

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 591**

**Representative Duffey**

**Cosponsors: Representatives Seitz, Riedel, Schaffer, Reineke, Gavarone, Lang**

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**A BILL**

To amend sections 3301.0710, 3301.0711, 3301.0714, 1  
3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 2  
3302.03, 3302.033, 3302.036, 3302.04, 3302.05, 3  
3302.063, 3302.10, 3302.12, 3302.13, 3302.15, 4  
3302.151, 3302.21, 3302.22, 3310.03, 3311.741, 5  
3311.80, 3313.413, 3313.618, 3313.6113, 6  
3313.903, 3314.012, 3314.015, 3314.016, 7  
3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 8  
3314.085, 3314.35, 3317.0216, 3319.111, 9  
3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 10  
3333.041, 3333.048, and 3333.391; to amend, for 11  
the purpose of adopting a new section number as 12  
indicated in parentheses, section 3302.03 13  
(3302.032); to enact new section 3302.03; and to 14  
repeal sections 3302.031, 3302.032, 3302.034, 15  
3302.035, and 3314.37 of the Revised Code to 16  
revise the state report card rating system for 17  
school districts and public schools. 18

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

**Section 1.** That sections 3301.0710, 3301.0711, 3301.0714, 19

3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 3302.03, 20  
3302.033, 3302.036, 3302.04, 3302.05, 3302.063, 3302.10, 21  
3302.12, 3302.13, 3302.15, 3302.151, 3302.21, 3302.22, 3310.03, 22  
3311.741, 3311.80, 3313.413, 3313.618, 3313.6113, 3313.903, 23  
3314.012, 3314.015, 3314.016, 3314.017, 3314.02, 3314.03, 24  
3314.034, 3314.05, 3314.085, 3314.35, 3317.0216, 3319.111, 25  
3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 3333.041, 26  
3333.048, and 3333.391 be amended; section 3302.03 (3302.032) be 27  
amended for the purpose of adopting a new section number as 28  
indicated in parentheses; and new section 3302.03 of the Revised 29  
Code be enacted to read as follows: 30

**Sec. 3301.0710.** The state board of education shall adopt 31  
rules establishing a statewide program to assess student 32  
achievement. The state board shall ensure that all assessments 33  
administered under the program are aligned with the academic 34  
standards and model curricula adopted by the state board and are 35  
created with input from Ohio parents, Ohio classroom teachers, 36  
Ohio school administrators, and other Ohio school personnel 37  
pursuant to section 3301.079 of the Revised Code. 38

The assessment program shall be designed to ensure that 39  
students who receive a high school diploma demonstrate at least 40  
high school levels of achievement in English language arts, 41  
mathematics, science, and social studies. 42

(A) (1) The state board shall prescribe all of the 43  
following: 44

(a) Two statewide achievement assessments, one each 45  
designed to measure the level of English language arts and 46  
mathematics skill expected at the end of third grade; 47

(b) Two statewide achievement assessments, one each 48

designed to measure the level of English language arts and	49
mathematics skill expected at the end of fourth grade;	50
(c) Three statewide achievement assessments, one each	51
designed to measure the level of English language arts,	52
mathematics, and science skill expected at the end of fifth	53
grade;	54
(d) Two statewide achievement assessments, one each	55
designed to measure the level of English language arts and	56
mathematics skill expected at the end of sixth grade;	57
(e) Two statewide achievement assessments, one each	58
designed to measure the level of English language arts and	59
mathematics skill expected at the end of seventh grade;	60
(f) Three statewide achievement assessments, one each	61
designed to measure the level of English language arts,	62
mathematics, and science skill expected at the end of eighth	63
grade.	64
(2) The state board shall determine and designate at least	65
five ranges of scores on each of the achievement assessments	66
described in divisions (A) (1) and (B) (1) of this section. Each	67
range of scores shall be deemed to demonstrate a level of	68
achievement so that any student attaining a score within such	69
range has achieved one of the following:	70
(a) An advanced level of skill;	71
(b) An accelerated level of skill;	72
(c) A proficient level of skill;	73
(d) A basic level of skill;	74
(e) A limited level of skill.	75

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

(4) Each school district or school shall teach and assess social studies in at least the fourth and sixth grades. Any assessment in such area shall be determined by the district or school and may be formative or summative in nature. The results of such assessment shall not be reported to the department of education.

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

(2) The state board shall prescribe an assessment system 106  
in accordance with section 3301.0712 of the Revised Code that 107  
shall replace the Ohio graduation tests beginning with students 108  
who enter the ninth grade for the first time on or after July 1, 109  
2014. 110

(3) The state board may enter into a reciprocal agreement 111  
with the appropriate body or agency of any other state that has 112  
similar statewide achievement assessment requirements for 113  
receiving high school diplomas, under which any student who has 114  
met an achievement assessment requirement of one state is 115  
recognized as having met the similar requirement of the other 116  
state for purposes of receiving a high school diploma. For 117  
purposes of this section and sections 3301.0711 and 3313.61 of 118  
the Revised Code, any student enrolled in any public high school 119  
in this state who has met an achievement assessment requirement 120  
specified in a reciprocal agreement entered into under this 121  
division shall be deemed to have attained at least the 122  
applicable score designated under this division on each 123  
assessment required by division (B) (1) or (2) of this section 124  
that is specified in the agreement. 125

(C) The superintendent of public instruction shall 126  
designate dates and times for the administration of the 127  
assessments prescribed by divisions (A) and (B) of this section. 128

In prescribing administration dates pursuant to this 129  
division, the superintendent shall designate the dates in such a 130  
way as to allow a reasonable length of time between the 131  
administration of assessments prescribed under this section and 132  
any administration of the national assessment of educational 133  
progress given to students in the same grade level pursuant to 134  
section 3301.27 of the Revised Code or federal law. 135

~~(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B) (1) of this section that is of comparable length to the actual test.~~ 136  
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~~(E)~~ Any committee established by the department of 139  
education for the purpose of making recommendations to the state 140  
board regarding the state board's designation of scores on the 141  
assessments described by this section shall inform the state 142  
board of the probable percentage of students who would score in 143  
each of the ranges established under division (A) (2) of this 144  
section on the assessments if the committee's recommendations 145  
are adopted by the state board. To the extent possible, these 146  
percentages shall be disaggregated by gender, major racial and 147  
ethnic groups, limited English proficient students, economically 148  
disadvantaged students, students with disabilities, and migrant 149  
students. 150

**Sec. 3301.0711.** (A) The department of education shall: 151

(1) Annually furnish to, grade, and score all assessments 152  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 153  
the Revised Code to be administered by city, local, exempted 154  
village, and joint vocational school districts, ~~except that each~~ 155  
~~district shall score any assessment administered pursuant to~~ 156  
~~division (B) (10) of this section.~~ Each assessment so furnished 157  
shall include the data verification code of the student to whom 158  
the assessment will be administered, as assigned pursuant to 159  
division (D) (2) of section 3301.0714 of the Revised Code. ~~In~~ 160  
~~furnishing the practice versions of Ohio graduation tests~~ 161  
~~prescribed by division (D) of section 3301.0710 of the Revised~~ 162  
~~Code, the department shall make the tests available on its web~~ 163  
~~site for reproduction by districts.~~ In awarding contracts for 164  
grading assessments, the department shall give preference to 165

Ohio-based entities employing Ohio residents.	166
(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.	167 168 169 170
(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:	171 172 173 174
(1) Administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.	175 176 177 178 179 180
(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	181 182 183
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	184 185 186
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	187 188 189
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	190 191 192
(6) Administer the assessments prescribed under division	193

(A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	194 195
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	196 197 198
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	199 200 201
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	202 203 204 205
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	206 207 208 209 210 211
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B) (8) (b) of this section.	212 213 214 215 216 217 218 219 220 221
(10) <del>If the district has a three-year average graduation</del>	222

~~rate of not more than seventy five per cent, administer each 223  
assessment prescribed by division (D) of section 3301.0710 of 224  
the Revised Code in September to all ninth grade students who 225  
entered ninth grade prior to July 1, 2014. 226~~

Except as provided in section 3313.614 of the Revised Code 227  
for administration of an assessment to a person who has 228  
fulfilled the curriculum requirement for a high school diploma 229  
but has not passed one or more of the required assessments, the 230  
assessments prescribed under division (B) (1) of section 231  
3301.0710 of the Revised Code shall not be administered after 232  
the date specified in the rules adopted by the state board of 233  
education under division (D) (1) of section 3301.0712 of the 234  
Revised Code. 235

(11) (a) Except as provided in division (B) (11) (b) of this 236  
section, administer the assessments prescribed by division (B) 237  
(2) of section 3301.0710 and section 3301.0712 of the Revised 238  
Code in accordance with the timeline and plan for implementation 239  
of those assessments prescribed by rule of the state board 240  
adopted under division (D) (1) of section 3301.0712 of the 241  
Revised Code; 242

(b) A student who has presented evidence to the district 243  
or school of having satisfied the condition prescribed by 244  
division (A) (1) of section 3313.618 of the Revised Code to 245  
qualify for a high school diploma prior to the date of the 246  
administration of the assessment prescribed under division (B) 247  
(1) of section 3301.0712 of the Revised Code shall not be 248  
required to take that assessment. However, no board shall 249  
prohibit a student who is not required to take such assessment 250  
from taking the assessment. 251

(C) (1) (a) In the case of a student receiving special 252

education services under Chapter 3323. of the Revised Code, the 253  
individualized education program developed for the student under 254  
that chapter shall specify the manner in which the student will 255  
participate in the assessments administered under this section, 256  
except that a student with significant cognitive disabilities to 257  
whom an alternate assessment is administered in accordance with 258  
division (C) (1) of this section and a student determined to have 259  
a disability that includes an intellectual disability as 260  
outlined in guidance issued by the department shall not be 261  
required to take the assessment prescribed under division (B) (1) 262  
of section 3301.0712 of the Revised Code. The individualized 263  
education program may excuse the student from taking any 264  
particular assessment required to be administered under this 265  
section if it instead specifies an alternate assessment method 266  
approved by the department of education as conforming to 267  
requirements of federal law for receipt of federal funds for 268  
disadvantaged pupils. To the extent possible, the individualized 269  
education program shall not excuse the student from taking an 270  
assessment unless no reasonable accommodation can be made to 271  
enable the student to take the assessment. No board shall 272  
prohibit a student who is not required to take an assessment 273  
under division (C) (1) of this section from taking the 274  
assessment. 275

(b) Any alternate assessment approved by the department 276  
for a student under this division shall produce measurable 277  
results comparable to those produced by the assessment it 278  
replaces in order to allow for the student's results to be 279  
included in the data compiled for a school district or building 280  
under ~~section~~ sections 3302.03 and 3302.032 of the Revised Code. 281

(c) (i) Any student enrolled in a chartered nonpublic 282  
school who has been identified, based on an evaluation conducted 283

in accordance with section 3323.03 of the Revised Code or 284  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 285  
29 U.S.C.A. 794, as amended, as a child with a disability shall 286  
be excused from taking any particular assessment required to be 287  
administered under this section if a plan developed for the 288  
student pursuant to rules adopted by the state board excuses the 289  
student from taking that assessment. 290

(ii) A student with significant cognitive disabilities to 291  
whom an alternate assessment is administered in accordance with 292  
division (C) (1) of this section and a student determined to have 293  
a disability that includes an intellectual disability as 294  
outlined in guidance issued by the department shall not be 295  
required to take the assessment prescribed under division (B) (1) 296  
of section 3301.0712 of the Revised Code. 297

(iii) In the case of any student so excused from taking an 298  
assessment under division (C) (1) (c) of this section, the 299  
chartered nonpublic school shall not prohibit the student from 300  
taking the assessment. 301

(2) A district board may, for medical reasons or other 302  
good cause, excuse a student from taking an assessment 303  
administered under this section on the date scheduled, but that 304  
assessment shall be administered to the excused student not 305  
later than nine days following the scheduled date. The district 306  
board shall annually report the number of students who have not 307  
taken one or more of the assessments required by this section to 308  
the state board not later than the thirtieth day of June. 309

(3) As used in this division, "limited English proficient 310  
student" has the same meaning as in 20 U.S.C. 7801. 311

No school district board shall excuse any limited English 312

proficient student from taking any particular assessment 313  
required to be administered under this section, except as 314  
follows: 315

(a) Any limited English proficient student who has been 316  
enrolled in United States schools for less than two years and 317  
for whom no appropriate accommodations are available based on 318  
guidance issued by the department shall not be required to take 319  
the assessment prescribed under division (B) (1) of section 320  
3301.0712 of the Revised Code. 321

(b) Any limited English proficient student who has been 322  
enrolled in United States schools for less than one full school 323  
year shall not be required to take any reading, writing, or 324  
English language arts assessment. 325

However, no board shall prohibit a limited English 326  
proficient student who is not required to take an assessment 327  
under division (C) (3) of this section from taking the 328  
assessment. A board may permit any limited English proficient 329  
student to take an assessment required to be administered under 330  
this section with appropriate accommodations, as determined by 331  
the department. For each limited English proficient student, 332  
each school district shall annually assess that student's 333  
progress in learning English, in accordance with procedures 334  
approved by the department. 335

(4) (a) The governing authority of a chartered nonpublic 336  
school may excuse a limited English proficient student from 337  
taking any assessment administered under this section. 338

(b) No governing authority shall require a limited English 339  
proficient student who has been enrolled in United States 340  
schools for less than two years and for whom no appropriate 341

accommodations are available based on guidance issued by the 342  
department to take the assessment prescribed under division (B) 343  
(1) of section 3301.0712 of the Revised Code. 344

(c) No governing authority shall prohibit a limited 345  
English proficient student from taking an assessment from which 346  
the student was excused under division (C) (4) of this section. 347

(D) ~~(1)~~ In the school year next succeeding the school year 348  
in which the assessments prescribed by division (A) (1) or (B) (1) 349  
of section 3301.0710 of the Revised Code or former division (A) 350  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 351  
it existed prior to September 11, 2001, are administered to any 352  
student, the board of education of any school district in which 353  
the student is enrolled in that year shall provide to the 354  
student intervention services commensurate with the student's 355  
performance, including any intensive intervention required under 356  
section 3313.608 of the Revised Code, in any skill in which the 357  
student failed to demonstrate at least a score at the proficient 358  
level on the assessment. 359

~~(2) Following any administration of the assessments 360  
prescribed by division (D) of section 3301.0710 of the Revised 361  
Code to ninth grade students, each school district that has a 362  
three year average graduation rate of not more than seventy five 363  
per cent shall determine for each high school in the district 364  
whether the school shall be required to provide intervention 365  
services to any students who took the assessments. In 366  
determining which high schools shall provide intervention 367  
services based on the resources available, the district shall 368  
consider each school's graduation rate and scores on the 369  
practice assessments. The district also shall consider the 370  
scores received by ninth grade students on the English language 371~~

~~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.~~ 372  
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~~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.~~ 376  
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(E) Except as provided in section 3313.608 of the Revised 387  
Code and division (N) of this section, no school district board 388  
of education shall utilize any student's failure to attain a 389  
specified score on an assessment administered under this section 390  
as a factor in any decision to deny the student promotion to a 391  
higher grade level. However, a district board may choose not to 392  
promote to the next grade level any student who does not take an 393  
assessment administered under this section or make up an 394  
assessment as provided by division (C) (2) of this section and 395  
who is not exempt from the requirement to take the assessment 396  
under division (C) (3) of this section. 397

(F) No person shall be charged a fee for taking any 398  
assessment administered under this section. 399

(G) (1) Each school district board shall designate one 400  
location for the collection of assessments administered in the 401

spring under division (B) (1) of this section and those 402  
administered under divisions (B) (2) to (7) of this section. Each 403  
district board shall submit the assessments to the entity with 404  
which the department contracts for the scoring of the 405  
assessments as follows: 406

(a) If the district's total enrollment in grades 407  
kindergarten through twelve during the first full school week of 408  
October was less than two thousand five hundred, not later than 409  
the Friday after all of the assessments have been administered; 410

(b) If the district's total enrollment in grades 411  
kindergarten through twelve during the first full school week of 412  
October was two thousand five hundred or more, but less than 413  
seven thousand, not later than the Monday after all of the 414  
assessments have been administered; 415

(c) If the district's total enrollment in grades 416  
kindergarten through twelve during the first full school week of 417  
October was seven thousand or more, not later than the Tuesday 418  
after all of the assessments have been administered. 419

However, any assessment that a student takes during the 420  
make-up period described in division (C) (2) of this section 421  
shall be submitted not later than the Friday following the day 422  
the student takes the assessment. 423

(2) The department or an entity with which the department 424  
contracts for the scoring of the assessment shall send to each 425  
school district board a list of the individual scores of all 426  
persons taking a state achievement assessment as follows: 427

(a) Except as provided in division (G) (2) (b) or (c) of 428  
this section, within forty-five days after the administration of 429  
the assessments prescribed by sections 3301.0710 and 3301.0712 430

of the Revised Code, but in no case shall the scores be returned 431  
later than the thirtieth day of June following the 432  
administration; 433

(b) In the case of the third-grade English language arts 434  
assessment, within forty-five days after the administration of 435  
that assessment, but in no case shall the scores be returned 436  
later than the fifteenth day of June following the 437  
administration; 438

(c) In the case of the writing component of an assessment 439  
or end-of-course examination in the area of English language 440  
arts, except for the third-grade English language arts 441  
assessment, the results may be sent after forty-five days of the 442  
administration of the writing component, but in no case shall 443  
the scores be returned later than the thirtieth day of June 444  
following the administration. 445

(3) For assessments administered under this section by a 446  
joint vocational school district, the department or entity shall 447  
also send to each city, local, or exempted village school 448  
district a list of the individual scores of any students of such 449  
city, local, or exempted village school district who are 450  
attending school in the joint vocational school district. 451

(H) Individual scores on any assessments administered 452  
under this section shall be released by a district board only in 453  
accordance with section 3319.321 of the Revised Code and the 454  
rules adopted under division (A) of this section. No district 455  
board or its employees shall utilize individual or aggregate 456  
results in any manner that conflicts with rules for the ethical 457  
use of assessments adopted pursuant to division (A) of this 458  
section. 459

(I) Except as provided in division (G) of this section, 460  
the department or an entity with which the department contracts 461  
for the scoring of the assessment shall not release any 462  
individual scores on any assessment administered under this 463  
section. The state board shall adopt rules to ensure the 464  
protection of student confidentiality at all times. The rules 465  
may require the use of the data verification codes assigned to 466  
students pursuant to division (D)(2) of section 3301.0714 of the 467  
Revised Code to protect the confidentiality of student scores. 468

(J) Notwithstanding division (D) of section 3311.52 of the 469  
Revised Code, this section does not apply to the board of 470  
education of any cooperative education school district except as 471  
provided under rules adopted pursuant to this division. 472

(1) In accordance with rules that the state board shall 473  
adopt, the board of education of any city, exempted village, or 474  
local school district with territory in a cooperative education 475  
school district established pursuant to divisions (A) to (C) of 476  
section 3311.52 of the Revised Code may enter into an agreement 477  
with the board of education of the cooperative education school 478  
district for administering any assessment prescribed under this 479  
section to students of the city, exempted village, or local 480  
school district who are attending school in the cooperative 481  
education school district. 482

(2) In accordance with rules that the state board shall 483  
adopt, the board of education of any city, exempted village, or 484  
local school district with territory in a cooperative education 485  
school district established pursuant to section 3311.521 of the 486  
Revised Code shall enter into an agreement with the cooperative 487  
district that provides for the administration of any assessment 488  
prescribed under this section to both of the following: 489

(a) Students who are attending school in the cooperative 490  
district and who, if the cooperative district were not 491  
established, would be entitled to attend school in the city, 492  
local, or exempted village school district pursuant to section 493  
3313.64 or 3313.65 of the Revised Code; 494

(b) Persons described in division (B) (8) (b) of this 495  
section. 496

Any assessment of students pursuant to such an agreement 497  
shall be in lieu of any assessment of such students or persons 498  
pursuant to this section. 499

(K) (1) Except as otherwise provided in division (K) (1) or 500  
(2) of this section, each chartered nonpublic school for which 501  
at least sixty-five per cent of its total enrollment is made up 502  
of students who are participating in state scholarship programs 503  
shall administer the elementary assessments prescribed by 504  
section 3301.0710 of the Revised Code. In accordance with 505  
procedures and deadlines prescribed by the department, the 506  
parent or guardian of a student enrolled in the school who is 507  
not participating in a state scholarship program may submit 508  
notice to the chief administrative officer of the school that 509  
the parent or guardian does not wish to have the student take 510  
the elementary assessments prescribed for the student's grade 511  
level under division (A) of section 3301.0710 of the Revised 512  
Code. If a parent or guardian submits an opt-out notice, the 513  
school shall not administer the assessments to that student. 514  
This option does not apply to any assessment required for a high 515  
school diploma under section 3313.612 of the Revised Code. 516

(2) A chartered nonpublic school may submit to the 517  
superintendent of public instruction a request for a waiver from 518  
administering the elementary assessments prescribed by division 519

(A) of section 3301.0710 of the Revised Code. The state 520  
superintendent shall approve or disapprove a request for a 521  
waiver submitted under division (K) (2) of this section. No 522  
waiver shall be approved for any school year prior to the 2015- 523  
2016 school year. 524

To be eligible to submit a request for a waiver, a 525  
chartered nonpublic school shall meet the following conditions: 526

(a) At least ninety-five per cent of the students enrolled 527  
in the school are children with disabilities, as defined under 528  
section 3323.01 of the Revised Code, or have received a 529  
diagnosis by a school district or from a physician, including a 530  
neuropsychiatrist or psychiatrist, or a psychologist who is 531  
authorized to practice in this or another state as having a 532  
condition that impairs academic performance, such as dyslexia, 533  
dyscalculia, attention deficit hyperactivity disorder, or 534  
Asperger's syndrome. 535

(b) The school has solely served a student population 536  
described in division (K) (1) (a) of this section for at least ten 537  
years. 538

(c) The school provides to the department at least five 539  
years of records of internal testing conducted by the school 540  
that affords the department data required for accountability 541  
purposes, including diagnostic assessments and nationally 542  
standardized norm-referenced achievement assessments that 543  
measure reading and math skills. 544

(3) Any chartered nonpublic school that is not subject to 545  
division (K) (1) of this section may participate in the 546  
assessment program by administering any of the assessments 547  
prescribed by division (A) of section 3301.0710 of the Revised 548

Code. The chief administrator of the school shall specify which 549  
assessments the school will administer. Such specification shall 550  
be made in writing to the superintendent of public instruction 551  
prior to the first day of August of any school year in which 552  
assessments are administered and shall include a pledge that the 553  
nonpublic school will administer the specified assessments in 554  
the same manner as public schools are required to do under this 555  
section and rules adopted by the department. 556

(4) The department of education shall furnish the 557  
assessments prescribed by section 3301.0710 of the Revised Code 558  
to each chartered nonpublic school that is subject to division 559  
(K)(1) of this section or participates under division (K)(3) of 560  
this section. 561

(L) If a chartered nonpublic school is educating students 562  
in grades nine through twelve, the following shall apply: 563

(1) For a student who is enrolled in a chartered nonpublic 564  
school that is accredited through the independent schools 565  
association of the central states and who is attending the 566  
school under a state scholarship program, the student shall 567  
either take all of the assessments prescribed by division (B) of 568  
section 3301.0712 of the Revised Code or take an alternative 569  
assessment approved by the department under section 3313.619 of 570  
the Revised Code. However, a student who is excused from taking 571  
an assessment under division (C) of this section or has 572  
presented evidence to the chartered nonpublic school of having 573  
satisfied the condition prescribed by division (A)(1) of section 574  
3313.618 of the Revised Code to qualify for a high school 575  
diploma prior to the date of the administration of the 576  
assessment prescribed under division (B)(1) of section 3301.0712 577  
of the Revised Code shall not be required to take that 578

assessment. No governing authority of a chartered nonpublic 579  
school shall prohibit a student who is not required to take such 580  
assessment from taking the assessment. 581

(2) For a student who is enrolled in a chartered nonpublic 582  
school that is accredited through the independent schools 583  
association of the central states, and who is not attending the 584  
school under a state scholarship program, the student shall not 585  
be required to take any assessment prescribed under section 586  
3301.0712 or 3313.619 of the Revised Code. 587

(3) (a) Except as provided in division (L) (3) (b) of this 588  
section, for a student who is enrolled in a chartered nonpublic 589  
school that is not accredited through the independent schools 590  
association of the central states, regardless of whether the 591  
student is attending or is not attending the school under a 592  
state scholarship program, the student shall do one of the 593  
following: 594

(i) Take all of the assessments prescribed by division (B) 595  
of section 3301.0712 of the Revised Code; 596

(ii) Take only the assessment prescribed by division (B) 597  
(1) of section 3301.0712 of the Revised Code, provided that the 598  
student's school publishes the results of that assessment for 599  
each graduating class. The published results of that assessment 600  
shall include the overall composite scores, mean scores, twenty- 601  
fifth percentile scores, and seventy-fifth percentile scores for 602  
each subject area of the assessment. 603

(iii) Take an alternative assessment approved by the 604  
department under section 3313.619 of the Revised Code. 605

(b) A student who is excused from taking an assessment 606  
under division (C) of this section or has presented evidence to 607

the chartered nonpublic school of having satisfied the condition 608  
prescribed by division (A) (1) of section 3313.618 of the Revised 609  
Code to qualify for a high school diploma prior to the date of 610  
the administration of the assessment prescribed under division 611  
(B) (1) of section 3301.0712 of the Revised Code shall not be 612  
required to take that assessment. No governing authority of a 613  
chartered nonpublic school shall prohibit a student who is not 614  
required to take such assessment from taking the assessment. 615

(M) (1) The superintendent of the state school for the 616  
blind and the superintendent of the state school for the deaf 617  
shall administer the assessments described by sections 3301.0710 618  
and 3301.0712 of the Revised Code. Each superintendent shall 619  
administer the assessments in the same manner as district boards 620  
are required to do under this section and rules adopted by the 621  
department of education and in conformity with division (C) (1) 622  
(a) of this section. 623

(2) The department of education shall furnish the 624  
assessments described by sections 3301.0710 and 3301.0712 of the 625  
Revised Code to each superintendent. 626

(N) Notwithstanding division (E) of this section, a school 627  
district may use a student's failure to attain a score in at 628  
least the proficient range on the mathematics assessment 629  
described by division (A) (1) (a) of section 3301.0710 of the 630  
Revised Code or on an assessment described by division (A) (1) 631  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 632  
Code as a factor in retaining that student in the current grade 633  
level. 634

(O) (1) In the manner specified in divisions (O) (3), (4), 635  
(6), and (7) of this section, the assessments required by 636  
division (A) (1) of section 3301.0710 of the Revised Code shall 637

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 (O) (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 (O) (1) of this section.

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

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

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

determine which questions will be needed for reuse on a future 667  
assessment and those questions shall not be public records and 668  
shall be redacted from the assessment prior to its release as a 669  
public record. However, for each redacted question, the 670  
department shall inform each city, local, and exempted village 671  
school district of the statewide academic standard adopted by 672  
the state board under section 3301.079 of the Revised Code and 673  
the corresponding benchmark to which the question relates. The 674  
preceding sentence does not apply to field test questions that 675  
are redacted under division (O) (3) of this section. 676

(c) The administrations of each assessment in the 2011- 677  
2012, 2012-2013, and 2013-2014 school years shall not be a 678  
public record. 679

(5) Each assessment prescribed by division (B) (1) of 680  
section 3301.0710 of the Revised Code shall not be a public 681  
record. 682

(6) (a) Except as provided in division (O) (6) (b) of this 683  
section, for the administrations in the 2014-2015, 2015-2016, 684  
and 2016-2017 school years, questions on the assessments 685  
prescribed under division (A) of section 3301.0710 and division 686  
(B) (2) of section 3301.0712 of the Revised Code and the 687  
corresponding preferred answers that are used to compute a 688  
student's score shall become a public record as follows: 689

(i) Forty per cent of the questions and preferred answers 690  
on the assessments on the thirty-first day of July following the 691  
administration of the assessment; 692

(ii) Twenty per cent of the questions and preferred 693  
answers on the assessment on the thirty-first day of July one 694  
year after the administration of the assessment; 695

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

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

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

(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.

(7) Division (O) (7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding

standards and benchmarks to field test questions that are redacted under division (O) (3) of this section.	725 726
(P) As used in this section:—	727
<del>(1) "Three-year average" means the average of the most-recent consecutive three school years of data.—</del>	728 729
<del>(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state.— "Dropout" does not include a student who has departed the country.—</del>	730 731 732 733 734 735
<del>(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.—</del>	736 737 738 739 740 741 742 743 744 745
<del>(4) "State, "state scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.</del>	746 747 748 749 750 751 752 753

**Sec. 3301.0714.** (A) The state board of education shall 754  
adopt rules for a statewide education management information 755  
system. The rules shall require the state board to establish 756  
guidelines for the establishment and maintenance of the system 757  
in accordance with this section and the rules adopted under this 758  
section. The guidelines shall include: 759

(1) Standards identifying and defining the types of data 760  
in the system in accordance with divisions (B) and (C) of this 761  
section; 762

(2) Procedures for annually collecting and reporting the 763  
data to the state board in accordance with division (D) of this 764  
section; 765

(3) Procedures for annually compiling the data in 766  
accordance with division (G) of this section; 767

(4) Procedures for annually reporting the data to the 768  
public in accordance with division (H) of this section; 769

(5) Standards to provide strict safeguards to protect the 770  
confidentiality of personally identifiable student data. 771

(B) The guidelines adopted under this section shall 772  
require the data maintained in the education management 773  
information system to include at least the following: 774

(1) Student participation and performance data, for each 775  
grade in each school district as a whole and for each grade in 776  
each school building in each school district, that includes: 777

(a) The numbers of students receiving each category of 778  
instructional service offered by the school district, such as 779  
regular education instruction, vocational education instruction, 780  
specialized instruction programs or enrichment instruction that 781

is part of the educational curriculum, instruction for gifted 782  
students, instruction for students with disabilities, and 783  
remedial instruction. The guidelines shall require instructional 784  
services under this division to be divided into discrete 785  
categories if an instructional service is limited to a specific 786  
subject, a specific type of student, or both, such as regular 787  
instructional services in mathematics, remedial reading 788  
instructional services, instructional services specifically for 789  
students gifted in mathematics or some other subject area, or 790  
instructional services for students with a specific type of 791  
disability. The categories of instructional services required by 792  
the guidelines under this division shall be the same as the 793  
categories of instructional services used in determining cost 794  
units pursuant to division (C) (3) of this section. 795

(b) The numbers of students receiving support or 796  
extracurricular services for each of the support services or 797  
extracurricular programs offered by the school district, such as 798  
counseling services, health services, and extracurricular sports 799  
and fine arts programs. The categories of services required by 800  
the guidelines under this division shall be the same as the 801  
categories of services used in determining cost units pursuant 802  
to division (C) (4) (a) of this section. 803

(c) Average student grades in each subject in grades nine 804  
through twelve; 805

(d) Academic achievement levels as assessed under sections 806  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 807

(e) The number of students designated as having a 808  
disabling condition pursuant to division (C) (1) of section 809  
3301.0711 of the Revised Code; 810

(f) The numbers of students reported to the state board	811
pursuant to division (C) (2) of section 3301.0711 of the Revised	812
Code;	813
(g) Attendance rates and the average daily attendance for	814
the year. For purposes of this division, a student shall be	815
counted as present for any field trip that is approved by the	816
school administration.	817
(h) Expulsion rates;	818
(i) Suspension rates;	819
(j) Dropout rates;	820
(k) Rates of retention in grade;	821
(l) For pupils in grades nine through twelve, the average	822
number of carnegie units, as calculated in accordance with state	823
board of education rules;	824
(m) Graduation rates, to be calculated in a manner	825
specified by the department of education that reflects the rate	826
at which students who were in the ninth grade three years prior	827
to the current year complete school and that is consistent with	828
nationally accepted reporting requirements;	829
(n) Results of diagnostic assessments administered to	830
kindergarten students as required under section 3301.0715 of the	831
Revised Code to permit a comparison of the academic readiness of	832
kindergarten students. However, no district shall be required to	833
report to the department the results of any diagnostic	834
assessment administered to a kindergarten student, except for	835
the language and reading assessment described in division (A) (2)	836
of section 3301.0715 of the Revised Code, if the parent of that	837
student requests the district not to report those results.	838

(o) Beginning on ~~the first day of July that next succeeds~~ 839  
~~the effective date of this amendment~~1, 2018, for each 840  
disciplinary action which is required to be reported under 841  
division (B) (4) of this section, districts and schools also 842  
shall include an identification of the person or persons, if 843  
any, at whom the student's violent behavior that resulted in 844  
discipline was directed. The person or persons shall be 845  
identified by the respective classification at the district or 846  
school, such as student, teacher, or nonteaching employee, but 847  
shall not be identified by name. 848

Division (B) (1) (o) of this section does not apply after 849  
the date that is two years following the submission of the 850  
report required by Section 733.13 of H.B. 49 of the 132nd 851  
general assembly. 852

(2) Personnel and classroom enrollment data for each 853  
school district, including: 854

(a) The total numbers of licensed employees and 855  
nonlicensed employees and the numbers of full-time equivalent 856  
licensed employees and nonlicensed employees providing each 857  
category of instructional service, instructional support 858  
service, and administrative support service used pursuant to 859  
division (C) (3) of this section. The guidelines adopted under 860  
this section shall require these categories of data to be 861  
maintained for the school district as a whole and, wherever 862  
applicable, for each grade in the school district as a whole, 863  
for each school building as a whole, and for each grade in each 864  
school building. 865

(b) The total number of employees and the number of full- 866  
time equivalent employees providing each category of service 867  
used pursuant to divisions (C) (4) (a) and (b) of this section, 868

and the total numbers of licensed employees and nonlicensed 869  
employees and the numbers of full-time equivalent licensed 870  
employees and nonlicensed employees providing each category used 871  
pursuant to division (C) (4) (c) of this section. The guidelines 872  
adopted under this section shall require these categories of 873  
data to be maintained for the school district as a whole and, 874  
wherever applicable, for each grade in the school district as a 875  
whole, for each school building as a whole, and for each grade 876  
in each school building. 877

(c) The total number of regular classroom teachers 878  
teaching classes of regular education and the average number of 879  
pupils enrolled in each such class, in each of grades 880  
kindergarten through five in the district as a whole and in each 881  
school building in the school district. 882

(d) The number of lead teachers employed by each school 883  
district and each school building. 884

(3) (a) Student demographic data for each school district, 885  
including information regarding the gender ratio of the school 886  
district's pupils, the racial make-up of the school district's 887  
pupils, the number of limited English proficient students in the 888  
district, and an appropriate measure of the number of the school 889  
district's pupils who reside in economically disadvantaged 890  
households. The demographic data shall be collected in a manner 891  
to allow correlation with data collected under division (B) (1) 892  
of this section. Categories for data collected pursuant to 893  
division (B) (3) of this section shall conform, where 894  
appropriate, to standard practices of agencies of the federal 895  
government. 896

(b) With respect to each student entering kindergarten, 897  
whether the student previously participated in a public 898

preschool program, a private preschool program, or a head start 899  
program, and the number of years the student participated in 900  
each of these programs. 901

(4) Any data required to be collected pursuant to federal 902  
law. 903

(C) The education management information system shall 904  
include cost accounting data for each district as a whole and 905  
for each school building in each school district. The guidelines 906  
adopted under this section shall require the cost data for each 907  
school district to be maintained in a system of mutually 908  
exclusive cost units and shall require all of the costs of each 909  
school district to be divided among the cost units. The 910  
guidelines shall require the system of mutually exclusive cost 911  
units to include at least the following: 912

(1) Administrative costs for the school district as a 913  
whole. The guidelines shall require the cost units under this 914  
division (C) (1) to be designed so that each of them may be 915  
compiled and reported in terms of average expenditure per pupil 916  
in formula ADM in the school district, as determined pursuant to 917  
section 3317.03 of the Revised Code. 918

(2) Administrative costs for each school building in the 919  
school district. The guidelines shall require the cost units 920  
under this division (C) (2) to be designed so that each of them 921  
may be compiled and reported in terms of average expenditure per 922  
full-time equivalent pupil receiving instructional or support 923  
services in each building. 924

(3) Instructional services costs for each category of 925  
instructional service provided directly to students and required 926  
by guidelines adopted pursuant to division (B) (1) (a) of this 927

section. The guidelines shall require the cost units under 928  
division (C) (3) of this section to be designed so that each of 929  
them may be compiled and reported in terms of average 930  
expenditure per pupil receiving the service in the school 931  
district as a whole and average expenditure per pupil receiving 932  
the service in each building in the school district and in terms 933  
of a total cost for each category of service and, as a breakdown 934  
of the total cost, a cost for each of the following components: 935

(a) The cost of each instructional services category 936  
required by guidelines adopted under division (B) (1) (a) of this 937  
section that is provided directly to students by a classroom 938  
teacher; 939

(b) The cost of the instructional support services, such 940  
as services provided by a speech-language pathologist, classroom 941  
aide, multimedia aide, or librarian, provided directly to 942  
students in conjunction with each instructional services 943  
category; 944

