277
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(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section. 2280
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(3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the 2288
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reading competencies adopted by the state board of education 2298
under section 3301.077 of the Revised Code. 2299

(4) Notwithstanding division (H) (1) of this section, a 2300
student described in division (B) (3) or (C) of this section who 2301
enters third grade for the first time on or after July 1, 2013, 2302
may receive reading intervention or remediation services under 2303
this section from an individual employed as a speech-language 2304
pathologist who holds a license issued by the board of speech- 2305
language pathology and audiology under Chapter 4753. of the 2306
Revised Code and a professional pupil services license as a 2307
school speech-language pathologist issued by the state board of 2308
education. 2309

(5) A teacher, other than a student's teacher of record, 2310
may provide any services required under this section, so long as 2311
that other teacher meets the requirements of division (H) of 2312
this section and the teacher of record and the school principal 2313
agree to the assignment. Any such assignment shall be documented 2314
in the student's reading improvement and monitoring plan. 2315

As used in this division, "teacher of record" means the 2316
classroom teacher to whom a student is assigned. 2317

(I) Notwithstanding division (H) of this section, a 2318
teacher may teach reading to any student who is an English 2319
language learner, and has been in the United States for three 2320
years or less, or to a student who has an individualized 2321
education program developed under Chapter 3323. of the Revised 2322
Code if that teacher holds an alternative credential approved by 2323
the department or has successfully completed training that is 2324
based on principles of scientifically research-based reading 2325
instruction that has been approved by the department. Beginning 2326
on July 1, 2014, the alternative credentials and training 2327

described in this division shall be aligned with the reading 2328
competencies adopted by the state board of education under 2329
section 3301.077 of the Revised Code. 2330

(J) If, on or after June 4, 2013, a school district or 2331
community school cannot furnish the number of teachers needed 2332
who satisfy one or more of the criteria set forth in division 2333
(H) of this section for the 2013-2014 school year, the school 2334
district or community school shall develop and submit a staffing 2335
plan by June 30, 2013. The staffing plan shall include criteria 2336
that will be used to assign a student described in division (B) 2337
(3) or (C) of this section to a teacher, credentials or training 2338
held by teachers currently teaching at the school, and how the 2339
school district or community school will meet the requirements 2340
of this section. The school district or community school shall 2341
post the staffing plan on its web site for the applicable school 2342
year. 2343

Not later than March 1, 2014, and on the first day of 2344
March in each year thereafter, a school district or community 2345
school that has submitted a plan under this division shall 2346
submit to the department a detailed report of the progress the 2347
district or school has made in meeting the requirements under 2348
this section. 2349

A school district or community school may request an 2350
extension of a staffing plan beyond the 2013-2014 school year. 2351
Extension requests must be submitted to the department not later 2352
than the thirtieth day of April prior to the start of the 2353
applicable school year. The department may grant extensions 2354
valid through the 2015-2016 school year. 2355

Until June 30, 2015, the department annually shall review 2356
all staffing plans and report to the state board not later than 2357

the thirtieth day of June of each year the progress of school 2358
districts and community schools in meeting the requirements of 2359
this section. 2360

(K) The department of education shall designate one or 2361
more staff members to provide guidance and assistance to school 2362
districts and community schools in implementing the third grade 2363
guarantee established by this section, including any standards 2364
or requirements adopted to implement the guarantee and to 2365
provide information and support for reading instruction and 2366
achievement. 2367

Sec. 3313.903. Except as otherwise required under federal 2368
law, the department of education shall consider an industry- 2369
recognized credential, as described under division (B) (2) (d) of 2370
section 3302.03 of the Revised Code, or a license issued by a 2371
state agency or board for practice in a vocation that requires 2372
an examination for issuance of that license as an acceptable 2373
measure of technical skill attainment and shall not require a 2374
student with such credential or license to take additional 2375
technical assessments. 2376

Sec. 3319.111. Notwithstanding section 3319.09 of the 2377
Revised Code, this section applies to any person who is employed 2378
under a teacher license issued under this chapter, or under a 2379
professional or permanent teacher's certificate issued under 2380
former section 3319.222 of the Revised Code, and who spends at 2381
least fifty per cent of the time employed providing student 2382
instruction. However, this section does not apply to any person 2383
who is employed as a substitute teacher or as an instructor of 2384
adult education. 2385

