

As Reported by the Senate Education Committee

132nd General Assembly

Regular Session

2017-2018

Sub. S. B. No. 216

Senator Huffman

Cosponsors: Senators Terhar, Jordan, Coley, Gardner, Wilson

A BILL

To amend sections 3301.078, 3301.0711, 3301.0715, 1
3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 2
3319.075, 3319.081, 3319.088, 3319.111, 3
3319.112, 3319.22, 3319.223, 3319.283, 3321.191, 4
3323.022, 3323.11, 3324.07, 3326.13, and 5
3365.07; to enact new sections 3319.226 and 6
3319.229 and sections 3301.68, 3319.2210, 7
3319.262, 3319.361, and 3365.072; and to repeal 8
sections 3319.074, 3319.114, 3319.226, 3319.229, 9
and 3319.58 of the Revised Code to enact the 10
"Ohio Public School Deregulation Act" regarding 11
the administration of preschool and primary and 12
secondary education programs. 13

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

Section 1. That sections 3301.078, 3301.0711, 3301.0715, 14
3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 3319.075, 15
3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 3319.223, 16
3319.283, 3321.191, 3323.022, 3323.11, 3324.07, 3326.13, and 17
3365.07 be amended and new sections 3319.226 and 3319.229 and 18
sections 3301.68, 3319.2210, 3319.262, 3319.361, and 3365.072 of 19

the Revised Code be enacted to read as follows: 20

Sec. 3301.078. (A) No official or board of this state, 21
whether appointed or elected, shall enter into any agreement or 22
memorandum of understanding with any federal or private entity 23
that would require the state to cede any measure of control over 24
the development, adoption, or revision of academic content 25
standards. 26

(B) No funds appropriated from the general revenue fund 27
shall be used to purchase an assessment developed by the 28
partnership for assessment of readiness for college and careers 29
for use as the assessments prescribed under sections 3301.0710 30
and 3301.0712 of the Revised Code. 31

(C) The department of education shall request that each 32
assessment vendor contracted by the department provide an 33
analysis explaining how questions on each of the assessments 34
prescribed under section 3301.0710 and the end-of-course 35
examinations prescribed under division (B) (2) of section 36
3301.0712 of the Revised Code developed by that vendor are 37
aligned to the academic content standards adopted under section 38
3301.079 of the Revised Code. The analysis shall be provided to 39
all school districts and schools for all grade levels for which 40
assessments are prescribed under sections 3301.0710 and 41
3301.0712 of the Revised Code. The analysis shall be produced 42
beginning with the 2018-2019 school year and for each school 43
year thereafter. 44

(D) The department shall request that each assessment 45
vendor described in division (A) of this section provide 46
information and materials to school districts and schools for 47
assistance with the state achievement assessments. The 48
information and materials shall include practice assessments and 49

other preparatory materials. The information and materials shall 50
be distributed to districts and schools beginning with the 2018- 51
2019 school year and for each school year thereafter. 52

Sec. 3301.0711. (A) The department of education shall: 53

(1) Annually furnish to, grade, and score all assessments 54
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 55
the Revised Code to be administered by city, local, exempted 56
village, and joint vocational school districts, except that each 57
district shall score any assessment administered pursuant to 58
division (B) (10) of this section. Each assessment so furnished 59
shall include the data verification code of the student to whom 60
the assessment will be administered, as assigned pursuant to 61
division (D) (2) of section 3301.0714 of the Revised Code. In 62
furnishing the practice versions of Ohio graduation tests 63
prescribed by division (D) of section 3301.0710 of the Revised 64
Code, the department shall make the tests available on its web 65
site for reproduction by districts. In awarding contracts for 66
grading assessments, the department shall give preference to 67
Ohio-based entities employing Ohio residents. 68

(2) Adopt rules for the ethical use of assessments and 69
prescribing the manner in which the assessments prescribed by 70
section 3301.0710 of the Revised Code shall be administered to 71
students. 72

(B) Except as provided in divisions (C) and (J) of this 73
section, the board of education of each city, local, and 74
exempted village school district shall, in accordance with rules 75
adopted under division (A) of this section: 76

(1) Administer the English language arts assessments 77
prescribed under division (A) (1) (a) of section 3301.0710 of the 78

Revised Code twice annually to all students in the third grade	79
who have not attained the score designated for that assessment	80
under division (A) (2) (c) of section 3301.0710 of the Revised	81
Code.	82
(2) Administer the mathematics assessment prescribed under	83
division (A) (1) (a) of section 3301.0710 of the Revised Code at	84
least once annually to all students in the third grade.	85
(3) Administer the assessments prescribed under division	86
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	87
annually to all students in the fourth grade.	88
(4) Administer the assessments prescribed under division	89
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	90
annually to all students in the fifth grade.	91
(5) Administer the assessments prescribed under division	92
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	93
annually to all students in the sixth grade.	94
(6) Administer the assessments prescribed under division	95
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	96
annually to all students in the seventh grade.	97
(7) Administer the assessments prescribed under division	98
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	99
annually to all students in the eighth grade.	100
(8) Except as provided in division (B) (9) of this section,	101
administer any assessment prescribed under division (B) (1) of	102
section 3301.0710 of the Revised Code as follows:	103
(a) At least once annually to all tenth grade students and	104
at least twice annually to all students in eleventh or twelfth	105
grade who have not yet attained the score on that assessment	106

designated under that division; 107

(b) To any person who has successfully completed the 108
curriculum in any high school or the individualized education 109
program developed for the person by any high school pursuant to 110
section 3323.08 of the Revised Code but has not received a high 111
school diploma and who requests to take such assessment, at any 112
time such assessment is administered in the district. 113

(9) In lieu of the board of education of any city, local, 114
or exempted village school district in which the student is also 115
enrolled, the board of a joint vocational school district shall 116
administer any assessment prescribed under division (B)(1) of 117
section 3301.0710 of the Revised Code at least twice annually to 118
any student enrolled in the joint vocational school district who 119
has not yet attained the score on that assessment designated 120
under that division. A board of a joint vocational school 121
district may also administer such an assessment to any student 122
described in division (B)(8)(b) of this section. 123

(10) If the district has a three-year average graduation 124
rate of not more than seventy-five per cent, administer each 125
assessment prescribed by division (D) of section 3301.0710 of 126
the Revised Code in September to all ninth grade students who 127
entered ninth grade prior to July 1, 2014. 128

Except as provided in section 3313.614 of the Revised Code 129
for administration of an assessment to a person who has 130
fulfilled the curriculum requirement for a high school diploma 131
but has not passed one or more of the required assessments, the 132
assessments prescribed under division (B)(1) of section 133
3301.0710 of the Revised Code shall not be administered after 134
the date specified in the rules adopted by the state board of 135
education under division (D)(1) of section 3301.0712 of the 136

Revised Code.	137
(11) (a) Except as provided in division (B) (11) (b) of this	138
section, administer the assessments prescribed by division (B)	139
(2) of section 3301.0710 and section 3301.0712 of the Revised	140
Code in accordance with the timeline and plan for implementation	141
of those assessments prescribed by rule of the state board	142
adopted under division (D) (1) of section 3301.0712 of the	143
Revised Code;	144
(b) A student who has presented evidence to the district	145
or school of having satisfied the condition prescribed by	146
division (A) (1) of section 3313.618 of the Revised Code to	147
qualify for a high school diploma prior to the date of the	148
administration of the assessment prescribed under division (B)	149
(1) of section 3301.0712 of the Revised Code shall not be	150
required to take that assessment. However, no board shall	151
prohibit a student who is not required to take such assessment	152
from taking the assessment.	153
(C) (1) (a) In the case of a student receiving special	154
education services under Chapter 3323. of the Revised Code, the	155
individualized education program developed for the student under	156
that chapter shall specify the manner in which the student will	157
participate in the assessments administered under this section,	158
except that a student with significant cognitive disabilities to	159
whom an alternate assessment is administered in accordance with	160
division (C) (1) of this section and a student determined to have	161
a disability that includes an intellectual disability as	162
outlined in guidance issued by the department shall not be	163
required to take the assessment prescribed under division (B) (1)	164
of section 3301.0712 of the Revised Code. The individualized	165
education program may excuse the student from taking any	166

particular assessment required to be administered under this 167
section if it instead specifies an alternate assessment method 168
approved by the department of education as conforming to 169
requirements of federal law for receipt of federal funds for 170
disadvantaged pupils. To the extent possible, the individualized 171
education program shall not excuse the student from taking an 172
assessment unless no reasonable accommodation can be made to 173
enable the student to take the assessment. No board shall 174
prohibit a student who is not required to take an assessment 175
under division (C) (1) of this section from taking the 176
assessment. 177

(b) Any alternate assessment approved by the department 178
for a student under this division shall produce measurable 179
results comparable to those produced by the assessment it 180
replaces in order to allow for the student's results to be 181
included in the data compiled for a school district or building 182
under section 3302.03 of the Revised Code. 183

(c) (i) Any student enrolled in a chartered nonpublic 184
school who has been identified, based on an evaluation conducted 185
in accordance with section 3323.03 of the Revised Code or 186
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 187
29 U.S.C.A. 794, as amended, as a child with a disability shall 188
be excused from taking any particular assessment required to be 189
administered under this section if a plan developed for the 190
student pursuant to rules adopted by the state board excuses the 191
student from taking that assessment. 192

(ii) A student with significant cognitive disabilities to 193
whom an alternate assessment is administered in accordance with 194
division (C) (1) of this section and a student determined to have 195
a disability that includes an intellectual disability as 196

outlined in guidance issued by the department shall not be 197
required to take the assessment prescribed under division (B) (1) 198
of section 3301.0712 of the Revised Code. 199

(iii) In the case of any student so excused from taking an 200
assessment under division (C) (1) (c) of this section, the 201
chartered nonpublic school shall not prohibit the student from 202
taking the assessment. 203

(2) A district board may, for medical reasons or other 204
good cause, excuse a student from taking an assessment 205
administered under this section on the date scheduled, but that 206
assessment shall be administered to the excused student not 207
later than nine days following the scheduled date. The district 208
board shall annually report the number of students who have not 209
taken one or more of the assessments required by this section to 210
the state board not later than the thirtieth day of June. 211

(3) As used in this division, "limited English proficient 212
student" has the same meaning as in 20 U.S.C. 7801. 213

No school district board shall excuse any limited English 214
proficient student from taking any particular assessment 215
required to be administered under this section, except as 216
follows: 217

(a) Any limited English proficient student who has been 218
enrolled in United States schools for less than two years and 219
for whom no appropriate accommodations are available based on 220
guidance issued by the department shall not be required to take 221
the assessment prescribed under division (B) (1) of section 222
3301.0712 of the Revised Code. 223

(b) Any limited English proficient student who has been 224
enrolled in United States schools for less than one full school 225

year shall not be required to take any reading, writing, or 226
English language arts assessment. 227

However, no board shall prohibit a limited English 228
proficient student who is not required to take an assessment 229
under division (C) (3) of this section from taking the 230
assessment. A board may permit any limited English proficient 231
student to take an assessment required to be administered under 232
this section with appropriate accommodations, as determined by 233
the department. For each limited English proficient student, 234
each school district shall annually assess that student's 235
progress in learning English, in accordance with procedures 236
approved by the department. 237

(4) (a) The governing authority of a chartered nonpublic 238
school may excuse a limited English proficient student from 239
taking any assessment administered under this section. 240

(b) No governing authority shall require a limited English 241
proficient student who has been enrolled in United States 242
schools for less than two years and for whom no appropriate 243
accommodations are available based on guidance issued by the 244
department to take the assessment prescribed under division (B) 245
(1) of section 3301.0712 of the Revised Code. 246

(c) No governing authority shall prohibit a limited 247
English proficient student from taking an assessment from which 248
the student was excused under division (C) (4) of this section. 249

(D) (1) In the school year next succeeding the school year 250
in which the assessments prescribed by division (A) (1) or (B) (1) 251
of section 3301.0710 of the Revised Code or former division (A) 252
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 253
it existed prior to September 11, 2001, are administered to any 254

student, the board of education of any school district in which 255
the student is enrolled in that year shall provide to the 256
student intervention services commensurate with the student's 257
performance, including any intensive intervention required under 258
section 3313.608 of the Revised Code, in any skill in which the 259
student failed to demonstrate at least a score at the proficient 260
level on the assessment. 261

(2) Following any administration of the assessments 262
prescribed by division (D) of section 3301.0710 of the Revised 263
Code to ninth grade students, each school district that has a 264
three-year average graduation rate of not more than seventy-five 265
per cent shall determine for each high school in the district 266
whether the school shall be required to provide intervention 267
services to any students who took the assessments. In 268
determining which high schools shall provide intervention 269
services based on the resources available, the district shall 270
consider each school's graduation rate and scores on the 271
practice assessments. The district also shall consider the 272
scores received by ninth grade students on the English language 273
arts and mathematics assessments prescribed under division (A) 274
(1)(f) of section 3301.0710 of the Revised Code in the eighth 275
grade in determining which high schools shall provide 276
intervention services. 277

Each high school selected to provide intervention services 278
under this division shall provide intervention services to any 279
student whose results indicate that the student is failing to 280
make satisfactory progress toward being able to attain scores at 281
the proficient level on the Ohio graduation tests. Intervention 282
services shall be provided in any skill in which a student 283
demonstrates unsatisfactory progress and shall be commensurate 284
with the student's performance. Schools shall provide the 285

intervention services prior to the end of the school year, 286
during the summer following the ninth grade, in the next 287
succeeding school year, or at any combination of those times. 288

(E) Except as provided in section 3313.608 of the Revised 289
Code and division (N) of this section, no school district board 290
of education shall utilize any student's failure to attain a 291
specified score on an assessment administered under this section 292
as a factor in any decision to deny the student promotion to a 293
higher grade level. However, a district board may choose not to 294
promote to the next grade level any student who does not take an 295
assessment administered under this section or make up an 296
assessment as provided by division (C) (2) of this section and 297
who is not exempt from the requirement to take the assessment 298
under division (C) (3) of this section. 299

(F) No person shall be charged a fee for taking any 300
assessment administered under this section. 301

(G) (1) Each school district board shall designate one 302
location for the collection of assessments administered in the 303
spring under division (B) (1) of this section and those 304
administered under divisions (B) (2) to (7) of this section. Each 305
district board shall submit the assessments to the entity with 306
which the department contracts for the scoring of the 307
assessments as follows: 308

(a) If the district's total enrollment in grades 309
kindergarten through twelve during the first full school week of 310
October was less than two thousand five hundred, not later than 311
the Friday after all of the assessments have been administered; 312

(b) If the district's total enrollment in grades 313
kindergarten through twelve during the first full school week of 314

October was two thousand five hundred or more, but less than 315
seven thousand, not later than the Monday after all of the 316
assessments have been administered; 317

(c) If the district's total enrollment in grades 318
kindergarten through twelve during the first full school week of 319
October was seven thousand or more, not later than the Tuesday 320
after all of the assessments have been administered. 321

However, any assessment that a student takes during the 322
make-up period described in division (C) (2) of this section 323
shall be submitted not later than the Friday following the day 324
the student takes the assessment. 325