(c) The cost of the administrative support services 945  
related to each instructional services category, such as the 946  
cost of personnel that develop the curriculum for the 947  
instructional services category and the cost of personnel 948  
supervising or coordinating the delivery of the instructional 949  
services category. 950

(4) Support or extracurricular services costs for each 951  
category of service directly provided to students and required 952  
by guidelines adopted pursuant to division (B) (1) (b) of this 953  
section. The guidelines shall require the cost units under 954  
division (C) (4) of this section to be designed so that each of 955  
them may be compiled and reported in terms of average 956  
expenditure per pupil receiving the service in the school 957

district as a whole and average expenditure per pupil receiving 958  
the service in each building in the school district and in terms 959  
of a total cost for each category of service and, as a breakdown 960  
of the total cost, a cost for each of the following components: 961

(a) The cost of each support or extracurricular services 962  
category required by guidelines adopted under division (B) (1) (b) 963  
of this section that is provided directly to students by a 964  
licensed employee, such as services provided by a guidance 965  
counselor or any services provided by a licensed employee under 966  
a supplemental contract; 967

(b) The cost of each such services category provided 968  
directly to students by a nonlicensed employee, such as 969  
janitorial services, cafeteria services, or services of a sports 970  
trainer; 971

(c) The cost of the administrative services related to 972  
each services category in division (C) (4) (a) or (b) of this 973  
section, such as the cost of any licensed or nonlicensed 974  
employees that develop, supervise, coordinate, or otherwise are 975  
involved in administering or aiding the delivery of each 976  
services category. 977

(D) (1) The guidelines adopted under this section shall 978  
require school districts to collect information about individual 979  
students, staff members, or both in connection with any data 980  
required by division (B) or (C) of this section or other 981  
reporting requirements established in the Revised Code. The 982  
guidelines may also require school districts to report 983  
information about individual staff members in connection with 984  
any data required by division (B) or (C) of this section or 985  
other reporting requirements established in the Revised Code. 986  
The guidelines shall not authorize school districts to request 987

social security numbers of individual students. The guidelines 988  
shall prohibit the reporting under this section of a student's 989  
name, address, and social security number to the state board of 990  
education or the department of education. The guidelines shall 991  
also prohibit the reporting under this section of any personally 992  
identifiable information about any student, except for the 993  
purpose of assigning the data verification code required by 994  
division (D)(2) of this section, to any other person unless such 995  
person is employed by the school district or the information 996  
technology center operated under section 3301.075 of the Revised 997  
Code and is authorized by the district or technology center to 998  
have access to such information or is employed by an entity with 999  
which the department contracts for the scoring or the 1000  
development of state assessments. The guidelines may require 1001  
school districts to provide the social security numbers of 1002  
individual staff members and the county of residence for a 1003  
student. Nothing in this section prohibits the state board of 1004  
education or department of education from providing a student's 1005  
county of residence to the department of taxation to facilitate 1006  
the distribution of tax revenue. 1007

(2)(a) The guidelines shall provide for each school 1008  
district or community school to assign a data verification code 1009  
that is unique on a statewide basis over time to each student 1010  
whose initial Ohio enrollment is in that district or school and 1011  
to report all required individual student data for that student 1012  
utilizing such code. The guidelines shall also provide for 1013  
assigning data verification codes to all students enrolled in 1014  
districts or community schools on the effective date of the 1015  
guidelines established under this section. The assignment of 1016  
data verification codes for other entities, as described in 1017  
division (D)(2)(d) of this section, the use of those codes, and 1018

the reporting and use of associated individual student data 1019  
shall be coordinated by the department in accordance with state 1020  
and federal law. 1021

School districts shall report individual student data to 1022  
the department through the information technology centers 1023  
utilizing the code. The entities described in division (D) (2) (d) 1024  
of this section shall report individual student data to the 1025  
department in the manner prescribed by the department. 1026

(b) (i) Except as provided in sections 3301.941, 3310.11, 1027  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 1028  
in division (D) (2) (b) (ii) of this section, at no time shall the 1029  
state board or the department have access to information that 1030  
would enable any data verification code to be matched to 1031  
personally identifiable student data. 1032

(ii) For the purpose of making per-pupil payments to 1033  
community schools under division (C) of section 3314.08 of the 1034  
Revised Code, the department shall have access to information 1035  
that would enable any data verification code to be matched to 1036  
personally identifiable student data. 1037

(c) Each school district and community school shall ensure 1038  
that the data verification code is included in the student's 1039  
records reported to any subsequent school district, community 1040  
school, or state institution of higher education, as defined in 1041  
section 3345.011 of the Revised Code, in which the student 1042  
enrolls. Any such subsequent district or school shall utilize 1043  
the same identifier in its reporting of data under this section. 1044

(d) The director of any state agency that administers a 1045  
publicly funded program providing services to children who are 1046  
younger than compulsory school age, as defined in section 1047

3321.01 of the Revised Code, including the directors of health, 1048  
job and family services, mental health and addiction services, 1049  
and developmental disabilities, shall request and receive, 1050  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 1051  
Code, a data verification code for a child who is receiving 1052  
those services. 1053

(E) The guidelines adopted under this section may require 1054  
school districts to collect and report data, information, or 1055  
reports other than that described in divisions (A), (B), and (C) 1056  
of this section for the purpose of complying with other 1057  
reporting requirements established in the Revised Code. The 1058  
other data, information, or reports may be maintained in the 1059  
education management information system but are not required to 1060  
be compiled as part of the profile formats required under 1061  
division (G) of this section or the annual statewide report 1062  
required under division (H) of this section. 1063

(F) Beginning with the school year that begins July 1, 1064  
1991, the board of education of each school district shall 1065  
annually collect and report to the state board, in accordance 1066  
with the guidelines established by the board, the data required 1067  
pursuant to this section. A school district may collect and 1068  
report these data notwithstanding section 2151.357 or 3319.321 1069  
of the Revised Code. 1070

(G) The state board shall, in accordance with the 1071  
procedures it adopts, annually compile the data reported by each 1072  
school district pursuant to division (D) of this section. The 1073  
state board shall design formats for profiling each school 1074  
district as a whole and each school building within each 1075  
district and shall compile the data in accordance with these 1076  
formats. These profile formats shall: 1077

(1) Include all of the data gathered under this section in 1078  
a manner that facilitates comparison among school districts and 1079  
among school buildings within each school district; 1080

(2) Present the data on academic achievement levels as 1081  
assessed by the testing of student achievement maintained 1082  
pursuant to division (B)(1)(d) of this section. 1083

(H)(1) The state board shall, in accordance with the 1084  
procedures it adopts, annually prepare a statewide report for 1085  
all school districts and the general public that includes the 1086  
profile of each of the school districts developed pursuant to 1087  
division (G) of this section. Copies of the report shall be sent 1088  
to each school district. 1089

(2) The state board shall, in accordance with the 1090  
procedures it adopts, annually prepare an individual report for 1091  
each school district and the general public that includes the 1092  
profiles of each of the school buildings in that school district 1093  
developed pursuant to division (G) of this section. Copies of 1094  
the report shall be sent to the superintendent of the district 1095  
and to each member of the district board of education. 1096

(3) Copies of the reports received from the state board 1097  
under divisions (H)(1) and (2) of this section shall be made 1098  
available to the general public at each school district's 1099  
offices. Each district board of education shall make copies of 1100  
each report available to any person upon request and payment of 1101  
a reasonable fee for the cost of reproducing the report. The 1102  
board shall annually publish in a newspaper of general 1103  
circulation in the school district, at least twice during the 1104  
two weeks prior to the week in which the reports will first be 1105  
available, a notice containing the address where the reports are 1106  
available and the date on which the reports will be available. 1107

(I) Any data that is collected or maintained pursuant to 1108  
this section and that identifies an individual pupil is not a 1109  
public record for the purposes of section 149.43 of the Revised 1110  
Code. 1111

(J) As used in this section: 1112

(1) "School district" means any city, local, exempted 1113  
village, or joint vocational school district and, in accordance 1114  
with section 3314.17 of the Revised Code, any community school. 1115  
As used in division (L) of this section, "school district" also 1116  
includes any educational service center or other educational 1117  
entity required to submit data using the system established 1118  
under this section. 1119

(2) "Cost" means any expenditure for operating expenses 1120  
made by a school district excluding any expenditures for debt 1121  
retirement except for payments made to any commercial lending 1122  
institution for any loan approved pursuant to section 3313.483 1123  
of the Revised Code. 1124

(K) Any person who removes data from the information 1125  
system established under this section for the purpose of 1126  
releasing it to any person not entitled under law to have access 1127  
to such information is subject to section 2913.42 of the Revised 1128  
Code prohibiting tampering with data. 1129

(L) (1) In accordance with division (L) (2) of this section 1130  
and the rules adopted under division (L) (10) of this section, 1131  
the department of education may sanction any school district 1132  
that reports incomplete or inaccurate data, reports data that 1133  
does not conform to data requirements and descriptions published 1134  
by the department, fails to report data in a timely manner, or 1135  
otherwise does not make a good faith effort to report data as 1136

required by this section. 1137

(2) If the department decides to sanction a school 1138  
district under this division, the department shall take the 1139  
following sequential actions: 1140

(a) Notify the district in writing that the department has 1141  
determined that data has not been reported as required under 1142  
this section and require the district to review its data 1143  
submission and submit corrected data by a deadline established 1144  
by the department. The department also may require the district 1145  
to develop a corrective action plan, which shall include 1146  
provisions for the district to provide mandatory staff training 1147  
on data reporting procedures. 1148

(b) Withhold up to ten per cent of the total amount of 1149  
state funds due to the district for the current fiscal year and, 1150  
if not previously required under division (L) (2) (a) of this 1151  
section, require the district to develop a corrective action 1152  
plan in accordance with that division; 1153

(c) Withhold an additional amount of up to twenty per cent 1154  
of the total amount of state funds due to the district for the 1155  
current fiscal year; 1156

(d) Direct department staff or an outside entity to 1157  
investigate the district's data reporting practices and make 1158  
recommendations for subsequent actions. The recommendations may 1159  
include one or more of the following actions: 1160

(i) Arrange for an audit of the district's data reporting 1161  
practices by department staff or an outside entity; 1162

(ii) Conduct a site visit and evaluation of the district; 1163

(iii) Withhold an additional amount of up to thirty per 1164

cent of the total amount of state funds due to the district for 1165  
the current fiscal year; 1166

(iv) Continue monitoring the district's data reporting; 1167

(v) Assign department staff to supervise the district's 1168  
data management system; 1169

(vi) Conduct an investigation to determine whether to 1170  
suspend or revoke the license of any district employee in 1171  
accordance with division (N) of this section; 1172

(vii) If the district is issued a report card under 1173  
section 3302.03 of the Revised Code, indicate on the report card 1174  
that the district has been sanctioned for failing to report data 1175  
as required by this section; 1176

(viii) If the district is issued a report card under 1177  
section 3302.03 or 3302.032 of the Revised Code and incomplete 1178  
or inaccurate data submitted by the district likely caused the 1179  
district to receive a higher performance rating than it deserved 1180  
under that section, issue a revised report card for the 1181  
district; 1182

(ix) Any other action designed to correct the district's 1183  
data reporting problems. 1184

(3) Any time the department takes an action against a 1185  
school district under division (L)(2) of this section, the 1186  
department shall make a report of the circumstances that 1187  
prompted the action. The department shall send a copy of the 1188  
report to the district superintendent or chief administrator and 1189  
maintain a copy of the report in its files. 1190

(4) If any action taken under division (L)(2) of this 1191  
section resolves a school district's data reporting problems to 1192

the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L) (2) (c) of this section, the department shall not release the funds withheld under division (L) (2) (b) of this section and, if the department withheld funding under division (L) (2) (d) of this section, the department shall not release the funds withheld under division (L) (2) (b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L) (2) (d) (i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L) (2) (d) (viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention

that the district did not make a good faith effort to report 1224  
data as required by this section, the district shall bear the 1225  
full cost of conducting the hearing and of issuing any revised 1226  
report card. 1227

(7) If the department determines that any inaccurate data 1228  
reported under this section caused a school district to receive 1229  
excess state funds in any fiscal year, the district shall 1230  
reimburse the department an amount equal to the excess funds, in 1231  
accordance with a payment schedule determined by the department. 1232  
The department may withhold state funds due to the district for 1233  
this purpose. 1234

(8) Any school district that has funds withheld under 1235  
division (L)(2) of this section may appeal the withholding in 1236  
accordance with Chapter 119. of the Revised Code. 1237

(9) In all cases of a disagreement between the department 1238  
and a school district regarding the appropriateness of an action 1239  
taken under division (L)(2) of this section, the burden of proof 1240  
shall be on the district to demonstrate that it made a good 1241  
faith effort to report data as required by this section. 1242

(10) The state board of education shall adopt rules under 1243  
Chapter 119. of the Revised Code to implement division (L) of 1244  
this section. 1245

(M) No information technology center or school district 1246  
shall acquire, change, or update its student administration 1247  
software package to manage and report data required to be 1248  
reported to the department unless it converts to a student 1249  
software package that is certified by the department. 1250

(N) The state board of education, in accordance with 1251  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1252

or revoke a license as defined under division (A) of section 1253  
3319.31 of the Revised Code that has been issued to any school 1254  
district employee found to have willfully reported erroneous, 1255  
inaccurate, or incomplete data to the education management 1256  
information system. 1257

(O) No person shall release or maintain any information 1258  
about any student in violation of this section. Whoever violates 1259  
this division is guilty of a misdemeanor of the fourth degree. 1260

(P) The department shall disaggregate the data collected 1261  
under division (B)(1)(n) of this section according to the race 1262  
and socioeconomic status of the students assessed. 1263

(Q) If the department cannot compile any of the 1264  
information required by section 3302.03 and division (H) of 1265  
section ~~3302.03~~ 3302.032 of the Revised Code based upon the data 1266  
collected under this section, the department shall develop a 1267  
plan and a reasonable timeline for the collection of any data 1268  
necessary to comply with that division. 1269

**Sec. 3301.0715.** (A) Except as required under division (B) 1270  
(1) of section 3313.608 or as specified in division (D)(3) of 1271  
section 3301.079 of the Revised Code, the board of education of 1272  
each city, local, and exempted village school district shall 1273  
administer each applicable diagnostic assessment developed and 1274  
provided to the district in accordance with section 3301.079 of 1275  
the Revised Code to the following: 1276

(1) Any student who transfers into the district or to a 1277  
different school within the district if each applicable 1278  
diagnostic assessment was not administered by the district or 1279  
school the student previously attended in the current school 1280  
year, within thirty days after the date of transfer. If the 1281

district or school into which the student transfers cannot 1282  
determine whether the student has taken any applicable 1283  
diagnostic assessment in the current school year, the district 1284  
or school may administer the diagnostic assessment to the 1285  
student. However, if a student transfers into the district prior 1286  
to the administration of the diagnostic assessments to all 1287  
students under division (B) of this section, the district may 1288  
administer the diagnostic assessments to that student on the 1289  
date or dates determined under that division. 1290

(2) Each kindergarten student, not earlier than the first 1291  
day of the school year and not later than the first day of 1292  
November. However, a board of education may administer the 1293  
selected response and performance task items portion of the 1294  
diagnostic assessment up to two weeks prior to the first day of 1295  
the school year. 1296

For the purpose of division (A) (2) of this section, the 1297  
district shall administer the kindergarten readiness assessment 1298  
provided by the department of education. In no case shall the 1299  
results of the readiness assessment be used to prohibit a 1300  
student from enrolling in kindergarten. 1301

(3) Each student enrolled in first, second, or third 1302  
grade. 1303

Division (A) of this section does not apply to students 1304  
with significant cognitive disabilities, as defined by the 1305  
department of education. 1306

(B) Each district board shall administer each diagnostic 1307  
assessment when the board deems appropriate, provided the 1308  
administration complies with section 3313.608 of the Revised 1309  
Code. However, the board shall administer any diagnostic 1310

assessment at least once annually to all students in the 1311  
appropriate grade level. A district board may administer any 1312  
diagnostic assessment in the fall and spring of a school year to 1313  
measure the amount of academic growth attributable to the 1314  
instruction received by students during that school year. 1315

(C) Any district that received a grade of "A" or "B" for 1316  
the performance index score under division (A) (1) (b), (B) (1) (b), 1317  
or (C) (1) (b) of section ~~3302.03~~3302.032 of the Revised Code or 1318  
for the value-added progress dimension under division (A) (1) (e), 1319  
(B) (1) (e), or (C) (1) (e) of section ~~3302.03~~3302.032 of the 1320  
Revised Code for the immediately preceding school year may use 1321  
different diagnostic assessments from those adopted under 1322  
division (D) of section 3301.079 of the Revised Code in order to 1323  
satisfy the requirements of division (A) (3) of this section. 1324

(D) Each district board shall utilize and score any 1325  
diagnostic assessment administered under division (A) of this 1326  
section in accordance with rules established by the department. 1327  
After the administration of any diagnostic assessment, each 1328  
district shall provide a student's completed diagnostic 1329  
assessment, the results of such assessment, and any other 1330  
accompanying documents used during the administration of the 1331  
assessment to the parent of that student, and shall include all 1332  
such documents and information in any plan developed for the 1333  
student under division (C) of section 3313.608 of the Revised 1334  
Code. Each district shall submit to the department, in the 1335  
manner the department prescribes, the results of the diagnostic 1336  
assessments administered under this section, regardless of the 1337  
type of assessment used under section 3313.608 of the Revised 1338  
Code. The department may issue reports with respect to the data 1339  
collected. The department may report school and district level 1340  
kindergarten diagnostic assessment data and use diagnostic 1341

assessment data to calculate the measure prescribed by divisions 1342  
(B) (1) (g) and (C) (1) (g) of section ~~3302.03~~ 3302.032 of the 1343  
Revised Code. 1344

(E) Each district board shall provide intervention 1345  
services to students whose diagnostic assessments show that they 1346  
are failing to make satisfactory progress toward attaining the 1347  
academic standards for their grade level. 1348

(F) Beginning in the 2018-2019 school year, any chartered 1349  
nonpublic school may elect to administer the kindergarten 1350  
readiness assessment to all kindergarten students enrolled in 1351  
the school. If the school so elects, the chief administrator of 1352  
the school shall notify the superintendent of public instruction 1353  
not later than the thirty-first day of March prior to any school 1354  
year in which the school will administer the assessment. The 1355  
department shall furnish the assessment to the school at no cost 1356  
to the school. In administering the assessment, the school shall 1357  
do all of the following: 1358

(1) Enter into a written agreement with the department 1359  
specifying that the school will share each participating 1360  
student's assessment data with the department and, that for the 1361  
purpose of reporting the data to the department, each 1362  
participating student will be assigned a data verification code 1363  
as described in division (D) (2) of section 3301.0714 of the 1364  
Revised Code; 1365

(2) Require the assessment to be administered by a teacher 1366  
certified under section 3301.071 of the Revised Code who either 1367  
has completed training on administering the kindergarten 1368  
readiness assessment provided by the department or has been 1369  
trained by another person who has completed such training; 1370

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

(1) A community school established under Chapter 3314. of 1427  
the Revised Code that is sponsored by an entity that is rated 1428  
"exemplary" under section 3314.016 of the Revised Code. 1429

(2) A community school established under Chapter 3314. of 1430  
the Revised Code that has received, on its most recent report 1431  
card, either of the following: 1432

(a) If the school offers any of grade levels four through 1433  
twelve, a grade of "C" or better for the overall value-added 1434  
progress dimension under division (C) (1) (e) of section ~~3302.03-~~ 1435  
3302.032 of the Revised Code and for the performance index score 1436  
under division (C) (1) (b) of section ~~3302.03-~~3302.032 of the 1437  
Revised Code; 1438

(b) If the school does not offer a grade level higher than 1439  
three, a grade of "C" or better for making progress in improving 1440  
literacy in grades kindergarten through three under division (C) 1441  
(1) (g) of section ~~3302.03-~~3302.032 of the Revised Code. 1442

**Sec. 3301.81.** (A) A person who meets all of the following 1443  
criteria shall be permitted to take a high school equivalency 1444  
test approved by the department of education pursuant to 1445  
division (B) of section 3301.80 of the Revised Code: 1446

(1) The person is at least eighteen years of age. 1447

(2) The person is officially withdrawn from school. 1448

(3) The person has not received a high school diploma or 1449  
honors diploma awarded under section 3313.61, 3313.611, 1450  
3313.612, or 3325.08 of the Revised Code. 1451

(B) A person who is at least sixteen years of age but less 1452  
than eighteen years of age may apply to the department to take 1453  
an approved equivalency test, so long as the person meets all of 1454

the following criteria: 1455

(1) The person has not received a high school diploma or 1456  
honors diploma awarded under section 3313.61, 3313.611, 1457  
3313.612, or 3325.08 of the Revised Code. 1458

(2) The person is officially withdrawn from school. 1459

(3) The person submits, along with the application, 1460  
written approval from the person's parent or guardian or a court 1461  
official. 1462

(C) For the purpose of calculating graduation rates for 1463  
the school district and building report cards under ~~section~~ 1464  
sections 3302.03 and 3302.032 of the Revised Code, the 1465  
department shall count any person who officially withdraws from 1466  
school to take an approved equivalency test under this section 1467  
as a dropout from the district or school in which the person was 1468  
last enrolled. 1469

(D) If a person takes an approved equivalency test and 1470  
fails to attain the scores required to earn a certificate of 1471  
high school equivalence, as defined in section 5107.40 of the 1472  
Revised Code, on the entire battery of tests, that person shall 1473  
be required to retake only the specific test on which the person 1474  
did not attain a passing score in order to earn a certificate of 1475  
high school equivalence. If a person retakes a specific test, 1476  
that person shall be responsible only for the cost of that test 1477  
and not for the cost of the entire battery of tests, unless that 1478  
person is retaking the entire battery. 1479

**Sec. 3302.01.** As used in this chapter: 1480

(A) "Performance index score" means the average of the 1481  
totals derived from calculations, for each subject area, of the 1482  
weighted proportion of untested students and students scoring at 1483

each level of skill described in division (A) (2) of section 1484  
3301.0710 of the Revised Code on the state achievement 1485  
assessments, as follows: 1486

(1) For the assessments prescribed by division (A) (1) of 1487  
section 3301.0710 of the Revised Code, the average for each of 1488  
the subject areas of English language arts, mathematics, and 1489  
science. 1490

(2) For the assessments prescribed by division (B) (1) of 1491  
section 3301.0710 and division (B) (2) of section 3301.0712 of 1492  
the Revised Code, the average for each of the subject areas of 1493  
English language arts and mathematics. 1494

The department of education shall assign weights such that 1495  
~~students who do not take an assessment receive a weight of zero~~ 1496  
~~and students~~ who take an assessment receive progressively larger 1497  
weights dependent upon the level of skill attained on the 1498  
assessment. The department shall assign additional weights to 1499  
students who have been permitted to pass over a subject in 1500  
accordance with a student acceleration policy adopted under 1501  
section 3324.10 of the Revised Code. If such a student attains 1502  
the proficient score prescribed under division (A) (2) (c) of 1503  
section 3301.0710 of the Revised Code or higher on an 1504  
assessment, the department shall assign the student the weight 1505  
prescribed for the next higher scoring level. If such a student 1506  
attains the advanced score, prescribed under division (A) (2) (a) 1507  
of section 3301.0710 of the Revised Code, on an assessment, the 1508  
department shall assign to the student an additional 1509  
proportional weight, as approved by the state board. For each 1510  
school year that such a student's score is included in the 1511  
performance index score and the student attains the proficient 1512  
score on an assessment, that additional weight shall be assigned 1513

to the student on a subject-by-subject basis. 1514

Students shall be included in the "performance index 1515  
score" in accordance with division (K) (2) of section ~~3302.03~~ 1516  
3302.032 of the Revised Code. 1517

(B) "Subgroup" means a subset of the entire student 1518  
population of the state, a school district, or a school building 1519  
and includes each of the following: 1520

(1) Major racial and ethnic groups; 1521

(2) Students with disabilities; 1522

(3) Economically disadvantaged students; 1523

(4) Limited English proficient students; 1524

(5) Students identified as gifted in superior cognitive 1525  
ability and specific academic ability fields under Chapter 3324. 1526  
of the Revised Code. For students who are gifted in specific 1527  
academic ability fields, the department shall use data for those 1528  
students with specific academic ability in math and reading. If 1529  
any other academic field is assessed, the department shall also 1530  
include data for students with specific academic ability in that 1531  
field. 1532

(6) Students in the lowest quintile for achievement 1533  
statewide, as determined by a method prescribed by the state 1534  
board of education. 1535

(C) "No Child Left Behind Act of 2001" includes the 1536  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 1537  
waivers, or both thereto, rules and regulations promulgated 1538  
pursuant to those statutes, guidance documents, and any other 1539  
policy directives regarding implementation of that act issued by 1540  
the United States department of education. 1541

(D) "Adequate yearly progress" means a measure of annual 1542  
academic performance as calculated in accordance with the "No 1543  
Child Left Behind Act of 2001." 1544

(E) "Supplemental educational services" means additional 1545  
academic assistance, such as tutoring, remediation, or other 1546  
educational enrichment activities, that is conducted outside of 1547  
the regular school day by a provider approved by the department 1548  
in accordance with the "No Child Left Behind Act of 2001." 1549

(F) "Value-added progress dimension" means a measure of 1550  
academic gain for a student or group of students over a specific 1551  
period of time that is calculated by applying a statistical 1552  
methodology to individual student achievement data derived from 1553  
the achievement assessments prescribed by section 3301.0710 of 1554  
the Revised Code. The "value-added progress dimension" shall be 1555  
developed and implemented in accordance with section 3302.021 of 1556  
the Revised Code. 1557

(G) (1) "Four-year adjusted cohort graduation rate" means 1558  
the number of students who graduate in four years or less with a 1559  
regular high school diploma divided by the number of students 1560  
who form the adjusted cohort for the graduating class. 1561

(2) "Five-year adjusted cohort graduation rate" means the 1562  
number of students who graduate in five years with a regular 1563  
high school diploma divided by the number of students who form 1564  
the adjusted cohort for the four-year graduation rate. 1565

(H) "State institution of higher education" has the same 1566  
meaning as in section 3345.011 of the Revised Code. 1567

(I) "Annual measurable objectives" means a measure of 1568  
student progress determined in accordance with an agreement 1569  
between the department of education and the United States 1570

department of education. 1571

(J) "Community school" means a community school 1572  
established under Chapter 3314. of the Revised Code. 1573

(K) "STEM school" means a science, technology, 1574  
engineering, and mathematics school established under Chapter 1575  
3326. of the Revised Code. 1576

(L) "Entitled to attend school in the district" means 1577  
entitled to attend school in a school district under section 1578  
3313.64 or 3313.65 of the Revised Code. 1579

**Sec. 3302.02.** Not later than one year after the adoption 1580  
of rules under division (D) of section 3301.0712 of the Revised 1581  
Code and at least every sixth year thereafter, upon 1582  
recommendations of the superintendent of public instruction, the 1583  
state board of education shall establish a set of performance 1584  
indicators that considered as a unit will be used ~~as one of the~~ 1585  
~~performance categories for the report cards required by for~~ 1586  
purposes of section ~~3302.03~~3302.032 of the Revised Code. In 1587  
establishing these indicators, the superintendent shall consider 1588  
inclusion of student performance on assessments prescribed under 1589  
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1590  
student improvement on such assessments, the breadth of 1591  
coursework available within the district, and other indicators 1592  
of student success. 1593

~~Beginning with the report card for the 2014-2015 school-~~ 1594  
~~year, the~~ The performance indicators shall include an indicator 1595  
that reflects the level of services provided to, and the 1596  
performance of, students identified as gifted under Chapter 1597  
3324. of the Revised Code. The indicator shall include the 1598  
performance of students identified as gifted on state 1599

assessments and value-added growth measure disaggregated for 1600  
students identified as gifted. 1601

~~For the 2013-2014 school year, except as otherwise 1602  
provided in this section, for any indicator based on the 1603  
percentage of students attaining a proficient score on the 1604  
assessments prescribed by divisions (A) and (B) (1) of section 1605  
3301.0710 of the Revised Code, a school district or building 1606  
shall be considered to have met the indicator if at least eighty 1607  
per cent of the tested students attain a score of proficient or 1608  
higher on the assessment. A school district or building shall be 1609  
considered to have met the indicator for the assessments 1610  
prescribed by division (B) (1) of section 3301.0710 of the 1611  
Revised Code and only as administered to eleventh grade 1612  
students, if at least eighty five per cent of the tested 1613  
students attain a score of proficient or higher on the 1614  
assessment. 1615~~

The state board shall adopt rules, under Chapter 119. of 1616  
the Revised Code, to establish proficiency percentages to meet 1617  
each indicator that is based on a state assessment, prescribed 1618  
under section 3301.0710 or 3301.0712 of the Revised Code, ~~for 1619  
the 2014-2015 school year and thereafter by the following dates: 1620~~

~~(A) Not later than December 31, 2015, for the 2014-2015 1621  
school year; 1622~~

~~(B) Not later than July 1, 2016, for the 2015-2016 school 1623  
year; 1624~~

~~(C) Not later than July 1, 2017, for the 2016-2017 school 1625  
year, and for each school year thereafter. 1626~~

Sec. 3302.03. (A) Annually, not later than the fifteenth 1627  
day of September or the preceding Friday when that day falls on 1628

a Saturday or Sunday, the department of education shall issue a 1629  
report card of student performance and other measures for each 1630  
school district and each school building in a district in 1631  
accordance with this section. For a school building to which any 1632  
of the measures do not apply, due to grade levels served by the 1633  
building, the state board of education shall designate the 1634  
measures that are applicable to the building and that must be 1635  
calculated separately. The department shall include on the 1636  
report card for each district and each building within each 1637  
district the most recent five-year trend data on the reported 1638  
measures. 1639

(B) The department shall include the following categories 1640  
and measures on the report card for each district and building 1641  
all of the following student data disaggregated by the 1642  
categories listed under division (C) of this section: 1643

(1) State test results. This measure shall convey the 1644  
results of the state assessments required under sections 1645  
3301.0710 and 3301.0712 of the Revised Code. 1646

(2) Graduation rates. This measure shall include all of 1647  
the following: 1648

(a) The four- and five-year adjusted cohort graduation 1649  
rates, as defined in section 3302.01 of the Revised Code; 1650

(b) The percentage of students who graduate in the year 1651  
prior to which the report card is issued who are: 1652

(i) Admitted to a four-year institution of higher 1653  
education; 1654

(ii) Admitted to a two-year institution of higher 1655  
education; 1656

- (iii) Gainfully employed, as determined by the department, enlisted in the military, or in an apprenticeship program; 1657  
1658
- (iv) Unemployed and not enrolled in an institution of higher education, enlisted in the military, or in an apprenticeship program within one year of graduation. 1659  
1660  
1661
- (c) The percentage of students who have an individualized education program, as defined in section 3323.01 of the Revised Code, and have not yet graduated; 1662  
1663  
1664
- (d) The percentage of students who have dropped out of school. 1665  
1666
- (3) Student growth. This measure shall do all of the following: 1667  
1668
- (a) Convey the amount of progress a student has made over the school year toward either having the knowledge necessary to perform proficiently in the next grade level or toward being college or career ready after graduation; 1669  
1670  
1671  
1672
- (b) Consist of a methodology that allows the measure's results to be validated and replicated by school districts. The department shall provide a district with the data necessary to validate or replicate the measure's results upon the district's request; 1673  
1674  
1675  
1676  
1677
- (c) Not consist of or contain a proprietary formula or method for measuring student growth. The department may contract with another entity to perform service work related to the measure. 1678  
1679  
1680  
1681
- (d) Include an explanation of the factors that influence student growth beyond the classroom, including parental and community influence and student attitude. 1682  
1683  
1684

(4) Gap closing for vulnerable populations. This measure shall include a graphic representation that depicts comparative trends of state, district, and building performance for vulnerable populations. 1685  
1686  
1687  
1688

For purposes of division (B)(4) of this section, the department shall present the data for each disaggregated category prescribed under division (C) of this section in the following formats: 1689  
1690  
1691  
1692

(a) The district or building's raw score in each disaggregated category; 1693  
1694

(b) The district or building's percentile ranking in each disaggregated category relative to each disaggregated category of all other districts or buildings in the state. 1695  
1696  
1697

(5) Third-grade reading. A district or building's kindergarten through third-grade reading measure shall be based on student performance and the percentage of students who are not retained under the third-grade reading guarantee under section 3313.608 of the Revised Code. 1698  
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1700  
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1702

(6) College or career-readiness. This measure shall include all of the following: 1703  
1704

(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 standards adopted under division (F) of section 3345.061 of the Revised Code; 1705  
1706  
1707  
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1709  
1710

(b) The percentage of the district's or the building's students who receive at least twelve points of industry-recognized credentials as approved under section 3313.6113 of 1711  
1712  
1713

<u>the Revised Code;</u>	1714
<u>(c) The average amount of advanced placement class credit earned per student;</u>	1715 1716
<u>(d) The average scores on advanced placement tests by subject;</u>	1717 1718
<u>(e) The average scores on international baccalaureate assessments by subject;</u>	1719 1720
<u>(f) The average amount of college credits earned per student under the college credit plus program under Chapter 3365. of the Revised Code;</u>	1721 1722 1723
<u>(g) The percentage of the district's or the building's students who enlisted in the military after graduation.</u>	1724 1725
<u>(7) Enrichment and support measures. This measure shall consist of both of the following:</u>	1726 1727
<u>(a) A measure that includes both of the following:</u>	1728
<u>(i) The percentage of students who have been screened and identified as gifted under Chapter 3324. of the Revised Code;</u>	1729 1730
<u>(ii) The percentage of students identified as gifted who are receiving services as described in the district's plan under section 3324.07 of the Revised Code that meet student needs and are consistent with student areas of identification.</u>	1731 1732 1733 1734
<u>(b) A voluntary measure, in which districts and schools may choose to participate. The department shall create a web site with a reporting system where a participating district or school may provide the department with the information necessary to complete this measure. This measure shall include the total number and number per one hundred students for all of the</u>	1735 1736 1737 1738 1739 1740

<u>following:</u>	1741
<u>(i) Kindergarten through third grade reading intervention</u>	1742
<u>specialists;</u>	1743
<u>(ii) School librarians;</u>	1744
<u>(iii) Art teachers;</u>	1745
<u>(iv) Music teachers;</u>	1746
<u>(v) Advanced placement courses offered.</u>	1747
<u>The department also shall report the number of buildings</u>	1748
<u>per district that do not have or offer the teachers of courses</u>	1749
<u>listed in division (B) (7) of this section.</u>	1750
<u>(C) When reporting data on student achievement and</u>	1751
<u>progress, the department shall disaggregate that data according</u>	1752
<u>to the following categories:</u>	1753
<u>(1) Performance of students by grade-level;</u>	1754
<u>(2) Performance of students by race and ethnic group;</u>	1755
<u>(3) Performance of students by gender;</u>	1756
<u>(4) Performance of students grouped by those who have been</u>	1757
<u>enrolled in a district or school for three or more years;</u>	1758
<u>(5) Performance of students grouped by those who have been</u>	1759
<u>enrolled in a district or school for more than one year and less</u>	1760
<u>than three years;</u>	1761
<u>(6) Performance of students grouped by those who have been</u>	1762
<u>enrolled in a district or school for one year or less;</u>	1763
<u>(7) Performance of students grouped by those who are</u>	1764
<u>economically disadvantaged;</u>	1765

<u>(8) Performance of students grouped by those who are</u>	1766
<u>enrolled in a conversion community school established under</u>	1767
<u>Chapter 3314. of the Revised Code;</u>	1768
<u>(9) Performance of students grouped by those who are</u>	1769
<u>classified as limited English proficient;</u>	1770
<u>(10) Performance of students grouped by those who have</u>	1771
<u>disabilities;</u>	1772
<u>(11) Performance of students grouped by those who are</u>	1773
<u>classified as migrants or a migratory child, as defined in 20</u>	1774
<u>U.S.C. 6399;</u>	1775
<u>(12) Performance of students grouped by those who are</u>	1776
<u>identified as gifted in superior cognitive ability and the</u>	1777
<u>specific academic ability fields of reading and math pursuant to</u>	1778
<u>Chapter 3324. of the Revised Code. In disaggregating specific</u>	1779
<u>academic ability fields for gifted students, the department</u>	1780
<u>shall use data for those students with specific academic ability</u>	1781
<u>in math and reading. If any other academic field is assessed,</u>	1782
<u>the department shall also include data for students with</u>	1783
<u>specific academic ability in that field.</u>	1784
<u>(13) Performance of students grouped by those who perform</u>	1785
<u>in the lowest quintile for achievement on a statewide basis, as</u>	1786
<u>determined by a method prescribed by the state board;</u>	1787
<u>(14) Performance of students grouped by those who are</u>	1788
<u>children from military families.</u>	1789
<u>(15) Performance of students grouped by those who are</u>	1790
<u>homeless.</u>	1791
<u>The department may disaggregate data on student</u>	1792
<u>performance according to other categories that the department</u>	1793

determines are appropriate. To the extent possible, the 1794  
department shall disaggregate data on student performance 1795  
according to any combination of two or more of the categories 1796  
listed in divisions (C) (1) to (15) of this section that it deems 1797  
relevant. 1798