(A) Not later than July 1, 2013, the board of education of 2386
each school district, in consultation with teachers employed by 2387

the board, shall adopt a standards-based teacher evaluation 2388
policy that conforms with the framework for evaluation of 2389
teachers developed under section 3319.112 of the Revised Code. 2390
The policy shall become operative at the expiration of any 2391
collective bargaining agreement covering teachers employed by 2392
the board that is in effect on September 29, 2011, and shall be 2393
included in any renewal or extension of such an agreement. 2394

(B) When using measures of student academic growth as a 2395
component of a teacher's evaluation, ~~those measures shall~~ 2396
~~include the value-added progress dimension prescribed by section~~ 2397
~~3302.021 of the Revised Code or an alternative student academic~~ 2398
~~progress measure if adopted under division (C) (1) (e) of section~~ 2399
~~3302.03 of the Revised Code. For teachers of grade levels and~~ 2400
~~subjects for which the value-added progress dimension or~~ 2401
~~alternative student academic progress measure is not applicable,~~ 2402
the board shall do the following: 2403

(1) For teachers who teach English language arts or 2404
mathematics in any of grades four through eight for which the 2405
value-added progress dimension prescribed by section 3302.021 of 2406
the Revised Code or an alternative student academic progress 2407
measure, if adopted under division (C) (1) (e) of section 3302.03 2408
of the Revised Code, is applicable, the board shall use the 2409
value-added progress dimension or the alternative student 2410
academic progress measure. 2411

(2) For teachers who teach English language arts, 2412
mathematics, science, or social studies in any of grades four 2413
through twelve for which the value-added progress dimension or 2414
alternative student academic progress measure is not applicable, 2415
the board shall administer assessments on the list developed 2416
under division (B) (2) of section 3319.112 of the Revised Code. 2417

(3) For teachers who teach in a subject area other than English language arts, mathematics, science, or social studies in any of grades four through twelve for which the value-added progress dimension or alternative student academic progress measure is not applicable, the board shall establish and use a method for determining the student academic growth measure. 2418
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(4) For teachers who teach English language arts or mathematics in any of grades one through three, the board shall administer assessments on the list developed under division (B) (2) of section 3319.112 of the Revised Code. 2424
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(5) For teachers who teach kindergarten or teach in a subject area other than English language arts or mathematics in any of grades one through three, the board shall establish and use a method for determining the student academic growth measure. 2428
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Not later than thirty days after the effective date of this amendment, the state board of education shall prescribe procedures for evaluating the student academic growth of a teacher under divisions (B) (1), (2), and (4) of this section, and shall provide guidance to districts for the evaluation of the student academic growth of a teacher under divisions (B) (3) and (5) of this section. 2433
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(C) (1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C) (2) of this section. The evaluation shall be completed by the first day of May and the teacher shall receive a written report of the results of the evaluation by the tenth day of May. 2440
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(2) (a) The board may evaluate each teacher who received a 2446

rating of accomplished on the teacher's most recent evaluation 2447
conducted under this section once every three school years, so 2448
long as the teacher's student academic growth measure, for the 2449
most recent school year for which data is available, is average 2450
or higher, as determined by the department of education. 2451

(b) The board may evaluate each teacher who received a 2452
rating of skilled on the teacher's most recent evaluation 2453
conducted under this section once every two years, so long as 2454
the teacher's student academic growth measure, for the most 2455
recent school year for which data is available, is average or 2456
higher, as determined by the department of education. 2457

(c) For each teacher who is evaluated pursuant to division 2458
(C) (2) of this section, the evaluation shall be completed by the 2459
first day of May of the applicable school year, and the teacher 2460
shall receive a written report of the results of the evaluation 2461
by the tenth day of May of that school year. 2462

(d) Beginning with the 2014-2015 school year, the board 2463
may elect not to conduct an evaluation of a teacher who meets 2464
one of the following requirements: 2465

(i) The teacher was on leave from the school district for 2466
fifty per cent or more of the school year, as calculated by the 2467
board. 2468

(ii) The teacher has submitted notice of retirement and 2469
that notice has been accepted by the board not later than the 2470
first day of December of the school year in which the evaluation 2471
is otherwise scheduled to be conducted. 2472

(3) In any year that a teacher is not formally evaluated 2473
pursuant to division (C) of this section as a result of 2474
receiving a rating of accomplished or skilled on the teacher's 2475

most recent evaluation, an individual qualified to evaluate a 2476
teacher under division (D) of this section shall conduct at 2477
least one observation of the teacher and hold at least one 2478
conference with the teacher. 2479