(2) The department or an entity with which the department 326
contracts for the scoring of the assessment shall send to each 327
school district board a list of the individual scores of all 328
persons taking a state achievement assessment as follows: 329

(a) Except as provided in division (G) (2) (b) or (c) of 330
this section, within forty-five days after the administration of 331
the assessments prescribed by sections 3301.0710 and 3301.0712 332
of the Revised Code, but in no case shall the scores be returned 333
later than the thirtieth day of June following the 334
administration; 335

(b) In the case of the third-grade English language arts 336
assessment, within forty-five days after the administration of 337
that assessment, but in no case shall the scores be returned 338
later than the fifteenth day of June following the 339
administration; 340

(c) In the case of the writing component of an assessment 341
or end-of-course examination in the area of English language 342
arts, except for the third-grade English language arts 343

assessment, the results may be sent after forty-five days of the 344
administration of the writing component, but in no case shall 345
the scores be returned later than the thirtieth day of June 346
following the administration. 347

(3) For assessments administered under this section by a 348
joint vocational school district, the department or entity shall 349
also send to each city, local, or exempted village school 350
district a list of the individual scores of any students of such 351
city, local, or exempted village school district who are 352
attending school in the joint vocational school district. 353

(4) A school district, other public school, or chartered 354
nonpublic school may administer in a paper format any assessment 355
administered in the third, fourth, or fifth grade under this 356
section. A district or school shall not be required to 357
administer in an online format any such assessments. A district 358
or school may administer any such assessments in any combination 359
of online and paper formats. A district or school may administer 360
any such assessments in a particular format on a student-by- 361
student basis. 362

(H) Individual scores on any assessments administered 363
under this section shall be released by a district board only in 364
accordance with section 3319.321 of the Revised Code and the 365
rules adopted under division (A) of this section. No district 366
board or its employees shall utilize individual or aggregate 367
results in any manner that conflicts with rules for the ethical 368
use of assessments adopted pursuant to division (A) of this 369
section. 370

(I) Except as provided in division (G) of this section, 371
the department or an entity with which the department contracts 372
for the scoring of the assessment shall not release any 373

individual scores on any assessment administered under this 374
section. The state board shall adopt rules to ensure the 375
protection of student confidentiality at all times. The rules 376
may require the use of the data verification codes assigned to 377
students pursuant to division (D) (2) of section 3301.0714 of the 378
Revised Code to protect the confidentiality of student scores. 379

(J) Notwithstanding division (D) of section 3311.52 of the 380
Revised Code, this section does not apply to the board of 381
education of any cooperative education school district except as 382
provided under rules adopted pursuant to this division. 383

(1) In accordance with rules that the state board shall 384
adopt, the board of education of any city, exempted village, or 385
local school district with territory in a cooperative education 386
school district established pursuant to divisions (A) to (C) of 387
section 3311.52 of the Revised Code may enter into an agreement 388
with the board of education of the cooperative education school 389
district for administering any assessment prescribed under this 390
section to students of the city, exempted village, or local 391
school district who are attending school in the cooperative 392
education school district. 393

(2) In accordance with rules that the state board shall 394
adopt, the board of education of any city, exempted village, or 395
local school district with territory in a cooperative education 396
school district established pursuant to section 3311.521 of the 397
Revised Code shall enter into an agreement with the cooperative 398
district that provides for the administration of any assessment 399
prescribed under this section to both of the following: 400

(a) Students who are attending school in the cooperative 401
district and who, if the cooperative district were not 402
established, would be entitled to attend school in the city, 403

local, or exempted village school district pursuant to section 404
3313.64 or 3313.65 of the Revised Code; 405

(b) Persons described in division (B) (8) (b) of this 406
section. 407

Any assessment of students pursuant to such an agreement 408
shall be in lieu of any assessment of such students or persons 409
pursuant to this section. 410

(K) (1) Except as otherwise provided in division (K) (1) or 411
(2) of this section, each chartered nonpublic school for which 412
at least sixty-five per cent of its total enrollment is made up 413
of students who are participating in state scholarship programs 414
shall administer the elementary assessments prescribed by 415
section 3301.0710 of the Revised Code. In accordance with 416
procedures and deadlines prescribed by the department, the 417
parent or guardian of a student enrolled in the school who is 418
not participating in a state scholarship program may submit 419
notice to the chief administrative officer of the school that 420
the parent or guardian does not wish to have the student take 421
the elementary assessments prescribed for the student's grade 422
level under division (A) of section 3301.0710 of the Revised 423
Code. If a parent or guardian submits an opt-out notice, the 424
school shall not administer the assessments to that student. 425
This option does not apply to any assessment required for a high 426
school diploma under section 3313.612 of the Revised Code. 427

(2) A chartered nonpublic school may submit to the 428
superintendent of public instruction a request for a waiver from 429
administering the elementary assessments prescribed by division 430
(A) of section 3301.0710 of the Revised Code. The state 431
superintendent shall approve or disapprove a request for a 432
waiver submitted under division (K) (2) of this section. No 433

waiver shall be approved for any school year prior to the 2015- 434
2016 school year. 435

To be eligible to submit a request for a waiver, a 436
chartered nonpublic school shall meet the following conditions: 437

(a) At least ninety-five per cent of the students enrolled 438
in the school are children with disabilities, as defined under 439
section 3323.01 of the Revised Code, or have received a 440
diagnosis by a school district or from a physician, including a 441
neuropsychiatrist or psychiatrist, or a psychologist who is 442
authorized to practice in this or another state as having a 443
condition that impairs academic performance, such as dyslexia, 444
dyscalculia, attention deficit hyperactivity disorder, or 445
Asperger's syndrome. 446

(b) The school has solely served a student population 447
described in division (K)(1)(a) of this section for at least ten 448
years. 449

(c) The school provides to the department at least five 450
years of records of internal testing conducted by the school 451
that affords the department data required for accountability 452
purposes, including diagnostic assessments and nationally 453
standardized norm-referenced achievement assessments that 454
measure reading and math skills. 455

(3) Any chartered nonpublic school that is not subject to 456
division (K)(1) of this section may participate in the 457
assessment program by administering any of the assessments 458
prescribed by division (A) of section 3301.0710 of the Revised 459
Code. The chief administrator of the school shall specify which 460
assessments the school will administer. Such specification shall 461
be made in writing to the superintendent of public instruction 462

prior to the first day of August of any school year in which 463
assessments are administered and shall include a pledge that the 464
nonpublic school will administer the specified assessments in 465
the same manner as public schools are required to do under this 466
section and rules adopted by the department. 467

(4) The department of education shall furnish the 468
assessments prescribed by section 3301.0710 of the Revised Code 469
to each chartered nonpublic school that is subject to division 470
(K) (1) of this section or participates under division (K) (3) of 471
this section. 472

(L) If a chartered nonpublic school is educating students 473
in grades nine through twelve, the following shall apply: 474

(1) For a student who is enrolled in a chartered nonpublic 475
school that is accredited through the independent schools 476
association of the central states and who is attending the 477
school under a state scholarship program, the student shall 478
either take all of the assessments prescribed by division (B) of 479
section 3301.0712 of the Revised Code or take an alternative 480
assessment approved by the department under section 3313.619 of 481
the Revised Code. However, a student who is excused from taking 482
an assessment under division (C) of this section or has 483
presented evidence to the chartered nonpublic school of having 484
satisfied the condition prescribed by division (A) (1) of section 485
3313.618 of the Revised Code to qualify for a high school 486
diploma prior to the date of the administration of the 487
assessment prescribed under division (B) (1) of section 3301.0712 488
of the Revised Code shall not be required to take that 489
assessment. No governing authority of a chartered nonpublic 490
school shall prohibit a student who is not required to take such 491
assessment from taking the assessment. 492

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

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

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

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

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

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of

the administration of the assessment prescribed under division 522
(B) (1) of section 3301.0712 of the Revised Code shall not be 523
required to take that assessment. No governing authority of a 524
chartered nonpublic school shall prohibit a student who is not 525
required to take such assessment from taking the assessment. 526

(M) (1) The superintendent of the state school for the 527
blind and the superintendent of the state school for the deaf 528
shall administer the assessments described by sections 3301.0710 529
and 3301.0712 of the Revised Code. Each superintendent shall 530
administer the assessments in the same manner as district boards 531
are required to do under this section and rules adopted by the 532
department of education and in conformity with division (C) (1) 533
(a) of this section. 534

(2) The department of education shall furnish the 535
assessments described by sections 3301.0710 and 3301.0712 of the 536
Revised Code to each superintendent. 537

(N) Notwithstanding division (E) of this section, a school 538
district may use a student's failure to attain a score in at 539
least the proficient range on the mathematics assessment 540
described by division (A) (1) (a) of section 3301.0710 of the 541
Revised Code or on an assessment described by division (A) (1) 542
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 543
Code as a factor in retaining that student in the current grade 544
level. 545

(O) (1) In the manner specified in divisions (O) (3), (4), 546
(6), and (7) of this section, the assessments required by 547
division (A) (1) of section 3301.0710 of the Revised Code shall 548
become public records pursuant to section 149.43 of the Revised 549
Code on the thirty-first day of July following the school year 550
that the assessments were administered. 551

(2) The department may field test proposed questions with 552
samples of students to determine the validity, reliability, or 553
appropriateness of questions for possible inclusion in a future 554
year's assessment. The department also may use anchor questions 555
on assessments to ensure that different versions of the same 556
assessment are of comparable difficulty. 557

Field test questions and anchor questions shall not be 558
considered in computing scores for individual students. Field 559
test questions and anchor questions may be included as part of 560
the administration of any assessment required by division (A) (1) 561
or (B) of section 3301.0710 and division (B) of section 562
3301.0712 of the Revised Code. 563

(3) Any field test question or anchor question 564
administered under division (O) (2) of this section shall not be 565
a public record. Such field test questions and anchor questions 566
shall be redacted from any assessments which are released as a 567
public record pursuant to division (O) (1) of this section. 568

(4) This division applies to the assessments prescribed by 569
division (A) of section 3301.0710 of the Revised Code. 570

(a) The first administration of each assessment, as 571
specified in former section 3301.0712 of the Revised Code, shall 572
be a public record. 573

(b) For subsequent administrations of each assessment 574
prior to the 2011-2012 school year, not less than forty per cent 575
of the questions on the assessment that are used to compute a 576
student's score shall be a public record. The department shall 577
determine which questions will be needed for reuse on a future 578
assessment and those questions shall not be public records and 579
shall be redacted from the assessment prior to its release as a 580

public record. However, for each redacted question, the 581
department shall inform each city, local, and exempted village 582
school district of the statewide academic standard adopted by 583
the state board under section 3301.079 of the Revised Code and 584
the corresponding benchmark to which the question relates. The 585
preceding sentence does not apply to field test questions that 586
are redacted under division (O) (3) of this section. 587

(c) The administrations of each assessment in the 2011- 588
2012, 2012-2013, and 2013-2014 school years shall not be a 589
public record. 590

(5) Each assessment prescribed by division (B) (1) of 591
section 3301.0710 of the Revised Code shall not be a public 592
record. 593

(6) (a) Except as provided in division (O) (6) (b) of this 594
section, for the administrations in the 2014-2015, 2015-2016, 595
and 2016-2017 school years, questions on the assessments 596
prescribed under division (A) of section 3301.0710 and division 597
(B) (2) of section 3301.0712 of the Revised Code and the 598
corresponding preferred answers that are used to compute a 599
student's score shall become a public record as follows: 600

(i) Forty per cent of the questions and preferred answers 601
on the assessments on the thirty-first day of July following the 602
administration of the assessment; 603

(ii) Twenty per cent of the questions and preferred 604
answers on the assessment on the thirty-first day of July one 605
year after the administration of the assessment; 606

(iii) The remaining forty per cent of the questions and 607
preferred answers on the assessment on the thirty-first day of 608
July two years after the administration of the assessment. 609

The entire content of an assessment shall become a public record within three years of its administration. 610
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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. 612
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(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017. 617
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(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. 620
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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. 623
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(P) As used in this section: 638

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

(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.

(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.

(4) "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.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

Sec. 3301.0715. (A) Except as required under division (B) 669
(1) of section 3313.608 or as specified in division (D) (3) of 670
section 3301.079 of the Revised Code, the board of education of 671
each city, local, and exempted village school district shall 672
administer each applicable diagnostic assessment developed and 673
provided to the district in accordance with section 3301.079 of 674
the Revised Code to the following: 675

(1) Any student who transfers into the district or to a 676
different school within the district if each applicable 677
diagnostic assessment was not administered by the district or 678
school the student previously attended in the current school 679
year, within thirty days after the date of transfer. If the 680
district or school into which the student transfers cannot 681
determine whether the student has taken any applicable 682
diagnostic assessment in the current school year, the district 683
or school may administer the diagnostic assessment to the 684
student. However, if a student transfers into the district prior 685
to the administration of the diagnostic assessments to all 686
students under division (B) of this section, the district may 687
administer the diagnostic assessments to that student on the 688
date or dates determined under that division. 689

(2) Each kindergarten student, not earlier than the first 690
day of the school year and not later than the first day of 691
November. However, a board of education may administer the 692
selected response and performance task items portion of the 693
diagnostic assessment up to two weeks prior to the first day of 694
the school year. 695

For the purpose of division (A) (2) of this section, the 696
district shall administer the kindergarten readiness assessment 697
provided by the department of education. In no case shall the 698

results of the readiness assessment be used to prohibit a 699
student from enrolling in kindergarten. 700

(3) Each student enrolled in first, second, or third 701
grade. 702

Division (A) of this section does not apply to students 703
with significant cognitive disabilities, as defined by the 704
department of education. 705

(B) Each district board shall administer each diagnostic 706
assessment when the board deems appropriate, provided the 707
administration complies with section 3313.608 of the Revised 708
Code. However, the board shall administer any diagnostic 709
assessment at least once annually to all students in the 710
appropriate grade level. A district board may administer any 711
diagnostic assessment in the fall and spring of a school year to 712
measure the amount of academic growth attributable to the 713
instruction received by students during that school year. 714

(C) Any district that received a grade of "A" or "B" for 715
the performance index score under division (A) (1) (b), (B) (1) (b), 716
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 717
value-added progress dimension under division (A) (1) (e), (B) (1) 718
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 719
immediately preceding school year may use different diagnostic 720
assessments from those adopted under division (D) of section 721
3301.079 of the Revised Code in order to satisfy the 722
requirements of division (A) (3) of this section. 723

(D) Each district board shall utilize and score any 724
diagnostic assessment administered under division (A) of this 725
section in accordance with rules established by the department. 726
After the administration of any diagnostic assessment, each 727

district shall provide a student's completed diagnostic 728
assessment, the results of such assessment, and any other 729
accompanying documents used during the administration of the 730
assessment to the parent of that student, and shall include all 731
such documents and information in any plan developed for the 732
student under division (C) of section 3313.608 of the Revised 733
Code. Each district shall submit to the department, in the 734
manner the department prescribes, the results of the diagnostic 735
assessments administered under this section, regardless of the 736
type of assessment used under section 3313.608 of the Revised 737
Code. The department may issue reports with respect to the data 738
collected. The department may report school and district level 739
kindergarten diagnostic assessment data and use diagnostic 740
assessment data to calculate the measure prescribed by divisions 741
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 742