In reporting data pursuant to division (C) of this 1799  
section, the department shall not include in the report cards 1800  
any data statistical in nature that is statistically unreliable 1801  
or that could result in the identification of individual 1802  
students. For this purpose, the department shall not report 1803  
student performance data for any group identified in division 1804  
(C) of this section that contains less than ten students. If the 1805  
department does not report student performance data for a group 1806  
because it contains less than ten students, the department shall 1807  
indicate on the report card that is why data was not reported. 1808

(D) (1) The department shall present the measures in 1809  
division (B) of this section as a district or building's raw 1810  
score on the measure. 1811

(2) The department shall include in the electronic format 1812  
of the report card an option for a user to select each measure 1813  
listed in division (B) of this section and do all of the 1814  
following: 1815

(a) View a district or building's percentile ranking on 1816  
the selected measure relative to the other districts or 1817  
buildings in the state; 1818

(b) Access a comparative tool, which the department shall 1819  
develop, that allows the user to compare the building or 1820  
district's performance on the selected measure with all of the 1821  
following: 1822

<u>(i) The statewide average of all districts or buildings;</u>	1823
<u>(ii) The average of district's or buildings in the</u>	1824
<u>district's typology as developed by the department under</u>	1825
<u>division (D) (3) of this section;</u>	1826
<u>(iii) Up to three other districts or buildings of the</u>	1827
<u>user's choice.</u>	1828
<u>(c) Access other data or information that the department</u>	1829
<u>determines to be appropriate.</u>	1830
<u>The department also shall make available the information</u>	1831
<u>under divisions (D) (1) and (2) of this section as a five-year</u>	1832
<u>trendline.</u>	1833
<u>(3) For purposes of division (D) (2) (b) of this section,</u>	1834
<u>the department shall create a typology of school districts as</u>	1835
<u>follows:</u>	1836
<u>(a) Rural, high student poverty and small student</u>	1837
<u>population size;</u>	1838
<u>(b) Rural, average student poverty and very small student</u>	1839
<u>population size;</u>	1840
<u>(c) Small town, low student poverty and small student</u>	1841
<u>population size;</u>	1842
<u>(d) Small town, high student poverty and average student</u>	1843
<u>population size;</u>	1844
<u>(e) Suburban, low student poverty and average student</u>	1845
<u>population size;</u>	1846
<u>(f) Suburban, very low student poverty and average student</u>	1847
<u>population size;</u>	1848
<u>(g) Urban, high student poverty and average student</u>	1849

population size; 1850

(h) Urban, very high student poverty and very large student population size. 1851  
1852

(E) The department shall disclose the methodology it uses to determine any score on a district or building's report card. 1853  
1854

(F) The report card shall include both of the following: 1855

(1) A statement that gives information on proven actions parents may take to help to influence better outcomes on assessments such as reading at home and parental expectations; 1856  
1857  
1858

(2) A list of all extra-curricular or additional activities or services offered by and available at the district or building. 1859  
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(G) No measure prescribed in division (B) of this section shall consist of, contain, or include performance indicators as described in section 3302.02 of the Revised Code. 1862  
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**Sec. 3302-03 3302.032.** Notwithstanding anything in the Revised Code to the contrary, this section shall be used only for purposes of implementing provisions of the law that are affiliated with or affected by the issuance of report card letter grades prescribed under this section. The letter grades or ratings issued under this section shall not be presented on the state report cards prescribed under section 3302.03 of the Revised Code. 1865  
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Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school 1873  
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1877

building in a district, in accordance with this section. The 1878  
state board of education shall adopt rules pursuant to Chapter 1879  
119. of the Revised Code to establish performance criteria for 1880  
each letter grade and prescribe a method by which the department 1881  
assigns each letter grade. For a school building to which any of 1882  
the performance measures do not apply, due to grade levels 1883  
served by the building, the state board shall designate the 1884  
performance measures that are applicable to the building and 1885  
that must be calculated separately and used to calculate the 1886  
building's overall grade. The department shall issue annual 1887  
report cards reflecting the performance of each school district, 1888  
each building within each district, and for the state as a whole 1889  
using the performance measures and letter grade system described 1890  
in this section. The department shall include on the report card 1891  
for each district and each building within each district the 1892  
most recent two-year trend data in student achievement for each 1893  
subject and each grade. 1894

(A) (1) For the 2012-2013 school year, the department shall 1895  
issue grades as described in division (E) of this section for 1896  
each of the following performance measures: 1897

(a) Annual measurable objectives; 1898

(b) Performance index score for a school district or 1899  
building. Grades shall be awarded as a percentage of the total 1900  
possible points on the performance index system as adopted by 1901  
the state board. In adopting benchmarks for assigning letter 1902  
grades under division (A) (1) (b) of this section, the state board 1903  
of education shall designate ninety per cent or higher for an 1904  
"A," at least seventy per cent but not more than eighty per cent 1905  
for a "C," and less than fifty per cent for an "F." 1906

(c) The extent to which the school district or building 1907

meets each of the applicable performance indicators established 1908  
by the state board under section 3302.02 of the Revised Code and 1909  
the percentage of applicable performance indicators that have 1910  
been achieved. In adopting benchmarks for assigning letter 1911  
grades under division (A) (1) (c) of this section, the state board 1912  
shall designate ninety per cent or higher for an "A." 1913

(d) The four- and five-year adjusted cohort graduation 1914  
rates. 1915

In adopting benchmarks for assigning letter grades under 1916  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1917  
department shall designate a four-year adjusted cohort 1918  
graduation rate of ninety-three per cent or higher for an "A" 1919  
and a five-year cohort graduation rate of ninety-five per cent 1920  
or higher for an "A." 1921

(e) The overall score under the value-added progress 1922  
dimension of a school district or building, for which the 1923  
department shall use up to three years of value-added data as 1924  
available. The letter grade assigned for this growth measure 1925  
shall be as follows: 1926

(i) A score that is at least two standard errors of 1927  
measure above the mean score shall be designated as an "A." 1928

(ii) A score that is at least one standard error of 1929  
measure but less than two standard errors of measure above the 1930  
mean score shall be designated as a "B." 1931

(iii) A score that is less than one standard error of 1932  
measure above the mean score but greater than or equal to one 1933  
standard error of measure below the mean score shall be 1934  
designated as a "C." 1935

(iv) A score that is not greater than one standard error 1936

of measure below the mean score but is greater than or equal to 1937  
two standard errors of measure below the mean score shall be 1938  
designated as a "D." 1939

(v) A score that is not greater than two standard errors 1940  
of measure below the mean score shall be designated as an "F." 1941

Whenever the value-added progress dimension is used as a 1942  
graded performance measure, whether as an overall measure or as 1943  
a measure of separate subgroups, the grades for the measure 1944  
shall be calculated in the same manner as prescribed in division 1945  
(A) (1) (e) of this section. 1946

(f) The value-added progress dimension score for a school 1947  
district or building disaggregated for each of the following 1948  
subgroups: students identified as gifted, students with 1949  
disabilities, and students whose performance places them in the 1950  
lowest quintile for achievement on a statewide basis. Each 1951  
subgroup shall be a separate graded measure. 1952

(2) Not later than April 30, 2013, the state board of 1953  
education shall adopt a resolution describing the performance 1954  
measures, benchmarks, and grading system for the 2012-2013 1955  
school year and, not later than June 30, 2013, shall adopt rules 1956  
in accordance with Chapter 119. of the Revised Code that 1957  
prescribe the methods by which the performance measures under 1958  
division (A) (1) of this section shall be assessed and assigned a 1959  
letter grade, including performance benchmarks for each letter 1960  
grade. 1961

At least forty-five days prior to the state board's 1962  
adoption of rules to prescribe the methods by which the 1963  
performance measures under division (A) (1) of this section shall 1964  
be assessed and assigned a letter grade, the department shall 1965

conduct a public presentation before the standing committees of 1966  
the house of representatives and the senate that consider 1967  
education legislation describing such methods, including 1968  
performance benchmarks. 1969

(3) There shall not be an overall letter grade for a 1970  
school district or building for the 2012-2013 school year. 1971

(B) (1) For the 2013-2014 and 2014-2015 school years, the 1972  
department shall issue grades as described in division (E) of 1973  
this section for each of the following performance measures: 1974

(a) Annual measurable objectives; 1975

(b) Performance index score for a school district or 1976  
building. Grades shall be awarded as a percentage of the total 1977  
possible points on the performance index system as created by 1978  
the department. In adopting benchmarks for assigning letter 1979  
grades under division (B) (1) (b) of this section, the state board 1980  
shall designate ninety per cent or higher for an "A," at least 1981  
seventy per cent but not more than eighty per cent for a "C," 1982  
and less than fifty per cent for an "F." 1983

(c) The extent to which the school district or building 1984  
meets each of the applicable performance indicators established 1985  
by the state board under section 3302.03 of the Revised Code and 1986  
the percentage of applicable performance indicators that have 1987  
been achieved. In adopting benchmarks for assigning letter 1988  
grades under division (B) (1) (c) of this section, the state board 1989  
shall designate ninety per cent or higher for an "A." 1990

(d) The four- and five-year adjusted cohort graduation 1991  
rates; 1992

(e) The overall score under the value-added progress 1993  
dimension of a school district or building, for which the 1994

department shall use up to three years of value-added data as available. 1995  
1996

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 1997  
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B) (1) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g) and (C) (1) (g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B) (1) of section 3313.608 of the Revised Code. 2005  
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(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 (B) (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 participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned

that are reported under divisions (B) (2) (b) and (C) (2) (c) of 2056  
this section shall not include any that are remedial or 2057  
developmental and shall include those that count toward the 2058  
curriculum requirements established for completion of a degree. 2059

(c) The percentage of students enrolled in a district or 2060  
building who have taken a national standardized test used for 2061  
college admission determinations and the percentage of those 2062  
students who are determined to be remediation-free in accordance 2063  
with standards adopted under division (F) of section 3345.061 of 2064  
the Revised Code; 2065

(d) The percentage of the district's or the building's 2066  
students who receive industry-recognized credentials as approved 2067  
under section 3313.6113 of the Revised Code. 2068

(e) The percentage of students enrolled in a district or 2069  
building who are participating in an international baccalaureate 2070  
program and the percentage of those students who receive a score 2071  
of four or better on the international baccalaureate 2072  
examinations. 2073

(f) The percentage of the district's or building's 2074  
students who receive an honors diploma under division (B) of 2075  
section 3313.61 of the Revised Code. 2076

(3) Not later than December 31, 2013, the state board 2077  
shall adopt rules in accordance with Chapter 119. of the Revised 2078  
Code that prescribe the methods by which the performance 2079  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2080  
will be assessed and assigned a letter grade, including 2081  
performance benchmarks for each grade. 2082

At least forty-five days prior to the state board's 2083  
adoption of rules to prescribe the methods by which the 2084

performance measures under division (B) (1) of this section shall 2085  
be assessed and assigned a letter grade, the department shall 2086  
conduct a public presentation before the standing committees of 2087  
the house of representatives and the senate that consider 2088  
education legislation describing such methods, including 2089  
performance benchmarks. 2090

(4) There shall not be an overall letter grade for a 2091  
school district or building for the 2013-2014, 2014-2015, 2015- 2092  
2016, and 2016-2017 school years. 2093

(C) (1) For the 2014-2015 school year and each school year 2094  
thereafter, the department shall issue grades as described in 2095  
division (E) of this section for each of the performance 2096  
measures prescribed in division (C) (1) of this section. The 2097  
graded measures are as follows: 2098

(a) Annual measurable objectives; 2099

(b) Performance index score for a school district or 2100  
building. Grades shall be awarded as a percentage of the total 2101  
possible points on the performance index system as created by 2102  
the department. In adopting benchmarks for assigning letter 2103  
grades under division (C) (1) (b) of this section, the state board 2104  
shall designate ninety per cent or higher for an "A," at least 2105  
seventy per cent but not more than eighty per cent for a "C," 2106  
and less than fifty per cent for an "F." 2107

(c) The extent to which the school district or building 2108  
meets each of the applicable performance indicators established 2109  
by the state board under section 3302.03 of the Revised Code and 2110  
the percentage of applicable performance indicators that have 2111  
been achieved. In adopting benchmarks for assigning letter 2112  
grades under division (C) (1) (c) of this section, the state board 2113

shall designate ninety per cent or higher for an "A." 2114

(d) The four- and five-year adjusted cohort graduation 2115  
rates; 2116

(e) The overall score under the value-added progress 2117  
dimension, or another measure of student academic progress if 2118  
adopted by the state board, of a school district or building, 2119  
for which the department shall use up to three years of value- 2120  
added data as available. 2121

In adopting benchmarks for assigning letter grades for 2122  
overall score on value-added progress dimension under division 2123  
(C) (1) (e) of this section, the state board shall prohibit the 2124  
assigning of a grade of "A" for that measure unless the 2125  
district's or building's grade assigned for value-added progress 2126  
dimension for all subgroups under division (C) (1) (f) of this 2127  
section is a "B" or higher. 2128

For the metric prescribed by division (C) (1) (e) of this 2129  
section, the state board may adopt a student academic progress 2130  
measure to be used instead of the value-added progress 2131  
dimension. If the state board adopts such a measure, it also 2132  
shall prescribe a method for assigning letter grades for the new 2133  
measure that is comparable to the method prescribed in division 2134  
(A) (1) (e) of this section. 2135

(f) The value-added progress dimension score of a school 2136  
district or building disaggregated for each of the following 2137  
subgroups: students identified as gifted in superior cognitive 2138  
ability and specific academic ability fields under Chapter 3324. 2139  
of the Revised Code, students with disabilities, and students 2140  
whose performance places them in the lowest quintile for 2141  
achievement on a statewide basis, as determined by a method 2142

prescribed by the state board. Each subgroup shall be a separate 2143  
graded measure. 2144

The state board may adopt student academic progress 2145  
measures to be used instead of the value-added progress 2146  
dimension. If the state board adopts such measures, it also 2147  
shall prescribe a method for assigning letter grades for the new 2148  
measures that is comparable to the method prescribed in division 2149  
(A) (1) (e) of this section. 2150

(g) Whether a school district or building is making 2151  
progress in improving literacy in grades kindergarten through 2152  
three, as determined using a method prescribed by the state 2153  
board. The state board shall adopt rules to prescribe benchmarks 2154  
and standards for assigning grades to a district or building for 2155  
purposes of division (C) (1) (g) of this section. The state board 2156  
shall designate for a "C" grade a value that is not lower than 2157  
the statewide average value for this measure. No grade shall be 2158  
issued under division (C) (1) (g) of this section for a district 2159  
or building in which less than five per cent of students have 2160  
scored below grade level on the kindergarten diagnostic 2161  
assessment under division (B) (1) of section 3313.608 of the 2162  
Revised Code. 2163

(h) For a high mobility school district or building, an 2164  
additional value-added progress dimension score. For this 2165  
measure, the department shall use value-added data from the most 2166  
recent school year available and shall use assessment scores for 2167  
only those students to whom the district or building has 2168  
administered the assessments prescribed by section 3301.0710 of 2169  
the Revised Code for each of the two most recent consecutive 2170  
school years. 2171

As used in this division, "high mobility school district 2172

or building" means a school district or building where at least 2173  
twenty-five per cent of its total enrollment is made up of 2174  
students who have attended that school district or building for 2175  
less than one year. 2176

(2) In addition to the graded measures in division (C) (1) 2177  
of this section, the department shall include on a school 2178  
district's or building's report card all of the following 2179  
without an assigned letter grade: 2180

(a) The percentage of students enrolled in a district or 2181  
building who have taken a national standardized test used for 2182  
college admission determinations and the percentage of those 2183  
students who are determined to be remediation-free in accordance 2184  
with the standards adopted under division (F) of section 2185  
3345.061 of the Revised Code; 2186

(b) The percentage of students enrolled in a district or 2187  
building participating in advanced placement classes and the 2188  
percentage of those students who received a score of three or 2189  
better on advanced placement examinations; 2190

(c) The percentage of a district's or building's students 2191  
who have earned at least three college credits through advanced 2192  
standing programs, such as the college credit plus program under 2193  
Chapter 3365. of the Revised Code and state-approved career- 2194  
technical courses offered through dual enrollment or statewide 2195  
articulation, that appear on a student's college transcript 2196  
issued by the institution of higher education from which the 2197  
student earned the college credit. The credits earned that are 2198  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2199  
shall not include any that are remedial or developmental and 2200  
shall include those that count toward the curriculum 2201  
requirements established for completion of a degree. 2202

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	2203 2204 2205
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	2206 2207 2208
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	2209 2210 2211 2212 2213
(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.	2214 2215 2216
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:	2217 2218 2219 2220 2221 2222
(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;	2223 2224
(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;	2225 2226
(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;	2227 2228
(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;	2229 2230

(e) Kindergarten through third-grade literacy, which shall 2231  
include the performance measure in division (C)(1)(g) of this 2232  
section; 2233

(f) Prepared for success, which shall include the 2234  
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 2235  
and (f) of this section. The state board shall develop a method 2236  
to determine a grade for the component in division (C)(3)(f) of 2237  
this section using the performance measures in divisions (C)(2) 2238  
(a), (b), (c), (d), (e), and (f) of this section. When 2239  
available, the state board may incorporate the performance 2240  
measure under division (C)(2)(g) of this section into the 2241  
component under division (C)(3)(f) of this section. When 2242  
determining the overall grade for the prepared for success 2243  
component prescribed by division (C)(3)(f) of this section, no 2244  
individual student shall be counted in more than one performance 2245  
measure. However, if a student qualifies for more than one 2246  
performance measure in the component, the state board may, in 2247  
its method to determine a grade for the component, specify an 2248  
additional weight for such a student that is not greater than or 2249  
equal to 1.0. In determining the overall score under division 2250  
(C)(3)(f) of this section, the state board shall ensure that the 2251  
pool of students included in the performance measures aggregated 2252  
under that division are all of the students included in the 2253  
four- and five-year adjusted graduation cohort. 2254

In the rules adopted under division (C)(3) of this 2255  
section, the state board shall adopt a method for determining a 2256  
grade for each component in divisions (C)(3)(a) to (f) of this 2257  
section. The state board also shall establish a method to assign 2258  
an overall grade of "A," "B," "C," "D," or "F" using the grades 2259  
assigned for each component. The method the state board adopts 2260  
for assigning an overall grade shall give equal weight to the 2261

components in divisions (C) (3) (b) and (c) of this section. 2262

At least forty-five days prior to the state board's 2263  
adoption of rules to prescribe the methods for calculating the 2264  
overall grade for the report card, as required by this division, 2265  
the department shall conduct a public presentation before the 2266  
standing committees of the house of representatives and the 2267  
senate that consider education legislation describing the format 2268  
for the report card, weights that will be assigned to the 2269  
components of the overall grade, and the method for calculating 2270  
the overall grade. 2271

(D) On or after July 1, 2015, the state board may develop 2272  
a measure of student academic progress for high school students 2273  
using only data from assessments in English language arts and 2274  
mathematics. If the state board develops this measure, each 2275  
school district and applicable school building shall be assigned 2276  
a separate letter grade for it not sooner than the 2017-2018 2277  
school year. The district's or building's grade for that measure 2278  
shall not be included in determining the district's or 2279  
building's overall letter grade. 2280

(E) The letter grades assigned to a school district or 2281  
building under this section shall be as follows: 2282

(1) "A" for a district or school making excellent 2283  
progress; 2284

(2) "B" for a district or school making above average 2285  
progress; 2286

(3) "C" for a district or school making average progress; 2287

(4) "D" for a district or school making below average 2288  
progress; 2289

(5) "F" for a district or school failing to meet minimum progress.	2290 2291
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2292 2293 2294
(1) Performance of students by grade-level;	2295
(2) Performance of students by race and ethnic group;	2296
(3) Performance of students by gender;	2297
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2298 2299
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2300 2301 2302
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2303 2304
(7) Performance of students grouped by those who are economically disadvantaged;	2305 2306
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2307 2308 2309
(9) Performance of students grouped by those who are classified as limited English proficient;	2310 2311
(10) Performance of students grouped by those who have disabilities;	2312 2313
(11) Performance of students grouped by those who are classified as migrants;	2314 2315

(12) Performance of students grouped by those who are 2316  
identified as gifted in superior cognitive ability and the 2317  
specific academic ability fields of reading and math pursuant to 2318  
Chapter 3324. of the Revised Code. In disaggregating specific 2319  
academic ability fields for gifted students, the department 2320  
shall use data for those students with specific academic ability 2321  
in math and reading. If any other academic field is assessed, 2322  
the department shall also include data for students with 2323  
specific academic ability in that field as well. 2324

(13) Performance of students grouped by those who perform 2325  
in the lowest quintile for achievement on a statewide basis, as 2326  
determined by a method prescribed by the state board. 2327

The department may disaggregate data on student 2328  
performance according to other categories that the department 2329  
determines are appropriate. To the extent possible, the 2330  
department shall disaggregate data on student performance 2331  
according to any combinations of two or more of the categories 2332  
listed in divisions (F)(1) to (13) of this section that it deems 2333  
relevant. 2334

In reporting data pursuant to division (F) of this 2335  
section, the department shall not include in the report cards 2336  
any data statistical in nature that is statistically unreliable 2337  
or that could result in the identification of individual 2338  
students. For this purpose, the department shall not report 2339  
student performance data for any group identified in division 2340  
(F) of this section that contains less than ten students. If the 2341  
department does not report student performance data for a group 2342  
because it contains less than ten students, the department shall 2343  
indicate on the report card that is why data was not reported. 2344

(G) The department may include with the report cards any 2345

additional education and fiscal performance data it deems 2346  
valuable. 2347

(H) The department shall include on each report card a 2348  
list of additional information collected by the department that 2349  
is available regarding the district or building for which the 2350  
report card is issued. When available, such additional 2351  
information shall include student mobility data disaggregated by 2352  
race and socioeconomic status, and college enrollment data, ~~and~~ 2353  
~~the reports prepared under section 3302.031 of the Revised Code.~~ 2354

The department shall maintain a site on the world wide 2355  
web. The report card shall include the address of the site and 2356  
shall specify that such additional information is available to 2357  
the public at that site. The department shall also provide a 2358  
copy of each item on the list to the superintendent of each 2359  
school district. The district superintendent shall provide a 2360  
copy of any item on the list to anyone who requests it. 2361

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2362  
section, for any district that sponsors a conversion community 2363  
school under Chapter 3314. of the Revised Code, the department 2364  
shall combine data regarding the academic performance of 2365  
students enrolled in the community school with comparable data 2366  
from the schools of the district for the purpose of determining 2367  
the performance of the district as a whole on the report card 2368  
issued for the district under this section or section 3302.033 2369  
of the Revised Code. 2370

(b) The department shall not combine data from any 2371  
conversion community school that a district sponsors if a 2372  
majority of the students enrolled in the conversion community 2373  
school are enrolled in a dropout prevention and recovery program 2374  
that is operated by the school, as described in division (A) ~~(4)~~ 2375

(2)(a) of section 3314.35 of the Revised Code. The department 2376  
shall include as an addendum to the district's report card the 2377  
ratings and performance measures that are required under section 2378  
3314.017 of the Revised Code for any community school to which 2379  
division (I)(1)(b) of this section applies. This addendum shall 2380  
include, at a minimum, the data specified in divisions (C)(1) 2381  
(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code. 2382

(2) Any district that leases a building to a community 2383  
school located in the district or that enters into an agreement 2384  
with a community school located in the district whereby the 2385  
district and the school endorse each other's programs may elect 2386  
to have data regarding the academic performance of students 2387  
enrolled in the community school combined with comparable data 2388  
from the schools of the district for the purpose of determining 2389  
the performance of the district as a whole on the district 2390  
report card. Any district that so elects shall annually file a 2391  
copy of the lease or agreement with the department. 2392

(3) Any municipal school district, as defined in section 2393  
3311.71 of the Revised Code, that sponsors a community school 2394  
located within the district's territory, or that enters into an 2395  
agreement with a community school located within the district's 2396  
territory whereby the district and the community school endorse 2397  
each other's programs, may exercise either or both of the 2398  
following elections: 2399

(a) To have data regarding the academic performance of 2400  
students enrolled in that community school combined with 2401  
comparable data from the schools of the district for the purpose 2402  
of determining the performance of the district as a whole on the 2403  
district's report card; 2404

(b) To have the number of students attending that 2405

community school noted separately on the district's report card. 2406

The election authorized under division (I) (3) (a) of this 2407  
section is subject to approval by the governing authority of the 2408  
community school. 2409

Any municipal school district that exercises an election 2410  
to combine or include data under division (I) (3) of this 2411  
section, by the first day of October of each year, shall file 2412  
with the department documentation indicating eligibility for 2413  
that election, as required by the department. 2414

(J) The department shall include on each report card the 2415  
percentage of teachers in the district or building who are 2416  
highly qualified, as defined by the No Child Left Behind Act of 2417  
2001, and a comparison of that percentage with the percentages 2418  
of such teachers in similar districts and buildings. 2419

(K) (1) In calculating English language arts, mathematics, 2420  
or science assessment passage rates used to determine school 2421  
district or building performance under this section, the 2422  
department shall include all students taking an assessment with 2423  
accommodation or to whom an alternate assessment is administered 2424  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2425  
Revised Code. 2426

(2) In calculating performance index scores, rates of 2427  
achievement on the performance indicators established by the 2428  
state board under section 3302.02 of the Revised Code, and 2429  
annual measurable objectives for determining adequate yearly 2430  
progress for school districts and buildings under this section, 2431  
the department shall do all of the following: 2432

(a) Include for each district or building only those 2433  
students who are included in the ADM certified for the first 2434

full school week of October and are continuously enrolled in the 2435  
district or building through the time of the spring 2436  
administration of any assessment prescribed by division (A) (1) 2437  
or (B) (1) of section 3301.0710 or division (B) of section 2438  
3301.0712 of the Revised Code that is administered to the 2439  
student's grade level; 2440

(b) Include cumulative totals from both the fall and 2441  
spring administrations of the third grade English language arts 2442  
achievement assessment; 2443

(c) Except as required by the No Child Left Behind Act of 2444  
2001, exclude for each district or building any limited English 2445  
proficient student who has been enrolled in United States 2446  
schools for less than one full school year. 2447

(L) Beginning with the 2015-2016 school year and at least 2448  
once every three years thereafter, the state board of education 2449  
shall review and may adjust the benchmarks for assigning letter 2450  
grades to the performance measures and components prescribed 2451  
under divisions (C) (3) and (D) of this section. 2452

**Sec. 3302.033.** (A) The state board of education, in 2453  
consultation with the chancellor of ~~the Ohio board of~~ 2454  
~~regents~~ higher education, any office within the office of the 2455  
governor concerning workforce development, the Ohio association 2456  
of career and technical education, the Ohio association of city 2457  
career-technical schools, and the Ohio association of career- 2458  
technical superintendents, shall approve a report card for joint 2459  
vocational school districts and for other career-technical 2460  
planning districts that are not joint vocational school 2461  
districts, which may contain disaggregated data for each joint 2462  
vocational school district, if applicable. The state board shall 2463  
submit details of the approved report card to the governor, the 2464

speaker of the house of representatives, the president of the 2465  
senate, and the chairpersons of the standing committees of the 2466  
house of representatives and the senate principally responsible 2467  
for education policy. The department of education annually shall 2468  
issue a report card for each joint vocational school district 2469  
and other career-technical planning districts that are not joint 2470  
vocational school districts, beginning with report cards for the 2471  
2012-2013 school year to be published not later than September 2472  
1, 2013. 2473

(B) Beginning with the report cards for the 2018-2019 2474  
school year and each school year thereafter, the format for any 2475  
report card issued under this section shall include at least the 2476  
following components: 2477

(1) Achievement. The achievement component shall consist 2478  
of technical skills attainment by students enrolled in a career- 2479  
technical education program and any additional measure as 2480  
determined by the state board, in consultation with individuals 2481  
and entities prescribed in division (A) of this section. The 2482  
achievement component shall not include any measure that 2483  
calculates the percentage of students enrolled in a career- 2484  
technical education program who passed the achievement 2485  
assessments required under division (A) of section 3301.0710 of 2486  
the Revised Code or the end-of-course examinations required 2487  
under division (B) (2) of section 3301.0712 of the Revised Code. 2488

(2) Graduation rate. The graduation rate shall include 2489  
both a four-year cohort graduation rate and a five-year cohort 2490  
graduation rate of students primarily enrolled in career 2491  
technical education programs. 2492

(3) Post-program outcomes. The post-program outcomes 2493  
component shall not include the reporting of the percentage of 2494

<u>students who receive industry-recognized credentials.</u>	2495
<u>(4) Prepared for success. The prepared for success</u>	2496
<u>component shall include all of the following:</u>	2497
<u>(a) The percentage of students with industry-recognized</u>	2498
<u>credentials;</u>	2499
<u>(b) The percentage of students who receive an honors</u>	2500
<u>diploma under section 3313.61 of the Revised Code;</u>	2501
<u>(c) The percentage of students who receive at least three</u>	2502
<u>college credits through the college credit plus program</u>	2503
<u>established under Chapter 3365. of the Revised Code;</u>	2504
<u>(d) The percentage of students who participate in paid or</u>	2505
<u>unpaid employment, such as early placement, internships, and</u>	2506
<u>preapprenticeships, as part of their career-technical education</u>	2507
<u>program while enrolled in high school;</u>	2508
<u>(e) The percentage of students who have earned technical</u>	2509
<u>credit that can be transferred to state institutions of higher</u>	2510
<u>education under the career-technical assurance guide created by</u>	2511
<u>the chancellor.</u>	2512
<u>The prepared for success component shall not include the</u>	2513
<u>test prescribed under division (B) (1) of section 3301.0712 of</u>	2514
<u>the Revised Code or any other college admission test or any</u>	2515
<u>advanced placement or international baccalaureate examination.</u>	2516
<u>(C) Beginning with the report cards for the 2018-2019</u>	2517
<u>school year and each school year thereafter, the department</u>	2518
<u>shall issue a separate additional report card for a lead</u>	2519
<u>district of a career-planning district that is not a joint</u>	2520
<u>vocational school district that includes only the performance of</u>	2521
<u>enrolled students of that district.</u>	2522

<u>(D) As used in this section, <del>"career-technical":</del></u>	2523
<u>(1) "Career-technical planning district" means a school</u>	2524
<u>district or group of school districts designated by the</u>	2525
<u>department as being responsible for the planning for and</u>	2526
<u>provision of career-technical education services to students</u>	2527
<u>within the district or group <u>and includes all of the following:</u></u>	2528
<u>(a) A joint vocational school district;</u>	2529
<u>(b) A comprehensive school district that has established</u>	2530
<u>and maintains a career-technical education program that meets</u>	2531
<u>the standards adopted by the state board; and</u>	2532
<u>(c) A contracting district that provides or ensures</u>	2533
<u>provision of a career-technical education program that meets the</u>	2534
<u>standards adopted by the state board to another district with</u>	2535
<u>which it has entered into a contract.</u>	2536
<u>(2) "Enrolled student" means a student who is enrolled in</u>	2537
<u>a middle school or high school operated by the lead district.</u>	2538
<u>(3) "Lead district" has the same meaning as in section</u>	2539
<u>3317.023 of the Revised Code.</u>	2540
<u>(4) "State institution of higher education" has the same</u>	2541
<u>meaning as in section 3345.011 of the Revised Code.</u>	2542
<b>Sec. 3302.036.</b> (A) Notwithstanding anything in the Revised	2543
Code to the contrary, <del>the</del> :	2544
<u>(1) The department of education shall not assign an</u>	2545
<u>overall letter grade under division (C) (3) of section 3302.03 of</u>	2546
<u>the Revised Code, as it existed prior to the effective date of</u>	2547
<u>this amendment, or section 3302.032 of the Revised Code for any</u>	2548
<u>school district or building for the 2014-2015, 2015-2016, or</u>	2549
<u>2016-2017 school years.</u>	2550

(2) The department may, at the discretion of the state 2551  
board of education, not assign an individual grade to any 2552  
component prescribed under division (C) (3) of section 3302.03 of 2553  
the Revised Code, as it existed prior to the effective date of 2554  
this amendment, or section 3302.032 of the Revised Code, and . 2555

(3) The department shall not rank school districts, 2556  
community schools established under Chapter 3314. of the Revised 2557  
Code, or STEM schools established under Chapter 3326. of the 2558  
Revised Code under section 3302.21 of the Revised Code for those 2559  
school years. 2560

(4) The report card ratings issued for the 2014-2015, 2561  
2015-2016, or 2016-2017 school years shall not be considered in 2562  
determining whether a school district or a school is subject to 2563  
sanctions or penalties. However, the report card ratings of any 2564  
previous or subsequent years shall be considered in determining 2565  
whether a school district or building is subject to sanctions or 2566  
penalties. Accordingly, the report card ratings for the 2014- 2567  
2015, 2015-2016, or 2016-2017 school years shall have no effect 2568  
in determining sanctions or penalties, but shall not create a 2569  
new starting point for determinations that are based on ratings 2570  
over multiple years. 2571

(B) The provisions from which a district or school is 2572  
exempt under division (A) of this section shall be the 2573  
following: 2574

(1) Any restructuring provisions established under this 2575  
chapter, except as required under the "No Child Left Behind Act 2576  
of 2001"; 2577

(2) Provisions for the Columbus city school pilot project 2578  
under section 3302.042 of the Revised Code; 2579

(3) Provisions for academic distress commissions under 2580  
former section 3302.10 of the Revised Code as it existed prior 2581  
~~to the effective date of this amendment~~ October 15, 2015. The 2582  
provisions of this section do not apply to academic distress 2583  
commissions under the version of that section as it exists on or 2584  
~~after the effective date of this amendment~~ October 15, 2015. 2585

(4) Provisions prescribing new buildings where students 2586  
are eligible for the educational choice scholarships under 2587  
section 3310.03 of the Revised Code; 2588

(5) Provisions defining "challenged school districts" in 2589  
which new start-up community schools may be located, as 2590  
prescribed in section 3314.02 of the Revised Code; 2591

(6) Provisions prescribing community school closure 2592  
requirements under section 3314.35 or 3314.351 of the Revised 2593  
Code. 2594

(C) Notwithstanding anything in the Revised Code to the 2595  
contrary and except as provided in Section 3 of H.B. 7 of the 2596  
131st general assembly, no school district, community school, or 2597  
STEM school shall utilize at any time during a student's 2598  
academic career a student's score on any assessment administered 2599  
under division (A) of section 3301.0710 or division (B) (2) of 2600  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 2601  
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 2602  
to promote or to deny the student promotion to a higher grade 2603  
level or in any decision to grant course credit. No individual 2604  
student score reports on such assessments administered in the 2605  
2014-2015, 2015-2016, or 2016-2017 school years shall be 2606  
released, except to a student's school district or school or to 2607  
the student or the student's parent or guardian. 2608

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of 2609  
this section, ~~for the 2014-2015 school year, and for each school~~ 2610  
~~year thereafter,~~ when a provision refers to a school district or 2611  
school building in a state of academic emergency, it shall mean 2612  
a district or building rated "F"; when a provision refers to a 2613  
school district or school building under an academic watch, it 2614  
shall mean a district or building rated "D"; and when a 2615  
provision refers to a school district or school building in need 2616  
of continuous improvement, it shall mean a district or building 2617  
rated "C" as those letter grade ratings for overall performance 2618  
are assigned under division (C) (3) of section 3302.03 of the 2619  
Revised Code, as it existed prior to the effective date of this 2620  
amendment, or section 3302.032 of the Revised Code, ~~as it exists~~ 2621  
~~on or after March 22, 2013.~~ 2622

(A) The department of education shall establish a system 2623  
of intensive, ongoing support for the improvement of school 2624  
districts and school buildings. In accordance with the model of 2625  
differentiated accountability described in section 3302.041 of 2626  
the Revised Code, the system shall give priority to the 2627  
following: 2628

(1) For any school year prior to the 2012-2013 school 2629  
year, districts and buildings that have been declared to be 2630  
under an academic watch or in a state of academic emergency 2631  
~~under section 3302.03 of the Revised Code;~~ 2632

(2) For the 2012-2013 school year, and for each school 2633  
year thereafter, districts and buildings in the manner 2634  
prescribed by any agreement currently in force between the 2635  
department and the United States department of education. The 2636  
department shall endeavor to include schools and buildings that 2637  
receive grades under section 3302.03 of the Revised Code, as it 2638

existed prior to the effective date of this amendment, or 2639  
section 3302.032 of the Revised Code that the department 2640  
considers to be low performing. 2641

The system shall include services provided to districts 2642  
and buildings through regional service providers, such as 2643  
educational service centers. The system may include the 2644  
appointment of an improvement coordinator for any of the lowest 2645  
performing districts, as determined by the department, to 2646  
coordinate the district's academic improvement efforts and to 2647  
build support among the community for those efforts. 2648

(B) This division does not apply to any school district 2649  
after June 30, 2008. 2650