(D) Each evaluation conducted pursuant to this section 2480
shall be conducted by one or more of the following persons who 2481
hold a credential established by the department of education for 2482
being an evaluator: 2483

(1) A person who is under contract with the board pursuant 2484
to section 3319.01 or 3319.02 of the Revised Code and holds a 2485
license designated for being a superintendent, assistant 2486
superintendent, or principal issued under section 3319.22 of the 2487
Revised Code; 2488

(2) A person who is under contract with the board pursuant 2489
to section 3319.02 of the Revised Code and holds a license 2490
designated for being a vocational director, administrative 2491
specialist, or supervisor in any educational area issued under 2492
section 3319.22 of the Revised Code; 2493

(3) A person designated to conduct evaluations under an 2494
agreement entered into by the board, including an agreement 2495
providing for peer review entered into by the board and 2496
representatives of teachers employed by the board; 2497

(4) A person who is employed by an entity contracted by 2498
the board to conduct evaluations and who holds a license 2499
designated for being a superintendent, assistant superintendent, 2500
principal, vocational director, administrative specialist, or 2501
supervisor in any educational area issued under section 3319.22 2502
of the Revised Code or is qualified to conduct evaluations. 2503

(E) Notwithstanding division (A) (3) of section 3319.112 of 2504

the Revised Code: 2505

(1) The board shall require at least three formal 2506
observations of each teacher who is under consideration for 2507
nonrenewal and with whom the board has entered into a limited 2508
contract or an extended limited contract under section 3319.11 2509
of the Revised Code. 2510

(2) The board may elect, by adoption of a resolution, to 2511
require only one formal observation of a teacher who received a 2512
rating of accomplished on the teacher's most recent evaluation 2513
conducted under this section, provided the teacher completes a 2514
project that has been approved by the board to demonstrate the 2515
teacher's continued growth and practice at the accomplished 2516
level. 2517

(F) The board shall include in its evaluation policy 2518
procedures for using the evaluation results for retention and 2519
promotion decisions and for removal of poorly performing 2520
teachers. Seniority shall not be the basis for a decision to 2521
retain a teacher, except when making a decision between teachers 2522
who have comparable evaluations. 2523

(G) For purposes of section 3333.0411 of the Revised Code, 2524
the board annually shall report to the department of education 2525
the number of teachers for whom an evaluation was conducted 2526
under this section and the number of teachers assigned each 2527
rating prescribed under division (B) (1) of section 3319.112 of 2528
the Revised Code, aggregated by the teacher preparation programs 2529
from which and the years in which the teachers graduated. The 2530
department shall establish guidelines for reporting the 2531
information required by this division. The guidelines shall not 2532
permit or require that the name of, or any other personally 2533
identifiable information about, any teacher be reported under 2534

this division. 2535

(H) Notwithstanding any provision to the contrary in 2536
Chapter 4117. of the Revised Code, the requirements of this 2537
section prevail over any conflicting provisions of a collective 2538
bargaining agreement entered into on or after September 24, 2539
2012. 2540

Section 2. That existing sections 3301.079, 3301.0710, 2541
3301.0711, 3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 2542
3313.608, and 3319.111 of the Revised Code are hereby repealed. 2543

Section 3. That Sections 10 and 13 of Am. Sub. H.B. 487 of 2544
the 130th General Assembly be amended to read as follows: 2545

Sec. 10. (A) For the 2014-2015 and 2015-2016 school 2546
~~year~~years, no school district, community school, STEM school, 2547
college-preparatory boarding school, or chartered nonpublic 2548
school shall be required to administer in an online format any 2549
assessments prescribed by sections 3301.0710 and 3301.0712 of 2550
the Revised Code. However, a district or school may administer 2551
any of those assessments in an online format at the discretion 2552
of the district board or school governing authority, or in any 2553
combination of online and paper formats. The Department of 2554
Education shall furnish, free of charge, all such assessments 2555
for ~~that those~~ school year-years regardless of the format 2556
selected by the district or school. 2557

(B) Not later than December 31, 2014, the Department shall 2558
submit a report to the Governor and the General Assembly, in 2559
accordance with section 101.68 of the Revised Code, on the 2560
security of student data with regard to the administration of 2561
online assessments. 2562

(C) Not later than July 1, 2015, the Department shall 2563

publish the number of districts and schools that administered 2564
the assessments required under sections 3301.0710 and 3301.0712 2565
of the Revised Code in all of the following formats: 2566