(E) Each district board shall provide intervention 743
services to students whose diagnostic assessments show that they 744
are failing to make satisfactory progress toward attaining the 745
academic standards for their grade level. 746

(F) Beginning in the 2018-2019 school year, any chartered 747
nonpublic school may elect to administer the kindergarten 748
readiness assessment to all kindergarten students enrolled in 749
the school. If the school so elects, the chief administrator of 750
the school shall notify the superintendent of public instruction 751
not later than the thirty-first day of March prior to any school 752
year in which the school will administer the assessment. The 753
department shall furnish the assessment to the school at no cost 754
to the school. In administering the assessment, the school shall 755
do all of the following: 756

(1) Enter into a written agreement with the department 757

specifying that the school will share each participating 758
student's assessment data with the department and, that for the 759
purpose of reporting the data to the department, each 760
participating student will be assigned a data verification code 761
as described in division (D) (2) of section 3301.0714 of the 762
Revised Code; 763

(2) Require the assessment to be administered by a teacher 764
certified under section 3301.071 of the Revised Code who either 765
has completed training on administering the kindergarten 766
readiness assessment provided by the department or has been 767
trained by another person who has completed such training; 768

(3) Administer the assessment in the same manner as school 769
districts are required to do under this section and the rules 770
established under division (D) of this section. 771

(G) Beginning in the 2017-2018 school year, a school 772
district in which less than eighty per cent of its students 773
score at the proficient level or higher on the third-grade 774
English language arts assessment prescribed under section 775
3301.0710 of the Revised Code shall establish a reading 776
improvement plan supported by reading specialists. Prior to 777
implementation, the plan shall be approved by the school 778
district board of education. 779

Sec. 3301.68. (A) The department of education shall 780
establish a consolidated school mandate report for school 781
districts. The report shall be distributed and monitored by the 782
department. Each district or school shall complete and file the 783
report not later than the thirtieth day of November each year. 784
The report shall require each district or school to denote "yes" 785
to indicate compliance or "no" to indicate noncompliance with 786
the items prescribed under division (B) of this section, and to 787

provide any other information that the department requests 788
regarding those items. If a district or school denotes "no" on 789
any item, it shall provide, within thirty days, to its board of 790
education a written explanation for why that item was not 791
completed and a written plan of action for accurately and 792
efficiently addressing the problem. 793

(B) The report shall contain the following items: 794

(1) Training on the use of physical restraint or seclusion 795
on students pursuant to section 3319.46 of the Revised Code; 796

(2) Training on harassment, intimidation, or bullying 797
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 798
Revised Code; 799

(3) Training on the use of cardiopulmonary resuscitation 800
and an automated external defibrillator under sections 3313.60, 801
3313.6023, 3313.717, and 3314.16, and training on crisis 802
prevention intervention; 803

(4) The establishment of a wellness committee; 804

(5) The reporting of a district's or school's compliance 805
with nutritional standards prescribed under section 3313.814 of 806
the Revised Code; 807

(6) Screening of pupils for hearing, vision, speech and 808
communications, and health or medical problems and for any 809
developmental disorders pursuant to section 3313.673 of the 810
Revised Code; 811

(7) Compliance with intra-district and inter-district open 812
enrollment provisions in sections 3313.97 and 3313.98 of the 813
Revised Code. 814

(C) Except as provided in division (D) of section 3313.814 815

of the Revised Code, the department shall not require a separate 816
report for any of the items listed in division (B) of this 817
section. 818

Sec. 3302.03. Annually, not later than the fifteenth day 819
of September or the preceding Friday when that day falls on a 820
Saturday or Sunday, the department of education shall assign a 821
letter grade for overall academic performance and for each 822
separate performance measure for each school district, and each 823
school building in a district, in accordance with this section. 824
The state board shall adopt rules pursuant to Chapter 119. of 825
the Revised Code to establish performance criteria for each 826
letter grade and prescribe a method by which the department 827
assigns each letter grade. For a school building to which any of 828
the performance measures do not apply, due to grade levels 829
served by the building, the state board shall designate the 830
performance measures that are applicable to the building and 831
that must be calculated separately and used to calculate the 832
building's overall grade. The department shall issue annual 833
report cards reflecting the performance of each school district, 834
each building within each district, and for the state as a whole 835
using the performance measures and letter grade system described 836
in this section. The department shall include on the report card 837
for each district and each building within each district the 838
most recent two-year trend data in student achievement for each 839
subject and each grade. 840

(A) (1) For the 2012-2013 school year, the department shall 841
issue grades as described in division (E) of this section for 842
each of the following performance measures: 843

(a) Annual measurable objectives; 844

(b) Performance index score for a school district or 845

building. Grades shall be awarded as a percentage of the total 846
possible points on the performance index system as adopted by 847
the state board. In adopting benchmarks for assigning letter 848
grades under division (A) (1) (b) of this section, the state board 849
of education shall designate ninety per cent or higher for an 850
"A," at least seventy per cent but not more than eighty per cent 851
for a "C," and less than fifty per cent for an "F." 852

(c) The extent to which the school district or building 853
meets each of the applicable performance indicators established 854
by the state board under section 3302.02 of the Revised Code and 855
the percentage of applicable performance indicators that have 856
been achieved. In adopting benchmarks for assigning letter 857
grades under division (A) (1) (c) of this section, the state board 858
shall designate ninety per cent or higher for an "A." 859

(d) The four- and five-year adjusted cohort graduation 860
rates. 861

In adopting benchmarks for assigning letter grades under 862
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 863
department shall designate a four-year adjusted cohort 864
graduation rate of ninety-three per cent or higher for an "A" 865
and a five-year cohort graduation rate of ninety-five per cent 866
or higher for an "A." 867

(e) The overall score under the value-added progress 868
dimension of a school district or building, for which the 869
department shall use up to three years of value-added data as 870
available. The letter grade assigned for this growth measure 871
shall be as follows: 872

(i) A score that is at least two standard errors of 873
measure above the mean score shall be designated as an "A." 874

(ii) A score that is at least one standard error of 875
measure but less than two standard errors of measure above the 876
mean score shall be designated as a "B." 877

(iii) A score that is less than one standard error of 878
measure above the mean score but greater than or equal to one 879
standard error of measure below the mean score shall be 880
designated as a "C." 881

(iv) A score that is not greater than one standard error 882
of measure below the mean score but is greater than or equal to 883
two standard errors of measure below the mean score shall be 884
designated as a "D." 885

(v) A score that is not greater than two standard errors 886
of measure below the mean score shall be designated as an "F." 887

Whenever the value-added progress dimension is used as a 888
graded performance measure, whether as an overall measure or as 889
a measure of separate subgroups, the grades for the measure 890
shall be calculated in the same manner as prescribed in division 891
(A) (1) (e) of this section. 892

(f) The value-added progress dimension score for a school 893
district or building disaggregated for each of the following 894
subgroups: students identified as gifted, students with 895
disabilities, and students whose performance places them in the 896
lowest quintile for achievement on a statewide basis. Each 897
subgroup shall be a separate graded measure. 898

(2) Not later than April 30, 2013, the state board of 899
education shall adopt a resolution describing the performance 900
measures, benchmarks, and grading system for the 2012-2013 901
school year and, not later than June 30, 2013, shall adopt rules 902
in accordance with Chapter 119. of the Revised Code that 903

prescribe the methods by which the performance measures under 904
division (A) (1) of this section shall be assessed and assigned a 905
letter grade, including performance benchmarks for each letter 906
grade. 907

At least forty-five days prior to the state board's 908
adoption of rules to prescribe the methods by which the 909
performance measures under division (A) (1) of this section shall 910
be assessed and assigned a letter grade, the department shall 911
conduct a public presentation before the standing committees of 912
the house of representatives and the senate that consider 913
education legislation describing such methods, including 914
performance benchmarks. 915

(3) There shall not be an overall letter grade for a 916
school district or building for the 2012-2013 school year. 917

(B) (1) For the 2013-2014 and 2014-2015 school years, the 918
department shall issue grades as described in division (E) of 919
this section for each of the following performance measures: 920

(a) Annual measurable objectives; 921

(b) Performance index score for a school district or 922
building. Grades shall be awarded as a percentage of the total 923
possible points on the performance index system as created by 924
the department. In adopting benchmarks for assigning letter 925
grades under division (B) (1) (b) of this section, the state board 926
shall designate ninety per cent or higher for an "A," at least 927
seventy per cent but not more than eighty per cent for a "C," 928
and less than fifty per cent for an "F." 929

(c) The extent to which the school district or building 930
meets each of the applicable performance indicators established 931
by the state board under section 3302.03 of the Revised Code and 932

the percentage of applicable performance indicators that have 933
been achieved. In adopting benchmarks for assigning letter 934
grades under division (B) (1) (c) of this section, the state board 935
shall designate ninety per cent or higher for an "A." 936

(d) The four- and five-year adjusted cohort graduation 937
rates; 938

(e) The overall score under the value-added progress 939
dimension of a school district or building, for which the 940
department shall use up to three years of value-added data as 941
available. 942

(f) The value-added progress dimension score for a school 943
district or building disaggregated for each of the following 944
subgroups: students identified as gifted in superior cognitive 945
ability and specific academic ability fields under Chapter 3324. 946
of the Revised Code, students with disabilities, and students 947
whose performance places them in the lowest quintile for 948
achievement on a statewide basis. Each subgroup shall be a 949
separate graded measure. 950

(g) Whether a school district or building is making 951
progress in improving literacy in grades kindergarten through 952
three, as determined using a method prescribed by the state 953
board. The state board shall adopt rules to prescribe benchmarks 954
and standards for assigning grades to districts and buildings 955
for purposes of division (B) (1) (g) of this section. In adopting 956
benchmarks for assigning letter grades under divisions (B) (1) (g) 957
and (C) (1) (g) of this section, the state board shall determine 958
progress made based on the reduction in the total percentage of 959
students scoring below grade level, or below proficient, 960
compared from year to year on the reading and writing diagnostic 961
assessments administered under section 3301.0715 of the Revised 962

Code and the third grade English language arts assessment under 963
section 3301.0710 of the Revised Code, as applicable. The state 964
board shall designate for a "C" grade a value that is not lower 965
than the statewide average value for this measure. No grade 966
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 967
section for a district or building in which less than five per 968
cent of students have scored below grade level on the diagnostic 969
assessment administered to students in kindergarten under 970
division (B) (1) of section 3313.608 of the Revised Code. 971

(h) For a high mobility school district or building, an 972
additional value-added progress dimension score. For this 973
measure, the department shall use value-added data from the most 974
recent school year available and shall use assessment scores for 975
only those students to whom the district or building has 976
administered the assessments prescribed by section 3301.0710 of 977
the Revised Code for each of the two most recent consecutive 978
school years. 979

As used in this division, "high mobility school district 980
or building" means a school district or building where at least 981
twenty-five per cent of its total enrollment is made up of 982
students who have attended that school district or building for 983
less than one year. 984

(2) In addition to the graded measures in division (B) (1) 985
of this section, the department shall include on a school 986
district's or building's report card all of the following 987
without an assigned letter grade: 988

(a) The percentage of students enrolled in a district or 989
building participating in advanced placement classes and the 990
percentage of those students who received a score of three or 991
better on advanced placement examinations; 992

(b) The number of a district's or building's students who 993
have earned at least three college credits through dual 994
enrollment or advanced standing programs, such as the post- 995
secondary enrollment options program under Chapter 3365. of the 996
Revised Code and state-approved career-technical courses offered 997
through dual enrollment or statewide articulation, that appear 998
on a student's transcript or other official document, either of 999
which is issued by the institution of higher education from 1000
which the student earned the college credit. The credits earned 1001
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1002
this section shall not include any that are remedial or 1003
developmental and shall include those that count toward the 1004
curriculum requirements established for completion of a degree. 1005

(c) The percentage of students enrolled in a district or 1006
building who have taken a national standardized test used for 1007
college admission determinations and the percentage of those 1008
students who are determined to be remediation-free in accordance 1009
with standards adopted under division (F) of section 3345.061 of 1010
the Revised Code; 1011

(d) The percentage of the district's or the building's 1012
students who receive industry-recognized credentials as approved 1013
under section 3313.6113 of the Revised Code. 1014

(e) The percentage of students enrolled in a district or 1015
building who are participating in an international baccalaureate 1016
program and the percentage of those students who receive a score 1017
of four or better on the international baccalaureate 1018
examinations. 1019

(f) The percentage of the district's or building's 1020
students who receive an honors diploma under division (B) of 1021
section 3313.61 of the Revised Code. 1022

(3) Not later than December 31, 2013, the state board 1023
shall adopt rules in accordance with Chapter 119. of the Revised 1024
Code that prescribe the methods by which the performance 1025
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1026
will be assessed and assigned a letter grade, including 1027
performance benchmarks for each grade. 1028

At least forty-five days prior to the state board's 1029
adoption of rules to prescribe the methods by which the 1030
performance measures under division (B) (1) of this section shall 1031
be assessed and assigned a letter grade, the department shall 1032
conduct a public presentation before the standing committees of 1033
the house of representatives and the senate that consider 1034
education legislation describing such methods, including 1035
performance benchmarks. 1036

(4) There shall not be an overall letter grade for a 1037
school district or building for the 2013-2014, 2014-2015, 2015- 1038
2016, and 2016-2017 school years. 1039

(C) (1) For the 2014-2015 school year and each school year 1040
thereafter, the department shall issue grades as described in 1041
division (E) of this section for each of the performance 1042
measures prescribed in division (C) (1) of this section. The 1043
graded measures are as follows: 1044

(a) Annual measurable objectives; 1045

(b) Performance index score for a school district or 1046
building. Grades shall be awarded as a percentage of the total 1047
possible points on the performance index system as created by 1048
the department. In adopting benchmarks for assigning letter 1049
grades under division (C) (1) (b) of this section, the state board 1050
shall designate ninety per cent or higher for an "A," at least 1051

seventy per cent but not more than eighty per cent for a "C," 1052
and less than fifty per cent for an "F." 1053

(c) The extent to which the school district or building 1054
meets each of the applicable performance indicators established 1055
by the state board under section 3302.03 of the Revised Code and 1056
the percentage of applicable performance indicators that have 1057
been achieved. In adopting benchmarks for assigning letter 1058
grades under division (C) (1) (c) of this section, the state board 1059
shall designate ninety per cent or higher for an "A." 1060

(d) The four- and five-year adjusted cohort graduation 1061
rates; 1062

(e) The overall score under the value-added progress 1063
dimension, or another measure of student academic progress if 1064
adopted by the state board, of a school district or building, 1065
for which the department shall use up to three years of value- 1066
added data as available. 1067

In adopting benchmarks for assigning letter grades for 1068
overall score on value-added progress dimension under division 1069
(C) (1) (e) of this section, the state board shall prohibit the 1070
assigning of a grade of "A" for that measure unless the 1071
district's or building's grade assigned for value-added progress 1072
dimension for all subgroups under division (C) (1) (f) of this 1073
section is a "B" or higher. 1074