When a school district has been notified by the department 2651  
~~pursuant to section 3302.03 of the Revised Code~~ that the 2652  
district or a building within the district has failed to make 2653  
adequate yearly progress for two consecutive school years, the 2654  
district shall develop a three-year continuous improvement plan 2655  
for the district or building containing each of the following: 2656

(1) An analysis of the reasons for the failure of the 2657  
district or building to meet any of the applicable performance 2658  
indicators established under section 3302.02 of the Revised Code 2659  
that it did not meet and an analysis of the reasons for its 2660  
failure to make adequate yearly progress; 2661

(2) Specific strategies that the district or building will 2662  
use to address the problems in academic achievement identified 2663  
in division (B) (1) of this section; 2664

(3) Identification of the resources that the district will 2665  
allocate toward improving the academic achievement of the 2666  
district or building; 2667

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

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

(C) (1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A) (2) of this section shall be subject to

any rules establishing such intervention. 2697

(D) (1) For any school year prior to the 2012-2013 school 2698  
year, within one hundred twenty days after any school district 2699  
or building is declared to be in a state of academic emergency 2700  
~~under section 3302.03 of the Revised Code~~, the department may 2701  
initiate a site evaluation of the building or school district. 2702

(2) For the 2012-2013 school year, and for each school 2703  
year thereafter, the department may initiate a site evaluation 2704  
of a building or school district that meets the conditions for a 2705  
site evaluation prescribed by the agreement described in 2706  
division (A) (2) of this section. 2707

(3) Division (D) (3) of this section does not apply to any 2708  
school district after June 30, 2008. 2709

If any school district that is declared to be in a state 2710  
of academic emergency or in a state of academic watch ~~under~~ 2711  
~~section 3302.03 of the Revised Code~~ or encompasses a building 2712  
that is declared to be in a state of academic emergency or in a 2713  
state of academic watch fails to demonstrate to the department 2714  
satisfactory improvement of the district or applicable buildings 2715  
or fails to submit to the department any information required 2716  
under rules established by the state board of education, prior 2717  
to approving a three-year continuous improvement plan under 2718  
rules established by the state board of education, the 2719  
department shall conduct a site evaluation of the school 2720  
district or applicable buildings to determine whether the school 2721  
district is in compliance with minimum standards established by 2722  
law or rule. 2723

(4) Division (D) (4) of this section does not apply to any 2724  
school district after June 30, 2008. Site evaluations conducted 2725

under divisions (D) (1), (2), and (3) of this section shall	2726
include, but not be limited to, the following:	2727
(a) Determining whether teachers are assigned to subject	2728
areas for which they are licensed or certified;	2729
(b) Determining pupil-teacher ratios;	2730
(c) Examination of compliance with minimum instruction	2731
time requirements for each school day and for each school year;	2732
(d) Determining whether materials and equipment necessary	2733
to implement the curriculum approved by the school district	2734
board are available;	2735
(e) Examination of whether the teacher and principal	2736
evaluation systems comply with sections 3311.80, 3311.84,	2737
3319.02, and 3319.111 of the Revised Code;	2738
(f) Examination of the adequacy of efforts to improve the	2739
cultural competency, as defined pursuant to section 3319.61 of	2740
the Revised Code, of teachers and other educators.	2741
(E) This division applies only to school districts that	2742
operate a school building that fails to make adequate yearly	2743
progress for two or more consecutive school years. It does not	2744
apply to any such district after June 30, 2008, except as	2745
provided in division (D) (2) of section 3313.97 of the Revised	2746
Code.	2747
(1) For any school building that fails to make adequate	2748
yearly progress for two consecutive school years, the district	2749
shall do all of the following:	2750
(a) Provide written notification of the academic issues	2751
that resulted in the building's failure to make adequate yearly	2752
progress to the parent or guardian of each student enrolled in	2753

the building. The notification shall also describe the actions 2754  
being taken by the district or building to improve the academic 2755  
performance of the building and any progress achieved toward 2756  
that goal in the immediately preceding school year. 2757

(b) If the building receives funds under Title I, Part A 2758  
of the "Elementary and Secondary Education Act of 1965," 20 2759  
U.S.C. 6311 to 6339, from the district, in accordance with 2760  
section 3313.97 of the Revised Code, offer all students enrolled 2761  
in the building the opportunity to enroll in an alternative 2762  
building within the district that is not in school improvement 2763  
status as defined by the "No Child Left Behind Act of 2001." 2764  
Notwithstanding Chapter 3327. of the Revised Code, the district 2765  
shall spend an amount equal to twenty per cent of the funds it 2766  
receives under Title I, Part A of the "Elementary and Secondary 2767  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2768  
transportation for students who enroll in alternative buildings 2769  
under this division, unless the district can satisfy all demand 2770  
for transportation with a lesser amount. If an amount equal to 2771  
twenty per cent of the funds the district receives under Title 2772  
I, Part A of the "Elementary and Secondary Education Act of 2773  
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2774  
demand for transportation, the district shall grant priority 2775  
over all other students to the lowest achieving students among 2776  
the subgroup described in division (B) (3) of section 3302.01 of 2777  
the Revised Code in providing transportation. Any district that 2778  
does not receive funds under Title I, Part A of the "Elementary 2779  
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2780  
shall not be required to provide transportation to any student 2781  
who enrolls in an alternative building under this division. 2782

(2) For any school building that fails to make adequate 2783  
yearly progress for three consecutive school years, the district 2784

shall do both of the following: 2785

(a) If the building receives funds under Title I, Part A 2786  
of the "Elementary and Secondary Education Act of 1965," 20 2787  
U.S.C. 6311 to 6339, from the district, in accordance with 2788  
section 3313.97 of the Revised Code, provide all students 2789  
enrolled in the building the opportunity to enroll in an 2790  
alternative building within the district that is not in school 2791  
improvement status as defined by the "No Child Left Behind Act 2792  
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2793  
district shall provide transportation for students who enroll in 2794  
alternative buildings under this division to the extent required 2795  
under division (E) (2) of this section. 2796

(b) If the building receives funds under Title I, Part A 2797  
of the "Elementary and Secondary Education Act of 1965," 20 2798  
U.S.C. 6311 to 6339, from the district, offer supplemental 2799  
educational services to students who are enrolled in the 2800  
building and who are in the subgroup described in division (B) 2801  
(3) of section 3302.01 of the Revised Code. 2802

The district shall spend a combined total of an amount 2803  
equal to twenty per cent of the funds it receives under Title I, 2804  
Part A of the "Elementary and Secondary Education Act of 1965," 2805  
20 U.S.C. 6311 to 6339, to provide transportation for students 2806  
who enroll in alternative buildings under division (E) (1) (b) or 2807  
(E) (2) (a) of this section and to pay the costs of the 2808  
supplemental educational services provided to students under 2809  
division (E) (2) (b) of this section, unless the district can 2810  
satisfy all demand for transportation and pay the costs of 2811  
supplemental educational services for those students who request 2812  
them with a lesser amount. In allocating funds between the 2813  
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2814

this section, the district shall spend at least an amount equal 2815  
to five per cent of the funds it receives under Title I, Part A 2816  
of the "Elementary and Secondary Education Act of 1965," 20 2817  
U.S.C. 6311 to 6339, to provide transportation for students who 2818  
enroll in alternative buildings under division (E) (1) (b) or (E) 2819  
(2) (a) of this section, unless the district can satisfy all 2820  
demand for transportation with a lesser amount, and at least an 2821  
amount equal to five per cent of the funds it receives under 2822  
Title I, Part A of the "Elementary and Secondary Education Act 2823  
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2824  
supplemental educational services provided to students under 2825  
division (E) (2) (b) of this section, unless the district can pay 2826  
the costs of such services for all students requesting them with 2827  
a lesser amount. If an amount equal to twenty per cent of the 2828  
funds the district receives under Title I, Part A of the 2829  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2830  
to 6339, is insufficient to satisfy all demand for 2831  
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2832  
section and to pay the costs of all of the supplemental 2833  
educational services provided to students under division (E) (2) 2834  
(b) of this section, the district shall grant priority over all 2835  
other students in providing transportation and in paying the 2836  
costs of supplemental educational services to the lowest 2837  
achieving students among the subgroup described in division (B) 2838  
(3) of section 3302.01 of the Revised Code. 2839

Any district that does not receive funds under Title I, 2840  
Part A of the "Elementary and Secondary Education Act of 1965," 2841  
20 U.S.C. 6311 to 6339, shall not be required to provide 2842  
transportation to any student who enrolls in an alternative 2843  
building under division (E) (2) (a) of this section or to pay the 2844  
costs of supplemental educational services provided to any 2845

student under division (E) (2) (b) of this section. 2846

No student who enrolls in an alternative building under 2847  
division (E) (2) (a) of this section shall be eligible for 2848  
supplemental educational services under division (E) (2) (b) of 2849  
this section. 2850

(3) For any school building that fails to make adequate 2851  
yearly progress for four consecutive school years, the district 2852  
shall continue to comply with division (E) (2) of this section 2853  
and shall implement at least one of the following options with 2854  
respect to the building: 2855

(a) Institute a new curriculum that is consistent with the 2856  
statewide academic standards adopted pursuant to division (A) of 2857  
section 3301.079 of the Revised Code; 2858

(b) Decrease the degree of authority the building has to 2859  
manage its internal operations; 2860

(c) Appoint an outside expert to make recommendations for 2861  
improving the academic performance of the building. The district 2862  
may request the department to establish a state intervention 2863  
team for this purpose pursuant to division (G) of this section. 2864

(d) Extend the length of the school day or year; 2865

(e) Replace the building principal or other key personnel; 2866

(f) Reorganize the administrative structure of the 2867  
building. 2868

(4) For any school building that fails to make adequate 2869  
yearly progress for five consecutive school years, the district 2870  
shall continue to comply with division (E) (2) of this section 2871  
and shall develop a plan during the next succeeding school year 2872  
to improve the academic performance of the building, which shall 2873

include at least one of the following options:	2874
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2875 2876
(b) Replace personnel;	2877
(c) Contract with a nonprofit or for-profit entity to operate the building;	2878 2879
(d) Turn operation of the building over to the department;	2880
(e) Other significant restructuring of the building's governance.	2881 2882
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	2883 2884 2885 2886 2887
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	2888 2889 2890 2891 2892
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	2893 2894 2895 2896
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If	2897 2898 2899 2900 2901

the district does not have a continuous improvement plan, the 2902  
district shall develop such a plan in accordance with division 2903  
(B) of this section and provide a written description of the 2904  
plan to the parent or guardian of each student enrolled in the 2905  
district. 2906

(2) If a school district has been identified for 2907  
improvement for two consecutive school years, the district shall 2908  
continue to implement the continuous improvement plan developed 2909  
by the district pursuant to division (B) or (F)(1) of this 2910  
section. 2911

(3) If a school district has been identified for 2912  
improvement for three consecutive school years, the department 2913  
shall take at least one of the following corrective actions with 2914  
respect to the district: 2915

(a) Withhold a portion of the funds the district is 2916  
entitled to receive under Title I, Part A of the "Elementary and 2917  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2918

(b) Direct the district to replace key district personnel; 2919

(c) Institute a new curriculum that is consistent with the 2920  
statewide academic standards adopted pursuant to division (A) of 2921  
section 3301.079 of the Revised Code; 2922

(d) Establish alternative forms of governance for 2923  
individual school buildings within the district; 2924

(e) Appoint a trustee to manage the district in place of 2925  
the district superintendent and board of education. 2926

The department shall conduct individual audits of a 2927  
sampling of districts subject to this division to determine 2928  
compliance with the corrective actions taken by the department. 2929

(4) If a school district has been identified for 2930  
improvement for four consecutive school years, the department 2931  
shall continue to monitor implementation of the corrective 2932  
action taken under division (F) (3) of this section with respect 2933  
to the district. 2934

(5) If a school district has been identified for 2935  
improvement for five consecutive school years, the department 2936  
shall take at least one of the corrective actions identified in 2937  
division (F) (3) of this section with respect to the district, 2938  
provided that the corrective action the department takes is 2939  
different from the corrective action previously taken under 2940  
division (F) (3) of this section with respect to the district. 2941

(G) The department may establish a state intervention team 2942  
to evaluate all aspects of a school district or building, 2943  
including management, curriculum, instructional methods, 2944  
resource allocation, and scheduling. Any such intervention team 2945  
shall be appointed by the department and shall include teachers 2946  
and administrators recognized as outstanding in their fields. 2947  
The intervention team shall make recommendations regarding 2948  
methods for improving the performance of the district or 2949  
building. 2950

The department shall not approve a district's request for 2951  
an intervention team under division (E) (3) of this section if 2952  
the department cannot adequately fund the work of the team, 2953  
unless the district agrees to pay for the expenses of the team. 2954

(H) The department shall conduct individual audits of a 2955  
sampling of community schools established under Chapter 3314. of 2956  
the Revised Code to determine compliance with this section. 2957

(I) The state board shall adopt rules for implementing 2958

this section. 2959

**Sec. 3302.05.** The state board of education shall adopt 2960  
rules freeing school districts from specified state mandates if 2961  
one of the following applies: 2962

(A) For the 2011-2012 school year, the school district was 2963  
declared to be excellent under section 3302.03 of the Revised 2964  
Code, as that section existed prior to March 22, 2013, and had 2965  
above expected growth in the overall value-added measure. 2966

(B) For the 2012-2013 school year, the school district 2967  
received a grade of "A" for the number of performance indicators 2968  
met under division (A) (1) (c) of section 3302.03 of the Revised 2969  
Code, as it existed prior to the effective date of this 2970  
amendment, and for the value-added dimension under division (A) 2971  
(1) (e) of that ~~section 3302.03 of the Revised Code.~~ 2972

(C) For the 2013-2014, 2014-2015, or 2015-2016 school ~~year-~~ 2973  
years, the school district received a grade of "A" for the 2974  
number of performance indicators met under division (B) (1) (c) of 2975  
section 3302.03 of the Revised Code, as it existed prior to the 2976  
effective date of this amendment, and for the value-added 2977  
dimension under division (B) (1) (e) of that ~~section 3302.03 of-~~ 2978  
~~the Revised Code.~~ 2979

(D) For the 2016-2017 school year and for each school year 2980  
thereafter, the school district received an overall grade of "A" 2981  
under division (C) (3) of section 3302.03 of the Revised Code, as 2982  
it existed prior to the effective date of this amendment, or 2983  
section 3302.032 of the Revised Code. 2984

Any mandates included in the rules shall be only those 2985  
statutes or rules pertaining to state education requirements. 2986  
The rules shall not exempt districts from any operating standard 2987

adopted under division (D) (3) of section 3301.07 of the Revised Code. 2988  
2989

**Sec. 3302.063.** (A) Except as provided in division (B) of 2990  
this section, upon designation of a school district of 2991  
innovation under section 3302.062 of the Revised Code, the state 2992  
board of education shall waive any laws in Title XXXVIII of the 2993  
Revised Code or rules adopted by the state board that are 2994  
specified in the innovation plan submitted by the district board 2995  
of education as needing to be waived to implement the plan. The 2996  
waiver shall apply only to the school or schools participating 2997  
in the innovation plan and shall not apply to the district as a 2998  
whole, unless each of the district's schools is a participating 2999  
school. The waiver shall cease to apply to a school if the 3000  
school's designation as an innovation school is revoked or the 3001  
innovation school zone in which the school participates has its 3002  
designation revoked under section 3302.065 of the Revised Code, 3003  
or if the school is removed from an innovation school zone under 3004  
that section or section 3302.064 of the Revised Code. 3005

(B) The state board shall not waive any law or rule 3006  
regarding the following: 3007

(1) Funding for school districts under Chapter 3317. of 3008  
the Revised Code; 3009

(2) The requirements of Chapters 3323. and 3324. of the 3010  
Revised Code for the provision of services to students with 3011  
disabilities and gifted students; 3012

(3) Requirements related to the provision of career- 3013  
technical education that are necessary to comply with federal 3014  
law or maintenance of effort provisions; 3015

(4) Administration of the assessments prescribed by 3016

sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 3017  
3018

(5) Requirements related to the issuance of report cards 3019  
and the assignment of performance ratings under ~~section~~ sections 3302.03 and 3302.032 of the Revised Code; 3020  
3021

(6) Implementation of the model of differentiated 3022  
accountability under section 3302.041 of the Revised Code; 3023

(7) Requirements for the reporting of data to the 3024  
department of education; 3025

(8) Criminal records checks of school employees; 3026

(9) The requirements of Chapters 3307. and 3309. regarding 3027  
the retirement systems for teachers and school employees. 3028

(C) If a district board's revisions to an innovation plan 3029  
under section 3302.066 of the Revised Code require a waiver of 3030  
additional laws or state board rules, the state board shall 3031  
grant a waiver from those laws or rules upon evidence that 3032  
administrators and teachers have consented to the revisions as 3033  
required by that section. 3034

**Sec. 3302.10.** (A) The superintendent of public instruction 3035  
shall establish an academic distress commission for any school 3036  
district that meets one of the following conditions: 3037

(1) The district has received an overall grade of "F" 3038  
under division (C) (3) of section 3302.03 of the Revised Code, as 3039  
it existed prior to the effective date of this amendment, or 3040  
section 3302.032 of the Revised Code for three consecutive 3041  
years. 3042

(2) An academic distress commission established for the 3043  
district under former section 3302.10 of the Revised Code was 3044

still in existence on ~~the effective date of this section~~ October 3045  
15, 2015, and has been in existence for at least four years. 3046

(B) (1) The academic distress commission shall consist of 3047  
five members as follows: 3048

(a) Three members appointed by the state superintendent, 3049  
one of whom is a resident in the county in which a majority of 3050  
the district's territory is located; 3051

(b) One member appointed by the president of the district 3052  
board of education, who shall be a teacher employed by the 3053  
district; 3054

(c) One member appointed by the mayor of the municipality 3055  
in which a majority of the district's territory is located or, 3056  
if no such municipality exists, by the mayor of a municipality 3057  
selected by the state superintendent in which the district has 3058  
territory. 3059

Appointments to the commission shall be made within thirty 3060  
days after the district is notified that it is subject to this 3061  
section. Members of the commission shall serve at the pleasure 3062  
of their appointing authority. The state superintendent shall 3063  
designate a chairperson for the commission from among the 3064  
members appointed by the state superintendent. The chairperson 3065  
shall call and conduct meetings, set meeting agendas, and serve 3066  
as a liaison between the commission and the chief executive 3067  
officer appointed under division (C) (1) of this section. 3068

(2) In the case of a school district that meets the 3069  
condition in division (A) (2) of this section, the academic 3070  
distress commission established for the district under former 3071  
section 3302.10 of the Revised Code shall be abolished and a new 3072  
academic distress commission shall be appointed for the district 3073

pursuant to division (B) (1) of this section. 3074

(C) (1) Within sixty days after the state superintendent 3075  
has designated a chairperson for the academic distress 3076  
commission, the commission shall appoint a chief executive 3077  
officer for the district, who shall be paid by the department of 3078  
education and shall serve at the pleasure of the commission. The 3079  
individual appointed as chief executive officer shall have high- 3080  
level management experience in the public or private sector. The 3081  
chief executive officer shall exercise complete operational, 3082  
managerial, and instructional control of the district, which 3083  
shall include, but shall not be limited to, the following powers 3084  
and duties, but the chief executive officer may delegate, in 3085  
writing, specific powers or duties to the district board or 3086  
district superintendent: 3087

(a) Replacing school administrators and central office 3088  
staff; 3089

(b) Assigning employees to schools and approving 3090  
transfers; 3091

(c) Hiring new employees; 3092

(d) Defining employee responsibilities and job 3093  
descriptions; 3094

(e) Establishing employee compensation; 3095

(f) Allocating teacher class loads; 3096

(g) Conducting employee evaluations; 3097

(h) Making reductions in staff under section 3319.17, 3098  
3319.171, or 3319.172 of the Revised Code; 3099

(i) Setting the school calendar; 3100

(j) Creating a budget for the district;	3101
(k) Contracting for services for the district;	3102
(l) Modifying policies and procedures established by the district board;	3103 3104
(m) Establishing grade configurations of schools;	3105
(n) Determining the school curriculum;	3106
(o) Selecting instructional materials and assessments;	3107
(p) Setting class sizes;	3108
(q) Providing for staff professional development.	3109
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	3110 3111 3112 3113 3114 3115 3116
(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality school accelerator for schools not operated by the district. The accelerator shall promote high-quality schools in the district, lead improvement efforts for underperforming schools, recruit high-quality sponsors for community schools, attract new high-quality schools to the district, and increase the overall capacity of schools to deliver a high-quality education for students. Any accelerator shall be an independent entity and the	3117 3118 3119 3120 3121 3122 3123 3124 3125 3126 3127 3128

chief executive officer shall have no authority over the 3129  
accelerator. 3130

(E) (1) Within thirty days after the chief executive 3131  
officer is appointed, the chief executive officer shall convene 3132  
a group of community stakeholders. The purpose of the group 3133  
shall be to develop expectations for academic improvement in the 3134  
district and to assist the district in building relationships 3135  
with organizations in the community that can provide needed 3136  
services to students. Members of the group shall include, but 3137  
shall not be limited to, educators, civic and business leaders, 3138  
and representatives of institutions of higher education and 3139  
government service agencies. Within ninety days after the chief 3140  
executive officer is appointed, the chief executive officer also 3141  
shall convene a smaller group of community stakeholders for each 3142  
school operated by the district to develop expectations for 3143  
academic improvement in that school. The group convened for each 3144  
school shall have teachers employed in the school and parents of 3145  
students enrolled in the school among its members. 3146

(2) The chief executive officer shall create a plan to 3147  
improve the district's academic performance. In creating the 3148  
plan, the chief executive officer shall consult with the groups 3149  
convened under division (E) (1) of this section. The chief 3150  
executive officer also shall consider the availability of 3151  
funding to ensure sustainability of the plan. The plan shall 3152  
establish clear, measurable performance goals for the district 3153  
and for each school operated by the district. The performance 3154  
goals shall include, but not be limited to, the performance 3155  
measures prescribed for report cards issued under section 3156  
3302.03 of the Revised Code, as it existed prior to the 3157  
effective date of this amendment, or section 3302.032 of the 3158  
Revised Code. Within ninety days after the chief executive 3159

officer is appointed, the chief executive officer shall submit 3160  
the plan to the academic distress commission for approval. 3161  
Within thirty days after the submission of the plan, the 3162  
commission shall approve the plan or suggest modifications to 3163  
the plan that will render it acceptable. If the commission 3164  
suggests modifications, the chief executive officer may revise 3165  
the plan before resubmitting it to the commission. The chief 3166  
executive officer shall resubmit the plan, whether revised or 3167  
not, within fifteen days after the commission suggests 3168  
modifications. The commission shall approve the plan within 3169  
thirty days after the plan is resubmitted. Upon approval of the 3170  
plan by the commission, the chief executive officer shall 3171  
implement the plan. 3172

(F) Notwithstanding any provision to the contrary in 3173  
Chapter 4117. of the Revised Code, if the district board has 3174  
entered into, modified, renewed, or extended a collective 3175  
bargaining agreement on or after ~~the effective date of this~~ 3176  
~~section~~ October 15, 2015, that contains provisions relinquishing 3177  
one or more of the rights or responsibilities listed in division 3178  
(C) of section 4117.08 of the Revised Code, those provisions are 3179  
not enforceable and the chief executive officer and the district 3180  
board shall resume holding those rights or responsibilities as 3181  
if the district board had not relinquished them in that 3182  
agreement until such time as both the academic distress 3183  
commission ceases to exist and the district board agrees to 3184  
relinquish those rights or responsibilities in a new collective 3185  
bargaining agreement. For purposes of this section, "collective 3186  
bargaining agreement" shall include any labor contract or 3187  
agreement in effect with any applicable bargaining 3188  
representative. The chief executive officer and the district 3189  
board are not required to bargain on subjects reserved to the 3190

management and direction of the school district, including, but 3191  
not limited to, the rights or responsibilities listed in 3192  
division (C) of section 4117.08 of the Revised Code. The way in 3193  
which these subjects and these rights or responsibilities may 3194  
affect the wages, hours, terms and conditions of employment, or 3195  
the continuation, modification, or deletion of an existing 3196  
provision of a collective bargaining agreement is not subject to 3197  
collective bargaining or effects bargaining under Chapter 4117. 3198  
of the Revised Code. The provisions of this paragraph apply to a 3199  
collective bargaining agreement entered into, modified, renewed, 3200  
or extended on or after ~~the effective date of this section~~ 3201  
October 15, 2015, and those provisions are deemed to be part of 3202  
that agreement regardless of whether the district satisfied the 3203  
conditions prescribed in division (A) of this section at the 3204  
time the district entered into that agreement. If the district 3205  
board relinquished one or more of the rights or responsibilities 3206  
listed in division (C) of section 4117.08 of the Revised Code in 3207  
a collective bargaining agreement entered into prior to ~~the~~ 3208  
~~effective date of this section~~ October 15, 2015, and had resumed 3209  
holding those rights or responsibilities pursuant to division 3210  
(K) of former section 3302.10 of the Revised Code, as it existed 3211  
prior to that date, the district board shall continue to hold 3212  
those rights or responsibilities until such time as both the new 3213  
academic distress commission appointed under this section ceases 3214  
to exist upon completion of the transition period specified in 3215  
division (N) (1) of this section and the district board agrees to 3216  
relinquish those rights or responsibilities in a new collective 3217  
bargaining agreement. 3218

(G) In each school year that the district is subject to 3219  
this section, the following shall apply: 3220

(1) The chief executive officer shall implement the 3221

improvement plan approved under division (E) (2) of this section 3222  
and shall review the plan annually to determine if changes are 3223  
needed. The chief executive officer may modify the plan upon the 3224  
approval of the modifications by the academic distress 3225  
commission. 3226

(2) The chief executive officer may implement innovative 3227  
education programs to do any of the following: 3228

(a) Address the physical and mental well-being of students 3229  
and their families; 3230

(b) Provide mentoring; 3231

(c) Provide job resources; 3232

(d) Disseminate higher education information; 3233

(e) Offer recreational or cultural activities; 3234

(f) Provide any other services that will contribute to a 3235  
successful learning environment. 3236

The chief executive officer shall establish a separate 3237  
fund to support innovative education programs and shall deposit 3238  
any moneys appropriated by the general assembly for the purposes 3239  
of division (G) (2) of this section in the fund. The chief 3240  
executive officer shall have sole authority to disburse moneys 3241  
from the fund until the district is no longer subject to this 3242  
section. All disbursements shall support the improvement plan 3243  
approved under division (E) (2) of this section. 3244

(3) If the district is not a school district in which the 3245  
pilot project scholarship program is operating under sections 3246  
3313.974 to 3313.979 of the Revised Code, each student who is 3247  
entitled to attend school in the district under section 3313.64 3248  
or 3313.65 of the Revised Code and is enrolled in a school 3249

operated by the district or in a community school, or will be 3250  
both enrolling in any of grades kindergarten through twelve in 3251  
this state for the first time and at least five years of age by 3252  
the first day of January of the following school year, shall be 3253  
eligible to participate in the educational choice scholarship 3254  
pilot program established under sections 3310.01 to 3310.17 of 3255  
the Revised Code and an application for the student may be 3256  
submitted during the next application period. 3257

(4) Notwithstanding anything to the contrary in the 3258  
Revised Code, the chief executive officer may limit, suspend, or 3259  
alter any contract with an administrator that is entered into, 3260  
modified, renewed, or extended by the district board on or after 3261  
~~the effective date of this section~~ October 15, 2015, provided 3262  
that the chief executive officer shall not reduce any salary or 3263  
base hourly rate of pay unless such salary or base hourly rate 3264  
reductions are part of a uniform plan affecting all district 3265  
employees and shall not reduce any insurance benefits unless 3266  
such insurance benefit reductions are also applicable generally 3267  
to other employees of the district. 3268

(5) The chief executive officer shall represent the 3269  
district board during any negotiations to modify, renew, or 3270  
extend a collective bargaining agreement entered into by the 3271  
board under Chapter 4117. of the Revised Code. 3272

(H) If the report card for the district has been issued 3273  
under section 3302.03 of the Revised Code, as it existed prior 3274  
to the effective date of this amendment, or section 3302.032 of 3275  
the Revised Code for the first school year that the district is 3276  
subject to this section and the district does not meet the 3277  
qualification in division (N)(1) of this section, the following 3278  
shall apply: 3279

(1) The chief executive officer may reconstitute any school operated by the district. The chief executive officer shall present to the academic distress commission a plan that lists each school designated for reconstitution and explains how the chief executive officer plans to reconstitute the school. The chief executive officer may take any of the following actions to reconstitute a school:

(a) Change the mission of the school or the focus of its curriculum;

(b) Replace the school's principal and/or administrative staff;

(c) Replace a majority of the school's staff, including teaching and nonteaching employees;

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;

(f) Permanently close the school.

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.

(2) Notwithstanding any provision to the contrary in 3308  
Chapter 4117. of the Revised Code, the chief executive officer, 3309  
in consultation with the chairperson of the academic distress 3310  
commission, may reopen any collective bargaining agreement 3311  
entered into, modified, renewed, or extended on or after ~~the~~ 3312  
~~effective date of this section~~ October 15, 2015, for the purpose 3313  
of renegotiating its terms. The chief executive officer shall 3314  
have the sole discretion to designate any provisions of a 3315  
collective bargaining agreement as subject to reopening by 3316  
providing written notice to the bargaining representative. Any 3317  
provisions designated for reopening by the chief executive 3318  
officer shall be subject to collective bargaining as set forth 3319  
in Chapter 4117. of the Revised Code. Any changes to the 3320  
provisions subject to reopening shall take effect on the 3321  
following first day of July or another date agreed to by the 3322  
parties. The chief executive officer may reopen a collective 3323  
bargaining agreement under division (H) (2) of this section as 3324  
necessary to reconstitute a school under division (H) (1) of this 3325  
section. 3326

(I) If the report card for the district has been issued 3327  
under section 3302.03 of the Revised Code, as it existed prior 3328  
to the effective date of this amendment, or section 3302.032 of 3329  
the Revised Code for the second school year that the district is 3330  
subject to this section and the district does not meet the 3331  
qualification in division (N) (1) of this section, the following 3332  
shall apply: 3333

(1) The chief executive officer may exercise any of the 3334  
powers authorized under division (H) of this section. 3335

(2) Notwithstanding any provision to the contrary in 3336  
Chapter 4117. of the Revised Code, the chief executive officer 3337

may limit, suspend, or alter any provision of a collective 3338  
bargaining agreement entered into, modified, renewed, or 3339  
extended on or after ~~the effective date of this section~~ October 3340  
15, 2015, provided that the chief executive officer shall not 3341  
reduce any base hourly rate of pay and shall not reduce any 3342  
insurance benefits. The decision to limit, suspend, or alter any 3343  
provision of a collective bargaining agreement under this 3344  
division is not subject to bargaining under Chapter 4117. of the 3345  
Revised Code; however, the chief executive officer shall have 3346  
the discretion to engage in effects bargaining on the way any 3347  
such decision may affect wages, hours, or terms and conditions 3348  
of employment. The chief executive officer may limit, suspend, 3349  
or alter a provision of a collective bargaining agreement under 3350  
division (I) (2) of this section as necessary to reconstitute a 3351  
school under division (H) (1) of this section. 3352

(J) If the report card for the district has been issued 3353  
under section 3302.03 of the Revised Code, as it existed prior 3354  
to the effective date of this amendment, or section 3302.032 of 3355  
the Revised Code for the third school year that the district is 3356  
subject to this section and the district does not meet the 3357  
qualification in division (N) (1) of this section, the following 3358  
shall apply: 3359

(1) The chief executive officer may exercise any of the 3360  
powers authorized under division (H) or (I) of this section. 3361

(2) The chief executive officer may continue in effect a 3362  
limitation, suspension, or alteration of a provision of a 3363  
collective bargaining agreement issued under division (I) (2) of 3364  
this section. Any such continuation shall be subject to the 3365  
requirements and restrictions of that division. 3366

(K) If the report card for the district has been issued 3367

under section 3302.03 of the Revised Code, as it existed prior 3368  
to the effective date of this amendment, or section 3302.032 of 3369  
the Revised Code for the fourth school year that the district is 3370  
subject to this section and the district does not meet the 3371  
qualification in division (N)(1) of this section, the following 3372  
shall apply: 3373

(1) The chief executive officer may exercise any of the 3374  
powers authorized under division (H), (I), or (J) of this 3375  
section. 3376

(2) A new board of education shall be appointed for the 3377  
district in accordance with section 3302.11 of the Revised Code. 3378  
However, the chief executive officer shall retain complete 3379  
operational, managerial, and instructional control of the 3380  
district until the chief executive officer relinquishes that 3381  
control to the district board under division (N)(1) of this 3382  
section. 3383

(L) If the report card for the district has been issued 3384  
under section 3302.03 of the Revised Code, as it existed prior 3385  
to the effective date of this amendment, or section 3302.032 of 3386  
the Revised Code for the fifth school year, or any subsequent 3387  
school year, that the district is subject to this section and 3388  
the district does not meet the qualification in division (N)(1) 3389  
of this section, the chief executive officer may exercise any of 3390  
the powers authorized under division (H), (I), (J), or (K)(1) of 3391  
this section. 3392

(M) If division (I), (J), (K), or (L) of this section 3393  
applies to a district, community schools, STEM schools, 3394  
chartered nonpublic schools, and other school districts that 3395  
enroll students residing in the district and meet academic 3396  
accountability standards shall be eligible to be paid an 3397

academic performance bonus in each fiscal year for which the 3398  
general assembly appropriates funds for that purpose. The 3399  
academic performance bonus is intended to give students residing 3400  
in the district access to a high-quality education by 3401  
encouraging high-quality schools to enroll those students. 3402

(N) (1) When a district subject to this section receives an 3403  
overall grade of "C" or higher under division (C) (3) of section 3404  
~~3302.03~~ 3302.032 of the Revised Code, the district shall begin 3405  
its transition out of being subject to this section. Except as 3406  
provided in division (N) (2) of this section, the transition 3407  
period shall last until the district has received an overall 3408  
grade higher than "F" under division (C) (3) of section ~~3302.03~~ 3409  
3302.032 of the Revised Code for two consecutive school years 3410  
after the transition period begins. The overall grade of "C" or 3411  
higher that qualifies the district to begin the transition 3412  
period shall not count as one of the two consecutive school 3413  
years. During the transition period, the conditions described in 3414  
divisions (F) to (L) of this section for the school year prior 3415  
to the school year in which the transition period begins shall 3416  
continue to apply and the chief executive officer shall work 3417  
closely with the district board and district superintendent to 3418  
increase their ability to resume control of the district and 3419  
sustain the district's academic improvement over time. Upon 3420  
completion of the transition period, the chief executive officer 3421  
shall relinquish all operational, managerial, and instructional 3422  
control of the district to the district board and district 3423  
superintendent and the academic distress commission shall cease 3424  
to exist. 3425

(2) If the district receives an overall grade of "F" under 3426  
division (C) (3) of section ~~3302.03~~ 3302.032 of the Revised Code 3427  
at any time during the transition period, the transition period 3428

shall end and the district shall be fully subject to this 3429  
section again. The district shall resume being fully subject to 3430  
this section at the point it began its transition out of being 3431  
subject to this section and the division in divisions (H) to (L) 3432  
of this section that would have applied to the district had the 3433  
district not qualified to begin its transition under division 3434  
(N) (1) of this section shall apply to the district. 3435

(O) If at any time there are no longer any schools 3436  
operated by the district due to reconstitution or other closure 3437  
of the district's schools under this section, the academic 3438  
distress commission shall cease to exist and the chief executive 3439  
officer shall cease to exercise any powers with respect to the 3440  
district. 3441

(P) ~~Beginning on the effective date of this section~~ 3442  
October 15, 2015, each collective bargaining agreement entered 3443  
into by a school district board of education under Chapter 4117. 3444  
of the Revised Code shall incorporate the provisions of this 3445  
section. 3446

(Q) The chief executive officer, the members of the 3447  
academic distress commission, the state superintendent, and any 3448  
person authorized to act on behalf of or assist them shall not 3449  
be personally liable or subject to any suit, judgment, or claim 3450  
for damages resulting from the exercise of or failure to 3451  
exercise the powers, duties, and functions granted to them in 3452  
regard to their functioning under this section, but the chief 3453  
executive officer, commission, state superintendent, and such 3454  
other persons shall be subject to mandamus proceedings to compel 3455  
performance of their duties under this section. 3456

(R) The state superintendent shall not exempt any district 3457  
from this section by approving an application for an innovative 3458

education pilot program submitted by the district under section 3459  
3302.07 of the Revised Code. 3460

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 3461  
and (D) of this section, this section applies to a school 3462  
building that is ranked according to performance index score 3463  
under section 3302.21 of the Revised Code in the lowest five per 3464  
cent of public school buildings statewide for three consecutive 3465  
years and that meets any combination of the following for three 3466  
consecutive years: 3467

(a) The school building is declared to be under an 3468  
academic watch or in a state of academic emergency under section 3469  
3302.03 of the Revised Code as it existed prior to March 22, 3470  
2013; 3471

(b) The school building that has received a grade of "F" 3472  
for the value-added progress dimension under division (A) (1) (e), 3473  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code, 3474  
as it existed prior to the effective date of this amendment, or 3475  
section 3302.032 of the Revised Code; 3476