(1) Completely in an online format; 2567

(2) Completely in a paper format; 2568

(3) In any combination of online and paper formats. 2569

Sec. 13. Notwithstanding anything in the Revised Code to 2570
the contrary, the board of education of a school district, the 2571
governing authority of a community school established under 2572
Chapter 3314. of the Revised Code, or the governing body of a 2573
STEM school established under Chapter 3326. of the Revised Code 2574
that has entered into a collective bargaining agreement with its 2575
teachers under Chapter 4117. of the Revised Code may enter into 2576
a separate memorandum of understanding with the exclusive 2577
representative of its teachers stipulating that the value-added 2578
progress dimension rating that is based on the results of the 2579
assessments prescribed under sections 3301.0710 and 3301.0712 of 2580
the Revised Code administered in the 2014-2015 school year and 2581
is used to assess student academic growth for purposes of 2582
teacher evaluations under sections 3311.80, 3319.111, and 2583
3319.112 of the Revised Code will not be used when making 2584
decisions regarding the dismissal, retention, tenure, or 2585
compensation of the district's or school's teachers. If such a 2586
memorandum of understanding is entered into, the district or 2587
school shall use a different measure of student progress, 2588
approved by the Department of Education, for purposes of teacher 2589
evaluations under sections 3311.80, 3319.111, and 3319.112 of 2590
the Revised Code. 2591

As used in this section, "value-added progress dimension" 2592

means the value-added progress dimension prescribed by section 2593
3302.021 of the Revised Code or an alternative student academic 2594
progress measure if adopted under division (C)(1)(e) of section 2595
3303.03 of the Revised Code. 2596

Section 4. That existing Sections 10 and 13 of Am. Sub. 2597
H.B. 487 of the 130th General Assembly are hereby repealed. 2598

Section 5. The Department of Education shall study the 2599
impact on student performance of the online administration of 2600
the state assessments prescribed under sections 3301.0710 and 2601
3301.0712 of the Revised Code. Not later than June 30, 2016, the 2602
Department shall submit the results of its study to the General 2603
Assembly, in accordance with section 101.68 of the Revised Code, 2604
and to the Governor. 2605

Section 6. Not later than July 1, 2016, the State Board of 2606
Education shall review and revise the framework for evaluation 2607
of teachers prescribed under sections 3319.111, 3319.112, and 2608
3319.114 of the Revised Code to reduce the estimated time 2609
necessary to complete teacher evaluations. 2610

Section 7. The Department of Education shall conduct a 2611
comprehensive survey of the capacity and readiness of each 2612
school district for online administration of the assessments 2613
prescribed by sections 3301.0710 and 3301.0712 of the Revised 2614
Code based on recommended specifications for such administration 2615
of the assessments. The survey conducted under this section 2616
shall include information regarding hardware, software, 2617
bandwidth, technical support, security requirements, training 2618
for teachers regarding the administration of assessments, and 2619
training for students regarding taking the assessments. 2620

Not later than ninety days after the effective date of 2621

this section, the Department shall compile and present to the Governor, the chairpersons and ranking members of the education committees of the Senate and House of Representatives, and the State Board of Education the results of the survey conducted under this section and a detailed implementation plan to address any issues or problems identified in the survey.

Section 8. (A) Not later than thirty days after the effective date of this section, the State Board of Education shall provide on the web site of the Department of Education an online opportunity to make comments on specific academic content standards adopted under section 3301.079 of the Revised Code as part of the process established for the academic standards review committees under division (I) of that section.

(B) Not later than June 30, 2016, the State Board of Education shall do the following:

(1) Review the current academic content standards taking into consideration the input from the academic standards review committees and comments posted on the Department's web site under division (A) of this section;

(2) Adopt revised academic content standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

Section 9. Not later than thirty days after the effective date of this section, the Department of Education shall issue a request for proposals to provide the elementary assessments prescribed by section 3301.0710 of the Revised Code and the end-of-course examinations prescribed by section 3301.0712 of the Revised Code for administration by school districts and schools beginning with the 2015-2016 school year. In reviewing proposals

the Department shall consider, at a minimum, ease of 2651
administration, content, format, overall quality, performance 2652
benchmarks, and cost. The Department shall solicit input from 2653
teachers and administrators when reviewing proposals. Multistate 2654
consortia shall not be eligible to submit a proposal. 2655