For the metric prescribed by division (C) (1) (e) of this 1075
section, the state board may adopt a student academic progress 1076
measure to be used instead of the value-added progress 1077
dimension. If the state board adopts such a measure, it also 1078
shall prescribe a method for assigning letter grades for the new 1079
measure that is comparable to the method prescribed in division 1080

(A) (1) (e) of this section. 1081

(f) The value-added progress dimension score of a school 1082
district or building disaggregated for each of the following 1083
subgroups: students identified as gifted in superior cognitive 1084
ability and specific academic ability fields under Chapter 3324. 1085
of the Revised Code, students with disabilities, and students 1086
whose performance places them in the lowest quintile for 1087
achievement on a statewide basis, as determined by a method 1088
prescribed by the state board. Each subgroup shall be a separate 1089
graded measure. 1090

The state board may adopt student academic progress 1091
measures to be used instead of the value-added progress 1092
dimension. If the state board adopts such measures, it also 1093
shall prescribe a method for assigning letter grades for the new 1094
measures that is comparable to the method prescribed in division 1095
(A) (1) (e) of this section. 1096

(g) Whether a school district or building is making 1097
progress in improving literacy in grades kindergarten through 1098
three, as determined using a method prescribed by the state 1099
board. The state board shall adopt rules to prescribe benchmarks 1100
and standards for assigning grades to a district or building for 1101
purposes of division (C) (1) (g) of this section. The state board 1102
shall designate for a "C" grade a value that is not lower than 1103
the statewide average value for this measure. No grade shall be 1104
issued under division (C) (1) (g) of this section for a district 1105
or building in which less than five per cent of students have 1106
scored below grade level on the kindergarten diagnostic 1107
assessment under division (B) (1) of section 3313.608 of the 1108
Revised Code. 1109

(h) For a high mobility school district or building, an 1110

additional value-added progress dimension score. For this 1111
measure, the department shall use value-added data from the most 1112
recent school year available and shall use assessment scores for 1113
only those students to whom the district or building has 1114
administered the assessments prescribed by section 3301.0710 of 1115
the Revised Code for each of the two most recent consecutive 1116
school years. 1117

As used in this division, "high mobility school district 1118
or building" means a school district or building where at least 1119
twenty-five per cent of its total enrollment is made up of 1120
students who have attended that school district or building for 1121
less than one year. 1122

(2) In addition to the graded measures in division (C) (1) 1123
of this section, the department shall include on a school 1124
district's or building's report card all of the following 1125
without an assigned letter grade: 1126

(a) The percentage of students enrolled in a district or 1127
building who have taken a national standardized test used for 1128
college admission determinations and the percentage of those 1129
students who are determined to be remediation-free in accordance 1130
with the standards adopted under division (F) of section 1131
3345.061 of the Revised Code; 1132

(b) The percentage of students enrolled in a district or 1133
building participating in advanced placement classes and the 1134
percentage of those students who received a score of three or 1135
better on advanced placement examinations; 1136

(c) The percentage of a district's or building's students 1137
who have earned at least three college credits through advanced 1138
standing programs, such as the college credit plus program under 1139

Chapter 3365. of the Revised Code and state-approved career- 1140
technical courses offered through dual enrollment or statewide 1141
articulation, that appear on a student's college transcript 1142
issued by the institution of higher education from which the 1143
student earned the college credit. The credits earned that are 1144
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1145
shall not include any that are remedial or developmental and 1146
shall include those that count toward the curriculum 1147
requirements established for completion of a degree. 1148

(d) The percentage of the district's or building's 1149
students who receive an honor's diploma under division (B) of 1150
section 3313.61 of the Revised Code; 1151

(e) The percentage of the district's or building's 1152
students who receive industry-recognized credentials as approved 1153
under section 3313.6113 of the Revised Code; 1154

(f) The percentage of students enrolled in a district or 1155
building who are participating in an international baccalaureate 1156
program and the percentage of those students who receive a score 1157
of four or better on the international baccalaureate 1158
examinations; 1159

(g) The results of the college and career-ready 1160
assessments administered under division (B) (1) of section 1161
3301.0712 of the Revised Code. 1162

(3) The state board shall adopt rules pursuant to Chapter 1163
119. of the Revised Code that establish a method to assign an 1164
overall grade for a school district or school building for the 1165
2017-2018 school year and each school year thereafter. The rules 1166
shall group the performance measures in divisions (C) (1) and (2) 1167
of this section into the following components: 1168

(a) Gap closing, which shall include the performance 1169
measure in division (C) (1) (a) of this section; 1170

(b) Achievement, which shall include the performance 1171
measures in divisions (C) (1) (b) and (c) of this section; 1172

(c) Progress, which shall include the performance measures 1173
in divisions (C) (1) (e) and (f) of this section; 1174

(d) Graduation, which shall include the performance 1175
measure in division (C) (1) (d) of this section; 1176

(e) Kindergarten through third-grade literacy, which shall 1177
include the performance measure in division (C) (1) (g) of this 1178
section; 1179

(f) Prepared for success, which shall include the 1180
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1181
and (f) of this section. The state board shall develop a method 1182
to determine a grade for the component in division (C) (3) (f) of 1183
this section using the performance measures in divisions (C) (2) 1184
(a), (b), (c), (d), (e), and (f) of this section. When 1185
available, the state board may incorporate the performance 1186
measure under division (C) (2) (g) of this section into the 1187
component under division (C) (3) (f) of this section. When 1188
determining the overall grade for the prepared for success 1189
component prescribed by division (C) (3) (f) of this section, no 1190
individual student shall be counted in more than one performance 1191
measure. However, if a student qualifies for more than one 1192
performance measure in the component, the state board may, in 1193
its method to determine a grade for the component, specify an 1194
additional weight for such a student that is not greater than or 1195
equal to 1.0. In determining the overall score under division 1196
(C) (3) (f) of this section, the state board shall ensure that the 1197

pool of students included in the performance measures aggregated 1198
under that division are all of the students included in the 1199
four- and five-year adjusted graduation cohort. 1200

In the rules adopted under division (C)(3) of this 1201
section, the state board shall adopt a method for determining a 1202
grade for each component in divisions (C)(3)(a) to (f) of this 1203
section. The state board also shall establish a method to assign 1204
an overall grade of "A," "B," "C," "D," or "F" using the grades 1205
assigned for each component. The method the state board adopts 1206
for assigning an overall grade shall give equal weight to the 1207
components in divisions (C)(3)(b) and (c) of this section. 1208

At least forty-five days prior to the state board's 1209
adoption of rules to prescribe the methods for calculating the 1210
overall grade for the report card, as required by this division, 1211
the department shall conduct a public presentation before the 1212
standing committees of the house of representatives and the 1213
senate that consider education legislation describing the format 1214
for the report card, weights that will be assigned to the 1215
components of the overall grade, and the method for calculating 1216
the overall grade. 1217

(D) On or after July 1, 2015, the state board may develop 1218
a measure of student academic progress for high school students 1219
using only data from assessments in English language arts and 1220
mathematics. If the state board develops this measure, each 1221
school district and applicable school building shall be assigned 1222
a separate letter grade for it not sooner than the 2017-2018 1223
school year. The district's or building's grade for that measure 1224
shall not be included in determining the district's or 1225
building's overall letter grade. 1226

(E) The letter grades assigned to a school district or 1227

building under this section shall be as follows:	1228
(1) "A" for a district or school making excellent progress;	1229
(2) "B" for a district or school making above average progress;	1231
(3) "C" for a district or school making average progress;	1233
(4) "D" for a district or school making below average progress;	1234
(5) "F" for a district or school failing to meet minimum progress.	1236
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1238
(1) Performance of students by grade-level;	1239
(2) Performance of students by race and ethnic group;	1240
(3) Performance of students by gender;	1241
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1242
(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;	1243
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1244
(7) Performance of students grouped by those who are economically disadvantaged;	1245
(8) Performance of students grouped by those who are	1246
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enrolled in a conversion community school established under	1254
Chapter 3314. of the Revised Code;	1255
(9) Performance of students grouped by those who are	1256
classified as limited English proficient;	1257
(10) Performance of students grouped by those who have	1258
disabilities;	1259
(11) Performance of students grouped by those who are	1260
classified as migrants;	1261
(12) Performance of students grouped by those who are	1262
identified as gifted in superior cognitive ability and the	1263
specific academic ability fields of reading and math pursuant to	1264
Chapter 3324. of the Revised Code. In disaggregating specific	1265
academic ability fields for gifted students, the department	1266
shall use data for those students with specific academic ability	1267
in math and reading. If any other academic field is assessed,	1268
the department shall also include data for students with	1269
specific academic ability in that field as well.	1270
(13) Performance of students grouped by those who perform	1271
in the lowest quintile for achievement on a statewide basis, as	1272
determined by a method prescribed by the state board.	1273
The department may disaggregate data on student	1274
performance according to other categories that the department	1275
determines are appropriate. To the extent possible, the	1276
department shall disaggregate data on student performance	1277
according to any combinations of two or more of the categories	1278
listed in divisions (F) (1) to (13) of this section that it deems	1279
relevant.	1280
In reporting data pursuant to division (F) of this	1281
section, the department shall not include in the report cards	1282

any data statistical in nature that is statistically unreliable 1283
or that could result in the identification of individual 1284
students. For this purpose, the department shall not report 1285
student performance data for any group identified in division 1286
(F) of this section that contains less than ~~ten~~thirty students. 1287
If the department does not report student performance data for a 1288
group because it contains less than ~~ten~~thirty students, the 1289
department shall indicate on the report card that is why data 1290
was not reported. 1291

(G) The department may include with the report cards any 1292
additional education and fiscal performance data it deems 1293
valuable. 1294

(H) The department shall include on each report card a 1295
list of additional information collected by the department that 1296
is available regarding the district or building for which the 1297
report card is issued. When available, such additional 1298
information shall include student mobility data disaggregated by 1299
race and socioeconomic status, college enrollment data, and the 1300
reports prepared under section 3302.031 of the Revised Code. 1301

The department shall maintain a site on the world wide 1302
web. The report card shall include the address of the site and 1303
shall specify that such additional information is available to 1304
the public at that site. The department shall also provide a 1305
copy of each item on the list to the superintendent of each 1306
school district. The district superintendent shall provide a 1307
copy of any item on the list to anyone who requests it. 1308

(I) (1) (a) Except as provided in division (I) (1) (b) of this 1309
section, for any district that sponsors a conversion community 1310
school under Chapter 3314. of the Revised Code, the department 1311
shall combine data regarding the academic performance of 1312

students enrolled in the community school with comparable data 1313
from the schools of the district for the purpose of determining 1314
the performance of the district as a whole on the report card 1315
issued for the district under this section or section 3302.033 1316
of the Revised Code. 1317

(b) The department shall not combine data from any 1318
conversion community school that a district sponsors if a 1319
majority of the students enrolled in the conversion community 1320
school are enrolled in a dropout prevention and recovery program 1321
that is operated by the school, as described in division (A) (4) 1322
(a) of section 3314.35 of the Revised Code. The department shall 1323
include as an addendum to the district's report card the ratings 1324
and performance measures that are required under section 1325
3314.017 of the Revised Code for any community school to which 1326
division (I) (1) (b) of this section applies. This addendum shall 1327
include, at a minimum, the data specified in divisions (C) (1) 1328
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1329

(2) Any district that leases a building to a community 1330
school located in the district or that enters into an agreement 1331
with a community school located in the district whereby the 1332
district and the school endorse each other's programs may elect 1333
to have data regarding the academic performance of students 1334
enrolled in the community school combined with comparable data 1335
from the schools of the district for the purpose of determining 1336
the performance of the district as a whole on the district 1337
report card. Any district that so elects shall annually file a 1338
copy of the lease or agreement with the department. 1339

(3) Any municipal school district, as defined in section 1340
3311.71 of the Revised Code, that sponsors a community school 1341
located within the district's territory, or that enters into an 1342

agreement with a community school located within the district's 1343
territory whereby the district and the community school endorse 1344
each other's programs, may exercise either or both of the 1345
following elections: 1346

(a) To have data regarding the academic performance of 1347
students enrolled in that community school combined with 1348
comparable data from the schools of the district for the purpose 1349
of determining the performance of the district as a whole on the 1350
district's report card; 1351

(b) To have the number of students attending that 1352
community school noted separately on the district's report card. 1353

The election authorized under division (I) (3) (a) of this 1354
section is subject to approval by the governing authority of the 1355
community school. 1356

Any municipal school district that exercises an election 1357
to combine or include data under division (I) (3) of this 1358
section, by the first day of October of each year, shall file 1359
with the department documentation indicating eligibility for 1360
that election, as required by the department. 1361

(J) The department shall include on each report card the 1362
percentage of teachers in the district or building who are 1363
highly qualified, as defined by the No Child Left Behind Act of 1364
2001, and a comparison of that percentage with the percentages 1365
of such teachers in similar districts and buildings. 1366

This division shall not apply after the effective date of 1367
this amendment. 1368

(K) (1) In calculating English language arts, mathematics, 1369
or science assessment passage rates used to determine school 1370
district or building performance under this section, the 1371

department shall include all students taking an assessment with 1372
accommodation or to whom an alternate assessment is administered 1373
pursuant to division (C) (1) or (3) of section 3301.0711 of the 1374
Revised Code. 1375

(2) In calculating performance index scores, rates of 1376
achievement on the performance indicators established by the 1377
state board under section 3302.02 of the Revised Code, and 1378
annual measurable objectives for determining adequate yearly 1379
progress for school districts and buildings under this section, 1380
the department shall do all of the following: 1381

(a) Include for each district or building only those 1382
students who are included in the ADM certified for the first 1383
full school week of October and are continuously enrolled in the 1384
district or building through the time of the spring 1385
administration of any assessment prescribed by division (A) (1) 1386
or (B) (1) of section 3301.0710 or division (B) of section 1387
3301.0712 of the Revised Code that is administered to the 1388
student's grade level; 1389

(b) Include cumulative totals from both the fall and 1390
spring administrations of the third grade English language arts 1391
achievement assessment; 1392

(c) Except as required by the No Child Left Behind Act of 1393
2001, exclude for each district or building any limited English 1394
proficient student who has been enrolled in United States 1395
schools for less than one full school year. 1396

(L) Beginning with the 2015-2016 school year and at least 1397
once every three years thereafter, the state board of education 1398
shall review and may adjust the benchmarks for assigning letter 1399
grades to the performance measures and components prescribed 1400

under divisions (C) (3) and (D) of this section. 1401

Sec. 3311.78. Notwithstanding any provision of the Revised 1402
Code to the contrary, a municipal school district shall be 1403
subject to this section instead of sections 3317.13, 3317.14, 1404
and 3317.141 of the Revised Code. 1405

(A) As used in this section, "principal" includes an 1406
assistant principal. 1407

(B) The board of education of each municipal school 1408
district annually shall adopt a differentiated salary schedule 1409
for teachers based upon performance as described in division (D) 1410
of this section. The board also annually shall adopt a 1411
differentiated salary schedule for principals based upon 1412
performance as described in division (D) of this section. 1413