(c) The school building that has received an overall grade 3477  
of "F" under section 3302.03 of the Revised Code, as it existed 3478  
prior to the effective date of this amendment, or section 3479  
3302.032 of the Revised Code. 3480

(2) In the case of a building to which this section 3481  
applies, the district board of education in control of that 3482  
building shall do one of the following at the conclusion of the 3483  
school year in which the building first becomes subject to this 3484  
section: 3485

(a) Close the school and direct the district 3486  
superintendent to reassign the students enrolled in the school 3487

to other school buildings that demonstrate higher academic achievement; 3488  
3489

(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 3490  
3491  
3492

(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school. 3493  
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(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code. 3501  
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(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all 3503  
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necessary actions to dissolve the district as provided in 3518  
division (A) of section 3311.29 of the Revised Code. 3519

(C) If a particular school is required to restructure 3520  
under this section and a petition with respect to that same 3521  
school has been filed and verified under divisions (B) and (C) 3522  
of section 3302.042 of the Revised Code, the provisions of that 3523  
section and the petition filed and verified under it shall 3524  
prevail over the provisions of this section and the school shall 3525  
be restructured under that section. However, if division (D) (1), 3526  
(2), or (3) of section 3302.042 of the Revised Code also applies 3527  
to the school, the school shall be subject to restructuring 3528  
under this section and not section 3302.042 of the Revised Code. 3529

If the provisions of this section conflict in any way with 3530  
the requirements of federal law, federal law shall prevail over 3531  
the provisions of this section. 3532

(D) If a school is restructured under this section, 3533  
section 3302.042 or 3302.10 of the Revised Code, or federal law, 3534  
the school shall not be required to restructure again under 3535  
state law for three consecutive years after the implementation 3536  
of that prior restructuring. 3537

**Sec. 3302.13.** (A) This section applies to any school 3538  
district or community school that meets both of the following 3539  
criteria, as reported on the past two consecutive report cards 3540  
issued for that district or school under section 3302.03 of the 3541  
Revised Code, as it existed prior to the effective date of this 3542  
amendment, or section 3302.032 of the Revised Code: 3543

(1) The district or school received a grade of "D" or "F" 3544  
on the kindergarten through third-grade literacy progress 3545  
measure under division (C) (3) (e) of section 3302.03 or 3302.032 3546

of the Revised Code. 3547

(2) Less than sixty per cent of the district's students 3548  
who took the third grade English language arts assessment 3549  
prescribed under section 3301.0710 of the Revised Code for that 3550  
school year attained at least a proficient score on that 3551  
assessment. 3552

(B) By ~~December 31, 2016, and by the~~ thirty-first day of 3553  
each ~~December thereafter~~, any school district or community 3554  
school that meets the criteria set forth in division (A) of this 3555  
section shall submit to the department of education a school or 3556  
district reading achievement improvement plan, which shall 3557  
include all requirements prescribed by the state board of 3558  
education pursuant to division (C) of this section. 3559

(C) Not later than December 31, 2014, the state board 3560  
shall adopt rules in accordance with Chapter 119. of the Revised 3561  
Code prescribing the content of and deadlines for the reading 3562  
achievement improvement plans required under division (B) of 3563  
this section. The rules shall prescribe that each plan include, 3564  
at a minimum, an analysis of relevant student performance data, 3565  
measurable student performance goals, strategies to meet 3566  
specific student needs, a staffing and professional development 3567  
plan, and instructional strategies for improving literacy. 3568

(D) Any school district or community school to which this 3569  
section applies shall no longer be required to submit an 3570  
improvement plan pursuant to division (B) of this section when 3571  
that district or school meets either of the following criteria, 3572  
as reported on the most recent report card issued for that 3573  
district or school under section 3302.03 of the Revised Code, as 3574  
it existed prior to the effective date of this amendment, or 3575  
section 3302.032 of the Revised Code: 3576

(1) The district or school received a grade of "C" or 3577  
higher on the kindergarten through third-grade literacy progress 3578  
measure under division (C) (3) (e) of section 3302.03 or 3302.032 3579  
of the Revised Code. 3580

(2) Not less than sixty per cent of the district's 3581  
students who took the third grade English language arts 3582  
assessment prescribed under section 3301.0710 of the Revised 3583  
Code for that school year attained at least a proficient score 3584  
on that assessment. 3585

(E) The department of education shall post in a prominent 3586  
location on its web site all plans submitted pursuant to this 3587  
section. 3588

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary 3589  
in Chapter 3301. or 3302. of the Revised Code, the board of 3590  
education of a school district, governing authority of a 3591  
community school established under Chapter 3314. of the Revised 3592  
Code, or governing body of a STEM school established under 3593  
Chapter 3326. of the Revised Code may submit to the 3594  
superintendent of public instruction, during the 2015-2016 3595  
school year, a request for a waiver for up to five school years 3596  
from administering the state achievement assessments required 3597  
under sections 3301.0710 and 3301.0712 of the Revised Code and 3598  
related requirements specified under division (B) (2) of this 3599  
section. A district or school that obtains a waiver under this 3600  
section shall use the alternative assessment system, as proposed 3601  
by the district or school and as approved by the state 3602  
superintendent, in place of the assessments required under 3603  
sections 3301.0710 and 3301.0712 of the Revised Code. 3604

(B) (1) A request for a waiver under this section shall 3605  
contain the following: 3606

(a) A timeline to develop and implement an alternative assessment system for the district or school;	3607 3608
(b) An overview of the proposed innovative educational programs or strategies to be offered by the district or school;	3609 3610
(c) An overview of the proposed alternative assessment system;	3611 3612
(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	3613 3614 3615 3616 3617 3618
(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section <del>3302.03</del> <u>3302.032</u> of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	3619 3620 3621 3622 3623 3624 3625 3626
(f) An acknowledgement by the district or school of federal funding that may be impacted by obtaining a waiver.	3627 3628
(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a district or school may be exempt are as follows:	3629 3630 3631 3632 3633 3634
(a) The required administration of state assessments under	3635

sections 3301.0710 and 3301.0712 of the Revised Code; 3636

(b) The evaluation of teachers and administrators under 3637  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 3638  
of the Revised Code; 3639

(c) The reporting of student achievement data for the 3640  
purpose of the report card ratings prescribed under section 3641  
~~3302.03~~3302.032 of the Revised Code. 3642

(C) Each request for a waiver shall include the signature 3643  
of all of the following: 3644

(1) The superintendent of the school district or the 3645  
equivalent for a community school or STEM school; 3646

(2) The president of the district board or the equivalent 3647  
for a community school or STEM school; 3648

(3) The presiding officer of the labor organization 3649  
representing the district's or school's teachers, if any; 3650

(4) If the district's or school's teachers are not 3651  
represented by a labor organization, the principal and a 3652  
majority of the administrators and teachers of the district or 3653  
school. 3654

(D) Upon receipt of a request for a waiver, the state 3655  
superintendent shall approve or deny the waiver or may request 3656  
additional information from the district or school. The state 3657  
superintendent shall not grant waivers to more than a total of 3658  
ten districts, community schools, or STEM schools, based on 3659  
requests for a waiver received during the 2015-2016 school year. 3660  
A waiver granted to a district or school shall be contingent on 3661  
an ongoing review and evaluation by the state superintendent of 3662  
the program for which the waiver was granted. 3663

(E) (1) For the purpose of this section, the department of education shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section.

(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division (B) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings.

(F) For purposes of this section, "innovative educational program or strategy" means a program or strategy using a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

**Sec. 3302.151.** (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the following:

(1) The teacher qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B) (3) (c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

(2) The mentoring component of the Ohio teacher residency program established under division (A) (1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard

of the state board of education prescribing a minimum or maximum 3693  
class size; 3694

(4) Any provision of the Revised Code or rule or standard 3695  
of the state board requiring teachers to be licensed 3696  
specifically in the grade level in which they are teaching, 3697  
except unless otherwise prescribed by federal law. This 3698  
exemption does not apply to special education teachers. Nor does 3699  
this exemption relieve a teacher from holding a valid Ohio 3700  
license in the subject area in which that teacher is teaching 3701  
and at least some grade level determined appropriate by the 3702  
district board. 3703

(B) (1) Notwithstanding anything to the contrary in the 3704  
Revised Code, including sections 3319.30 and 3319.36 of the 3705  
Revised Code, the superintendent of a school district that 3706  
qualifies under division (D) of this section may employ an 3707  
individual who is not licensed as required by sections 3319.22 3708  
to 3319.30 of the Revised Code, but who is otherwise qualified 3709  
based on experience, to teach classes in the district, so long 3710  
as the board of education of the school district approves the 3711  
individual's employment and provides mentoring and professional 3712  
development opportunities to that individual, as determined 3713  
necessary by the board. 3714

(2) As a condition of employment under this section, an 3715  
individual shall be subject to a criminal records check as 3716  
prescribed by section 3319.391 of the Revised Code. In the 3717  
manner prescribed by the department of education, the individual 3718  
shall submit the criminal records check to the department and 3719  
shall register with the department during the period in which 3720  
the individual is employed by the district. The department shall 3721  
use the information submitted to enroll the individual in the 3722

retained applicant fingerprint database, established under 3723  
section 109.5721 of the Revised Code, in the same manner as any 3724  
teacher licensed under sections 3319.22 to 3319.31 of the 3725  
Revised Code. 3726

(3) An individual employed pursuant to this division is 3727  
subject to Chapter 3307. of the Revised Code. 3728

If the department receives notification of the arrest or 3729  
conviction of an individual employed under division (B) of this 3730  
section, the department shall promptly notify the employing 3731  
district and may take any action authorized under sections 3732  
3319.31 and 3319.311 of the Revised Code that it considers 3733  
appropriate. No district shall employ any individual under 3734  
division (B) of this section if the district learns that the 3735  
individual has plead guilty to, has been found guilty by a jury 3736  
or court of, or has been convicted of any of the offenses listed 3737  
in division (C) of section 3319.31 of the Revised Code. 3738

(C) Notwithstanding anything to the contrary in the 3739  
Revised Code, noncompliance with any of the requirements listed 3740  
in divisions (A) or (B) of this section shall not disqualify a 3741  
school district that qualifies under division (D) of this 3742  
section from receiving funds under Chapter 3317. of the Revised 3743  
Code. 3744

(D) In order for a city, local, or exempted village school 3745  
district to qualify for the exemptions described in this 3746  
section, the school district shall meet all of the following 3747  
benchmarks on the most recent report card issued for that 3748  
district under section ~~3302.03~~ 3302.032 of the Revised Code: 3749

(1) The district received at least eighty-five per cent of 3750  
the total possible points for the performance index score 3751

calculated under division (C) (1) (b) of that section; 3752

(2) The district received a grade of an "A" for 3753  
performance indicators met under division (C) (1) (c) of that 3754  
section; 3755

(3) The district has a four-year adjusted cohort 3756  
graduation rate of at least ninety-three per cent and a five- 3757  
year adjusted cohort graduation rate of at least ninety-five per 3758  
cent, as calculated under division (C) (1) (d) of that section. 3759

(E) A school district that meets the requirements 3760  
prescribed by division (D) of this section shall be qualified 3761  
for the exemptions prescribed by this section for three school 3762  
years, beginning with the school year in which the qualifying 3763  
report card is issued. 3764

(F) As used in this section, "license" has the same 3765  
meaning as in section 3319.31 of the Revised Code. 3766

**Sec. 3302.21.** (A) The department of education shall 3767  
develop a system to rank order all city, exempted village, and 3768  
local school districts, community schools established under 3769  
Chapter 3314. of the Revised Code except those community schools 3770  
to which section 3314.017 of the Revised Code applies, and STEM 3771  
schools established under Chapter 3326. of the Revised Code 3772  
according to the following measures: 3773

(1) Performance index score for each school district, 3774  
community school, and STEM school and for each separate building 3775  
of a district, community school, or STEM school. For districts, 3776  
schools, or buildings to which the performance index score does 3777  
not apply, the superintendent of public instruction may develop 3778  
another measure of student academic performance based on similar 3779  
data and performance measures if appropriate and use that 3780

measure to include those buildings in the ranking so that 3781  
districts, schools, and buildings may be reliably compared to 3782  
each other. 3783

(2) Student performance growth from year to year, using 3784  
the value-added progress dimension, if applicable, and other 3785  
measures of student performance growth designated by the 3786  
superintendent of public instruction for subjects and grades not 3787  
covered by the value-added progress dimension or the alternative 3788  
student academic progress measure if adopted under division (C) 3789  
(1) (e) of section ~~3302.03~~ 3302.032 of the Revised Code; 3790

(3) Current operating expenditure per equivalent pupils as 3791  
defined in section 3302.26 of the Revised Code; 3792

(4) Of total current operating expenditures, percentage 3793  
spent for classroom instruction as determined under standards 3794  
adopted by the state board under section 3302.20 of the Revised 3795  
Code; 3796

(5) Performance of, and opportunities provided to, 3797  
students identified as gifted using value-added progress 3798  
dimensions, if applicable, and other relevant measures as 3799  
designated by the superintendent of public instruction. 3800

The department shall rank each district, each community 3801  
school except a community school to which section 3314.017 of 3802  
the Revised Code applies, and each STEM school annually in 3803  
accordance with the system developed under this section. 3804

(B) ~~In addition to the reports required by sections~~ 3805  
~~3302.03 and 3302.031 of the Revised Code, not~~ Not later than the 3806  
first day of September each year, the department shall issue a 3807  
report for each city, exempted village, and local school 3808  
district, each community school except a community school to 3809

which section 3314.017 of the Revised Code applies, and each 3810  
STEM school indicating the district's or school's rank on each 3811  
measure described in divisions (A) (1) to (4) of this section, 3812  
including each separate building's rank among all public school 3813  
buildings according to performance index score under division 3814  
(A) (1) of this section. 3815

**Sec. 3302.22.** (A) The governor's effective and efficient 3816  
schools recognition program is hereby created. Each year, the 3817  
governor shall recognize, in a manner deemed appropriate by the 3818  
governor, the top ten per cent of all public schools in this 3819  
state, including city, exempted village, and local school 3820  
districts, joint vocational school districts, community schools 3821  
established under Chapter 3314., and STEM schools established 3822  
under Chapter 3326. of the Revised Code. 3823

(B) The top ten per cent of schools shall be determined by 3824  
the department of education according to standards established 3825  
by the department, in consultation with the governor's office of 3826  
21st century education. The standards for recognition for each 3827  
type of school may vary depending upon the unique 3828  
characteristics of that type of school. The standards shall 3829  
include, but need not be limited to, both of the following, 3830  
provided that sufficient data is available for each school: 3831

(1) Student performance, as determined by factors that may 3832  
include, but not be limited to, performance indicators under 3833  
section 3302.02 of the Revised Code, report cards issued under 3834  
~~section~~ sections 3302.03 and 3302.032 of the Revised Code, 3835  
performance index score rankings under section 3302.21 of the 3836  
Revised Code, and any other statewide or national assessment or 3837  
student performance recognition program the department selects; 3838

(2) Fiscal performance, which may include cost-effective 3839

measures taken by the school. 3840

(C) If applicable, the standards under divisions (B) (1) 3841  
and (2) of this section may be applied at the school building or 3842  
district level, depending upon the quality and availability of 3843  
data. 3844

**Sec. 3310.03.** A student is an "eligible student" for 3845  
purposes of the educational choice scholarship pilot program if 3846  
the student's resident district is not a school district in 3847  
which the pilot project scholarship program is operating under 3848  
sections 3313.974 to 3313.979 of the Revised Code and the 3849  
student satisfies one of the conditions in division (A), (B), 3850  
(C), (D), or (E) of this section: 3851

(A) (1) The student is enrolled in a school building 3852  
operated by the student's resident district that, on the report 3853  
card issued under section 3302.03 of the Revised Code, as it 3854  
existed prior to the effective date of this amendment, or 3855  
section 3302.032 of the Revised Code published prior to the 3856  
first day of July of the school year for which a scholarship is 3857  
sought, did not receive a rating as described in division (H) of 3858  
this section, and to which any or a combination of any of the 3859  
following apply for two of the three most recent report cards 3860  
published prior to the first day of July of the school year for 3861  
which a scholarship is sought: 3862

(a) The building was declared to be in a state of academic 3863  
emergency or academic watch under section 3302.03 of the Revised 3864  
Code as that section existed prior to March 22, 2013. 3865

(b) The building received a grade of "D" or "F" for the 3866  
performance index score under division (A) (1) (b) or (B) (1) (b) of 3867  
section 3302.03 of the Revised Code, as it existed prior to the 3868

effective date of this amendment, and for the value-added 3869  
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 3870  
section ~~3302.03 of the Revised Code~~ for the 2012-2013, 2013- 3871  
2014, 2014-2015, or 2015-2016 school year; or if the building 3872  
serves only grades ten through twelve, the building received a 3873  
grade of "D" or "F" for the performance index score under 3874  
division (A) (1) (b) or (B) (1) (b) of that section ~~3302.03 of the~~ 3875  
~~Revised Code~~ and had a four-year adjusted cohort graduation rate 3876  
of less than seventy-five per cent. 3877

(c) The building received an overall grade of "D" or "F" 3878  
under division (C) (3) of section 3302.03 of the Revised Code, as 3879  
it existed prior to the effective date of this amendment, or 3880  
section 3302.032 of the Revised Code or a grade of "F" for the 3881  
value-added progress dimension under division (C) (1) (e) of 3882  
either section ~~3302.03 of the Revised Code~~ for the 2016-2017 3883  
school year or any school year thereafter. 3884

(2) The student will be enrolling in any of grades 3885  
kindergarten through twelve in this state for the first time in 3886  
the school year for which a scholarship is sought, will be at 3887  
least five years of age by the first day of January of the 3888  
school year for which a scholarship is sought, and otherwise 3889  
would be assigned under section 3319.01 of the Revised Code in 3890  
the school year for which a scholarship is sought, to a school 3891  
building described in division (A) (1) of this section. 3892

(3) The student is enrolled in a community school 3893  
established under Chapter 3314. of the Revised Code but 3894  
otherwise would be assigned under section 3319.01 of the Revised 3895  
Code to a building described in division (A) (1) of this section. 3896

(4) The student is enrolled in a school building operated 3897  
by the student's resident district or in a community school 3898

established under Chapter 3314. of the Revised Code and 3899  
otherwise would be assigned under section 3319.01 of the Revised 3900  
Code to a school building described in division (A) (1) of this 3901  
section in the school year for which the scholarship is sought. 3902

(5) The student will be both enrolling in any of grades 3903  
kindergarten through twelve in this state for the first time and 3904  
at least five years of age by the first day of January of the 3905  
school year for which a scholarship is sought, or is enrolled in 3906  
a community school established under Chapter 3314. of the 3907  
Revised Code, and all of the following apply to the student's 3908  
resident district: 3909

(a) The district has in force an intradistrict open 3910  
enrollment policy under which no student in the student's grade 3911  
level is automatically assigned to a particular school building; 3912

(b) In the most recent rating published prior to the first 3913  
day of July of the school year for which scholarship is sought, 3914  
the district did not receive a rating described in division (H) 3915  
of this section, and in at least two of the three most recent 3916  
report cards published prior to the first day of July of that 3917  
school year, any or a combination of the following apply to the 3918  
district: 3919

(i) The district was declared to be in a state of academic 3920  
emergency under section 3302.03 of the Revised Code as it 3921  
existed prior to March 22, 2013. 3922

(ii) The district received a grade of "D" or "F" for the 3923  
performance index score under division (A) (1) (b) or (B) (1) (b) of 3924  
section 3302.03 of the Revised Code, as it existed prior to the 3925  
effective date of this amendment, and for the value-added 3926  
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 3927

section ~~3302.03~~ of the Revised Code for the 2012-2013, 2013- 3928  
2014, 2014-2015, or 2015-2016 school year. 3929

(c) The district received an overall grade of "D" or "F" 3930  
under division (C) (3) of section 3302.03 of the Revised Code, as 3931  
it existed prior to the effective date of this amendment, or 3932  
section 3302.032 of the Revised Code or a grade of "F" for the 3933  
value-added progress dimension under division (C) (1) (e) of 3934  
either section ~~3302.03~~ of the Revised Code for the 2016-2017 3935  
school year or any school year thereafter. 3936

(6) Beginning in the 2016-2017 school year, the student is 3937  
enrolled in or will be enrolling in a building in the school 3938  
year for which the scholarship is sought that serves any of 3939  
grades nine through twelve and that received a grade of "D" or 3940  
"F" for the four-year adjusted cohort graduation rate under 3941  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 3942  
of the Revised Code, as it existed prior to the effective date 3943  
of this amendment, or section 3302.032 of the Revised Code in 3944  
two of the three most recent report cards published prior to the 3945  
first day of July of the school year for which a scholarship is 3946  
sought. 3947

(B) (1) The student is enrolled in a school building 3948  
operated by the student's resident district and to which both of 3949  
the following apply: 3950

(a) The building was ranked, for at least two of the three 3951  
most recent rankings prior to the first day of July of the 3952  
school year for which a scholarship is sought, in the lowest ten 3953  
per cent of all buildings operated by city, local, and exempted 3954  
village school districts according to performance index score as 3955  
determined by the department of education. 3956

(b) The building was not declared to be excellent or 3957  
effective, or the equivalent of such ratings as determined by 3958  
the department, under section 3302.03 of the Revised Code, as it 3959  
existed prior to the effective date of this amendment, or 3960  
section 3302.032 of the Revised Code in the most recent rating 3961  
published prior to the first day of July of the school year for 3962  
which a scholarship is sought. 3963

(2) The student will be enrolling in any of grades 3964  
kindergarten through twelve in this state for the first time in 3965  
the school year for which a scholarship is sought, will be at 3966  
least five years of age, as defined in section 3321.01 of the 3967  
Revised Code, by the first day of January of the school year for 3968  
which a scholarship is sought, and otherwise would be assigned 3969  
under section 3319.01 of the Revised Code in the school year for 3970  
which a scholarship is sought, to a school building described in 3971  
division (B)(1) of this section. 3972

(3) The student is enrolled in a community school 3973  
established under Chapter 3314. of the Revised Code but 3974  
otherwise would be assigned under section 3319.01 of the Revised 3975  
Code to a building described in division (B)(1) of this section. 3976

(4) The student is enrolled in a school building operated 3977  
by the student's resident district or in a community school 3978  
established under Chapter 3314. of the Revised Code and 3979  
otherwise would be assigned under section 3319.01 of the Revised 3980  
Code to a school building described in division (B)(1) of this 3981  
section in the school year for which the scholarship is sought. 3982

(C) The student is enrolled in a nonpublic school at the 3983  
time the school is granted a charter by the state board of 3984  
education under section 3301.16 of the Revised Code and the 3985  
student meets the standards of division (B) of section 3310.031 3986

of the Revised Code. 3987

(D) For the 2016-2017 school year and each school year 3988  
thereafter, the student is in any of grades kindergarten through 3989  
three, is enrolled in a school building that is operated by the 3990  
student's resident district or will be enrolling in any of 3991  
grades kindergarten through twelve in this state for the first 3992  
time in the school year for which a scholarship is sought, and 3993  
to which both of the following apply: 3994

(1) The building, in at least two of the three most recent 3995  
ratings of school buildings published prior to the first day of 3996  
July of the school year for which a scholarship is sought, 3997  
received a grade of "D" or "F" for making progress in improving 3998  
literacy in grades kindergarten through three under division (B) 3999  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code, as 4000  
it existed prior to the effective date of this amendment, or 4001  
section 3302.032 of the Revised Code; 4002

(2) The building did not receive a grade of "A" for making 4003  
progress in improving literacy in grades kindergarten through 4004  
three under division (B) (1) (g) or (C) (1) (g) of section ~~3302.03~~ 4005  
3302.032 of the Revised Code in the most recent rating published 4006  
prior to the first day of July of the school year for which a 4007  
scholarship is sought. 4008

(E) The student's resident district is subject to section 4009  
3302.10 of the Revised Code and the student either: 4010

(1) Is enrolled in a school building operated by the 4011  
resident district or in a community school established under 4012  
Chapter 3314. of the Revised Code; 4013

(2) Will be both enrolling in any of grades kindergarten 4014  
through twelve in this state for the first time and at least 4015

five years of age by the first day of January of the school year 4016  
for which a scholarship is sought. 4017

(F) A student who receives a scholarship under the 4018  
educational choice scholarship pilot program remains an eligible 4019  
student and may continue to receive scholarships in subsequent 4020  
school years until the student completes grade twelve, so long 4021  
as all of the following apply: 4022

(1) The student's resident district remains the same, or 4023  
the student transfers to a new resident district and otherwise 4024  
would be assigned in the new resident district to a school 4025  
building described in division (A) (1), (B) (1), (D), or (E) of 4026  
this section. 4027

(2) Except as provided in divisions (K) (1) and (L) of 4028  
section 3301.0711 of the Revised Code, the student takes each 4029  
assessment prescribed for the student's grade level under 4030  
section 3301.0710 or 3301.0712 of the Revised Code while 4031  
enrolled in a chartered nonpublic school. 4032

(3) In each school year that the student is enrolled in a 4033  
chartered nonpublic school, the student is absent from school 4034  
for not more than twenty days that the school is open for 4035  
instruction, not including excused absences. 4036

(G) (1) The department shall cease awarding first-time 4037  
scholarships pursuant to divisions (A) (1) to (4) of this section 4038  
with respect to a school building that, in the most recent 4039  
ratings of school buildings published under section 3302.03 of 4040  
the Revised Code, as it existed prior to the effective date of 4041  
this amendment, or section 3302.032 of the Revised Code prior to 4042  
the first day of July of the school year, ceases to meet the 4043  
criteria in division (A) (1) of this section. The department 4044

shall cease awarding first-time scholarships pursuant to 4045  
division (A) (5) of this section with respect to a school 4046  
district that, in the most recent ratings of school districts 4047  
published under section ~~3302.03~~ 3302.032 of the Revised Code 4048  
prior to the first day of July of the school year, ceases to 4049  
meet the criteria in division (A) (5) of this section. 4050

(2) The department shall cease awarding first-time 4051  
scholarships pursuant to divisions (B) (1) to (4) of this section 4052  
with respect to a school building that, in the most recent 4053  
ratings of school buildings under section 3302.03 of the Revised 4054  
Code, as it existed prior to the effective date of this 4055  
amendment, or section 3302.032 of the Revised Code prior to the 4056  
first day of July of the school year, ceases to meet the 4057  
criteria in division (B) (1) of this section. 4058

(3) The department shall cease awarding first-time 4059  
scholarships pursuant to division (D) of this section with 4060  
respect to a school building that, in the most recent ratings of 4061  
school buildings under section 3302.03 or 3302.032 of the 4062  
Revised Code prior to the first day of July of the school year, 4063  
ceases to meet the criteria in division (D) of this section. 4064

(4) The department shall cease awarding first-time 4065  
scholarships pursuant to division (E) of this section with 4066  
respect to a school district subject to section 3302.10 of the 4067  
Revised Code when the academic distress commission established 4068  
for the district ceases to exist. 4069

(5) However, students who have received scholarships in 4070  
the prior school year remain eligible students pursuant to 4071  
division (F) of this section. 4072

(H) The state board of education shall adopt rules 4073

defining excused absences for purposes of division (F) (3) of 4074  
this section. 4075

(I) (1) A student who satisfies only the conditions 4076  
prescribed in divisions (A) (1) to (4) of this section shall not 4077  
be eligible for a scholarship if the student's resident building 4078  
meets any of the following in the most recent rating under 4079  
section 3302.03 of the Revised Code, as it existed prior to the 4080  
effective date of this amendment, or section 3302.032 of the 4081  
Revised Code published prior to the first day of July of the 4082  
school year for which a scholarship is sought: 4083

(a) The building has an overall designation of excellent 4084  
or effective under section 3302.03 of the Revised Code as it 4085  
existed prior to March 22, 2013. 4086

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 4087  
school year, the building has a grade of "A" or "B" for the 4088  
performance index score under division (A) (1) (b) or (B) (1) (b) of 4089  
section 3302.03 of the Revised Code, as it existed prior to the 4090  
effective date of this amendment, and for the value-added 4091  
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 4092  
section 3302.03 of the Revised Code; or if the building serves 4093  
only grades ten through twelve, the building received a grade of 4094  
"A" or "B" for the performance index score under division (A) (1) 4095  
(b) or (B) (1) (b) of that ~~section 3302.03 of the Revised Code~~ and 4096  
had a four-year adjusted cohort graduation rate of greater than 4097  
or equal to seventy-five per cent. 4098

(c) For the 2016-2017 school year or any school year 4099  
thereafter, the building has a grade of "A" or "B" under 4100  
division (C) (3) of section 3302.03 of the Revised Code, as it 4101  
existed prior to the effective date of this amendment, or 4102  
section 3302.032 of the Revised Code and a grade of "A" for the 4103

value-added progress dimension under division (C) (1) (e) of 4104  
either section 3302.03 of the Revised Code; or if the building 4105  
serves only grades ten through twelve, the building received a 4106  
grade of "A" or "B" for the performance index score under 4107  
division (C) (1) (b) of either section 3302.03 of the Revised Code 4108  
and had a four-year adjusted cohort graduation rate of greater 4109  
than or equal to seventy-five per cent. 4110

(2) A student who satisfies only the conditions prescribed 4111  
in division (A) (5) of this section shall not be eligible for a 4112  
scholarship if the student's resident district meets any of the 4113  
following in the most recent rating under section 3302.03 of the 4114  
Revised Code, as it existed prior to the effective date of this 4115  
amendment, or section 3302.032 of the Revised Code published 4116  
prior to the first day of July of the school year for which a 4117  
scholarship is sought: 4118

(a) The district has an overall designation of excellent 4119  
or effective under section 3302.03 of the Revised Code as it 4120  
existed prior to March 22, 2013. 4121

(b) The district has a grade of "A" or "B" for the 4122  
performance index score under division (A) (1) (b) or (B) (1) (b) of 4123  
section 3302.03 of the Revised Code, as it existed prior to the 4124  
effective date of this amendment, and for the value-added 4125  
progress dimension under division (A) (1) (e) or (B) (1) (e) of that 4126  
section ~~3302.03 of the Revised Code~~ for the 2012-2013, 2013- 4127  
2014, 2014-2015, and 2015-2016 school years. 4128

(c) The district has an overall grade of "A" or "B" under 4129  
division (C) (3) of section 3302.03 of the Revised Code, as it 4130  
existed prior to the effective date of this amendment, or 4131  
section 3302.032 of the Revised Code and a grade of "A" for the 4132  
value-added progress dimension under division (C) (1) (e) of 4133

either section ~~3302.03~~ of the Revised Code for the 2016-2017 4134  
school year or any school year thereafter. 4135

**Sec. 3311.741.** (A) This section applies only to a 4136  
municipal school district in existence on July 1, 2012. 4137

(B) Not later than December 1, 2012, the board of 4138  
education of each municipal school district to which this 4139  
section applies shall submit to the superintendent of public 4140  
instruction an array of measures to be used in evaluating the 4141  
performance of the district. The measures shall assess at least 4142  
overall student achievement, student progress over time, the 4143  
achievement and progress over time of each of the applicable 4144  
categories of students described in section 3302.03 and division 4145  
(F) of section ~~3302.03~~ 3302.032 of the Revised Code, and college 4146  
and career readiness. The state superintendent shall approve or 4147  
disapprove the measures by January 15, 2013. If the measures are 4148  
disapproved, the state superintendent shall recommend 4149  
modifications that will make the measures acceptable. 4150

(C) Beginning with the 2012-2013 school year, the board 4151  
annually shall establish goals for improvement on each of the 4152  
measures approved under division (B) of this section. The school 4153  
district's performance data for the 2011-2012 school year shall 4154  
be used as a baseline for determining improvement. 4155

(D) Not later than October 1, 2013, and by the first day 4156  
of October each year thereafter, the board shall issue a report 4157  
describing the school district's performance for the previous 4158  
school year on each of the measures approved under division (B) 4159  
of this section and whether the district has met each of the 4160  
improvement goals established for that year under division (C) 4161  
of this section. The board shall provide the report to the 4162  
governor, the superintendent of public instruction, and, in 4163

accordance with section 101.68 of the Revised Code, the general assembly. 4164  
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(E) Not later than November 15, 2017, the superintendent of public instruction shall evaluate the school district's performance based on the measures approved under division (B) of this section and shall issue a report to the governor and general assembly. 4166  
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**Sec. 3311.80.** Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of section 3319.111 of the Revised Code. 4171  
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(A) ~~Not later than July 1, 2013, the~~ The board of education of each municipal school district and the teachers' labor organization shall develop and adopt standards-based teacher evaluation procedures that conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The evaluation procedures shall include at least formal observations and classroom ~~walk-~~ walkthroughs, which may be announced or unannounced; examinations of samples of work, such as lesson plans or assessments designed by a teacher; and multiple measures of student academic growth. 4175  
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(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section ~~3302.03~~ 3302.032 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension or alternative student academic achievement measure is not 4186  
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applicable, the board shall administer assessments on the list 4194  
developed under division (B) (2) of section 3319.112 of the 4195  
Revised Code. 4196

(C) (1) Each teacher employed by the board shall be 4197  
evaluated at least once each school year, except as provided in 4198  
division (C) (2) of this section. The composite evaluation shall 4199  
be completed not later than the first day of June and the 4200  
teacher shall receive a written report of the results of the 4201  
composite evaluation not later than ten days after its 4202  
completion or the last teacher work day of the school year, 4203  
whichever is earlier. 4204

(2) Each teacher who received a rating of accomplished on 4205  
the teacher's most recent evaluation conducted under this 4206  
section may be evaluated once every two school years, except 4207  
that the teacher shall be evaluated in any school year in which 4208  
the teacher's contract is due to expire. The biennial composite 4209  
evaluation shall be completed not later than the first day of 4210  
June of the applicable school year, and the teacher shall 4211  
receive a written report of the results of the composite 4212  
evaluation not later than ten days after its completion or the 4213  
last teacher work day of the school year, whichever is earlier. 4214

(D) Each evaluation conducted pursuant to this section 4215  
shall be conducted by one or more of the following persons who 4216  
have been trained to conduct evaluations in accordance with 4217  
criteria that shall be developed jointly by the chief executive 4218  
officer of the district, or the chief executive officer's 4219  
designee, and the teachers' labor organization: 4220

(1) The chief executive officer or a subordinate officer 4221  
of the district with responsibility for instruction or academic 4222  
affairs; 4223

(2) A person who is under contract with the board pursuant 4224  
to section 3319.02 of the Revised Code and holds a license 4225  
designated for being a principal issued under section 3319.22 of 4226  
the Revised Code; 4227

(3) A person who is under contract with the board pursuant 4228  
to section 3319.02 of the Revised Code and holds a license 4229  
designated for being a vocational director or a supervisor in 4230  
any educational area issued under section 3319.22 of the Revised 4231  
Code; 4232

(4) A person designated to conduct evaluations under an 4233  
agreement providing for peer assistance and review entered into 4234  
by the board and the teachers' labor organization. 4235

(E) The evaluation procedures shall describe how the 4236  
evaluation results will be used for decisions regarding 4237  
compensation, retention, promotion, and reductions in force and 4238  
for removal of poorly performing teachers. 4239

(F) A teacher may challenge any violations of the 4240  
evaluation procedures in accordance with the grievance procedure 4241  
specified in any applicable collective bargaining agreement. A 4242  
challenge under this division is limited to the determination of 4243  
procedural errors that have resulted in substantive harm to the 4244  
teacher and to ordering the correction of procedural errors. The 4245  
failure of the board or a person conducting an evaluation to 4246  
strictly comply with any deadline or evaluation forms 4247  
established as part of the evaluation process shall not be cause 4248  
for an arbitrator to determine that a procedural error occurred, 4249  
unless the arbitrator finds that the failure resulted in 4250  
substantive harm to the teacher. The arbitrator shall have no 4251  
jurisdiction to modify the evaluation results, but the 4252  
arbitrator may stay any decision taken pursuant to division (E) 4253

of this section pending the board's correction of any procedural 4254  
error. The board shall correct any procedural error within 4255  
fifteen business days after the arbitrator's determination that 4256  
a procedural error occurred. 4257

(G) Notwithstanding any provision to the contrary in 4258  
Chapter 4117. of the Revised Code, the requirements of this 4259  
section prevail over any conflicting provisions of a collective 4260  
bargaining agreement entered into on or after October 1, 2012. 4261  
However, the board and the teachers' labor organization may 4262  
negotiate additional evaluation procedures, including an 4263  
evaluation process incorporating peer assistance and review, 4264  
provided the procedures are consistent with this section. 4265

(H) This section does not apply to administrators 4266  
appointed by the chief executive officer of a municipal school 4267  
district under section 3311.72 of the Revised Code, 4268  
administrators subject to evaluation procedures under section 4269  
3311.84 or 3319.02 of the Revised Code, or to any teacher 4270  
employed as a substitute for less than one hundred twenty days 4271  
during a school year pursuant to section 3319.10 of the Revised 4272  
Code. 4273

**Sec. 3313.413.** (A) As used in this section, "high- 4274  
performing community school" means either of the following: 4275