For each teacher or principal hired on or after October 1, 1414
2012, the board shall determine the teacher's or principal's 1415
initial placement on the applicable salary schedule based on 1416
years of experience and area of licensure and any other factors 1417
the board considers appropriate. For each teacher hired prior to 1418
October 1, 2012, the board shall initially place the teacher on 1419
the applicable salary schedule so that the teacher's annual 1420
salary on the schedule is comparable to the teacher's annual 1421
salary for the school year immediately prior to the school year 1422
covered by the schedule. For each principal hired prior to 1423
October 1, 2012, the board shall initially place the principal 1424
on the applicable salary schedule consistent with the 1425
principal's employment contract. 1426

(C) The salary of a teacher shall not be reduced unless 1427
such reduction is accomplished as part of a negotiated 1428
collective bargaining agreement. The salary of a principal shall 1429

not be reduced during the term of the principal's employment 1430
contract unless such reduction is by mutual agreement of the 1431
board and the principal or is part of a uniform plan affecting 1432
the entire district. 1433

(D) For purposes of the schedules, the board shall measure 1434
a teacher's or principal's performance by considering all of the 1435
following: 1436

(1) The level of license issued under section 3319.22 of 1437
the Revised Code that the teacher or principal holds; 1438

~~(2) Whether the teacher or principal is a highly qualified~~ 1439
~~teacher, as defined in section 3319.074 of the Revised Code;~~ 1440

~~(3)~~ Ratings received by the teacher or principal on 1441
performance evaluations conducted under section 3311.80 or 1442
3311.84 of the Revised Code; 1443

~~(4)~~ (3) Any specialized training and experience in the 1444
assigned position. 1445

(E) The salary schedules adopted under this section may 1446
provide for additional compensation for teachers or principals 1447
who perform duties, not contracted for under a supplemental 1448
contract, that the board determines warrant additional 1449
compensation. Those duties may include, but are not limited to, 1450
assignment to a school building eligible for funding under Title 1451
I of the "Elementary and Secondary Education Act of 1965," 20 1452
U.S.C. 6301 et seq.; assignment to a building in "school 1453
improvement" status under the "No Child Left Behind Act of 1454
2001," as defined in section 3302.01 of the Revised Code; 1455
teaching in a grade level or subject area in which the board has 1456
determined there is a shortage within the district; assignment 1457
to a hard-to-staff school, as determined by the board; or 1458

teaching in a school with an extended school day or school year. 1459

(F) The chief executive officer of the district, or the 1460
chief executive officer's designee, annually shall review the 1461
salary of each teacher and principal and make a recommendation 1462
to the board. Based on the recommendation, the board may 1463
increase a teacher's or principal's salary based on the 1464
teacher's or principal's performance and duties as provided for 1465
in divisions (D) and (E) of this section. The performance-based 1466
increase for a teacher or principal rated as accomplished shall 1467
be greater than the performance-based increase for a teacher or 1468
principal rated as skilled. Notwithstanding division (C) of this 1469
section, division (C) of section 3319.02, and section 3319.12 of 1470
the Revised Code, the board may decrease the teacher's or 1471
principal's salary if the teacher or principal will perform 1472
fewer or different duties described in division (E) of this 1473
section in the school year for which the salary is decreased. 1474

(G) Notwithstanding any provision to the contrary in 1475
Chapter 4117. of the Revised Code, the requirements of this 1476
section prevail over any conflicting provisions of a collective 1477
bargaining agreement entered into on or after October 1, 2012. 1478
However, the board and the teachers' labor organization shall 1479
negotiate the implementation of the differentiated salary 1480
schedule for teachers and may negotiate additional factors 1481
regarding teacher salaries, provided those factors are 1482
consistent with this section. 1483

Sec. 3311.79. (A) When assigning teachers to schools of a 1484
municipal school district prior to the start of a school year, 1485
teachers may apply for open positions. All applicants shall be 1486
considered. Applicants may be interviewed by a building level 1487
team comprised of the building principal, a representative of 1488

the district teachers' labor organization, a parent, a staff member in the same job classification as the posted position, and any other members mutually agreed upon by the principal and the labor organization representative. When openings occur, the principal and labor organization representative shall mutually select the members of the building level team. Interviews by the building level team shall not be delayed due to the unavailability of duly notified team members. The team shall make recommendations whether to assign a teacher to an open position in the building based on how suitably the teacher's credentials fulfill the needs of the particular school. For this purpose, the building level team shall consider the following credentials:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;

(2) The number of subject areas the teacher is licensed to teach;

~~(3) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code;~~

~~(4) The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;~~

~~(5)~~ (4) Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;

~~(6)~~ (5) Any specialized training or experience the teacher possesses that are relevant to the open position;

~~(7)~~ (6) Any other credentials established by the district chief executive officer or a building level team.

(B) The building level team shall make its recommendations 1517
to the district chief executive officer or the chief executive 1518
officer's designee for the chief executive officer's or 1519
designee's final approval of the assignment. 1520

(C) In the event that open positions in one or more school 1521
buildings have not been filled through the procedures set forth 1522
in divisions (A) and (B) of this section, or if the building 1523
level team has not been able to reach a consensus on a 1524
candidate, by ten days prior to the first work day for teachers 1525
of the school year, the district chief executive officer or the 1526
chief executive officer's designee shall assign teachers to any 1527
of those open positions based on the best interests of the 1528
district. In making an assignment under this division, the chief 1529
executive officer or the chief executive officer's designee 1530
shall take into consideration all input from the building level 1531
team members. 1532

(D) In the event that a position opens after the first 1533
student day of the school year, the building level team 1534
interview and recommendation procedures set forth in divisions 1535
(A) and (B) of this section shall be used to fill the open 1536
position. If any positions remain open, or if the building level 1537
team has not been able to reach a consensus on a candidate, 1538
after a reasonable period of time as determined by the chief 1539
executive officer or the chief executive officer's designee, the 1540
chief executive officer or the chief executive officer's 1541
designee shall assign teachers to any of those open positions 1542
based on the best interests of the district. In making an 1543
assignment under this division, the chief executive officer or 1544
the chief executive officer's designee shall take into 1545
consideration all input from the building level team members. 1546

(E) In the event it becomes necessary to assign, reassign, 1547
or transfer a teacher, whether voluntarily or involuntarily on 1548
the part of the teacher, for the purpose of promoting the best 1549
interests of the district, the chief executive officer or the 1550
chief executive officer's designee shall first meet with the 1551
teacher, the principals of the affected buildings, and a 1552
representative of the district teachers' labor organization. The 1553
assignment, reassignment, or transfer shall not be delayed due 1554
to the unavailability of the meeting participants who have been 1555
duly notified. 1556

(F) The district chief executive officer or a building 1557
level team shall not use seniority or continuing contract status 1558
as the primary factor in determining any teacher's assignment to 1559
a school. 1560

(G) Notwithstanding any provision to the contrary in 1561
Chapter 4117. of the Revised Code, the requirements of this 1562
section prevail over any conflicting provisions of a collective 1563
bargaining agreement entered into on or after ~~the effective date~~ 1564
~~of this section~~ October 1, 2012. However, the board and the 1565
teachers' labor organization shall negotiate regarding the 1566
implementation of this section, including the processes by which 1567
each building level team conducts its interviews and makes 1568
recommendations, consistent with this section. 1569

Sec. 3313.814. (A) As used in this section and sections 1570
3313.816 and 3313.817 of the Revised Code: 1571

(1) "A la carte item" means an individually priced food or 1572
beverage item that is available for sale to students through any 1573
of the following: 1574

(a) A school food service program; 1575

(b) A vending machine located on school property;	1576
(c) A store operated by the school, a student association, or other school-sponsored organization.	1577 1578
"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.	1579 1580 1581 1582 1583 1584 1585 1586 1587 1588 1589
(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.	1590 1591 1592 1593
(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.	1594 1595 1596 1597 1598
(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.	1599 1600 1601
(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42	1602 1603 1604

U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 1605
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 1606
criteria for reimbursement established by the United States 1607
department of agriculture. 1608

(6) "School food service program" means a school food 1609
service program operated under section 3313.81 or 3313.813 of 1610
the Revised Code. 1611

(B) Each school district board of education and each 1612
chartered nonpublic school governing authority shall adopt and 1613
enforce nutrition standards governing the types of food and 1614
beverages that may be sold on the premises of its schools, and 1615
specifying the time and place each type of food or beverage may 1616
be sold. 1617

(1) In adopting the standards, the board or governing 1618
authority shall do all of the following: 1619

(a) Consider the nutritional value of each food or 1620
beverage; 1621

(b) Consult with a dietitian licensed under Chapter 4759. 1622
of the Revised Code, a dietetic technician registered by the 1623
commission on dietetic registration, or a school nutrition 1624
specialist certified or credentialed by the school nutrition 1625
association. The person with whom the board or governing 1626
authority consults may be an employee of the board or governing 1627
authority, a person contracted by the board or governing 1628
authority, or a volunteer, provided the person meets the 1629
requirements of this division. 1630

(c) Consult the dietary guidelines for Americans jointly 1631
developed by the United States department of agriculture and the 1632
United States department of health and human services and, to 1633

the maximum extent possible, incorporate the guidelines into the standards. 1634
1635

(2) No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board or governing authority. 1636
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1638

(3) The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall prohibit the standards from being more restrictive than otherwise required by those sections. 1639
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(C) The nutrition standards adopted under this section shall prohibit the placement of vending machines in any classroom where students are provided instruction, unless the classroom also is used to serve students meals. This division does not apply to vending machines that sell only milk, reimbursable meals, or food and beverage items that are part of a reimbursable meal and are available for sale as individually priced items in serving portions of the same size as in the reimbursable meal. 1643
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(D) Each board or governing authority shall designate staff to be responsible for ensuring that the school district or school meets the nutrition standards adopted under this section. The staff shall prepare an annual report regarding the district's or school's compliance with the standards and ~~submit~~ include it in the report to the department of education prescribed in section 3301.68 of the Revised Code. The board or governing authority annually shall schedule a presentation on the nutrition standards report at one of its regular meetings. Each district or school shall make copies of the nutrition standards report available to the public upon request. 1652
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(E) The state board of education shall formulate and adopt 1663
guidelines, which boards of education and chartered nonpublic 1664
schools may follow in enforcing and implementing this section. 1665

Sec. 3317.141. The board of education of any city, 1666
exempted village, local, or joint vocational school district 1667
that is the recipient of moneys from a grant awarded under the 1668
federal race to the top program, Division (A), Title XIV, 1669
Sections 14005 and 14006 of the "American Recovery and 1670
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1671
shall comply with this section in accordance with the timeline 1672
contained in the board's scope of work, as approved by the 1673
superintendent of public instruction, and shall not be subject 1674
to sections 3317.13 and 3317.14 of the Revised Code. The board 1675
of education of any other school district, and the governing 1676
board of each educational service center, shall comply with 1677
either this section or sections 3317.13 and 3317.14 of the 1678
Revised Code. 1679

(A) The board annually shall adopt a salary schedule for 1680
teachers based upon performance as described in division (B) of 1681
this section. 1682

(B) For purposes of the schedule, a board shall measure a 1683
teacher's performance by considering all of the following: 1684

(1) The level of license issued under section 3319.22 of 1685
the Revised Code that the teacher holds; 1686

~~(2) Whether the teacher is a highly qualified teacher, as 1687
defined in section 3319.074 of the Revised Code;~~ 1688

~~(3) Ratings received by the teacher on performance 1689
evaluations conducted under section 3319.111 of the Revised 1690
Code. 1691~~

(C) The schedule shall provide for annual adjustments 1692
based on performance on the evaluations conducted under section 1693
3319.111 of the Revised Code. The annual performance-based 1694
adjustment for a teacher rated as accomplished shall be greater 1695
than the annual performance-based adjustment for a teacher rated 1696
as skilled. 1697

(D) The salary schedule adopted under this section may 1698
provide for additional compensation for teachers who agree to 1699
perform duties, not contracted for under a supplemental 1700
contract, that the employing board determines warrant additional 1701
compensation. Those duties may include, but are not limited to, 1702
assignment to a school building eligible for funding under Title 1703
I of the "Elementary and Secondary Education Act of 1965," 20 1704
U.S.C. 6301 et seq.; assignment to a building in "school 1705
improvement" status under the "No Child Left Behind Act of 1706
2001," as defined in section 3302.01 of the Revised Code; 1707
teaching in a grade level or subject area in which the board has 1708
determined there is a shortage within the district or service 1709
center; or assignment to a hard-to-staff school, as determined 1710
by the board. 1711

Sec. 3319.075. Once the state board of education adopts 1712
professional development standards pursuant to section 3319.61 1713
of the Revised Code, the board of education of each school 1714
district shall use the standards for the following purposes: 1715

(A) To guide the design of teacher education programs 1716
serving both teacher candidates and experienced teachers; 1717

(B) To guide school-based professional development that is 1718
aligned with student achievement; 1719

(C) To determine what types of professional development 1720

the school district and the schools within the district should provide; 1721
1722

(D) To guide how state and federal funding for professional development should be spent; 1723
1724

(E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code; 1725
1726
1727

(F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards; 1728
1729
1730

(G) To guide all licensed school personnel in developing their own plans for professional growth; 1731
1732

(H) To guide the development of professional growth plans and improvement plans resulting from the teacher evaluations conducted under section 3319.111 of the Revised Code. 1733
1734
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Sec. 3319.081. Except as otherwise provided in division (G) of this section, in all school districts wherein the provisions of Chapter 124. of the Revised Code do not apply, the following employment contract system shall control for employees whose contracts of employment are not otherwise provided by law: 1736
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(A) Newly hired regular nonteaching school employees, including regular hourly rate and per diem employees, shall enter into written contracts for their employment which shall be for a period of not more than one year. If such employees are rehired, their three subsequent ~~contract~~ contracts shall be for a period of two years each. 1741
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(B) After the termination of the third two-year contract provided in division (A) of this section, if the contract of a 1747
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nonteaching employee is renewed, the employee shall be continued 1749
in employment, and the salary provided in the contract may be 1750
increased but not reduced unless such reduction is a part of a 1751
uniform plan affecting the nonteaching employees of the entire 1752
district. 1753

(C) The contracts as provided for in this section may be 1754
terminated by a majority vote of the board of education. Except 1755
as provided in sections 3319.0810 and 3319.172 of the Revised 1756
Code, the contracts may be terminated only for violation of 1757
written rules and regulations as set forth by the board of 1758
education or for incompetency, inefficiency, dishonesty, 1759
drunkenness, immoral conduct, insubordination, discourteous 1760
treatment of the public, neglect of duty, or any other acts of 1761
misfeasance, malfeasance, or nonfeasance. In addition to the 1762
right of the board of education to terminate the contract of an 1763
employee, the board may suspend an employee for a definite 1764
period of time or demote the employee for the reasons set forth 1765
in this division. The action of the board of education 1766
terminating the contract of an employee or suspending or 1767
demoting the employee shall be served upon the employee by 1768
certified mail. Within ten days following the receipt of such 1769
notice by the employee, the employee may file an appeal, in 1770
writing, with the court of common pleas of the county in which 1771
such school board is situated. After hearing the appeal the 1772
common pleas court may affirm, disaffirm, or modify the action 1773
of the school board. 1774

A violation of division (A) (7) of section 2907.03 of the 1775
Revised Code is grounds for termination of employment of a 1776
nonteaching employee under this division. 1777

(D) All employees who have been employed by a school 1778

district where the provisions of Chapter 124. of the Revised 1779
Code do not apply, for a period of at least three years on 1780
November 24, 1967, shall hold continuing contracts of employment 1781
pursuant to this section. 1782

(E) Any nonteaching school employee may terminate the 1783
nonteaching school employee's contract of employment thirty days 1784
subsequent to the filing of a written notice of such termination 1785
with the treasurer of the board. 1786

(F) A person hired exclusively for the purpose of 1787
replacing a nonteaching school employee while such employee is 1788
on leave of absence granted under section 3319.13 of the Revised 1789
Code is not a regular nonteaching school employee under this 1790
section. 1791

(G) All nonteaching employees employed pursuant to this 1792
section and Chapter 124. of the Revised Code shall be paid for 1793
all time lost when the schools in which they are employed are 1794
closed owing to an epidemic or other public calamity. Nothing in 1795
this division shall be construed as requiring payment in excess 1796
of an employee's regular wage rate or salary for any time worked 1797
while the school in which the employee is employed is officially 1798
closed for the reasons set forth in this division. 1799

Sec. 3319.088. As used in this section, "educational 1800
assistant" means any nonteaching employee working in a federally 1801
funded program in a school district who directly assists a 1802
teacher as defined in section 3319.09 of the Revised Code, by 1803
performing duties for which a license issued pursuant to 1804
sections 3319.22 to 3319.30 of the Revised Code is not required. 1805

(A) The state board of education shall issue educational 1806
aide permits and educational paraprofessional licenses for 1807

educational assistants ~~and to applicants who undergo criminal~~ 1808
~~records checks in accordance with section 3319.291 of the~~ 1809
~~Revised Code that do not indicate a plea of guilty, a finding of~~ 1810
~~guilt by a jury or court of, or a conviction of any of the~~ 1811
~~offenses listed in divisions (B) and (C) of section 3319.31 of~~ 1812
~~the Revised Code. The state board shall adopt rules for the~~ 1813
issuance and renewal of such permits and licenses which shall be 1814
consistent with the provisions of this section. Educational aide 1815
permits and educational paraprofessional licenses may be of 1816
several types ~~and the rules shall prescribe the minimum~~ 1817
~~qualifications of education, health, and character for the~~ 1818
~~service to be authorized under each type. The prescribed minimum~~ 1819
~~qualifications may require special training or educational~~ 1820
~~courses designed to qualify a person to perform effectively the~~ 1821
~~duties authorized under an educational aide permit or~~ 1822
~~educational paraprofessional license as prescribed in the rules~~ 1823
~~adopted by the state board.~~ 1824

(B) (1) Any application for a permit or license, or a 1825
renewal or duplicate of a permit or license, under this section 1826
shall be accompanied by the payment of a fee in the amount 1827
established under division (A) of section 3319.51 of the Revised 1828
Code. Any fees received under this division shall be paid into 1829
the state treasury to the credit of the state board of education 1830
licensure fund established under division (B) of section 3319.51 1831
of the Revised Code. 1832

(2) Any person applying for or holding a permit or license 1833
pursuant to this section is subject to sections 3123.41 to 1834
3123.50 of the Revised Code and any applicable rules adopted 1835
under section 3123.63 of the Revised Code and sections 3319.31 1836
and 3319.311 of the Revised Code. 1837

(C) Educational assistants shall at all times while in the 1838
performance of their duties be under the supervision and 1839
direction of a teacher as defined in section 3319.09 of the 1840
Revised Code. Educational assistants may assist a teacher to 1841
whom assigned in the supervision of pupils, in assisting with 1842
instructional tasks, and in the performance of duties which, in 1843
the judgment of the teacher to whom the assistant is assigned, 1844
may be performed by a person not licensed pursuant to sections 1845
3319.22 to 3319.30 of the Revised Code and for which a teaching 1846
license, issued pursuant to sections 3319.22 to 3319.30 of the 1847
Revised Code is not required. The duties of an educational 1848
assistant shall not include the assignment of grades to pupils. 1849
The duties of an educational assistant need not be performed in 1850
the physical presence of the teacher to whom assigned, but the 1851
activity of an educational assistant shall at all times be under 1852
the direction of the teacher to whom assigned. The assignment of 1853
an educational assistant need not be limited to assisting a 1854
single teacher. In the event an educational assistant is 1855
assigned to assist more than one teacher the assignments shall 1856
be clearly delineated and so arranged that the educational 1857
assistant shall never be subject to simultaneous supervision or 1858
direction by more than one teacher. 1859

Educational assistants assigned to supervise children 1860
shall, when the teacher to whom assigned is not physically 1861
present, maintain the degree of control and discipline that 1862
would be maintained by the teacher. 1863

Educational assistants may not be used in place of 1864
classroom teachers or other employees and any payment of 1865
compensation by boards of education to educational assistants 1866
for such services is prohibited. The ratio between the number of 1867
licensed teachers and the pupils in a school district may not be 1868

decreased by utilization of educational assistants and no 1869
grouping, or other organization of pupils, for utilization of 1870
educational assistants shall be established which is 1871
inconsistent with sound educational practices and procedures. A 1872
school district may employ up to one full time equivalent 1873
educational assistant for each six full time equivalent licensed 1874
employees of the district. Educational assistants shall not be 1875
counted as licensed employees for purposes of state support in 1876
the school foundation program and no grouping or regrouping of 1877
pupils with educational assistants may be counted as a class or 1878
unit for school foundation program purposes. Neither special 1879
courses required by the regulations of the state board of 1880
education, prescribing minimum qualifications of education for 1881
an educational assistant, nor years of service as an educational 1882
assistant shall be counted in any way toward qualifying for a 1883
teacher license, for a teacher contract of any type, or for 1884
determining placement on a salary schedule in a school district 1885
as a teacher. 1886

(D) Educational assistants employed by a board of 1887
education shall have all rights, benefits, and legal protection 1888
available to other nonteaching employees in the school district, 1889
except that provisions of Chapter 124. of the Revised Code shall 1890
not apply to any person employed as an educational assistant, 1891
and shall be members of the school employees retirement system. 1892
Educational assistants shall be compensated according to a 1893
salary plan adopted annually by the board. 1894

Except as provided in this section nonteaching employees 1895
shall not serve as educational assistants without first 1896
obtaining an appropriate educational aide permit or educational 1897
paraprofessional license from the state board of education. A 1898
nonteaching employee who is the holder of a valid educational 1899

aide permit or educational paraprofessional license shall 1900
neither render nor be required to render services inconsistent 1901
with the type of services authorized by the permit or license 1902
held. No person shall receive compensation from a board of 1903
education for services rendered as an educational assistant in 1904
violation of this provision. 1905

Nonteaching employees whose functions are solely 1906
secretarial-clerical and who do not perform any other duties as 1907
educational assistants, even though they assist a teacher and 1908
work under the direction of a teacher shall not be required to 1909
hold a permit or license issued pursuant to this section. 1910
Students preparing to become licensed teachers or educational 1911
assistants shall not be required to hold an educational aide 1912
permit or paraprofessional license for such periods of time as 1913
such students are assigned, as part of their training program, 1914
to work with a teacher in a school district. Such students shall 1915
not be compensated for such services. 1916

Nonteaching employees whose services are needed to 1917
substitute for educational assistants shall not be required to 1918
hold a permit or license issued pursuant to this section. 1919

Following the determination of the assignment and general 1920
job description of an educational assistant and subject to 1921
supervision by the teacher's immediate administrative officer, a 1922
teacher to whom an educational assistant is assigned shall make 1923
all final determinations of the duties to be assigned to such 1924
assistant. Teachers shall not be required to hold a license 1925
designated for being a supervisor or administrator in order to 1926
perform the necessary supervision of educational assistants. 1927

(E) No person who is, or who has been employed as an 1928
educational assistant shall divulge, except to the teacher to 1929

whom assigned, or the administrator of the school in the absence 1930
of the teacher to whom assigned, or when required to testify in 1931
a court or proceedings, any personal information concerning any 1932
pupil in the school district which was obtained or obtainable by 1933
the educational assistant while so employed. Violation of this 1934
provision is grounds for disciplinary action or dismissal, or 1935
both. 1936

(F) Notwithstanding anything to the contrary in this 1937
section, the superintendent of a school district may allow an 1938
employee who does not hold a permit or license issued under this 1939
section to work as a substitute for an educational assistant who 1940
is absent on account of illness or on a leave of absence, or to 1941
fill a temporary position created by an emergency, provided that 1942
the superintendent believes the employee's application materials 1943
indicate that the employee is qualified to obtain a permit or 1944
license under this section. 1945

An employee shall begin work as a substitute under this 1946
division not earlier than on the date on which the employee 1947
files an application with the state board for a permit or 1948
license under this section. An employee shall cease working as a 1949
substitute under this division on the earliest of the following: 1950

(1) The date on which the employee files a valid permit or 1951
license issued under this section with the superintendent; 1952

(2) The date on which the employee is denied a permit or 1953
license under this section; 1954

(3) Sixty days following the date on which the employee 1955
began work as a substitute under this division. 1956

The superintendent shall ensure that an employee assigned 1957
to work as a substitute under division (F) of this section has 1958

undergone a criminal records check in accordance with section 1959
3319.391 of the Revised Code. 1960

Sec. 3319.111. Notwithstanding section 3319.09 of the 1961
Revised Code, this section applies to any person who is employed 1962
under a teacher license issued under this chapter, or under a 1963
professional or permanent teacher's certificate issued under 1964
former section 3319.222 of the Revised Code, and who spends at 1965
least fifty per cent of the time employed providing student 1966
instruction. However, this section does not apply to any person 1967
who is employed as a substitute teacher or as an instructor of 1968
adult education. 1969

(A) Not later than July 1, ~~2013~~ 2019, the board of 1970
education of each school district, in consultation with teachers 1971
employed by the board, shall ~~adopt a~~ update its standards-based 1972
teacher evaluation policy ~~that conforms to conform~~ with the 1973
framework for evaluation of teachers ~~developed~~ adopted under 1974
section 3319.112 of the Revised Code. The policy shall become 1975
operative at the expiration of any collective bargaining 1976
agreement covering teachers employed by the board that is in 1977
effect on ~~September 29, 2011~~ the effective date of this 1978
amendment, and shall be included in any renewal or extension of 1979
such an agreement. 1980

(B) When using measures of student ~~academic growth as a~~ 1981
~~component of performance as evidence in a~~ teacher's evaluation, 1982
those measures shall ~~include the value added progress dimension~~ 1983
~~prescribed by section 3302.021 of the Revised Code or an~~ 1984
~~alternative student academic progress measure if adopted under~~ 1985
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 1986
~~teachers of grade levels and subjects for which the value added~~ 1987
~~progress dimension or alternative student academic progress~~ 1988

~~measure is not applicable, the board shall administer~~ 1989
~~assessments on the list developed under division (B) (2) of~~ 1990
~~section 3319.112 of the Revised Code~~ be high-quality student 1991
data. The board of education of each school district may use 1992
data from the assessments on the list developed under division 1993
(B) (2) of section 3319.112 of the Revised Code as high-quality 1994
student data. 1995

(C) (1) The board shall conduct an evaluation of each 1996
teacher employed by the board at least once each school year, 1997
except as provided in division (C) (2) of this section. The 1998
evaluation shall be completed by the first day of May and the 1999
teacher shall receive a written report of the results of the 2000
evaluation by the tenth day of May. 2001

(2) (a) The board may evaluate each teacher who received a 2002
rating of accomplished on the teacher's most recent evaluation 2003
conducted under this section once every three school years, so 2004
long as the ~~teacher's student academic growth measure, for the~~ 2005
~~most recent school year for which data is available, is average~~ 2006
~~or higher, as determined by the department of education~~ teacher 2007
submits a self-directed professional growth plan to the 2008
evaluator that focuses on specific areas identified in the 2009
observations and evaluation and the evaluator determines that 2010
the teacher is making progress on that plan. 2011

(b) The board may evaluate each teacher who received a 2012
rating of skilled on the teacher's most recent evaluation 2013
conducted under this section once every two years, so long as 2014
the ~~teacher's student academic growth measure, for the most~~ 2015
~~recent school year for which data is available, is average or~~ 2016
~~higher, as determined by the department of education~~ teacher and 2017
evaluator jointly develop a professional growth plan for the 2018

teacher that focuses on specific areas identified in the 2019
observations and evaluation and the evaluator determines that 2020
the teacher is making progress on that plan. 2021

(c) For each teacher who is evaluated pursuant to division 2022
(C) (2) of this section, the evaluation shall be completed by the 2023
first day of May of the applicable school year, and the teacher 2024
shall receive a written report of the results of the evaluation 2025
by the tenth day of May of that school year. 2026

~~(d) Beginning with the 2014-2015 school year, the~~ The 2027
board may elect not to conduct an evaluation of a teacher who 2028
meets one of the following requirements: 2029

(i) The teacher was on leave from the school district for 2030
fifty per cent or more of the school year, as calculated by the 2031
board. 2032

(ii) The teacher has submitted notice of retirement and 2033
that notice has been accepted by the board not later than the 2034
first day of December of the school year in which the evaluation 2035
is otherwise scheduled to be conducted. 2036

~~(e) Beginning with the 2017-2018 school year, the~~ The 2037
board may elect not to conduct an evaluation of a teacher who is 2038
participating in the teacher residency program established under 2039
section 3319.223 of the Revised Code for the year during which 2040
that teacher takes, for the first time, at least half of the 2041
performance-based assessment prescribed by the state board of 2042
education for resident educators. 2043

(3) In any year that a teacher is not formally evaluated 2044
pursuant to division (C) of this section as a result of 2045
receiving a rating of accomplished or skilled on the teacher's 2046
most recent evaluation, an individual qualified to evaluate a 2047

teacher under division (D) of this section shall conduct at 2048
least one observation of the teacher and hold at least one 2049
conference with the teacher. The conference shall include a 2050
discussion of progress on the teacher's professional growth 2051
plan. 2052

(D) Each evaluation conducted pursuant to this section 2053
shall be conducted by one or more of the following persons who 2054
hold a credential established by the department of education for 2055
being an evaluator: 2056

(1) A person who is under contract with the board pursuant 2057
to section 3319.01 or 3319.02 of the Revised Code and holds a 2058
license designated for being a superintendent, assistant 2059
superintendent, or principal issued under section 3319.22 of the 2060
Revised Code; 2061

(2) A person who is under contract with the board pursuant 2062
to section 3319.02 of the Revised Code and holds a license 2063
designated for being a vocational director, administrative 2064
specialist, or supervisor in any educational area issued under 2065
section 3319.22 of the Revised Code; 2066

(3) A person designated to conduct evaluations under an 2067
agreement entered into by the board, including an agreement 2068
providing for peer review entered into by the board and 2069
representatives of teachers employed by the board; 2070