(1) A community school established under Chapter 3314. of 4276  
the Revised Code that meets the following conditions: 4277

(a) Except as provided in division (A) (1) (b) or (c) of 4278  
this section, the school both: 4279

(i) Has received a grade of "A," "B," or "C" for the 4280  
performance index score under division (C) (1) (b) of section 4281  
~~3302.03~~ 3302.032 of the Revised Code or has increased its 4282

performance index score under division (C) (1) (b) of section 4283  
~~3302.03~~ 3302.032 of the Revised Code in each of the previous 4284  
three years of operation; and 4285

(ii) Has received a grade of "A" or "B" for the value- 4286  
added progress dimension under division (C) (1) (e) of section 4287  
~~3302.03~~ 3302.032 of the Revised Code on its most recent report 4288  
card rating issued under that section. 4289

(b) If the school serves only grades kindergarten through 4290  
three, the school received a grade of "A" or "B" for making 4291  
progress in improving literacy in grades kindergarten through 4292  
three under division (C) (1) (g) of section ~~3302.03~~ 3302.032 of 4293  
the Revised Code on its most recent report card issued under 4294  
that section. 4295

(c) If the school primarily serves students enrolled in a 4296  
dropout prevention and recovery program as described in division 4297  
(A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code, the school 4298  
received a rating of "exceeds standards" on its most recent 4299  
report card issued under section 3314.017 of the Revised Code. 4300

(2) A newly established community school that is 4301  
implementing a community school model that has a track record of 4302  
high-quality academic performance, as determined by the 4303  
department of education. 4304

(B) When a school district board of education decides to 4305  
dispose of real property it owns in its corporate capacity under 4306  
section 3313.41 of the Revised Code, the board shall first offer 4307  
that property to the governing authorities of all start-up 4308  
community schools, the boards of trustees of any college- 4309  
preparatory boarding schools, and the governing bodies of any 4310  
STEM schools that are located within the territory of the 4311

district. Not later than sixty days after the district board 4312  
makes the offer, interested governing authorities, boards of 4313  
trustees, and governing bodies shall notify the district 4314  
treasurer in writing of the intention to purchase the property. 4315

The district board shall give priority to the governing 4316  
authorities of high-performing community schools that are 4317  
located within the territory of the district. 4318

(1) If more than one governing authority of a high- 4319  
performing community school notifies the district treasurer of 4320  
its intention to purchase the property pursuant to division (B) 4321  
of this section, the board shall conduct a public auction in the 4322  
manner required for auctions of district property under division 4323  
(A) of section 3313.41 of the Revised Code. Only the governing 4324  
authorities of high-performing community schools that notified 4325  
the district treasurer pursuant to division (B) of this section 4326  
are eligible to bid at the auction. 4327

(2) If no governing authority of a high-performing 4328  
community school notifies the district treasurer of its 4329  
intention to purchase the property pursuant to division (B) of 4330  
this section, the board shall then proceed with the offers from 4331  
all other start-up community schools, college-preparatory 4332  
boarding schools, and STEM schools made pursuant to that 4333  
division. If more than one such entity notifies the district 4334  
treasurer of its intention to purchase the property pursuant to 4335  
division (B) of this section, the board shall conduct a public 4336  
auction in the manner required for auctions of district property 4337  
under division (A) of section 3313.41 of the Revised Code. Only 4338  
the entities that notified the district treasurer pursuant to 4339  
division (B) of this section are eligible to bid at the auction. 4340

(3) If no governing authority, board of trustees, or 4341

governing body notifies the district treasurer of its intention 4342  
to purchase the property pursuant to division (B) of this 4343  
section, the district may then offer the property for sale in 4344  
the manner prescribed under divisions (A) to (F) of section 4345  
3313.41 of the Revised Code. 4346

(C) Notwithstanding anything to the contrary in sections 4347  
3313.41 and 3313.411 of the Revised Code, the purchase price of 4348  
any real property sold to any of the entities in accordance with 4349  
division (B) of this section shall not be more than the 4350  
appraised fair market value of that property as determined in an 4351  
appraisal of the property that is not more than one year old. 4352

(D) Not later than the first day of October of each year, 4353  
the department of education shall post in a prominent location 4354  
on its web site a list of schools that qualify as high- 4355  
performing community schools for purposes of this section and 4356  
section 3313.411 of the Revised Code. 4357

**Sec. 3313.618.** (A) In addition to the applicable 4358  
curriculum requirements, each student entering ninth grade for 4359  
the first time on or after July 1, 2014, shall satisfy at least 4360  
one of the following conditions in order to qualify for a high 4361  
school diploma: 4362

(1) Be remediation-free, in accordance with standards 4363  
adopted under division (F) of section 3345.061 of the Revised 4364  
Code, on each of the nationally standardized assessments in 4365  
English, mathematics, and reading; 4366

(2) Attain a score specified under division (B) (5) (c) of 4367  
section 3301.0712 of the Revised Code on the end-of-course 4368  
examinations prescribed under division (B) of section 3301.0712 4369  
of the Revised Code. 4370

(3) Attain a score that demonstrates workforce readiness 4371  
and employability on a nationally recognized job skills 4372  
assessment selected by the state board of education under 4373  
division (G) of section 3301.0712 of the Revised Code and obtain 4374  
either an industry-recognized credential, as described under 4375  
section 3302.03 and division (B) (2) (d) of section ~~3302.03~~ 4376  
3302.032 of the Revised Code, or a license issued by a state 4377  
agency or board for practice in a vocation that requires an 4378  
examination for issuance of that license. 4379

The industry-recognized credentials and licenses shall be 4380  
as approved under section 3313.6113 of the Revised Code. 4381

A student may choose to qualify for a high school diploma 4382  
by satisfying any of the separate requirements prescribed by 4383  
divisions (A) (1) to (3) of this section. If the student's school 4384  
district or school does not administer the examination 4385  
prescribed by one of those divisions that the student chooses to 4386  
take to satisfy the requirements of this section, the school 4387  
district or school may require that student to arrange for the 4388  
applicable scores to be sent directly to the district or school 4389  
by the company or organization that administers the examination. 4390

(B) The state board of education shall not create or 4391  
require any additional assessment for the granting of any type 4392  
of high school diploma other than as prescribed by this section. 4393  
Except as provided in sections 3313.6111 and 3313.6112 of the 4394  
Revised Code, the state board or the superintendent of public 4395  
instruction shall not create any endorsement or designation that 4396  
may be affiliated with a high school diploma. 4397

**Sec. 3313.6113.** (A) The superintendent of public 4398  
instruction, in collaboration with the governor's office of 4399  
workforce transformation and representatives of business 4400

organizations, shall establish a committee to develop a list of 4401  
industry-recognized credentials and licenses that may be used to 4402  
qualify for a high school diploma under division (A) (3) of 4403  
section 3313.618 of the Revised Code and shall be used for state 4404  
report card purposes under ~~section~~ sections 3302.03 and 3302.032 4405  
of the Revised Code. The state superintendent shall appoint the 4406  
members of the committee not later than January 1, 2018. 4407

(B) The committee shall do the following: 4408

(1) Establish criteria for acceptable industry-recognized 4409  
credentials and licenses aligned with the in-demand jobs list 4410  
published by the department of job and family services; 4411

(2) Review the list of industry-recognized credentials and 4412  
licenses that was in existence on January 1, 2018, and update 4413  
the list as it considers necessary; 4414

(3) Review and update the list of industry-recognized 4415  
credentials and licenses at least biennially. 4416

**Sec. 3313.903.** Except as otherwise required under federal 4417  
law, the department of education shall consider an industry- 4418  
recognized credential, as described under section 3302.03 and 4419  
division (B) (2) (d) of ~~section 3302.03~~ 3302.032 of the Revised 4420  
Code, or a license issued by a state agency or board for 4421  
practice in a vocation that requires an examination for issuance 4422  
of that license as an acceptable measure of technical skill 4423  
attainment and shall not require a student with such credential 4424  
or license to take additional technical assessments. 4425

Additionally, the department shall not require a student 4426  
who has participated in or will be participating in a 4427  
credentialing assessment aligned to the student's career- 4428  
technical education program or has participated in or will be 4429

participating in taking an examination for issuance of such a 4430  
license aligned to the student's career-technical education 4431  
program to take additional technical assessments. 4432

However, if the student does not participate in the 4433  
credentialing assessment or license examination, the student 4434  
shall take the applicable technical assessments prescribed by 4435  
the department. 4436

The department shall develop, in consultation with the 4437  
Ohio association for career and technical education, the Ohio 4438  
association of career-technical superintendents, the Ohio 4439  
association of city career-technical schools, and other 4440  
stakeholders, procedures for identifying industry-recognized 4441  
credentials and licenses aligned to a student's career-technical 4442  
education program that can be used as an acceptable measure of 4443  
technical skill, and for identifying students in the process of 4444  
earning such credentials and licenses. 4445

As used in this section, "technical assessments" shall not 4446  
include the nationally recognized job skills assessment 4447  
prescribed under division (G) of section 3301.0712 of the 4448  
Revised Code. 4449

Nothing in this section shall exempt a student who wishes 4450  
to qualify for a high school diploma under division (A) (3) of 4451  
section 3313.618 of the Revised Code from the requirement to 4452  
attain a specified score on that assessment in order to qualify 4453  
for a high school diploma under that section. 4454

**Sec. 3314.012.** (A) Within ninety days of September 28, 4455  
1999, the superintendent of public instruction shall appoint 4456  
representatives of the department of education, including 4457  
employees who work with the education management information 4458

system, to a committee to develop report card models for 4459  
community schools. The committee shall design model report cards 4460  
appropriate for the various types of community schools approved 4461  
to operate in the state. Sufficient models shall be developed to 4462  
reflect the variety of grade levels served and the missions of 4463  
the state's community schools. All models shall include both 4464  
financial and academic data. The initial models shall be 4465  
developed by March 31, 2000. 4466

(B) (1) Except as provided in section 3314.017 of the 4467  
Revised Code, the department of education shall issue an annual 4468  
report card for each community school, regardless of how long 4469  
the school has been in operation. The report card shall report 4470  
the academic and financial performance of the school utilizing 4471  
one of the models developed under division (A) of this section. 4472  
The report card shall include all information applicable to 4473  
school buildings under ~~divisions (A), (B), (C), and (D) of~~ 4474  
section 3302.03 of the Revised Code. ~~The~~ 4475

(2) The ratings a community school receives under section 4476  
~~3302.03-3302.032~~ of the Revised Code for its first two full 4477  
school years shall not be considered toward automatic closure of 4478  
the school under section 3314.35 of the Revised Code or any 4479  
other matter that is based on report card ratings. 4480

(C) Upon receipt of a copy of a contract between a sponsor 4481  
and a community school entered into under this chapter, the 4482  
department of education shall notify the community school of the 4483  
specific model report card that will be used for that school. 4484

(D) Report cards shall be distributed to the parents of 4485  
all students in the community school, to the members of the 4486  
board of education of the school district in which the community 4487  
school is located, and to any person who requests one from the 4488

department. 4489

**Sec. 3314.015.** (A) The department of education shall be 4490  
responsible for the oversight of any and all sponsors of the 4491  
community schools established under this chapter and shall 4492  
provide technical assistance to schools and sponsors in their 4493  
compliance with applicable laws and the terms of the contracts 4494  
entered into under section 3314.03 of the Revised Code and in 4495  
the development and start-up activities of those schools. In 4496  
carrying out its duties under this section, the department shall 4497  
do all of the following: 4498

(1) In providing technical assistance to proposing 4499  
parties, governing authorities, and sponsors, conduct training 4500  
sessions and distribute informational materials; 4501

(2) Approve entities to be sponsors of community schools; 4502

(3) Monitor and evaluate, as required under section 4503  
3314.016 of the Revised Code, the effectiveness of any and all 4504  
sponsors in their oversight of the schools with which they have 4505  
contracted; 4506

(4) By December thirty-first of each year, issue a report 4507  
to the governor, the speaker of the house of representatives, 4508  
the president of the senate, and the chairpersons of the house 4509  
and senate committees principally responsible for education 4510  
matters regarding the effectiveness of academic programs, 4511  
operations, and legal compliance and of the financial condition 4512  
of all community schools established under this chapter and on 4513  
the performance of community school sponsors; 4514

(5) From time to time, make legislative recommendations to 4515  
the general assembly designed to enhance the operation and 4516  
performance of community schools. 4517

(B) (1) Except as provided in sections 3314.021 and 4518  
3314.027 of the Revised Code, no entity shall enter into a 4519  
preliminary agreement under division (C) (2) of section 3314.02 4520  
of the Revised Code or renew an existing contract to sponsor a 4521  
community school until it has received approval from the 4522  
department of education to sponsor community schools under this 4523  
chapter and has entered into a written agreement with the 4524  
department regarding the manner in which the entity will conduct 4525  
such sponsorship. 4526

On and after July 1, 2017, each entity that sponsors a 4527  
community school in this state, except for an entity described 4528  
in sections 3314.021 and 3314.027 of the Revised Code, shall 4529  
attain approval from the department in order to continue 4530  
sponsoring schools regardless of whether that entity intends to 4531  
enter into a preliminary agreement or renew an existing 4532  
contract. 4533

All new and renewed agreements between the department and 4534  
a sponsor shall contain specific language addressing the 4535  
parameters under which the department can intervene and 4536  
potentially revoke sponsorship authority in the event that the 4537  
sponsor is unwilling or unable to fulfill its obligations. 4538  
Additionally, each agreement shall set forth any territorial 4539  
restrictions and limits on the number of schools that entity may 4540  
sponsor, provide for an annual evaluation process, and include a 4541  
stipulation permitting the department to modify the agreement 4542  
under the following circumstances: 4543

(a) Poor fiscal management; 4544

(b) Lack of academic progress. 4545

(2) The initial term of a sponsor's agreement with the 4546

department shall be for up to five years. 4547

(a) An agreement entered into with the department pursuant 4548  
to this section may be renewed for a term of up to ten years 4549  
using the following criteria: 4550

(i) The academic performance of students enrolled in each 4551  
community school the entity sponsors, as determined by the 4552  
department pursuant to division (B) (1) (a) of section 3314.016 of 4553  
the Revised Code; 4554

(ii) The sponsor's adherence to quality practices, as 4555  
determined by the department pursuant to division (B) (1) (b) of 4556  
section 3314.016 of the Revised Code; 4557

(iii) The sponsor's compliance with all applicable laws 4558  
and administrative rules. 4559

(b) Each agreement between the department and a sponsor 4560  
shall specify that entities with an overall rating of 4561  
"exemplary" for at least two consecutive years shall not be 4562  
subject to the limit on the number of community schools the 4563  
entity may sponsor or any territorial restrictions on 4564  
sponsorship, for so long as that entity continues to be rated 4565  
"exemplary." 4566

(c) The state board of education shall adopt in accordance 4567  
with Chapter 119. of the Revised Code rules containing criteria, 4568  
procedures, and deadlines for processing applications for 4569  
approval of sponsors, for oversight of sponsors, for notifying a 4570  
sponsor of noncompliance with applicable laws and administrative 4571  
rules under division (F) of this section, for revocation of the 4572  
approval of sponsors under division (C) of this section, and for 4573  
entering into written agreements with sponsors. The rules shall 4574  
require an entity to submit evidence of the entity's ability and 4575

willingness to comply with the provisions of division (D) of 4576  
section 3314.03 of the Revised Code. The rules also shall 4577  
require all entities approved as sponsors to demonstrate a 4578  
record of financial responsibility and successful implementation 4579  
of educational programs. If an entity seeking approval to 4580  
sponsor community schools in this state sponsors or operates 4581  
schools in another state, at least one of the schools sponsored 4582  
or operated by the entity must be comparable to or better than 4583  
the performance of Ohio schools in need of continuous 4584  
improvement under section ~~3302.03~~3302.032 of the Revised Code, 4585  
as determined by the department. 4586

Subject to section 3314.016 of the Revised Code, an entity 4587  
that sponsors community schools may enter into preliminary 4588  
agreements and sponsor up to one hundred schools, provided each 4589  
school and the contract for sponsorship meets the requirements 4590  
of this chapter. 4591

(3) The state board of education shall determine, pursuant 4592  
to criteria specified in rules adopted in accordance with 4593  
Chapter 119. of the Revised Code, whether the mission proposed 4594  
to be specified in the contract of a community school to be 4595  
sponsored by a state university board of trustees or the board's 4596  
designee under division (C)(1)(e) of section 3314.02 of the 4597  
Revised Code complies with the requirements of that division. 4598  
Such determination of the state board is final. 4599

(4) The state board of education shall determine, pursuant 4600  
to criteria specified in rules adopted in accordance with 4601  
Chapter 119. of the Revised Code, if any tax-exempt entity under 4602  
section 501(c)(3) of the Internal Revenue Code that is proposed 4603  
to be a sponsor of a community school is an education-oriented 4604  
entity for purpose of satisfying the condition prescribed in 4605

division (C) (1) (f) (iii) of section 3314.02 of the Revised Code. 4606  
Such determination of the state board is final. 4607

(C) If at any time the state board of education finds that 4608  
a sponsor is not in compliance or is no longer willing to comply 4609  
with its contract with any community school or with the 4610  
department's rules for sponsorship, the state board or designee 4611  
shall conduct a hearing in accordance with Chapter 119. of the 4612  
Revised Code on that matter. If after the hearing, the state 4613  
board or designee has confirmed the original finding, the 4614  
department of education may revoke the sponsor's approval to 4615  
sponsor community schools. In that case, the department's office 4616  
of Ohio school sponsorship, established under section 3314.029 4617  
of the Revised Code, may assume the sponsorship of any schools 4618  
with which the sponsor has contracted until the earlier of the 4619  
expiration of two school years or until a new sponsor as 4620  
described in division (C) (1) of section 3314.02 of the Revised 4621  
Code is secured by the school's governing authority. The office 4622  
of Ohio school sponsorship may extend the term of the contract 4623  
in the case of a school for which it has assumed sponsorship 4624  
under this division as necessary to accommodate the term of the 4625  
department's authorization to sponsor the school specified in 4626  
this division. Community schools sponsored under this division 4627  
shall not apply to the limit on directly authorized community 4628  
schools under division (A) (3) of section 3314.029 of the Revised 4629  
Code. However, nothing in this division shall preclude a 4630  
community school affected by this division from applying for 4631  
sponsorship under that section. 4632

(D) The decision of the department to disapprove an entity 4633  
for sponsorship of a community school or to revoke approval for 4634  
such sponsorship under division (C) of this section, may be 4635  
appealed by the entity in accordance with section 119.12 of the 4636

Revised Code. 4637

(E) The department shall adopt procedures for use by a 4638  
community school governing authority and sponsor when the school 4639  
permanently closes and ceases operation, which shall include at 4640  
least procedures for data reporting to the department, handling 4641  
of student records, distribution of assets in accordance with 4642  
section 3314.074 of the Revised Code, and other matters related 4643  
to ceasing operation of the school. 4644

(F) (1) In lieu of revoking a sponsor's authority to 4645  
sponsor community schools under division (C) of this section, if 4646  
the department finds that a sponsor is not in compliance with 4647  
applicable laws and administrative rules, the department shall 4648  
declare in a written notice to the sponsor the specific laws or 4649  
rules, or both, for which the sponsor is noncompliant. A sponsor 4650  
notified under division (F) (1) of this section shall respond to 4651  
the department not later than fourteen days after the 4652  
notification with a proposed plan to remedy the conditions for 4653  
which the sponsor was found to be noncompliant. The department 4654  
shall approve or disapprove the plan not later than fourteen 4655  
days after receiving it. If the plan is disapproved, the sponsor 4656  
may submit a revised plan to the department not later than 4657  
fourteen days after receiving notification of disapproval from 4658  
the department or not later than sixty days after the date the 4659  
sponsor received notification of noncompliance from the 4660  
department, whichever is earlier. The department shall approve 4661  
or disapprove the revised plan not later than fourteen days 4662  
after receiving it or not later than sixty days after the date 4663  
the sponsor received notification of noncompliance from the 4664  
department, whichever is earlier. A sponsor may continue to make 4665  
revisions by the deadlines prescribed in division (F) (1) of this 4666  
section to any revised plan that is disapproved by the 4667

department until the sixtieth day after the date the sponsor 4668  
received notification of noncompliance from the department. 4669

If a plan or a revised plan is approved, the sponsor shall 4670  
implement it not later than sixty days after the date the 4671  
sponsor received notification of noncompliance from the 4672  
department or not later than thirty days after the plan is 4673  
approved, whichever is later. If a sponsor does not respond to 4674  
the department or implement an approved compliance plan by the 4675  
deadlines prescribed by division (F) (1) of this section, or if a 4676  
sponsor does not receive approval of a compliance plan on or 4677  
before the sixtieth day after the date the sponsor received 4678  
notification of noncompliance from the department, the 4679  
department shall declare in written notice to the sponsor that 4680  
the sponsor is in probationary status, and may limit the 4681  
sponsor's ability to sponsor additional schools. 4682

(2) A sponsor that has been placed on probationary status 4683  
under division (F) (1) of this section may apply to the 4684  
department for its probationary status to be lifted. The 4685  
application for a sponsor's probationary status to be lifted 4686  
shall include evidence, occurring after the initial notification 4687  
of noncompliance, of the sponsor's compliance with applicable 4688  
laws and administrative rules. Not later than fourteen days 4689  
after receiving an application from the sponsor, the department 4690  
shall decide whether or not to remove the sponsor's probationary 4691  
status. 4692

(G) In carrying out its duties under this chapter, the 4693  
department shall not impose requirements on community schools or 4694  
their sponsors that are not permitted by law or duly adopted 4695  
rules. 4696

(H) This section applies to entities that sponsor 4697

conversion community schools and new start-up schools. 4698

(I) Nothing in divisions (C) to (F) of this section 4699  
prohibits the department from taking any action permitted or 4700  
required under the written agreement between the department and 4701  
a sponsoring entity without a hearing on the matter, in the 4702  
event that the sponsor is unwilling or unable to fulfill its 4703  
obligations. 4704

**Sec. 3314.016.** This section applies to any entity that 4705  
sponsors a community school, regardless of whether section 4706  
3314.021 or 3314.027 of the Revised Code exempts the entity from 4707  
the requirement to be approved for sponsorship under divisions 4708  
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 4709  
office of Ohio school sponsorship established under section 4710  
3314.029 of the Revised Code shall be rated under division (B) 4711  
of this section, but divisions (A) and (C) of this section do 4712  
not apply to the office. 4713

(A) An entity that sponsors a community school shall be 4714  
permitted to enter into contracts under section 3314.03 of the 4715  
Revised Code to sponsor additional community schools only if the 4716  
entity meets all of the following criteria: 4717

(1) The entity is in compliance with all provisions of 4718  
this chapter requiring sponsors of community schools to report 4719  
data or information to the department of education. 4720

(2) The entity is not rated as "ineffective" under 4721  
division (B) (6) of this section. 4722

(3) Except as set forth in sections 3314.021 and 3314.027 4723  
of the Revised Code, the entity has received approval from and 4724  
entered into an agreement with the department of education 4725  
pursuant to section 3314.015 of the Revised Code. 4726

(B) (1) Beginning with the 2015-2016 school year, the 4727  
department shall develop and implement an evaluation system that 4728  
annually rates and assigns an overall rating to each entity that 4729  
sponsors a community school. That evaluation system shall be 4730  
developed and posted on the department's web site by the 4731  
fifteenth day of July of each school year. Any changes to the 4732  
evaluation system after that date shall take effect the 4733  
following year. The evaluation system shall be based on the 4734  
following components: 4735

(a) Academic performance of students enrolled in community 4736  
schools sponsored by the same entity. The academic performance 4737  
component shall be derived from the performance measures 4738  
prescribed for the state report cards under section 3302.03 or 4739  
3314.017 of the Revised Code, and shall be based on the 4740  
performance of the schools for the school year for which the 4741  
evaluation is conducted. In addition to the academic performance 4742  
for a specific school year, the academic performance component 4743  
shall also include year-to-year changes in the overall sponsor 4744  
portfolio. For a community school for which no graded 4745  
performance measures are applicable or available, the department 4746  
shall use nonreport card performance measures specified in the 4747  
contract between the community school and the sponsor under 4748  
division (A) (4) of section 3314.03 of the Revised Code. 4749

(b) Adherence by a sponsor to the quality practices 4750  
prescribed by the department under division (B) (3) of this 4751  
section. For a sponsor that was rated "effective" or "exemplary" 4752  
on its most recent rating, the department may evaluate that 4753  
sponsor's adherence to quality practices once over a period of 4754  
three years. If the department elects to evaluate a sponsor once 4755  
over a period of three years, the most recent rating for a 4756  
sponsor's adherence to quality practices shall be used when 4757

determining an annual overall rating conducted under this 4758  
section. 4759

(c) Compliance with all applicable laws and administrative 4760  
rules by an entity that sponsors a community school. 4761

(2) In calculating an academic performance component, the 4762  
department shall exclude all community schools that have been in 4763  
operation for not more than two full school years and all 4764  
community schools described in division (A) ~~(4)~~ (2) (b) of section 4765  
3314.35 of the Revised Code. However, the academic performance 4766  
of the community schools described in division (A) ~~(4)~~ (2) (b) of 4767  
section 3314.35 of the Revised Code shall be reported, but shall 4768  
not be used as a factor when determining a sponsoring entity's 4769  
rating under this section. 4770

(3) The department, in consultation with entities that 4771  
sponsor community schools, shall prescribe quality practices for 4772  
community school sponsors and develop an instrument to measure 4773  
adherence to those quality practices. The quality practices 4774  
shall be based on standards developed by the national 4775  
association of charter school authorizers or any other 4776  
nationally organized community school organization. 4777

(4) (a) The department may permit peer review of a 4778  
sponsor's adherence to the quality practices prescribed under 4779  
division (B) (3) of this section. Peer reviewers shall be limited 4780  
to individuals employed by sponsors rated "effective" or 4781  
"exemplary" on the most recent ratings conducted under this 4782  
section. 4783

(b) The department shall require individuals participating 4784  
in peer review under division (B) (4) (a) of this section to 4785  
complete training approved or established by the department. 4786

(c) The department may enter into an agreement with 4787  
another entity to provide training to individuals conducting 4788  
peer review of sponsors. Prior to entering into an agreement 4789  
with an entity, the department shall review and approve of the 4790  
entity's training program. 4791

(5) Not later than July 1, 2013, the state board of 4792  
education shall adopt rules in accordance with Chapter 119. of 4793  
the Revised Code prescribing standards for measuring compliance 4794  
with applicable laws and rules under division (B)(1)(c) of this 4795  
section. 4796

(6) The department annually shall rate all entities that 4797  
sponsor community schools as either "exemplary," "effective," 4798  
"ineffective," or "poor," based on the components prescribed by 4799  
division (B) of this section, where each component is weighted 4800  
equally. A separate rating shall be given by the department for 4801  
each component of the evaluation system. 4802

The department shall publish the ratings between the first 4803  
day of October and the fifteenth day of November. 4804

Prior to the publication of the final ratings, the 4805  
department shall designate and provide notice of a period of at 4806  
least ten business days during which each sponsor may review the 4807  
information used by the department to determine the sponsor's 4808  
rating on the components prescribed by divisions (B)(1)(b) and 4809  
(c) of this section. If the sponsor believes there is an error 4810  
in the department's evaluation, the sponsor may request 4811  
adjustments to the rating of either of those components based on 4812  
documentation previously submitted as part of an evaluation. The 4813  
sponsor shall provide to the department any necessary evidence 4814  
or information to support the requested adjustments. The 4815  
department shall review the evidence and information, determine 4816

whether an adjustment is valid, and promptly notify the sponsor 4817  
of its determination and reasons. If any adjustments to the data 4818  
could result in a change to the rating on the applicable 4819  
component or to the overall rating, the department shall 4820  
recalculate the ratings prior to publication. 4821

The department shall provide training on an annual basis 4822  
regarding the evaluation system prescribed under this section. 4823  
The training shall, at a minimum, describe methodology, 4824  
timelines, and data required for the evaluation system. The 4825  
first training session shall occur not later than March 2, 2016. 4826  
Beginning in 2018, the training shall be made available to each 4827  
entity that sponsors a community school by the fifteenth day of 4828  
July of each year and shall include guidance on any changes made 4829  
to the evaluation system. 4830

(7) (a) Entities with an overall rating of "exemplary" for 4831  
at least two consecutive years may take advantage of the 4832  
following incentives: 4833

(i) Renewal of the written agreement with the department, 4834  
not to exceed ten years, provided that the entity consents to 4835  
continued evaluation of adherence to quality practices as 4836  
described in division (B) (1) (b) of this section; 4837

(ii) The ability to extend the term of the contract 4838  
between the sponsoring entity and the community school beyond 4839  
the term described in the written agreement with the department; 4840

(iii) An exemption from the preliminary agreement and 4841  
contract adoption and execution deadline requirements prescribed 4842  
in division (D) of section 3314.02 of the Revised Code; 4843

(iv) An exemption from the automatic contract expiration 4844  
requirement, should a new community school fail to open by the 4845

thirtieth day of September of the calendar year in which the 4846  
community school contract is executed; 4847

(v) No limit on the number of community schools the entity 4848  
may sponsor; 4849

(vi) No territorial restrictions on sponsorship. 4850

An entity may continue to sponsor any community schools 4851  
with which it entered into agreements under division (B) (7) (a) 4852  
(v) or (vi) of this section while rated "exemplary," 4853  
notwithstanding the fact that the entity later receives a lower 4854  
overall rating. 4855

(b) (i) Entities that receive an overall rating of 4856  
"ineffective" shall be prohibited from sponsoring any new or 4857  
additional community schools during the time in which the 4858  
sponsor is rated as "ineffective" and shall be subject to a 4859  
quality improvement plan based on correcting the deficiencies 4860  
that led to the "ineffective" rating, with timelines and 4861  
benchmarks that have been established by the department. 4862

(ii) Entities that receive an overall rating of 4863  
"ineffective" on their three most recent ratings shall have all 4864  
sponsorship authority revoked. Within thirty days after 4865  
receiving its third rating of "ineffective," the entity may 4866  
appeal the revocation of its sponsorship authority to the 4867  
superintendent of public instruction, who shall appoint an 4868  
independent hearing officer to conduct a hearing in accordance 4869  
with Chapter 119. of the Revised Code. The hearing shall be 4870  
conducted within thirty days after receipt of the notice of 4871  
appeal. Within forty-five days after the hearing is completed, 4872  
the state board of education shall determine whether the 4873  
revocation is appropriate based on the hearing conducted by the 4874

independent hearing officer, and if determined appropriate, the 4875  
revocation shall be confirmed. 4876

(c) Entities that receive an overall rating of "poor" 4877  
shall have all sponsorship authority revoked. Within thirty days 4878  
after receiving a rating of "poor," the entity may appeal the 4879  
revocation of its sponsorship authority to the superintendent of 4880  
public instruction, who shall appoint an independent hearing 4881  
officer to conduct a hearing in accordance with Chapter 119. of 4882  
the Revised Code. The hearing shall be conducted within thirty 4883  
days after receipt of the notice of appeal. Within forty-five 4884  
days after the hearing is completed, the state board of 4885  
education shall determine whether the revocation is appropriate 4886  
based on the hearing conducted by the independent hearing 4887  
officer, and if determined appropriate, the revocation shall be 4888  
confirmed. 4889

(8) For the 2014-2015 school year and each school year 4890  
thereafter, student academic performance prescribed under 4891  
division (B) (1) (a) of this section shall include student 4892  
academic performance data from community schools that primarily 4893  
serve students enrolled in a dropout prevention and recovery 4894  
program. 4895

(C) If the governing authority of a community school 4896  
enters into a contract with a sponsor prior to the date on which 4897  
the sponsor is prohibited from sponsoring additional schools 4898  
under division (A) of this section and the school has not opened 4899  
for operation as of that date, that contract shall be void and 4900  
the school shall not open until the governing authority secures 4901  
a new sponsor by entering into a contract with the new sponsor 4902  
under section 3314.03 of the Revised Code. However, the 4903  
department's office of Ohio school sponsorship, established 4904

under section 3314.029 of the Revised Code, may assume the 4905  
sponsorship of the school until the earlier of the expiration of 4906  
two school years or until a new sponsor is secured by the 4907  
school's governing authority. A community school sponsored by 4908  
the department under this division shall not be included when 4909  
calculating the maximum number of directly authorized community 4910  
schools permitted under division (A) (3) of section 3314.029 of 4911  
the Revised Code. 4912

(D) When an entity's authority to sponsor schools is 4913  
revoked pursuant to division (B) (7) (b) or (c) of this section, 4914  
the office of Ohio school sponsorship shall assume sponsorship 4915  
of any schools with which the original sponsor has contracted 4916  
for the remainder of that school year. The office may continue 4917  
sponsoring those schools until the earlier of: 4918

(1) The expiration of two school years from the time that 4919  
sponsorship is revoked; 4920

(2) When a new sponsor is secured by the governing 4921  
authority pursuant to division (C) (1) of section 3314.02 of the 4922  
Revised Code. 4923

Any community school sponsored under this division shall 4924  
not be counted for purposes of directly authorized community 4925  
schools under division (A) (3) of section 3314.029 of the Revised 4926  
Code. 4927

**Sec. 3314.017.** (A) The state board of education shall 4928  
prescribe by rules, adopted in accordance with Chapter 119. of 4929  
the Revised Code, an academic performance rating and report card 4930  
system that satisfies the requirements of this section for 4931  
community schools that primarily serve students enrolled in 4932  
dropout prevention and recovery programs as described in 4933

division (A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code, to 4934  
be used in lieu of the ~~system~~ systems prescribed under sections 4935  
3302.03, 3302.032, and 3314.012 of the Revised Code ~~beginning~~ 4936  
~~with the 2012-2013 school year~~. Each such school shall comply 4937  
with the testing and reporting requirements of the system as 4938  
prescribed by the state board. 4939

(B) Nothing in this section shall at any time relieve a 4940  
school from its obligations under the "No Child Left Behind Act 4941  
of 2001" to make "adequate yearly progress," as both that act 4942  
and that term are defined in section 3302.01 of the Revised 4943  
Code, or a school's amenability to the provisions of section 4944  
3302.04 or 3302.041 of the Revised Code. The department shall 4945  
continue to report each school's performance as required by the 4946  
act and to enforce applicable sanctions under section 3302.04 or 4947  
3302.041 of the Revised Code. 4948

(C) The rules adopted by the state board shall prescribe 4949  
the following performance indicators for the rating and report 4950  
card system required by this section: 4951

(1) Graduation rate for each of the following student 4952  
cohorts: 4953

(a) The number of students who graduate in four years or 4954  
less with a regular high school diploma divided by the number of 4955  
students who form the adjusted cohort for the graduating class; 4956

(b) The number of students who graduate in five years with 4957  
a regular high school diploma divided by the number of students 4958  
who form the adjusted cohort for the four-year graduation rate; 4959

(c) The number of students who graduate in six years with 4960  
a regular high school diploma divided by the number of students 4961  
who form the adjusted cohort for the four-year graduation rate; 4962

(d) The number of students who graduate in seven years 4963  
with a regular high school diploma divided by the number of 4964  
students who form the adjusted cohort for the four-year 4965  
graduation rate; 4966

(e) The number of students who graduate in eight years 4967  
with a regular high school diploma divided by the number of 4968  
students who form the adjusted cohort for the four-year 4969  
graduation rate. 4970

(2) The percentage of twelfth-grade students currently 4971  
enrolled in the school who have attained the designated passing 4972  
score on all of the applicable state high school achievement 4973  
assessments required under division (B) (1) or (2) of section 4974  
3301.0710 of the Revised Code and other students enrolled in the 4975  
school, regardless of grade level, who are within three months 4976  
of their twenty-second birthday and have attained the designated 4977  
passing score on all of the applicable state high school 4978  
achievement assessments by their twenty-second birthday; 4979

(3) Annual measurable objectives as defined in section 4980  
3302.01 of the Revised Code; 4981

(4) Growth in student achievement in reading, or 4982  
mathematics, or both as measured by separate nationally norm- 4983  
referenced assessments that have developed appropriate standards 4984  
for students enrolled in dropout prevention and recovery 4985  
programs, adopted or approved by the state board. 4986

(D) (1) The state board's rules shall prescribe the 4987  
expected performance levels and benchmarks for each of the 4988  
indicators prescribed by division (C) of this section based on 4989  
the data gathered by the department under division (F) of this 4990  
section. Based on a school's level of attainment or 4991

nonattainment of the expected performance levels and benchmarks 4992  
for each of the indicators, the department shall rate each 4993  
school in one of the following categories: 4994

(a) Exceeds standards; 4995

(b) Meets standards; 4996

(c) Does not meet standards. 4997

(2) The state board's rules shall establish all of the 4998  
following: 4999

(a) Not later than June 30, 2013, performance levels and 5000  
benchmarks for the indicators described in divisions (C) (1) to 5001  
(3) of this section; 5002

(b) Not later than December 31, 2014, both of the 5003  
following: 5004

(i) Performance levels and benchmarks for the indicator 5005  
described in division (C) (4) of this section; 5006

(ii) Standards for awarding a community school described 5007  
in division (A) ~~(4)~~ (2) (a) of section 3314.35 of the Revised Code 5008  
an overall designation, which shall be calculated as follows: 5009