(4) A person who is employed by an entity contracted by 2071
the board to conduct evaluations and who holds a license 2072
designated for being a superintendent, assistant superintendent, 2073
principal, vocational director, administrative specialist, or 2074
supervisor in any educational area issued under section 3319.22 2075
of the Revised Code or is qualified to conduct evaluations. 2076

(E) Notwithstanding division (A) (3) of section 3319.112 of the Revised Code+ 2077
2078

~~(1) The, the~~ board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code. 2079
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~~(2) The board may elect, by adoption of a resolution, to require only one formal observation of a teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section, provided the teacher completes a project that has been approved by the board to demonstrate the teacher's continued growth and practice at the accomplished level.~~ 2084
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(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations. 2091
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(G) For purposes of section 3333.0411 of the Revised Code, the board annually shall report to the department of education the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B) (1) of section 3319.112 of the Revised Code, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The department shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally 2097
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identifiable information about, any teacher be reported under 2107
this division. 2108

(H) Notwithstanding any provision to the contrary in 2109
Chapter 4117. of the Revised Code, the requirements of this 2110
section prevail over any conflicting provisions of a collective 2111
bargaining agreement entered into on or after ~~September 24, 2012~~ 2112
the effective date of this amendment. 2113

Sec. 3319.112. (A) ~~Not later than December 31, 2011, The~~ 2114
department of education shall revise the state board of 2115
~~education shall develop a~~ education's standards-based state 2116
~~framework for the evaluation of teachers, based on the~~ 2117
recommendations of the educator standards board established 2118
under section 3319.60 of the Revised Code, and shall submit a 2119
summary of the revisions to the state board for review. Not 2120
later than May 1, 2019, the state board shall adopt the revised 2121
framework. The state board may update the framework periodically 2122
by adoption of a resolution. The framework shall establish an 2123
evaluation system that does the following: 2124

(1) Provides for multiple evaluation factors. ~~One factor~~ 2125
~~shall be student academic growth which shall account for fifty~~ 2126
~~per cent of each evaluation, except as otherwise prescribed by~~ 2127
~~the alternative framework under section 3319.114 of the Revised~~ 2128
~~Code. When applicable to the grade level or subject area taught~~ 2129
~~by a teacher, the value added progress dimension established~~ 2130
~~under section 3302.021 of the Revised Code or an alternative~~ 2131
~~student academic progress measure if adopted under division (C)~~ 2132
~~(1) (e) of section 3302.03 of the Revised Code shall be used in~~ 2133
~~the student academic growth portion of an evaluation in~~ 2134
~~proportion to the part of a teacher's schedule of courses or~~ 2135
~~subjects for which the value added progress dimension is~~ 2136

~~applicable.~~ 2137

~~If a teacher's schedule is comprised only of courses or~~ 2138
~~subjects for which the value added progress dimension is~~ 2139
~~applicable, one of the following applies:~~ 2140

~~(a) Beginning with March 22, 2013, until June 30, 2014,~~ 2141
~~the majority of the student academic growth factor of the~~ 2142
~~evaluation shall be based on the value added progress dimension.~~ 2143

~~(b) On or after July 1, 2014, the entire student academic~~ 2144
~~growth factor of the evaluation shall be based on the value~~ 2145
~~added progress dimension. In calculating student academic growth~~ 2146
~~for an evaluation, a student shall not be included if the~~ 2147
~~student has forty five or more excused or unexcused absences~~ 2148
~~during the full academic year.;~~ 2149

(2) Is aligned with the standards for teachers adopted 2150
under section 3319.61 of the Revised Code; 2151

(3) Requires observation of the teacher being evaluated, 2152
including at least two formal observations by the evaluator of 2153
at least thirty minutes each and classroom ~~walkthroughs~~ walk- 2154
throughs; 2155

(4) Assigns a rating on each evaluation in accordance with 2156
division (B) of this section ~~or section 3319.114 of the Revised~~ 2157
~~Code, whichever is applicable;~~ 2158

(5) Requires each teacher to be provided with a written 2159
report of the results of the teacher's evaluation; 2160

~~(6) Identifies measures of student academic growth for~~ 2161
~~grade levels and subjects for which the value added progress~~ 2162
~~dimension prescribed by section 3302.021 of the Revised Code or~~ 2163
~~an alternative student academic progress measure if adopted~~ 2164

~~under division (C) (1) (e) of section 3302.03 of the Revised Code—~~ 2165
~~does not apply;~~ 2166

~~(7) Implements a classroom-level, value-added program—~~ 2167
~~developed by a nonprofit organization described in division (B)—~~ 2168
~~of section 3302.021 of the Revised Code or an alternative—~~ 2169
~~student academic progress measure if adopted under division (C)~~ 2170
~~(1) (e) of section 3302.03 of the Revised Code;~~ 2171

(8) Uses at least two measures of high-quality student 2172
data to provide evidence of student learning attributable to the 2173
teacher being evaluated. The department shall define "high- 2174
quality student data" for this purpose. When applicable to the 2175
grade level or subject area taught by a teacher, high-quality 2176
student data shall include the value-added progress dimension 2177
established under section 3302.021 of the Revised Code, but the 2178
teacher or evaluator shall use at least one other measure of 2179
high-quality student data to demonstrate student learning. In 2180
accordance with the guidance described in division (D) (3) of 2181
this section, high-quality student data may be used as evidence 2182
in any component of the evaluation related to the following: 2183

(a) Knowledge of the students to whom the teacher provides 2184
instruction; 2185

(b) The teacher's use of differentiated instructional 2186
practices based on the needs or abilities of individual 2187
students; 2188

(c) Assessment of student learning; 2189

(d) The teacher's use of assessment data; 2190

(e) Professional responsibility and growth. 2191

(7) Prohibits the shared attribution of student 2192

<u>performance data among all teachers in a district, building,</u>	2193
<u>grade, content area, or other group;</u>	2194
<u>(8) Includes development of a professional growth plan or</u>	2195
<u>improvement plan for the teacher that is based on the results of</u>	2196
<u>the evaluation and is aligned to any school district or building</u>	2197
<u>improvement plan required for the teacher's district or building</u>	2198
<u>under the "Elementary and Secondary Education Act of 1965," as</u>	2199
<u>amended by the Every Student Succeeds Act of 2015, Pub. L. No.</u>	2200
<u>114-95, 20 U.S.C. 6301 et seq.;</u>	2201
<u>(9) Provides for professional development to accelerate</u>	2202
and continue teacher growth and provide support to poorly	2203
performing teachers;	2204
(9) <u>(10) Provides for the allocation of financial</u>	2205
resources to support professional development;	2206
<u>(11) Prohibits the use of student learning objectives.</u>	2207
(B) For purposes of the framework developed <u>adopted</u> under	2208
this section, the state board <u>department</u> also shall do the	2209
following:	2210
(1) Develop <u>Revise, as necessary,</u> specific standards and	2211
criteria that distinguish between the following levels of	2212
performance for teachers and principals for the purpose of	2213
assigning ratings on the evaluations conducted under sections	2214
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	2215
(a) Accomplished;	2216
(b) Skilled;	2217
(c) Developing;	2218
(d) Ineffective.	2219

(2) ~~For grade levels and subjects for which the~~ 2220
~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 2221
~~the Revised Code and the value-added progress dimension~~ 2222
~~prescribed by section 3302.021 of the Revised Code, or~~ 2223
~~alternative student academic progress measure, do not apply,~~ 2224
~~develop~~ Develop a list of student assessments that measure 2225
mastery of the course content for the appropriate grade level, 2226
which may include nationally normed standardized assessments, 2227
industry certification examinations, or end-of-course 2228
examinations. The data from these assessments may be considered 2229
high-quality student data. 2230

(C) The ~~state board~~ department shall consult with experts, 2231
teachers and principals employed in public schools, the educator 2232
standards board, and representatives of stakeholder groups in 2233
~~developing~~ revising the standards and criteria required by 2234
division (B) (1) of this section. 2235

(D) To assist school districts in developing evaluation 2236
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 2237
of the Revised Code, the department shall do ~~both~~ all of the 2238
following: 2239

(1) Serve as a clearinghouse of promising evaluation 2240
procedures and evaluation models that districts may use; 2241

(2) Provide technical assistance to districts in creating 2242
evaluation policies; 2243

(3) Provide guidance to districts on how high-quality 2244
student data may be used as evidence of student learning 2245
attributable to a particular teacher, including examples of 2246
appropriate use of that data within the framework adopted under 2247
this section; 2248

(4) Provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components determined appropriate by the district may be used as part of the evaluation process. 2249
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(E) Not later than ~~June 30, 2013~~ July 1, 2019, the ~~state board department~~, in consultation with other state agencies that employ teachers, shall ~~develop a update its~~ standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy ~~that conforms to~~ conform with the framework ~~developed under this division~~. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on ~~September 24, 2012~~ the effective date of this amendment, and shall be included in any renewal or extension of such an agreement. However, this division does not apply to any person who is employed as a substitute teacher or as an instructor of adult education. 2254
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Sec. 3319.22. (A) (1) The state board of education shall issue the following educator licenses: 2268
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(a) A resident educator license, which shall be valid for four years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) (3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 2270
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(b) A professional educator license, which shall be valid for five years and shall be renewable; 2277
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(c) A senior professional educator license, which shall be valid for five years and shall be renewable;	2279 2280
(d) A lead professional educator license, which shall be valid for five years and shall be renewable.	2281 2282
<u>Licenses issued under division (A) (1) of this section on and after the effective date of this amendment shall specify whether the educator is licensed to teach grades pre-kindergarten through five, grades four through nine, or grades seven through twelve. The changes to the grade band specifications under this amendment shall not apply to a person who holds a license under division (A) (1) of this section prior to the effective date of this amendment.</u>	2283 2284 2285 2286 2287 2288 2289 2290
(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.	2291 2292 2293
(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A) (1) (a) of this section.	2294 2295 2296 2297 2298
(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A) (1) of this section:	2299 2300 2301
(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.	2302 2303 2304 2305 2306
(2) An applicant for a professional educator license	2307

shall:	2308
(a) Hold at least a bachelor's degree from an institution	2309
of higher education accredited by a regional accrediting	2310
organization;	2311
(b) Have successfully completed the Ohio teacher residency	2312
program established under section 3319.223 of the Revised Code,	2313
if the applicant's current or most recently issued license is a	2314
resident educator license issued under this section or an	2315
alternative resident educator license issued under section	2316
3319.26 of the Revised Code.	2317
(3) An applicant for a senior professional educator	2318
license shall:	2319
(a) Hold at least a master's degree from an institution of	2320
higher education accredited by a regional accrediting	2321
organization;	2322
(b) Have previously held a professional educator license	2323
issued under this section or section 3319.222 or under former	2324
section 3319.22 of the Revised Code;	2325
(c) Meet the criteria for the accomplished or	2326
distinguished level of performance, as described in the	2327
standards for teachers adopted by the state board under section	2328
3319.61 of the Revised Code.	2329
(4) An applicant for a lead professional educator license	2330
shall:	2331
(a) Hold at least a master's degree from an institution of	2332
higher education accredited by a regional accrediting	2333
organization;	2334
(b) Have previously held a professional educator license	2335

or a senior professional educator license issued under this 2336
section or a professional educator license issued under section 2337
3319.222 or former section 3319.22 of the Revised Code; 2338

(c) Meet the criteria for the distinguished level of 2339
performance, as described in the standards for teachers adopted 2340
by the state board under section 3319.61 of the Revised Code; 2341

(d) Either hold a valid certificate issued by the national 2342
board for professional teaching standards or meet the criteria 2343
for a master teacher or other criteria for a lead teacher 2344
adopted by the educator standards board under division (F) (4) or 2345
(5) of section 3319.61 of the Revised Code. 2346

(C) The state board shall align the standards and 2347
qualifications for obtaining a principal license with the 2348
standards for principals adopted by the state board under 2349
section 3319.61 of the Revised Code. 2350

(D) If the state board requires any examinations for 2351
educator licensure, the department of education shall provide 2352
the results of such examinations received by the department to 2353
the chancellor of higher education, in the manner and to the 2354
extent permitted by state and federal law. 2355

(E) Any rules the state board of education adopts, amends, 2356
or rescinds for educator licenses under this section, division 2357
(D) of section 3301.07 of the Revised Code, or any other law 2358
shall be adopted, amended, or rescinded under Chapter 119. of 2359
the Revised Code except as follows: 2360

(1) Notwithstanding division (E) of section 119.03 and 2361
division (A) (1) of section 119.04 of the Revised Code, in the 2362
case of the adoption of any rule or the amendment or rescission 2363
of any rule that necessitates institutions' offering preparation 2364

programs for educators and other school personnel that are 2365
approved by the chancellor of higher education under section 2366
3333.048 of the Revised Code to revise the curriculum of those 2367
programs, the effective date shall not be as prescribed in 2368
division (E) of section 119.03 and division (A)(1) of section 2369
119.04 of the Revised Code. Instead, the effective date of such 2370
rules, or the amendment or rescission of such rules, shall be 2371
the date prescribed by section 3333.048 of the Revised Code. 2372

(2) Notwithstanding the authority to adopt, amend, or 2373
rescind emergency rules in division (G) of section 119.03 of the 2374
Revised Code, this authority shall not apply to the state board 2375
of education with regard to rules for educator licenses. 2376

(F)(1) The rules adopted under this section establishing 2377
standards requiring additional coursework for the renewal of any 2378
educator license shall require a school district and a chartered 2379
nonpublic school to establish local professional development 2380
committees. In a nonpublic school, the chief administrative 2381
officer shall establish the committees in any manner acceptable 2382
to such officer. The committees established under this division 2383
shall determine whether coursework that a district or chartered 2384
nonpublic school teacher proposes to complete meets the 2385
requirement of the rules. The department of education shall 2386
provide technical assistance and support to committees as the 2387
committees incorporate the professional development standards 2388
adopted by the state board of education pursuant to section 2389
3319.61 of the Revised Code into their review of coursework that 2390
is appropriate for license renewal. The rules shall establish a 2391
procedure by which a teacher may appeal the decision of a local 2392
professional development committee. 2393

(2) In any school district in which there is no exclusive 2394

representative established under Chapter 4117. of the Revised 2395
Code, the professional development committees shall be 2396
established as described in division (F) (2) of this section. 2397

Not later than the effective date of the rules adopted 2398
under this section, the board of education of each school 2399
district shall establish the structure for one or more local 2400
professional development committees to be operated by such 2401
school district. The committee structure so established by a 2402
district board shall remain in effect unless within thirty days 2403
prior to an anniversary of the date upon which the current 2404
committee structure was established, the board provides notice 2405
to all affected district employees that the committee structure 2406
is to be modified. Professional development committees may have 2407
a district-level or building-level scope of operations, and may 2408
be established with regard to particular grade or age levels for 2409
which an educator license is designated. 2410

Each professional development committee shall consist of 2411
at least three classroom teachers employed by the district, one 2412
principal employed by the district, and one other employee of 2413
the district appointed by the district superintendent. For 2414
committees with a building-level scope, the teacher and 2415
principal members shall be assigned to that building, and the 2416
teacher members shall be elected by majority vote of the 2417
classroom teachers assigned to that building. For committees 2418
with a district-level scope, the teacher members shall be 2419
elected by majority vote of the classroom teachers of the 2420
district, and the principal member shall be elected by a 2421
majority vote of the principals of the district, unless there 2422
are two or fewer principals employed by the district, in which 2423
case the one or two principals employed shall serve on the 2424
committee. If a committee has a particular grade or age level 2425

scope, the teacher members shall be licensed to teach such grade 2426
or age levels, and shall be elected by majority vote of the 2427
classroom teachers holding such a license and the principal 2428
shall be elected by all principals serving in buildings where 2429
any such teachers serve. The district superintendent shall 2430
appoint a replacement to fill any vacancy that occurs on a 2431
professional development committee, except in the case of 2432
vacancies among the elected classroom teacher members, which 2433
shall be filled by vote of the remaining members of the 2434
committee so selected. 2435

Terms of office on professional development committees 2436
shall be prescribed by the district board establishing the 2437
committees. The conduct of elections for members of professional 2438
development committees shall be prescribed by the district board 2439
establishing the committees. A professional development 2440
committee may include additional members, except that the 2441
majority of members on each such committee shall be classroom 2442
teachers employed by the district. Any member appointed to fill 2443
a vacancy occurring prior to the expiration date of the term for 2444
which a predecessor was appointed shall hold office as a member 2445
for the remainder of that term. 2446

The initial meeting of any professional development 2447
committee, upon election and appointment of all committee 2448
members, shall be called by a member designated by the district 2449
superintendent. At this initial meeting, the committee shall 2450
select a chairperson and such other officers the committee deems 2451
necessary, and shall adopt rules for the conduct of its 2452
meetings. Thereafter, the committee shall meet at the call of 2453
the chairperson or upon the filing of a petition with the 2454
district superintendent signed by a majority of the committee 2455
members calling for the committee to meet. 2456

(3) In the case of a school district in which an exclusive
representative has been established pursuant to Chapter 4117. of
the Revised Code, professional development committees shall be
established in accordance with any collective bargaining
agreement in effect in the district that includes provisions for
such committees.