(I) Thirty per cent of the score shall be based on the 5010  
indicators described in division (C) (1) of this section that are 5011  
applicable to the school year for which the overall designation 5012  
is granted. 5013

(II) Thirty per cent of the score shall be based on the 5014  
indicators described in division (C) (4) of this section. 5015

(III) Twenty per cent of the score shall be based on the 5016  
indicators described in division (C) (2) of this section. 5017

(IV) Twenty per cent of the score shall be based on the 5018

indicators described in division (C) (3) of this section. 5019

(3) If both of the indicators described in divisions (C) 5020  
(1) and (2) of this section improve by ten per cent for two 5021  
consecutive years, a school shall be rated not less than "meets 5022  
standards." 5023

The rating and the relevant performance data for each 5024  
school shall be posted on the department's web site, and a copy 5025  
of the rating and data shall be provided to the governing 5026  
authority of the community school. 5027

(E) (1) For the 2012-2013 school year, the department shall 5028  
issue a report card including the following performance 5029  
measures, but without a performance rating as described in 5030  
divisions (D) (1) (a) to (c) of this section, for each community 5031  
school described in division (A) ~~(4)~~ (2) (a) of section 3314.35 of 5032  
the Revised Code: 5033

(a) The graduation rates as described in divisions (C) (1) 5034  
(a) to (c) of this section; 5035

(b) The percentage of twelfth-grade students and other 5036  
students who have attained a designated passing score on high 5037  
school achievement assessments as described in division (C) (2) 5038  
of this section; 5039

(c) The statewide average for the graduation rates and 5040  
assessment passage rates described in divisions (C) (1) (a) to (c) 5041  
and (C) (2) of this section; 5042

(d) Annual measurable objectives described in division (C) 5043  
(3) of this section. 5044

(2) For the 2013-2014 school year, the department shall 5045  
issue a report card including the following performance measures 5046

for each community school described in division (A) ~~(4)~~ (2) (a) of 5047  
section 3314.35 of the Revised Code: 5048

(a) The graduation rates described in divisions (C) (1) (a) 5049  
to (d) of this section, including a performance rating as 5050  
described in divisions (D) (1) (a) to (c) of this section; 5051

(b) The percentage of twelfth-grade students and other 5052  
students who have attained a designated passing score on high 5053  
school achievement assessments as described in division (C) (2) 5054  
of this section, including a performance rating as described in 5055  
divisions (D) (1) (a) to (c) of this section; 5056

(c) Annual measurable objectives described in division (C) 5057  
(3) of this section, including a performance rating as described 5058  
in divisions (D) (1) (a) to (c) of this section; 5059

(d) Both of the following without an assigned rating: 5060

(i) Growth in annual student achievement in reading and 5061  
mathematics described in division (C) (4) of this section, if 5062  
available; 5063

(ii) Student outcome data, including postsecondary credit 5064  
earned, nationally recognized career or technical certification, 5065  
military enlistment, job placement, and attendance rate. 5066

(3) Beginning with the 2014-2015 school year, and annually 5067  
thereafter, the department shall issue a report card for each 5068  
community school described in division (A) (4) (a) of section 5069  
3314.35 of the Revised Code that includes all of the following 5070  
performance measures, including a performance rating for each 5071  
measure as described in divisions (D) (1) (a) to (c) of this 5072  
section: 5073

(a) The graduation rates as described in division (C) (1) 5074

of this section; 5075

(b) The percentage of twelfth-grade students and other 5076  
students who have attained a designated passing score on high 5077  
school achievement assessments as described in division (C) (2) 5078  
of this section; 5079

(c) Annual measurable objectives described in division (C) 5080  
(3) of this section, including a performance rating as described 5081  
in divisions (D) (1) (a) to (c) of this section; 5082

(d) Growth in annual student achievement in reading and 5083  
mathematics as described in division (C) (4) of this section; 5084

(e) An overall performance designation for the school 5085  
calculated under rules adopted under division (D) (2) of this 5086  
section. 5087

The department shall also include student outcome data, 5088  
including postsecondary credit earned, nationally recognized 5089  
career or technical certification, military enlistment, job 5090  
placement, attendance rate, and progress on closing achievement 5091  
gaps for each school. This information shall not be included in 5092  
the calculation of a school's performance rating. 5093

(F) In developing the rating and report card system 5094  
required by this section, during the 2012-2013 and 2013-2014 5095  
school years, the department shall gather and analyze data as 5096  
determined necessary from each community school described in 5097  
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 5098  
such school shall cooperate with the department by supplying 5099  
requested data and administering required assessments, including 5100  
sample assessments for purposes of measuring student achievement 5101  
growth as described in division (C) (4) of this section. The 5102  
department shall consult with stakeholder groups in performing 5103

its duties under this division. 5104

The department shall also identify one or more states that 5105  
have established or are in the process of establishing similar 5106  
academic performance rating systems for dropout prevention and 5107  
recovery programs and consult with the departments of education 5108  
of those states in developing the system required by this 5109  
section. 5110

(G) Not later than December 31, 2014, the state board 5111  
shall review the performance levels and benchmarks for 5112  
performance indicators in the report card issued under this 5113  
section and may revise them based on the data collected under 5114  
division (F) of this section. 5115

**Sec. 3314.02.** (A) As used in this chapter: 5116

(1) "Sponsor" means the board of education of a school 5117  
district or the governing board of an educational service center 5118  
that agrees to the conversion of all or part of a school or 5119  
building under division (B) of this section, or an entity listed 5120  
in division (C) (1) of this section, which has been approved by 5121  
the department of education to sponsor community schools or is 5122  
exempted by section 3314.021 or 3314.027 of the Revised Code 5123  
from obtaining approval, and with which the governing authority 5124  
of a community school enters into a contract under section 5125  
3314.03 of the Revised Code. 5126

(2) "Pilot project area" means the school districts 5127  
included in the territory of the former community school pilot 5128  
project established by former Section 50.52 of Am. Sub. H.B. No. 5129  
215 of the 122nd general assembly. 5130

(3) "Challenged school district" means any of the 5131  
following: 5132

- (a) A school district that is part of the pilot project area; 5133  
5134
- (b) A school district that meets one of the following conditions: 5135  
5136
- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 5137  
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5140
- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code, as it existed between March 22, 2013, and the effective date of this amendment; 5141  
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- (iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of ~~that~~ section 3302.03 or 3302.032 of the Revised Code. 5147  
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- (c) A big eight school district; 5156
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 5157  
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5159
- (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 5160  
5161

(a) A percentage of children residing in the district and 5162  
participating in the predecessor of Ohio works first greater 5163  
than thirty per cent, as reported pursuant to section 3317.10 of 5164  
the Revised Code; 5165

(b) An average daily membership greater than twelve 5166  
thousand, as reported pursuant to former division (A) of section 5167  
3317.03 of the Revised Code. 5168

(5) "New start-up school" means a community school other 5169  
than one created by converting all or part of an existing public 5170  
school or educational service center building, as designated in 5171  
the school's contract pursuant to division (A)(17) of section 5172  
3314.03 of the Revised Code. 5173

(6) "Urban school district" means one of the state's 5174  
twenty-one urban school districts as defined in division (O) of 5175  
section 3317.02 of the Revised Code as that section existed 5176  
prior to July 1, 1998. 5177

(7) "Internet- or computer-based community school" means a 5178  
community school established under this chapter in which the 5179  
enrolled students work primarily from their residences on 5180  
assignments in nonclassroom-based learning opportunities 5181  
provided via an internet- or other computer-based instructional 5182  
method that does not rely on regular classroom instruction or 5183  
via comprehensive instructional methods that include internet- 5184  
based, other computer-based, and noncomputer-based learning 5185  
opportunities unless a student receives career-technical 5186  
education under section 3314.086 of the Revised Code. 5187

A community school that operates mainly as an internet- or 5188  
computer-based community school and provides career-technical 5189  
education under section 3314.086 of the Revised Code shall be 5190

considered an internet- or computer-based community school, even 5191  
if it provides some classroom-based instruction, so long as it 5192  
provides instruction via the methods described in this division. 5193

(8) "Operator" means either of the following: 5194

(a) An individual or organization that manages the daily 5195  
operations of a community school pursuant to a contract between 5196  
the operator and the school's governing authority; 5197

(b) A nonprofit organization that provides programmatic 5198  
oversight and support to a community school under a contract 5199  
with the school's governing authority and that retains the right 5200  
to terminate its affiliation with the school if the school fails 5201  
to meet the organization's quality standards. 5202

(9) "Alliance municipal school district" has the same 5203  
meaning as in section 3311.86 of the Revised Code. 5204

(B)(1) Any person or group of individuals may initially 5205  
propose under this division the conversion of all or a portion 5206  
of a public school to a community school. The proposal shall be 5207  
made to the board of education of the city, local, exempted 5208  
village, or joint vocational school district in which the public 5209  
school is proposed to be converted. 5210

(2) Any person or group of individuals may initially 5211  
propose under this division the conversion of all or a portion 5212  
of a building operated by an educational service center to a 5213  
community school. The proposal shall be made to the governing 5214  
board of the service center. 5215

On or after July 1, 2017, except as provided in section 5216  
3314.027 of the Revised Code, any educational service center 5217  
that sponsors a community school shall be approved by and enter 5218  
into a written agreement with the department as described in 5219

section 3314.015 of the Revised Code. 5220

(3) Upon receipt of a proposal, and after an agreement has 5221  
been entered into pursuant to section 3314.015 of the Revised 5222  
Code, a board may enter into a preliminary agreement with the 5223  
person or group proposing the conversion of the public school or 5224  
service center building, indicating the intention of the board 5225  
to support the conversion to a community school. A proposing 5226  
person or group that has a preliminary agreement under this 5227  
division may proceed to finalize plans for the school, establish 5228  
a governing authority for the school, and negotiate a contract 5229  
with the board. Provided the proposing person or group adheres 5230  
to the preliminary agreement and all provisions of this chapter, 5231  
the board shall negotiate in good faith to enter into a contract 5232  
in accordance with section 3314.03 of the Revised Code and 5233  
division (C) of this section. 5234

(4) The sponsor of a conversion community school proposed 5235  
to open in an alliance municipal school district shall be 5236  
subject to approval by the department of education for 5237  
sponsorship of that school using the criteria established under 5238  
division (A) of section 3311.87 of the Revised Code. 5239

Division (B) (4) of this section does not apply to a 5240  
sponsor that, on or before September 29, 2015, was exempted 5241  
under section 3314.021 or 3314.027 of the Revised Code from the 5242  
requirement to be approved for sponsorship under divisions (A) 5243  
(2) and (B) (1) of section 3314.015 of the Revised Code. 5244

(C) (1) Any person or group of individuals may propose 5245  
under this division the establishment of a new start-up school 5246  
to be located in a challenged school district. The proposal may 5247  
be made to any of the following entities: 5248

- (a) The board of education of the district in which the school is proposed to be located; 5249  
5250
- (b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 5251  
5252  
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- (c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 5255  
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- (d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 5259  
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- (i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 5263  
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- (ii) It is approved to do so by the department; 5265
- (iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 5266  
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- (e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher 5268  
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preparation program approved by the state board of education; 5278

(f) Any qualified tax-exempt entity under section 501(c) 5279  
(3) of the Internal Revenue Code as long as all of the following 5280  
conditions are satisfied: 5281

(i) The entity has been in operation for at least five 5282  
years prior to applying to be a community school sponsor. 5283

(ii) The entity has assets of at least five hundred 5284  
thousand dollars and a demonstrated record of financial 5285  
responsibility. 5286

(iii) The department has determined that the entity is an 5287  
education-oriented entity under division (B) (4) of section 5288  
3314.015 of the Revised Code and the entity has a demonstrated 5289  
record of successful implementation of educational programs. 5290

(iv) The entity is not a community school. 5291

(g) The mayor of a city in which the majority of the 5292  
territory of a school district to which section 3311.60 of the 5293  
Revised Code applies is located, regardless of whether that 5294  
district has created the position of independent auditor as 5295  
prescribed by that section. The mayor's sponsorship authority 5296  
under this division is limited to community schools that are 5297  
located in that school district. Such mayor may sponsor 5298  
community schools only with the approval of the city council of 5299  
that city, after establishing standards with which community 5300  
schools sponsored by the mayor must comply, and after entering 5301  
into a sponsor agreement with the department as prescribed under 5302  
section 3314.015 of the Revised Code. The mayor shall establish 5303  
the standards for community schools sponsored by the mayor not 5304  
later than one hundred eighty days after July 15, 2013, and 5305  
shall submit them to the department upon their establishment. 5306

The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C) (1) of this section may enter into a preliminary agreement pursuant to division (C) (2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C) (1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A) (3) (b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of

public instruction. 5337

(D) A majority vote of the board of a sponsoring entity 5338  
and a majority vote of the members of the governing authority of 5339  
a community school shall be required to adopt a contract and 5340  
convert the public school or educational service center building 5341  
to a community school or establish the new start-up school. 5342  
Beginning September 29, 2005, adoption of the contract shall 5343  
occur not later than the fifteenth day of March, and signing of 5344  
the contract shall occur not later than the fifteenth day of 5345  
May, prior to the school year in which the school will open. The 5346  
governing authority shall notify the department of education 5347  
when the contract has been signed. Subject to sections 3314.013 5348  
and 3314.016 of the Revised Code, an unlimited number of 5349  
community schools may be established in any school district 5350  
provided that a contract is entered into for each community 5351  
school pursuant to this chapter. 5352

(E) (1) As used in this division, "immediate relatives" are 5353  
limited to spouses, children, parents, grandparents, and 5354  
siblings, as well as in-laws residing in the same household as 5355  
the person serving on the governing authority. 5356

Each new start-up community school established under this 5357  
chapter shall be under the direction of a governing authority 5358  
which shall consist of a board of not less than five 5359  
individuals. 5360

(2) (a) No person shall serve on the governing authority or 5361  
operate the community school under contract with the governing 5362  
authority under any of the following circumstances: 5363

(i) The person owes the state any money or is in a dispute 5364  
over whether the person owes the state any money concerning the 5365

operation of a community school that has closed. 5366

(ii) The person would otherwise be subject to division (B) 5367  
of section 3319.31 of the Revised Code with respect to refusal, 5368  
limitation, or revocation of a license to teach, if the person 5369  
were a licensed educator. 5370

(iii) The person has pleaded guilty to or been convicted 5371  
of theft in office under section 2921.41 of the Revised Code, or 5372  
has pleaded guilty to or been convicted of a substantially 5373  
similar offense in another state. 5374

(b) No person shall serve on the governing authority or 5375  
engage in the financial day-to-day management of the community 5376  
school under contract with the governing authority unless and 5377  
until that person has submitted to a criminal records check in 5378  
the manner prescribed by section 3319.39 of the Revised Code. 5379

(c) Each sponsor of a community school shall annually 5380  
verify that a finding for recovery has not been issued by the 5381  
auditor of state against any individual or individuals who 5382  
propose to create a community school or any member of the 5383  
governing authority, the operator, or any employee of each 5384  
community school. 5385

(3) No person shall serve on the governing authorities of 5386  
more than five start-up community schools at the same time. 5387

(4) (a) For a community school established under this 5388  
chapter that is not sponsored by a school district or an 5389  
educational service center, no present or former member, or 5390  
immediate relative of a present or former member, of the 5391  
governing authority shall be an owner, employee, or consultant 5392  
of the community school's sponsor or operator, unless at least 5393  
one year has elapsed since the conclusion of the person's 5394

membership on the governing authority. 5395

(b) For a community school established under this chapter 5396  
that is sponsored by a school district or an educational service 5397  
center, no present or former member, or immediate relative of a 5398  
present or former member, of the governing authority shall: 5399

(i) Be an officer of the district board or service center 5400  
governing board that serves as the community school's sponsor, 5401  
unless at least one year has elapsed since the conclusion of the 5402  
person's membership on the governing authority; 5403

(ii) Serve as an employee of, or a consultant for, the 5404  
department, division, or section of the sponsoring district or 5405  
service center that is directly responsible for sponsoring 5406  
community schools, or have supervisory authority over such a 5407  
department, division, or section, unless at least one year has 5408  
elapsed since the conclusion of the person's membership on the 5409  
governing authority. 5410

(5) The governing authority of a start-up or conversion 5411  
community school may provide by resolution for the compensation 5412  
of its members. However, no individual who serves on the 5413  
governing authority of a start-up or conversion community school 5414  
shall be compensated more than one hundred twenty-five dollars 5415  
per meeting of that governing authority and no such individual 5416  
shall be compensated more than a total amount of five thousand 5417  
dollars per year for all governing authorities upon which the 5418  
individual serves. Each member of the governing authority may be 5419  
paid compensation for attendance at an approved training 5420  
program, provided that such compensation shall not exceed sixty 5421  
dollars a day for attendance at a training program three hours 5422  
or less in length and one hundred twenty-five dollars a day for 5423  
attendance at a training program longer than three hours in 5424

length. 5425

(6) No person who is the employee of a school district or 5426  
educational service center shall serve on the governing 5427  
authority of any community school sponsored by that school 5428  
district or service center. 5429

(7) Each member of the governing authority of a community 5430  
school shall annually file a disclosure statement setting forth 5431  
the names of any immediate relatives or business associates 5432  
employed by any of the following within the previous three 5433  
years: 5434

(a) The sponsor or operator of that community school; 5435

(b) A school district or educational service center that 5436  
has contracted with that community school; 5437

(c) A vendor that is or has engaged in business with that 5438  
community school. 5439

(8) No person who is a member of a school district board 5440  
of education shall serve on the governing authority of any 5441  
community school. 5442

(F) (1) A new start-up school that is established prior to 5443  
August 15, 2003, in an urban school district that is not also a 5444  
big-eight school district may continue to operate after that 5445  
date and the contract between the school's governing authority 5446  
and the school's sponsor may be renewed, as provided under this 5447  
chapter, after that date, but no additional new start-up schools 5448  
may be established in such a district unless the district is a 5449  
challenged school district as defined in this section as it 5450  
exists on and after that date. 5451

(2) A community school that was established prior to June 5452

29, 1999, and is located in a county contiguous to the pilot 5453  
project area and in a school district that is not a challenged 5454  
school district may continue to operate after that date, 5455  
provided the school complies with all provisions of this 5456  
chapter. The contract between the school's governing authority 5457  
and the school's sponsor may be renewed, but no additional 5458  
start-up community school may be established in that district 5459  
unless the district is a challenged school district. 5460

(3) Any educational service center that, on June 30, 2007, 5461  
sponsors a community school that is not located in a county 5462  
within the territory of the service center or in a county 5463  
contiguous to such county may continue to sponsor that community 5464  
school on and after June 30, 2007, and may renew its contract 5465  
with the school. However, the educational service center shall 5466  
not enter into a contract with any additional community school, 5467  
unless the governing board of the service center has entered 5468  
into an agreement with the department authorizing the service 5469  
center to sponsor a community school in any challenged school 5470  
district in the state. 5471

**Sec. 3314.03.** A copy of every contract entered into under 5472  
this section shall be filed with the superintendent of public 5473  
instruction. The department of education shall make available on 5474  
its web site a copy of every approved, executed contract filed 5475  
with the superintendent under this section. 5476

(A) Each contract entered into between a sponsor and the 5477  
governing authority of a community school shall specify the 5478  
following: 5479

(1) That the school shall be established as either of the 5480  
following: 5481

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	5482 5483 5484
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	5485 5486
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	5487 5488 5489 5490
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	5491 5492 5493 5494
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	5495 5496 5497 5498
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	5499 5500 5501
(6) (a) Dismissal procedures;	5502
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	5503 5504 5505 5506 5507 5508
(7) The ways by which the school will achieve racial and	5509

ethnic balance reflective of the community it serves; 5510

(8) Requirements for financial audits by the auditor of 5511  
state. The contract shall require financial records of the 5512  
school to be maintained in the same manner as are financial 5513  
records of school districts, pursuant to rules of the auditor of 5514  
state. Audits shall be conducted in accordance with section 5515  
117.10 of the Revised Code. 5516

(9) An addendum to the contract outlining the facilities 5517  
to be used that contains at least the following information: 5518

(a) A detailed description of each facility used for 5519  
instructional purposes; 5520

(b) The annual costs associated with leasing each facility 5521  
that are paid by or on behalf of the school; 5522

(c) The annual mortgage principal and interest payments 5523  
that are paid by the school; 5524

(d) The name of the lender or landlord, identified as 5525  
such, and the lender's or landlord's relationship to the 5526  
operator, if any. 5527

(10) Qualifications of teachers, including a requirement 5528  
that the school's classroom teachers be licensed in accordance 5529  
with sections 3319.22 to 3319.31 of the Revised Code, except 5530  
that a community school may engage noncertificated persons to 5531  
teach up to twelve hours per week pursuant to section 3319.301 5532  
of the Revised Code. 5533

(11) That the school will comply with the following 5534  
requirements: 5535

(a) The school will provide learning opportunities to a 5536  
minimum of twenty-five students for a minimum of nine hundred 5537

twenty hours per school year. 5538

(b) The governing authority will purchase liability 5539  
insurance, or otherwise provide for the potential liability of 5540  
the school. 5541

(c) The school will be nonsectarian in its programs, 5542  
admission policies, employment practices, and all other 5543  
operations, and will not be operated by a sectarian school or 5544  
religious institution. 5545

(d) The school will comply with sections 9.90, 9.91, 5546  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 5547  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 5548  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 5549  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 5550  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 5551  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 5552  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 5553  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 5554  
3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 5555  
3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 5556  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5557  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 5558  
4123., 4141., and 4167. of the Revised Code as if it were a 5559  
school district and will comply with section 3301.0714 of the 5560  
Revised Code in the manner specified in section 3314.17 of the 5561  
Revised Code. 5562

(e) The school shall comply with Chapter 102. and section 5563  
2921.42 of the Revised Code. 5564

(f) The school will comply with sections 3313.61, 5565  
3313.611, and 3313.614 of the Revised Code, except that for 5566

students who enter ninth grade for the first time before July 1, 5567  
2010, the requirement in sections 3313.61 and 3313.611 of the 5568  
Revised Code that a person must successfully complete the 5569  
curriculum in any high school prior to receiving a high school 5570  
diploma may be met by completing the curriculum adopted by the 5571  
governing authority of the community school rather than the 5572  
curriculum specified in Title XXXIII of the Revised Code or any 5573  
rules of the state board of education. Beginning with students 5574  
who enter ninth grade for the first time on or after July 1, 5575  
2010, the requirement in sections 3313.61 and 3313.611 of the 5576  
Revised Code that a person must successfully complete the 5577  
curriculum of a high school prior to receiving a high school 5578  
diploma shall be met by completing the requirements prescribed 5579  
in division (C) of section 3313.603 of the Revised Code, unless 5580  
the person qualifies under division (D) or (F) of that section. 5581  
Each school shall comply with the plan for awarding high school 5582  
credit based on demonstration of subject area competency, and 5583  
beginning with the 2017-2018 school year, with the updated plan 5584  
that permits students enrolled in seventh and eighth grade to 5585  
meet curriculum requirements based on subject area competency 5586  
adopted by the state board of education under divisions (J) (1) 5587  
and (2) of section 3313.603 of the Revised Code. Beginning with 5588  
the 2018-2019 school year, the school shall comply with the 5589  
framework for granting units of high school credit to students 5590  
who demonstrate subject area competency through work-based 5591  
learning experiences, internships, or cooperative education 5592  
developed by the department under division (J) (3) of section 5593  
3313.603 of the Revised Code. 5594

(g) The school governing authority will submit within four 5595  
months after the end of each school year a report of its 5596  
activities and progress in meeting the goals and standards of 5597

divisions (A) (3) and (4) of this section and its financial 5598  
status to the sponsor and the parents of all students enrolled 5599  
in the school. 5600

(h) The school, unless it is an internet- or computer- 5601  
based community school, will comply with section 3313.801 of the 5602  
Revised Code as if it were a school district. 5603

(i) If the school is the recipient of moneys from a grant 5604  
awarded under the federal race to the top program, Division (A), 5605  
Title XIV, Sections 14005 and 14006 of the "American Recovery 5606  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 5607  
the school will pay teachers based upon performance in 5608  
accordance with section 3317.141 and will comply with section 5609  
3319.111 of the Revised Code as if it were a school district. 5610

(j) If the school operates a preschool program that is 5611  
licensed by the department of education under sections 3301.52 5612  
to 3301.59 of the Revised Code, the school shall comply with 5613  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 5614  
standards for preschool programs prescribed in rules adopted by 5615  
the state board under section 3301.53 of the Revised Code. 5616

(k) The school will comply with sections 3313.6021 and 5617  
3313.6023 of the Revised Code as if it were a school district 5618  
unless it is either of the following: 5619

(i) An internet- or computer-based community school; 5620

(ii) A community school in which a majority of the 5621  
enrolled students are children with disabilities as described in 5622  
division (A) ~~(4)~~ (2) (b) of section 3314.35 of the Revised Code. 5623

(12) Arrangements for providing health and other benefits 5624  
to employees; 5625

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

outside the district in which the school is located. That policy 5655  
shall comply with the admissions procedures specified in 5656  
sections 3314.06 and 3314.061 of the Revised Code and, at the 5657  
sole discretion of the authority, shall do one of the following: 5658

(a) Prohibit the enrollment of students who reside outside 5659  
the district in which the school is located; 5660

(b) Permit the enrollment of students who reside in 5661  
districts adjacent to the district in which the school is 5662  
located; 5663

(c) Permit the enrollment of students who reside in any 5664  
other district in the state. 5665

(20) A provision recognizing the authority of the 5666  
department of education to take over the sponsorship of the 5667  
school in accordance with the provisions of division (C) of 5668  
section 3314.015 of the Revised Code; 5669

(21) A provision recognizing the sponsor's authority to 5670  
assume the operation of a school under the conditions specified 5671  
in division (B) of section 3314.073 of the Revised Code; 5672

(22) A provision recognizing both of the following: 5673

(a) The authority of public health and safety officials to 5674  
inspect the facilities of the school and to order the facilities 5675  
closed if those officials find that the facilities are not in 5676  
compliance with health and safety laws and regulations; 5677

(b) The authority of the department of education as the 5678  
community school oversight body to suspend the operation of the 5679  
school under section 3314.072 of the Revised Code if the 5680  
department has evidence of conditions or violations of law at 5681  
the school that pose an imminent danger to the health and safety 5682

of the school's students and employees and the sponsor refuses 5683  
to take such action. 5684

(23) A description of the learning opportunities that will 5685  
be offered to students including both classroom-based and non- 5686  
classroom-based learning opportunities that is in compliance 5687  
with criteria for student participation established by the 5688  
department under division (H) (2) of section 3314.08 of the 5689  
Revised Code; 5690

(24) The school will comply with sections 3302.04 and 5691  
3302.041 of the Revised Code, except that any action required to 5692  
be taken by a school district pursuant to those sections shall 5693  
be taken by the sponsor of the school. However, the sponsor 5694  
shall not be required to take any action described in division 5695  
(F) of section 3302.04 of the Revised Code. 5696

(25) Beginning in the 2006-2007 school year, the school 5697  
will open for operation not later than the thirtieth day of 5698  
September each school year, unless the mission of the school as 5699  
specified under division (A) (2) of this section is solely to 5700  
serve dropouts. In its initial year of operation, if the school 5701  
fails to open by the thirtieth day of September, or within one 5702  
year after the adoption of the contract pursuant to division (D) 5703  
of section 3314.02 of the Revised Code if the mission of the 5704  
school is solely to serve dropouts, the contract shall be void. 5705

(26) Whether the school's governing authority is planning 5706  
to seek designation for the school as a STEM school equivalent 5707  
under section 3326.032 of the Revised Code; 5708

(27) That the school's attendance and participation 5709  
policies will be available for public inspection; 5710

(28) That the school's attendance and participation 5711

records shall be made available to the department of education, 5712  
auditor of state, and school's sponsor to the extent permitted 5713  
under and in accordance with the "Family Educational Rights and 5714  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 5715  
and any regulations promulgated under that act, and section 5716  
3319.321 of the Revised Code; 5717

(29) If a school operates using the blended learning 5718  
model, as defined in section 3301.079 of the Revised Code, all 5719  
of the following information: 5720

(a) An indication of what blended learning model or models 5721  
will be used; 5722

(b) A description of how student instructional needs will 5723  
be determined and documented; 5724

(c) The method to be used for determining competency, 5725  
granting credit, and promoting students to a higher grade level; 5726

(d) The school's attendance requirements, including how 5727  
the school will document participation in learning 5728  
opportunities; 5729

(e) A statement describing how student progress will be 5730  
monitored; 5731

(f) A statement describing how private student data will 5732  
be protected; 5733

(g) A description of the professional development 5734  
activities that will be offered to teachers. 5735

(30) A provision requiring that all moneys the school's 5736  
operator loans to the school, including facilities loans or cash 5737  
flow assistance, must be accounted for, documented, and bear 5738  
interest at a fair market rate; 5739

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

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

between the governing authority and the sponsor. The total 5768  
amount of such payments for monitoring, oversight, and technical 5769  
assistance of the school shall not exceed three per cent of the 5770  
total amount of payments for operating expenses that the school 5771  
receives from the state. 5772

(D) The contract shall specify the duties of the sponsor 5773  
which shall be in accordance with the written agreement entered 5774  
into with the department of education under division (B) of 5775  
section 3314.015 of the Revised Code and shall include the 5776  
following: 5777

(1) Monitor the community school's compliance with all 5778  
laws applicable to the school and with the terms of the 5779  
contract; 5780

(2) Monitor and evaluate the academic and fiscal 5781  
performance and the organization and operation of the community 5782  
school on at least an annual basis; 5783

(3) Report on an annual basis the results of the 5784  
evaluation conducted under division (D) (2) of this section to 5785  
the department of education and to the parents of students 5786  
enrolled in the community school; 5787

(4) Provide technical assistance to the community school 5788  
in complying with laws applicable to the school and terms of the 5789  
contract; 5790

(5) Take steps to intervene in the school's operation to 5791  
correct problems in the school's overall performance, declare 5792  
the school to be on probationary status pursuant to section 5793  
3314.073 of the Revised Code, suspend the operation of the 5794  
school pursuant to section 3314.072 of the Revised Code, or 5795  
terminate the contract of the school pursuant to section 3314.07 5796

of the Revised Code as determined necessary by the sponsor; 5797

(6) Have in place a plan of action to be undertaken in the 5798  
event the community school experiences financial difficulties or 5799  
closes prior to the end of a school year. 5800

(E) Upon the expiration of a contract entered into under 5801  
this section, the sponsor of a community school may, with the 5802  
approval of the governing authority of the school, renew that 5803  
contract for a period of time determined by the sponsor, but not 5804  
ending earlier than the end of any school year, if the sponsor 5805  
finds that the school's compliance with applicable laws and 5806  
terms of the contract and the school's progress in meeting the 5807  
academic goals prescribed in the contract have been 5808  
satisfactory. Any contract that is renewed under this division 5809  
remains subject to the provisions of sections 3314.07, 3314.072, 5810  
and 3314.073 of the Revised Code. 5811

(F) If a community school fails to open for operation 5812  
within one year after the contract entered into under this 5813  
section is adopted pursuant to division (D) of section 3314.02 5814  
of the Revised Code or permanently closes prior to the 5815  
expiration of the contract, the contract shall be void and the 5816  
school shall not enter into a contract with any other sponsor. A 5817  
school shall not be considered permanently closed because the 5818  
operations of the school have been suspended pursuant to section 5819  
3314.072 of the Revised Code. 5820

**Sec. 3314.034.** (A) Subject to division (B) of this 5821  
section, any community school to which either of the following 5822  
conditions apply shall be prohibited from entering into a 5823  
contract with a new sponsor: 5824

(1) The community school has received a grade of "D" or 5825

"F" for the performance index score, under division (C) (1) (b) of 5826  
section ~~3302.03~~3302.032 of the Revised Code, and an overall 5827  
grade of "D" or "F" for the value-added progress dimension or 5828  
another measure of student academic progress if adopted by the 5829  
state board of education, under division (C) (1) (e) of that 5830  
section, on the most recent report card issued for the school 5831  
pursuant to that section. 5832

(2) The community school is one in which a majority of the 5833  
students are enrolled in a dropout prevention and recovery 5834  
program, and it has received a rating of "does not meet 5835  
standards" for the annual student growth measure and combined 5836  
graduation rates on the most recent report card issued for the 5837  
school under section 3314.017 of the Revised Code. 5838

(B) A community school to which division (A) of this 5839  
section applies may enter into a contract with a new sponsor if 5840  
all of the following conditions are satisfied: 5841

(1) The proposed sponsor received a rating of "effective" 5842  
or higher pursuant to division (B) (6) of section 3314.016 of the 5843  
Revised Code on its most recent evaluation conducted according 5844  
to that section, or the proposed sponsor is the office of Ohio 5845  
school sponsorship established in section 3314.029 of the 5846  
Revised Code. 5847

(2) The community school submits a request to enter into a 5848  
new contract with a sponsor. 5849

(3) The community school has not submitted a prior request 5850  
that was granted. 5851

(4) The department grants the school's request pursuant to 5852  
division (C) of this section. 5853

(C) A school shall submit a request to change sponsors 5854

under this section not later than on the fifteenth day of 5855  
February of the year in which the school wishes to do so. The 5856  
department shall grant or deny the request not later than thirty 5857  
days after the department receives it. If the department denies 5858  
the request, the community school may submit an appeal to the 5859  
state board of education, which shall hold a hearing in 5860  
accordance with Chapter 119. of the Revised Code. The community 5861  
school shall file its notice of appeal to the state board not 5862  
later than ten days after receiving the decision from the 5863  
department. The state board shall conduct the hearing not later 5864  
than thirty days after receiving the school's notice of appeal 5865  
and act upon the determination of the hearing officer not later 5866  
than the twenty-fifth day of June of the year in which the 5867  
school wishes to change sponsors. 5868

(D) Factors to be considered during a hearing held 5869  
pursuant to division (C) of this section include, but are not 5870  
limited to, the following: 5871

(1) The school's impact on the students and the community 5872  
or communities it serves; 5873

(2) The quality and quantity of academic and 5874  
administrative support the school receives from its current 5875  
sponsor to help the school to improve; 5876

(3) The sponsor's annual evaluations of the community 5877  
school under division (D) (2) of section 3314.03 of the Revised 5878  
Code for the previous three years; 5879

(4) The academic performance of the school, taking into 5880  
account the demographic information of the students enrolled in 5881  
the school; 5882

(5) The academic performance of alternative schools that 5883

serve comparable populations of students as those served by the community school;	5884 5885
(6) The fiscal stability of the school;	5886
(7) The results of any audits of the school by the auditor of state;	5887 5888
(8) The length of time the school has been under the oversight of its current sponsor;	5889 5890
(9) The number of times the school has changed sponsors prior to the current request;	5891 5892
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	5893 5894
<b>Sec. 3314.05.</b> (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B) (3) and (4) of this section, no community school shall be established in more than one school district under the same contract.	5895 5896 5897 5898 5899 5900
(B) Division (B) of this section shall not apply to internet- or computer-based community schools.	5901 5902
(1) A community school may be located in multiple facilities under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B) (2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.	5903 5904 5905 5906 5907 5908 5909
(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division	5910 5911

(B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A) (8) (b) of section 3314.02 of the Revised Code.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 or 3302.032 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code as that section existed prior to the effective date of this amendment; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of that section ~~3302.03 of the Revised Code~~;

(iii) For the 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code or an overall performance designation of "meets

standards" under division (E) (3) (e) of section 3314.017 of the Revised Code. 5941  
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(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 5943  
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(a) At least one of the school districts in which the school is established is a challenged school district; 5946  
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(b) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and 5948  
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(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 5952  
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In the case of a community school to which division (B) (3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation. 5955  
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(4) A community school may be located in multiple 5969

facilities under the same contract and, notwithstanding division 5970  
(B) (1) of this section, may assign students in the same grade 5971  
level to multiple facilities, as long as both of the following 5972  
apply: 5973

(a) The facilities are all located in the same county. 5974

(b) Either of the following conditions are satisfied: 5975

(i) The community school is sponsored by a board of 5976  
education of a city, local, or exempted village school district 5977  
having territory in the same county where the facilities of the 5978  
community school are located; 5979

(ii) The community school is managed by an operator. 5980

In the case of a community school to which division (B) (4) 5981  
of this section applies and that maintains facilities in more 5982  
than one school district, the school's governing authority shall 5983  
designate one of those districts to be considered the school's 5984  
primary location and the district in which the school is located 5985  
for the purposes of division (A) (19) of section 3314.03 and 5986  
divisions (C) and (H) of section 3314.06 of the Revised Code and 5987  
for all other purposes of this chapter and shall notify the 5988  
department of that designation. 5989

(5) Any facility used for a community school shall meet 5990  
all health and safety standards established by law for school 5991  
buildings. 5992

(C) In the case where a community school is proposed to be 5993  
located in a facility owned by a school district or educational 5994  
service center, the facility may not be used for such community 5995  
school unless the district or service center board owning the 5996  
facility enters into an agreement for the community school to 5997  
utilize the facility. Use of the facility may be under any terms 5998

and conditions agreed to by the district or service center board 5999  
and the school. 6000

(D) Two or more separate community schools may be located 6001  
in the same facility. 6002

(E) In the case of a community school that is located in 6003  
multiple facilities, beginning July 1, 2012, the department 6004  
shall assign a unique identification number to the school and to 6005  
each facility maintained by the school. Each number shall be 6006  
used for identification purposes only. Nothing in this division 6007  
shall be construed to require the department to calculate the 6008  
amount of funds paid under this chapter, or to compute any data 6009  
required for the report cards issued under section 3314.012 of 6010  
the Revised Code, for each facility separately. The department 6011  
shall make all such calculations or computations for the school 6012  
as a whole. 6013

**Sec. 3314.085.** (A) For purposes of this section: 6014

(1) "Formula amount" has the same meaning as in section 6015  
3317.02 of the Revised Code. 6016

(2) "Four-year adjusted cohort graduation rate" has the 6017  
same meaning as in section 3302.01 of the Revised Code. 6018

(3) A community school's "third-grade reading proficiency 6019  
percentage" means the percentage of the school's students 6020  
scoring at a proficient level of skill or higher on the third- 6021  
grade English language arts assessment prescribed under division 6022  
(A) (1) (a) of section 3301.0710 of the Revised Code for the 6023  
immediately preceding school year, as reported on the school's 6024  
report card under section ~~3302.03~~ 3302.032 of the Revised Code. 6025

(B) In addition to the payments made under section 3314.08 6026  
of the Revised Code, the department of education shall annually 6027

pay to each community school both of the following: 6028

(1) A graduation bonus calculated according to the 6029  
following formula: 6030

The school's four-year adjusted cohort graduation rate on its 6031  
most recent report card issued by the department under section 6032  
3302.03 or 3314.017 of the Revised Code X 0.075 X the formula 6033  
amount X the number of the school's graduates reported to the 6034  
department, in accordance with the guidelines adopted under 6035  
section 3301.0714 of the Revised Code, for the same school year 6036  
for which the most recent report card was issued 6037

(2) A third-grade reading bonus calculated according to 6038  
the following formula: 6039

The school's third-grade reading proficiency percentage X 0.075 6040  
X the formula amount X the number of the school's students 6041  
scoring at a proficient level or higher on the third-grade 6042  
English language arts assessment prescribed under division (A) 6043

(1) (a) of section 3301.0710 of the Revised Code for the 6044  
immediately preceding school year 6045

~~Sec. 3314.35. (A) (1) Except as provided in division (A) (4) 6046  
of this section, this section applies to any community school 6047  
that meets one of the following criteria after July 1, 2009, but 6048  
before July 1, 2011: 6049~~

~~(a) The school does not offer a grade level higher than 6050  
three and has been declared to be in a state of academic 6051  
emergency under section 3302.03 of the Revised Code for three of 6052  
the four most recent school years. 6053~~

~~(b) The school satisfies all of the following conditions: 6054~~

~~(i) The school offers any of grade levels four to eight 6055~~

~~but does not offer a grade level higher than nine.~~ 6056

~~(ii) The school has been declared to be in a state of  
academic emergency under section 3302.03 of the Revised Code for  
two of the three most recent school years.~~ 6057  
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~~(iii) In at least two of the three most recent school  
years, the school showed less than one standard year of academic  
growth in either reading or mathematics, as determined by the  
department of education in accordance with rules adopted under  
division (A) of section 3302.021 of the Revised Code.~~ 6060  
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6062  
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~~(c) The school offers any of grade levels ten to twelve  
and has been declared to be in a state of academic emergency  
under section 3302.03 of the Revised Code for three of the four  
most recent school years.~~ 6065  
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6067  
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~~(2) Except as provided in division (A) (4) of this section,  
this section applies to any community school that meets one of  
the following criteria after July 1, 2011, but before July 1,  
2013:~~ 6069  
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~~(a) The school does not offer a grade level higher than  
three and has been declared to be in a state of academic  
emergency under section 3302.03 of the Revised Code for two of  
the three most recent school years.~~ 6073  
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~~(b) The school satisfies all of the following conditions:~~ 6077

~~(i) The school offers any of grade levels four to eight  
but does not offer a grade level higher than nine.~~ 6078  
6079

~~(ii) The school has been declared to be in a state of  
academic emergency under section 3302.03 of the Revised Code for  
two of the three most recent school years.~~ 6080  
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~~(iii) In at least two of the three most recent school~~ 6083

~~years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~ 6084  
6085  
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6087

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 6088  
6089  
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~~(3) Except as provided in division (A) (4) (2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:~~ 6092  
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6094

(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria: 6095  
6096  
6097

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 6098  
6099  
6100

(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code; 6101  
6102  
6103  
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(iii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment, or section 3302.032 of the Revised Code. 6106  
6107  
6108  
6109

(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the 6110  
6111  
6112

following criteria: 6113

(i) The school has been declared to be in a state of 6114  
academic emergency under section 3302.03 of the Revised Code, as 6115  
it existed prior to March 22, 2013, and the school showed less 6116  
than one standard year of academic growth in either reading or 6117  
mathematics, as determined by the department in accordance with 6118  
rules adopted under division (A) of section 3302.021 of the 6119  
Revised Code; 6120

(ii) The school has received a grade of "F" for the 6121  
performance index score under division (A) (1) (b), (B) (1) (b), or 6122  
(C) (1) (b) and a grade of "F" for the value-added progress 6123  
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 6124  
section 3302.03 of the Revised Code, as it existed prior to the 6125  
effective date of this amendment, or section 3302.032 of the 6126  
Revised Code; 6127

(iii) The school has received an overall grade of "F" 6128  
under division (C) and a grade of "F" for the value-added 6129  
progress dimension under division (C) (1) (e) of section 3302.03 6130  
of the Revised Code, as it existed prior to the effective date 6131  
of this amendment, or section 3302.032 of the Revised Code. 6132

(c) The school offers any of grade levels ten to twelve 6133  
and, for two of the three most recent school years, satisfies 6134  
any of the following criteria: 6135

(i) The school has been declared to be in a state of 6136  
academic emergency under section 3302.03 of the Revised Code, as 6137  
it existed prior to March 22, 2013; 6138

(ii) The school has received a grade of "F" for the 6139  
performance index score under division (A) (1) (b), (B) (1) (b), or 6140  
(C) (1) (b) and has not met annual measurable objectives under 6141

division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 6142  
of the Revised Code, as it existed prior to the effective date 6143  
of this amendment, or section 3302.032 of the Revised Code; 6144

(iii) The school has received an overall grade of "F" 6145  
under division (C) and a grade of "F" for the value-added 6146  
progress dimension under division (C) (1) (e) of section 3302.03 6147  
of the Revised Code, as it existed prior to the effective date 6148  
of this amendment, or section 3302.032 of the Revised Code. 6149

For purposes of division (A) ~~(3)~~ (1) of this section only, 6150  
the department of education shall calculate the value-added 6151  
progress dimension for a community school using assessment 6152  
scores for only those students to whom the school has 6153  
administered the achievement assessments prescribed by section 6154  
3301.0710 of the Revised Code for at least the two most recent 6155  
school years but using value-added data from only the most 6156  
recent school year. 6157

~~(4)~~ (2) This section does not apply to either of the 6158  
following: 6159

(a) Any community school in which a majority of the 6160  
students are enrolled in a dropout prevention and recovery 6161  
program that is operated by the school. Rather, such schools 6162  
shall be subject to closure only as provided in section 3314.351 6163  
of the Revised Code. However, prior to July 1, 2014, a community 6164  
school in which a majority of the students are enrolled in a 6165  
dropout prevention and recovery program shall be exempt from 6166  
this section only if it has been granted a waiver under section 6167  
3314.36 of the Revised Code. 6168

(b) Any community school in which a majority of the 6169  
enrolled students are children with disabilities receiving 6170

special education and related services in accordance with 6171  
Chapter 3323. of the Revised Code. 6172

(B) Any community school to which this section applies 6173  
shall permanently close at the conclusion of the school year in 6174  
which the school first becomes subject to this section. The 6175  
sponsor and governing authority of the school shall comply with 6176  
all procedures for closing a community school adopted by the 6177  
department under division (E) of section 3314.015 of the Revised 6178  
Code. The governing authority of the school shall not enter into 6179  
a contract with any other sponsor under section 3314.03 of the 6180  
Revised Code after the school closes. 6181

(C) In accordance with division (B) of section 3314.012 of 6182  
the Revised Code, the department shall not consider the 6183  
performance ratings assigned to a community school for its first 6184  
two years of operation when determining whether the school meets 6185  
the criteria prescribed by division (A) (1) or (2) of this 6186  
section. 6187

(D) Nothing in this section or in any other provision of 6188  
the Revised Code prohibits the sponsor of a community school 6189  
from exercising its option not to renew a contract for any 6190  
reason or from terminating a contract prior to its expiration 6191  
for any of the reasons set forth in section 3314.07 of the 6192  
Revised Code. 6193

**Sec. 3317.0216.** (A) For purposes of this section, a city, 6194  
local, or exempted village school district's "third-grade 6195  
reading proficiency percentage" means the percentage of the 6196  
district's students scoring at a proficient level of skill or 6197  
higher on the third-grade English language arts assessment 6198  
prescribed under division (A) (1) (a) of section 3301.0710 of the 6199  
Revised Code for the immediately preceding school year, as 6200

reported on the district's report card under section ~~3302.03~~ 6201  
3302.032 of the Revised Code. 6202

(B) The department of education shall annually calculate a 6203  
third-grade reading bonus for each city, local, and exempted 6204  
village school district according to the following formula: 6205

The district's third-grade reading proficiency percentage X 6206  
0.075 X the formula amount X the number of the district's 6207  
students scoring at a proficient level of skill or higher on the 6208  
third-grade English language arts assessment prescribed under 6209  
division (A)(1)(a) of section 3301.0710 of the Revised Code for 6210  
the immediately preceding school year X the district's state 6211  
share index 6212

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 6213  
Revised Code, this section applies to any person who is employed 6214  
under a teacher license issued under this chapter, or under a 6215  
professional or permanent teacher's certificate issued under 6216  
former section 3319.222 of the Revised Code, and who spends at 6217  
least fifty per cent of the time employed providing student 6218  
instruction. However, this section does not apply to any person 6219  
who is employed as a substitute teacher or as an instructor of 6220  
adult education. 6221

(A) Not later than July 1, 2013, the board of education of 6222  
each school district, in consultation with teachers employed by 6223  
the board, shall adopt a standards-based teacher evaluation 6224  
policy that conforms with the framework for evaluation of 6225  
teachers developed under section 3319.112 of the Revised Code. 6226  
The policy shall become operative at the expiration of any 6227  
collective bargaining agreement covering teachers employed by 6228  
the board that is in effect on September 29, 2011, and shall be 6229  
included in any renewal or extension of such an agreement. 6230

(B) When using measures of student academic growth as a component of a teacher's evaluation, those measures shall include the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section ~~3302.03~~ 3302.032 of the Revised Code. For teachers of grade levels and subjects for which the value-added progress dimension or alternative student academic progress measure is not applicable, the board shall administer assessments on the list developed under division (B)(2) of section 3319.112 of the Revised Code.

(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.

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

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

(c) For each teacher who is evaluated pursuant to division

(C) (2) of this section, the evaluation shall be completed by the 6261  
first day of May of the applicable school year, and the teacher 6262  
shall receive a written report of the results of the evaluation 6263  
by the tenth day of May of that school year. 6264

(d) Beginning with the 2014-2015 school year, the board 6265  
may elect not to conduct an evaluation of a teacher who meets 6266  
one of the following requirements: 6267

(i) The teacher was on leave from the school district for 6268  
fifty per cent or more of the school year, as calculated by the 6269  
board. 6270

(ii) The teacher has submitted notice of retirement and 6271  
that notice has been accepted by the board not later than the 6272  
first day of December of the school year in which the evaluation 6273  
is otherwise scheduled to be conducted. 6274

(e) Beginning with the 2017-2018 school year, the board 6275  
may elect not to conduct an evaluation of a teacher who is 6276  
participating in the teacher residency program established under 6277  
section 3319.223 of the Revised Code for the year during which 6278  
that teacher takes, for the first time, at least half of the 6279  
performance-based assessment prescribed by the state board of 6280  
education for resident educators. 6281

(3) In any year that a teacher is not formally evaluated 6282  
pursuant to division (C) of this section as a result of 6283  
receiving a rating of accomplished or skilled on the teacher's 6284  
most recent evaluation, an individual qualified to evaluate a 6285  
teacher under division (D) of this section shall conduct at 6286  
least one observation of the teacher and hold at least one 6287  
conference with the teacher. 6288

(D) Each evaluation conducted pursuant to this section 6289

shall be conducted by one or more of the following persons who 6290  
hold a credential established by the department of education for 6291  
being an evaluator: 6292

(1) A person who is under contract with the board pursuant 6293  
to section 3319.01 or 3319.02 of the Revised Code and holds a 6294  
license designated for being a superintendent, assistant 6295  
superintendent, or principal issued under section 3319.22 of the 6296  
Revised Code; 6297

(2) A person who is under contract with the board pursuant 6298  
to section 3319.02 of the Revised Code and holds a license 6299  
designated for being a vocational director, administrative 6300  
specialist, or supervisor in any educational area issued under 6301  
section 3319.22 of the Revised Code; 6302

(3) A person designated to conduct evaluations under an 6303  
agreement entered into by the board, including an agreement 6304  
providing for peer review entered into by the board and 6305  
representatives of teachers employed by the board; 6306

(4) A person who is employed by an entity contracted by 6307  
the board to conduct evaluations and who holds a license 6308  
designated for being a superintendent, assistant superintendent, 6309  
principal, vocational director, administrative specialist, or 6310  
supervisor in any educational area issued under section 3319.22 6311  
of the Revised Code or is qualified to conduct evaluations. 6312

(E) Notwithstanding division (A) (3) of section 3319.112 of 6313  
the Revised Code: 6314

(1) The board shall require at least three formal 6315  
observations of each teacher who is under consideration for 6316  
nonrenewal and with whom the board has entered into a limited 6317  
contract or an extended limited contract under section 3319.11 6318

of the Revised Code. 6319

(2) The board may elect, by adoption of a resolution, to 6320  
require only one formal observation of a teacher who received a 6321  
rating of accomplished on the teacher's most recent evaluation 6322  
conducted under this section, provided the teacher completes a 6323  
project that has been approved by the board to demonstrate the 6324  
teacher's continued growth and practice at the accomplished 6325  
level. 6326

(F) The board shall include in its evaluation policy 6327  
procedures for using the evaluation results for retention and 6328  
promotion decisions and for removal of poorly performing 6329  
teachers. Seniority shall not be the basis for a decision to 6330  
retain a teacher, except when making a decision between teachers 6331  
who have comparable evaluations. 6332

(G) For purposes of section 3333.0411 of the Revised Code, 6333  
the board annually shall report to the department of education 6334  
the number of teachers for whom an evaluation was conducted 6335  
under this section and the number of teachers assigned each 6336  
rating prescribed under division (B)(1) of section 3319.112 of 6337  
the Revised Code, aggregated by the teacher preparation programs 6338  
from which and the years in which the teachers graduated. The 6339  
department shall establish guidelines for reporting the 6340  
information required by this division. The guidelines shall not 6341  
permit or require that the name of, or any other personally 6342  
identifiable information about, any teacher be reported under 6343  
this division. 6344

(H) Notwithstanding any provision to the contrary in 6345  
Chapter 4117. of the Revised Code, the requirements of this 6346  
section prevail over any conflicting provisions of a collective 6347  
bargaining agreement entered into on or after September 24, 6348

2012. 6349

**Sec. 3319.112.** (A) Not later than December 31, 2011, the 6350  
state board of education shall develop a standards-based state 6351  
framework for the evaluation of teachers. The state board may 6352  
update the framework periodically by adoption of a resolution. 6353  
The framework shall establish an evaluation system that does the 6354  
following: 6355

(1) Provides for multiple evaluation factors. One factor 6356  
shall be student academic growth which shall account for fifty 6357  
per cent of each evaluation, except as otherwise prescribed by 6358  
the alternative framework under section 3319.114 of the Revised 6359  
Code. When applicable to the grade level or subject area taught 6360  
by a teacher, the value-added progress dimension established 6361  
under section 3302.021 of the Revised Code or an alternative 6362  
student academic progress measure if adopted under division (C) 6363  
(1)(e) of section ~~3302.03~~3302.032 of the Revised Code shall be 6364  
used in the student academic growth portion of an evaluation in 6365  
proportion to the part of a teacher's schedule of courses or 6366  
subjects for which the value-added progress dimension is 6367  
applicable. 6368

If a teacher's schedule is comprised only of courses or 6369  
subjects for which the value-added progress dimension is 6370  
applicable, one of the following applies: 6371

(a) Beginning with March 22, 2013, until June 30, 2014, 6372  
the majority of the student academic growth factor of the 6373  
evaluation shall be based on the value-added progress dimension. 6374

(b) On or after July 1, 2014, the entire student academic 6375  
growth factor of the evaluation shall be based on the value- 6376  
added progress dimension. In calculating student academic growth 6377

for an evaluation, a student shall not be included if the 6378  
student has forty-five or more excused or unexcused absences 6379  
during the full academic year. 6380

(2) Is aligned with the standards for teachers adopted 6381  
under section 3319.61 of the Revised Code; 6382

(3) Requires observation of the teacher being evaluated, 6383  
including at least two formal observations by the evaluator of 6384  
at least thirty minutes each and classroom walkthroughs; 6385

(4) Assigns a rating on each evaluation in accordance with 6386  
division (B) of this section or section 3319.114 of the Revised 6387  
Code, whichever is applicable; 6388

(5) Requires each teacher to be provided with a written 6389  
report of the results of the teacher's evaluation; 6390

(6) Identifies measures of student academic growth for 6391  
grade levels and subjects for which the value-added progress 6392  
dimension prescribed by section 3302.021 of the Revised Code or 6393  
an alternative student academic progress measure if adopted 6394  
under division (C) (1) (e) of section ~~3302.03~~ 3302.032 of the 6395  
Revised Code does not apply; 6396

(7) Implements a classroom-level, value-added program 6397  
developed by a nonprofit organization described in division (B) 6398  
of section 3302.021 of the Revised Code or an alternative 6399  
student academic progress measure if adopted under division (C) 6400  
(1) (e) of section ~~3302.03~~ 3302.032 of the Revised Code; 6401

(8) Provides for professional development to accelerate 6402  
and continue teacher growth and provide support to poorly 6403  
performing teachers; 6404

(9) Provides for the allocation of financial resources to 6405

support professional development. 6406

(B) For purposes of the framework developed under this 6407  
section, the state board also shall do the following: 6408

(1) Develop specific standards and criteria that 6409  
distinguish between the following levels of performance for 6410  
teachers and principals for the purpose of assigning ratings on 6411  
the evaluations conducted under sections 3311.80, 3311.84, 6412  
3319.02, and 3319.111 of the Revised Code: 6413

(a) Accomplished; 6414

(b) Skilled; 6415

(c) Developing; 6416

(d) Ineffective. 6417

(2) For grade levels and subjects for which the 6418  
assessments prescribed under sections 3301.0710 and 3301.0712 of 6419  
the Revised Code and the value-added progress dimension 6420  
prescribed by section 3302.021 of the Revised Code, or 6421  
alternative student academic progress measure, do not apply, 6422  
develop a list of student assessments that measure mastery of 6423  
the course content for the appropriate grade level, which may 6424  
include nationally normed standardized assessments, industry 6425  
certification examinations, or end-of-course examinations. 6426

(C) The state board shall consult with experts, teachers 6427  
and principals employed in public schools, and representatives 6428  
of stakeholder groups in developing the standards and criteria 6429  
required by division (B) (1) of this section. 6430

(D) To assist school districts in developing evaluation 6431  
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 6432  
of the Revised Code, the department shall do both of the 6433

following: 6434

(1) Serve as a clearinghouse of promising evaluation 6435  
procedures and evaluation models that districts may use; 6436

(2) Provide technical assistance to districts in creating 6437  
evaluation policies. 6438

(E) Not later than June 30, 2013, the state board, in 6439  
consultation with state agencies that employ teachers, shall 6440  
develop a standards-based framework for the evaluation of 6441  
teachers employed by those agencies. Each state agency that 6442  
employs teachers shall adopt a standards-based teacher 6443  
evaluation policy that conforms with the framework developed 6444  
under this division. The policy shall become operative at the 6445  
expiration of any collective bargaining agreement covering 6446  
teachers employed by the agency that is in effect on September 6447  
24, 2012, and shall be included in any renewal or extension of 6448  
such an agreement. However, this division does not apply to any 6449  
person who is employed as a substitute teacher or as an 6450  
instructor of adult education. 6451

**Sec. 3324.05.** (A) Each school district shall submit an 6452  
annual report to the department of education specifying the 6453  
number of students in each of grades kindergarten through twelve 6454  
screened, the number assessed, and the number identified as 6455  
gifted in each category specified in section 3324.03 of the 6456  
Revised Code. 6457

(B) The department of education shall audit each school 6458  
district's identification numbers at least once every three 6459  
years and may select any district at random or upon complaint or 6460  
suspicion of noncompliance for a further audit to determine 6461  
compliance with sections 3324.03 to 3324.06 of the Revised Code. 6462

If the department does not perform audits as required 6463  
under this division, the department shall make a presentation to 6464  
the state board of education, at a regular meeting of the state 6465  
board, explaining why the audits have not been performed. 6466

(C) The department shall provide technical assistance to 6467  
any district found in noncompliance under division (B) of this 6468  
section. The department may reduce funds received by the 6469  
district under Chapter 3317. of the Revised Code by any amount 6470  
if the district continues to be noncompliant. 6471

**Sec. 3326.17.** (A) The department of education shall issue 6472  
an annual report card for each science, technology, engineering, 6473  
and mathematics school that includes all information applicable 6474  
to school buildings under section 3302.03 of the Revised Code. 6475

(B) For each student enrolled in a STEM school, the 6476  
department shall combine data regarding the academic performance 6477  
of that student with comparable data from the school district in 6478  
which the student is entitled to attend school pursuant to 6479  
section 3313.64 or 3313.65 of the Revised Code for the purpose 6480  
of calculating the performance of the district as a whole on the 6481  
report card issued for the district under section ~~3302.03~~ 6482  
3302.032 of the Revised Code. 6483

(C) The department also shall compute a rating for each 6484  
group of STEM schools that is under the direction of the same 6485  
governing body, as authorized under section 3326.031 of the 6486  
Revised Code, and issue a distinct report card for the group as 6487  
a whole. 6488

(D) Each STEM school and its governing body shall comply 6489  
with sections 3302.04 and 3302.041 of the Revised Code, except 6490  
that any action required to be taken by a school district 6491

pursuant to those sections shall be taken by the school. 6492  
However, the school shall not be required to take any action 6493  
described in division (F) of section 3302.04 of the Revised 6494  
Code. 6495

**Sec. 3326.41.** (A) For purposes of this section: 6496

(1) "Formula amount" has the same meaning as in section 6497  
3317.02 of the Revised Code. 6498

(2) "Four-year adjusted cohort graduation rate" has the 6499  
same meaning as in section 3302.01 of the Revised Code. 6500

(3) A science, technology, engineering, and mathematics 6501  
school's "third-grade reading proficiency percentage" means the 6502  
percentage of the school's students scoring at a proficient 6503  
level of skill or higher on the third-grade English language 6504  
arts assessment prescribed under division (A) (1) (a) of section 6505  
3301.0710 of the Revised Code for the immediately preceding 6506  
school year, as reported on the school's report card under 6507  
section ~~3302.03~~ 3302.032 of the Revised Code. 6508

(B) In addition to the payments made under section 3326.33 6509  
of the Revised Code, the department of education shall annually 6510  
pay to each science, technology, engineering, and mathematics 6511  
school both of the following: 6512

(1) A graduation bonus calculated according to the 6513  
following formula: 6514

The school's four-year adjusted cohort graduation rate on its 6515  
most recent report card issued by the department under section 6516  
3302.03 of the Revised Code X 0.075 X the formula amount X the 6517  
number of the school's graduates reported to the department, in 6518  
accordance with the guidelines adopted under section 3301.0714 6519  
of the Revised Code, for the same school year for which the most 6520

recent report card was issued 6521

(2) A third-grade reading bonus calculated according to 6522  
the following formula: 6523

The school's third-grade reading proficiency percentage X 0.075 6524

X the formula amount X the number of the school's students 6525

scoring at a proficient level or higher on the third-grade 6526

English language arts assessment prescribed under division (A) 6527

(1) (a) of section 3301.0710 of the Revised Code for the 6528

immediately preceding school year 6529

**Sec. 3328.26.** (A) The department of education shall issue 6530

an annual report card for each college-preparatory boarding 6531

school established under this chapter that includes all 6532

information applicable to school buildings under section 3302.03 6533

of the Revised Code. 6534

(B) For each student enrolled in the school, the 6535

department shall combine data regarding the academic performance 6536

of that student with comparable data from the school district in 6537

which the student is entitled to attend school for the purpose 6538

of calculating the performance of the district as a whole on the 6539

report card issued for the district under section ~~3302.03~~ 6540

3302.032 of the Revised Code. 6541

(C) Each college-preparatory boarding school and its 6542

operator shall comply with sections 3302.04 and 3302.041 of the 6543

Revised Code, except that any action required to be taken by a 6544

school district pursuant to those sections shall be taken by the 6545

school. 6546

**Sec. 3333.041.** (A) On or before the last day of December 6547

of each year, the chancellor of higher education shall submit to 6548

the governor and, in accordance with section 101.68 of the 6549

Revised Code, the general assembly a report or reports 6550  
concerning all of the following: 6551

(1) The status of graduates of Ohio school districts at 6552  
state institutions of higher education during the twelve-month 6553  
period ending on the thirtieth day of September of the current 6554  
calendar year. The report shall list, by school district, the 6555  
number of graduates of each school district who attended a state 6556  
institution of higher education and the percentage of each 6557  
district's graduates enrolled in a state institution of higher 6558  
education during the reporting period who were required during 6559  
such period by the college or university, as a prerequisite to 6560  
enrolling in those courses generally required for first-year 6561  
students, to enroll in a remedial course in English, including 6562  
composition or reading, mathematics, and any other area 6563  
designated by the chancellor. The chancellor also shall make the 6564  
information described in division (A)(1) of this section 6565  
available to the board of education of each city, exempted 6566  
village, and local school district. 6567

Each state institution of higher education shall, by the 6568  
first day of November of each year, submit to the chancellor in 6569  
the form specified by the chancellor the information the 6570  
chancellor requires to compile the report. 6571

(2) The following information with respect to the Ohio 6572  
tuition trust authority: 6573

(a) The name of each investment manager that is a minority 6574  
business enterprise or a women's business enterprise with which 6575  
the chancellor contracts; 6576

(b) The amount of assets managed by investment managers 6577  
that are minority business enterprises or women's business 6578

enterprises, expressed as a percentage of assets managed by 6579  
investment managers with which the chancellor has contracted; 6580

(c) Efforts by the chancellor to increase utilization of 6581  
investment managers that are minority business enterprises or 6582  
women's business enterprises. 6583

(3) The chancellor's strategy in assigning choose Ohio 6584  
first scholarships, as established under section 3333.61 of the 6585  
Revised Code, among state universities and colleges and how the 6586  
actual awards fit that strategy. 6587

(4) The academic and economic impact of the Ohio co- 6588  
op/internship program established under section 3333.72 of the 6589  
Revised Code. At a minimum, the report shall include the 6590  
following: 6591

(a) Progress and performance metrics for each initiative 6592  
that received an award in the previous fiscal year; 6593

(b) Economic indicators of the impact of each initiative, 6594  
and all initiatives as a whole, on the regional economies and 6595  
the statewide economy; 6596

(c) The chancellor's strategy in allocating awards among 6597  
state institutions of higher education and how the actual awards 6598  
fit that strategy. 6599

(B) On or before the fifteenth day of February of each 6600  
year, the ~~director~~chancellor shall submit to the governor and, 6601  
in accordance with section 101.68 of the Revised Code, the 6602  
general assembly a report concerning aggregate academic growth 6603  
data for students assigned to graduates of teacher preparation 6604  
programs approved under section 3333.048 of the Revised Code who 6605  
teach English language arts or mathematics in any of grades four 6606  
to eight in a public school in Ohio. For this purpose, the 6607

~~director-chancellor~~ shall use the value-added progress dimension 6608  
prescribed by section 3302.021 of the Revised Code or the 6609  
alternative student academic progress measure if adopted under 6610  
division (C) (1) (e) of section ~~3302.03~~3302.032 of the Revised 6611  
Code. The ~~director-chancellor~~ shall aggregate the data by 6612  
graduating class for each approved teacher preparation program, 6613  
except that if a particular class has ten or fewer graduates to 6614  
which this division applies, the ~~director-chancellor~~ shall 6615  
report the data for a group of classes over a three-year period. 6616  
In no case shall the report identify any individual graduate. 6617  
The department of education shall share any data necessary for 6618  
the report with the ~~director-chancellor~~. 6619

(C) As used in this section: 6620

(1) "Minority business enterprise" has the same meaning as 6621  
in section 122.71 of the Revised Code. 6622

(2) "State institution of higher education" and "state 6623  
university" have the same meanings as in section 3345.011 of the 6624  
Revised Code. 6625

(3) "State university or college" has the same meaning as 6626  
in section 3345.12 of the Revised Code. 6627

(4) "Women's business enterprise" means a business, or a 6628  
partnership, corporation, limited liability company, or joint 6629  
venture of any kind, that is owned and controlled by women who 6630  
are United States citizens and residents of this state. 6631

**Sec. 3333.048.** (A) Not later than one year after October 6632  
16, 2009, the chancellor of higher education and the 6633  
superintendent of public instruction jointly shall do the 6634  
following: 6635

(1) In accordance with Chapter 119. of the Revised Code, 6636

establish metrics and educator preparation programs for the 6637  
preparation of educators and other school personnel and the 6638  
institutions of higher education that are engaged in their 6639  
preparation. The metrics and educator preparation programs shall 6640  
be aligned with the standards and qualifications for educator 6641  
licenses adopted by the state board of education under section 6642  
3319.22 of the Revised Code and the requirements of the Ohio 6643  
teacher residency program established under section 3319.223 of 6644  
the Revised Code. The metrics and educator preparation programs 6645  
also shall ensure that educators and other school personnel are 6646  
adequately prepared to use the value-added progress dimension 6647  
prescribed by section 3302.021 of the Revised Code or the 6648  
alternative student academic progress measure if adopted under 6649  
division (C) (1) (e) of section ~~3302.03~~3302.032 of the Revised 6650  
Code. 6651

(2) Provide for the inspection of institutions of higher 6652  
education desiring to prepare educators and other school 6653  
personnel. 6654

(B) Not later than one year after October 16, 2009, the 6655  
chancellor shall approve institutions of higher education 6656  
engaged in the preparation of educators and other school 6657  
personnel that maintain satisfactory training procedures and 6658  
records of performance, as determined by the chancellor. 6659

(C) If the metrics established under division (A) (1) of 6660  
this section require an institution of higher education that 6661  
prepares teachers to satisfy the standards of an independent 6662  
accreditation organization, the chancellor shall permit each 6663  
institution to satisfy the standards of any applicable national 6664  
educator preparation accrediting agency recognized by the United 6665  
States department of education. 6666

(D) The metrics and educator preparation programs 6667  
established under division (A) (1) of this section may require an 6668  
institution of higher education, as a condition of approval by 6669  
the chancellor, to make changes in the curricula of its 6670  
preparation programs for educators and other school personnel. 6671

Notwithstanding division (E) of section 119.03 and 6672  
division (A) (1) of section 119.04 of the Revised Code, any 6673  
metrics, educator preparation programs, rules, and regulations, 6674  
or any amendment or rescission of such metrics, educator 6675  
preparation programs, rules, and regulations, adopted under this 6676  
section that necessitate institutions offering preparation 6677  
programs for educators and other school personnel approved by 6678  
the chancellor to revise the curricula of those programs shall 6679  
not be effective for at least one year after the first day of 6680  
January next succeeding the publication of the said change. 6681

Each institution shall allocate money from its existing 6682  
revenue sources to pay the cost of making the curricular 6683  
changes. 6684

(E) The chancellor shall notify the state board of the 6685  
metrics and educator preparation programs established under 6686  
division (A) (1) of this section and the institutions of higher 6687  
education approved under division (B) of this section. The state 6688  
board shall publish the metrics, educator preparation programs, 6689  
and approved institutions with the standards and qualifications 6690  
for each type of educator license. 6691

(F) The graduates of educator preparation programs 6692  
approved by the chancellor shall be licensed by the state board 6693  
in accordance with the standards and qualifications adopted 6694  
under section 3319.22 of the Revised Code. 6695

**Sec. 3333.391.** (A) As used in this section and in section 3333.392 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of higher education.

(2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education.

(3) "Parent" means the parent, guardian, or custodian of a qualified student.

(4) "Qualified service" means teaching at a qualifying school.

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction, under section ~~3302.03~~ 3302.032 of the Revised Code at the time the recipient becomes employed by the district.

(B) If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the department of higher education or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training

program at a state institution of higher education or an Ohio 6725  
nonprofit institution of higher education that has a certificate 6726  
of authorization under Chapter 1713. of the Revised Code. The 6727  
scholarships shall be for up to four years at the undergraduate 6728  
level at an amount determined by the chancellor based on state 6729  
appropriations. 6730

(C) The chancellor shall adopt a competitive process for 6731  
awarding scholarships under the teaching fellows program, which 6732  
shall include minimum grade point average and scores on national 6733  
standardized tests for college admission. The process shall also 6734  
give additional consideration to all of the following: 6735

(1) A person who has participated in the program described 6736  
in division (A) of section 3333.39 of the Revised Code; 6737

(2) A person who plans to specialize in teaching students 6738  
with special needs; 6739

(3) A person who plans to teach in the disciplines of 6740  
science, technology, engineering, or mathematics. 6741

The chancellor shall require that all applicants to the 6742  
teaching fellows program shall file a statement of service 6743  
status in compliance with section 3345.32 of the Revised Code, 6744  
if applicable, and that all applicants have not been convicted 6745  
of, plead guilty to, or adjudicated a delinquent child for any 6746  
violation listed in section 3333.38 of the Revised Code. 6747

(D) Teaching fellows shall complete the four-year teaching 6748  
commitment within not more than seven years after graduating 6749  
from the teacher training program. Failure to fulfill the 6750  
commitment shall convert the scholarship into a loan to be 6751  
repaid under section 3333.392 of the Revised Code. 6752

(E) The chancellor shall adopt rules in accordance with 6753

Chapter 119. of the Revised Code to administer this section and 6754  
section 3333.392 of the Revised Code. 6755

**Section 2.** That existing sections 3301.0710, 3301.0711, 6756  
3301.0714, 3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 6757  
3302.03, 3302.033, 3302.036, 3302.04, 3302.05, 3302.063, 6758  
3302.10, 3302.12, 3302.13, 3302.15, 3302.151, 3302.21, 3302.22, 6759  
3310.03, 3311.741, 3311.80, 3313.413, 3313.618, 3313.6113, 6760  
3313.903, 3314.012, 3314.015, 3314.016, 3314.017, 3314.02, 6761  
3314.03, 3314.034, 3314.05, 3314.085, 3314.35, 3317.0216, 6762  
3319.111, 3319.112, 3324.05, 3326.17, 3326.41, 3328.26, 6763  
3333.041, 3333.048, and 3333.391 and sections 3302.031, 6764  
3302.032, 3302.034, 3302.035, and 3314.37 of the Revised Code 6765  
are hereby repealed. 6766

**Section 3.** The provisions of sections 3301.0711, 6767  
3301.0714, 3301.0715, 3301.52, 3301.81, 3302.01, 3302.02, 6768  
3302.03, 3302.031, 3303.032, 3302.033, 3302.034, 3302.035, 6769  
3302.036, 3302.04, 3302.05, 3302.063, 3302.10, 3302.12, 3302.13, 6770  
3302.15, 3302.151, 3302.21, 3302.22, 3310.03, 3311.741, 3311.80, 6771  
3313.413, 3313.618, 3313.6113, 3313.903, 3314.012, 3314.015, 6772  
3314.016, 3314.017, 3314.02, 3314.03, 3314.034, 3314.05, 6773  
3314.085, 3314.35, 3314.37, 3317.0216, 3319.111, 3319.112, 6774  
3326.17, 3326.41, 3328.26, 3333.041, 3333.048, and 3333.391 as 6775  
amended, renumbered, repealed, or enacted by this act shall 6776  
first apply to the 2018-2019 school year. 6777

**Section 4.** Section 3302.036 of the Revised Code is 6778  
presented in this act as a composite of the section as amended 6779  
by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st 6780  
General Assembly. The General Assembly, applying the principle 6781  
stated in division (B) of section 1.52 of the Revised Code that 6782  
amendments are to be harmonized if reasonably capable of 6783

simultaneous operation, finds that the following sections,	6784
presented in this act as composites of the composite is the	6785
resulting version of the section in effect prior to the	6786
effective date of the section as presented in this act.	6787