If the collective bargaining agreement does not specify a
different method for the selection of teacher members of the
committees, the exclusive representative of the district's
teachers shall select the teacher members.

If the collective bargaining agreement does not specify a
different structure for the committees, the board of education
of the school district shall establish the structure, including
the number of committees and the number of teacher and
administrative members on each committee; the specific
administrative members to be part of each committee; whether the
scope of the committees will be district levels, building
levels, or by type of grade or age levels for which educator
licenses are designated; the lengths of terms for members; the
manner of filling vacancies on the committees; and the frequency
and time and place of meetings. However, in all cases, except as
provided in division (F)(4) of this section, there shall be a
majority of teacher members of any professional development
committee, there shall be at least five total members of any
professional development committee, and the exclusive
representative shall designate replacement members in the case
of vacancies among teacher members, unless the collective
bargaining agreement specifies a different method of selecting
such replacements.

(4) Whenever an administrator's coursework plan is being

discussed or voted upon, the local professional development 2487
committee shall, at the request of one of its administrative 2488
members, cause a majority of the committee to consist of 2489
administrative members by reducing the number of teacher members 2490
voting on the plan. 2491

(G) (1) The department of education, educational service 2492
centers, county boards of developmental disabilities, regional 2493
professional development centers, special education regional 2494
resource centers, college and university departments of 2495
education, head start programs, and the Ohio education computer 2496
network may establish local professional development committees 2497
to determine whether the coursework proposed by their employees 2498
who are licensed or certificated under this section or section 2499
3319.222 of the Revised Code, or under the former version of 2500
either section as it existed prior to October 16, 2009, meet the 2501
requirements of the rules adopted under this section. They may 2502
establish local professional development committees on their own 2503
or in collaboration with a school district or other agency 2504
having authority to establish them. 2505

Local professional development committees established by 2506
county boards of developmental disabilities shall be structured 2507
in a manner comparable to the structures prescribed for school 2508
districts in divisions (F) (2) and (3) of this section, as shall 2509
the committees established by any other entity specified in 2510
division (G) (1) of this section that provides educational 2511
services by employing or contracting for services of classroom 2512
teachers licensed or certificated under this section or section 2513
3319.222 of the Revised Code, or under the former version of 2514
either section as it existed prior to October 16, 2009. All 2515
other entities specified in division (G) (1) of this section 2516
shall structure their committees in accordance with guidelines 2517

which shall be issued by the state board. 2518

(2) Any public agency that is not specified in division 2519
(G) (1) of this section but provides educational services and 2520
employs or contracts for services of classroom teachers licensed 2521
or certificated under this section or section 3319.222 of the 2522
Revised Code, or under the former version of either section as 2523
it existed prior to October 16, 2009, may establish a local 2524
professional development committee, subject to the approval of 2525
the department of education. The committee shall be structured 2526
in accordance with guidelines issued by the state board. 2527

(H) Not later than July 1, 2016, the state board, in 2528
accordance with Chapter 119. of the Revised Code, shall adopt 2529
rules pursuant to division (A) (3) of this section that do both 2530
of the following: 2531

(1) Exempt consistently high-performing teachers from the 2532
requirement to complete any additional coursework for the 2533
renewal of an educator license issued under this section or 2534
section 3319.26 of the Revised Code. The rules also shall 2535
specify that such teachers are exempt from any requirements 2536
prescribed by professional development committees established 2537
under divisions (F) and (G) of this section. 2538

(2) For purposes of division (H) (1) of this section, the 2539
state board shall define the term "consistently high-performing 2540
teacher." 2541

Sec. 3319.223. (A) Not later than January 1, 2011, the 2542
superintendent of public instruction and the chancellor of 2543
higher education jointly shall establish the Ohio teacher 2544
residency program, which shall be a four-year, entry-level 2545
program for classroom teachers. Except as provided in division 2546

(B) of this section, the teacher residency program shall include 2547
at least the following components: 2548

(1) Mentoring by teachers for the first two years of the 2549
program; 2550

(2) Counseling, as determined necessary by the school 2551
district or school, to ensure that program participants receive 2552
needed professional development; 2553

(3) Measures of appropriate progression through the 2554
program, which shall include the performance-based assessment 2555
prescribed by the state board of education for resident 2556
educators in the third year of the program. 2557

(B) (1) For an individual who is teaching career-technical 2558
courses under an alternative resident educator license issued 2559
under section 3319.26 of the Revised Code or rule of the state 2560
board, the Ohio teacher residency program shall include the 2561
following components: 2562

(a) Conditions that, as of September 29, 2015, were 2563
necessary for a participant in the third and fourth year of the 2564
program to complete prior to applying for the professional 2565
educator license under division (A) (2) of section 3319.22 of the 2566
Revised Code, except as provided in division (B) (2) (b) of this 2567
section; 2568

(b) Four years of successful teaching experience under the 2569
alternative resident educator license, as verified by the 2570
superintendent of the employing school district; 2571

(c) Successful completion of a career-technical workforce 2572
development teacher preparation program that ~~consists of not~~ 2573
~~less than twenty-four semester hours, or the equivalent, from a~~ 2574
~~state university. The teacher preparation program shall include~~ 2575

~~a performance based assessment, to be verified by the~~ 2576
~~institution meets the criteria described in division (C) (1) of~~ 2577
~~section 3319.229 of the Revised Code.~~ 2578

(2) No individual who is teaching career-technical courses 2579
under an alternative resident educator license issued under 2580
section 3319.26 of the Revised Code or rule of the state board 2581
shall be required to do either of the following: 2582

(a) Complete the conditions of the Ohio teacher residency 2583
program that a participant, as of September 29, 2015, would have 2584
been required to complete during the participant's first and 2585
second year of teaching under an alternative resident educator 2586
license. 2587

(b) Take the performance-based assessment prescribed by 2588
the state board for resident educators. 2589

(C) The teacher residency program shall be aligned with 2590
the standards for teachers adopted by the state board under 2591
section 3319.61 of the Revised Code and best practices 2592
identified by the superintendent of public instruction. 2593

(D) Each person who holds a resident educator license 2594
issued under section 3319.22 or 3319.227 of the Revised Code or 2595
an alternative resident educator license issued under section 2596
3319.26 of the Revised Code shall participate in the teacher 2597
residency program. Successful completion of the program shall be 2598
required to qualify any such person for a professional educator 2599
license issued under section 3319.22 of the Revised Code. 2600

Sec. 3319.226. (A) Beginning July 1, 2018, the state board 2601
of education shall issue educator licenses for substitute 2602
teaching only under this section. 2603

(B) The state board shall adopt rules establishing 2604

standards and requirements for obtaining a license under this 2605
section and for renewal of the license. The rules shall require 2606
an applicant to hold a post-secondary degree, but not in any 2607
specified subject area. The rules also shall allow the holder of 2608
a license issued under this section to work: 2609

(1) For an unlimited number of school days if the license 2610
holder has a post-secondary degree in either education or a 2611
subject area directly related to the subject of the class the 2612
license holder will teach; 2613

(2) For one full semester, subject to the approval of the 2614
employing school district board of education, if the license 2615
holder has a post-secondary degree in a subject area that is not 2616
directly related to the subject of the class that the license 2617
holder will teach. 2618

The district superintendent may request that the board 2619
approve one or more additional subsequent semester-long periods 2620
of teaching for the license holder. 2621

(C) Any license issued or renewed under former section 2622
3319.226 of the Revised Code that was still in force on the 2623
effective date of this section shall remain in force for the 2624
remainder of the term for which it was issued or renewed. Upon 2625
the expiration of that term, the holder of that license shall be 2626
subject to licensure under the rules adopted under this section. 2627

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 2628
section 3319.229 of the Revised Code by this act, the state 2629
board of education shall accept applications for new, and for 2630
renewal of, professional career-technical teaching licenses 2631
through June 30, 2018, and issue them on the basis of the 2632
applications received by that date in accordance with the rules 2633

described in that former section. Except as otherwise provided 2634
in divisions (A) (2) and (3) of this section, beginning July 1, 2635
2018, the state board shall issue career-technical workforce 2636
development educator licenses only under this section. 2637

(2) An individual who, on July 1, 2018, holds a 2638
professional career-technical teaching license issued under the 2639
rules described in former section 3319.229 of the Revised Code, 2640
may continue to renew that license in accordance with those 2641
rules for the remainder of the individual's teaching career. 2642
However, nothing in this division shall be construed to prohibit 2643
the individual from applying to the state board for a career- 2644
technical workforce development educator license under this 2645
section. 2646

(3) An individual who, on July 1, 2018, holds an 2647
alternative resident educator license for teaching career- 2648
technical education issued under section 3319.26 of the Revised 2649
Code may, upon the expiration of the license, apply for a 2650
professional career-technical teaching license issued under the 2651
rules described in former section 3319.229 of the Revised Code. 2652
Such an individual may continue to renew the professional 2653
license in accordance with those rules for the remainder of the 2654
individual's teaching career. However, nothing in this division 2655
shall be construed to prohibit the individual from applying to 2656
the state board for a career-technical workforce development 2657
educator license under this section. 2658

(B) The state board, in collaboration with the chancellor 2659
of higher education, shall adopt rules establishing standards 2660
and requirements for obtaining a two-year initial career- 2661
technical workforce development educator license and a five-year 2662
advanced career-technical workforce development educator 2663

license. Each license shall be valid for teaching career- 2664
technical education or workforce development programs in grades 2665
four through twelve. The rules shall require applicants for 2666
either license to have a high school diploma. 2667

(C) (1) The state board shall issue an initial career- 2668
technical workforce development educator license to an applicant 2669
upon request from the superintendent of a school district that 2670
has agreed to employ the applicant. In making the request, the 2671
superintendent shall provide documentation, in accordance with 2672
procedures prescribed by the department of education, showing 2673
that the applicant has at least five years of work experience, 2674
or the equivalent, in the subject area in which the applicant 2675
will teach. The license shall be valid for teaching only in the 2676
requesting district. The superintendent also shall provide 2677
documentation, in accordance with procedures prescribed by the 2678
department, that the applicant is enrolled in a career-technical 2679
workforce development educator preparation program offered by an 2680
institution of higher education that has an existing teacher 2681
preparatory program in place that meets all of the following 2682
criteria: 2683

(a) Is approved by the chancellor of higher education to 2684
provide instruction in teaching methods and principles; 2685

(b) Provides classroom support to the license holder; 2686

(c) Includes at least three semester hours of coursework 2687
in the teaching of reading in the subject area; 2688

(d) Is aligned with career-technical education and 2689
workforce development competencies developed by the department; 2690

(e) Uses a summative performance-based assessment 2691
developed by the program and aligned to the competencies 2692

described in division (C) (1) (d) of this section to evaluate the 2693
license holder's knowledge and skills; 2694

(f) Consists of not less than twenty-four semester hours 2695
of coursework, or the equivalent. 2696

(2) As a condition of continuing to hold the initial 2697
career-technical workforce development license, the holder of 2698
the license shall be participating in a career-technical 2699
workforce development educator preparation program described in 2700
division (C) (1) of this section. 2701

(3) The state board shall renew an initial career- 2702
technical workforce development educator license if the 2703
supervisor of the program described in division (C) (1) of this 2704
section and the superintendent of the employing school district 2705
indicate that the applicant is making sufficient progress in 2706
both the program and the teaching position. 2707

(D) The state board shall issue an advanced career- 2708
technical workforce development educator license to an applicant 2709
who has successfully completed the program described in division 2710
(C) (1) of this section, as indicated by the supervisor of the 2711
program, and who demonstrates mastery of the applicable career- 2712
technical education and workforce development competencies 2713
described in division (C) (1) (d) of this section in the teaching 2714
position, as indicated by the superintendent of the employing 2715
school district. 2716

(E) The holder of an advanced career-technical workforce 2717
development educator license shall work with a local 2718
professional development committee established under section 2719
3319.22 of the Revised Code in meeting requirements for renewal 2720
of the license. 2721

Sec. 3319.2210. (A) Except as provided in division (B) of 2722
this section, any license in the area of intervention 2723
specialist, as defined by rule of the state board of education, 2724
that is issued by the state board under Chapter 3319. of the 2725
Revised Code shall specify whether the educator is licensed to 2726
teach grades pre-kindergarten through five, grades four through 2727
nine, or grades seven through twelve. 2728

(B) If a license is issued by the state board in the area 2729
of mild-moderate or moderate-intensive intervention specialist 2730
under Chapter 3319. of the Revised Code, it shall specify that 2731
the educator is licensed to teach grades kindergarten through 2732
twelve. 2733

Sec. 3319.262. (A) Notwithstanding any other provision of 2734
the Revised Code or any rule adopted by the state board of 2735
education to the contrary, the state board shall adopt rules 2736
establishing standards and requirements for obtaining a 2737
nonrenewable four-year provisional educator license for teaching 2738
grades seven through twelve at an early college high school 2739
described in section 3313.6013 of the Revised Code to any 2740
applicant who meets the following conditions: 2741

(1) Has a graduate or terminal degree from an accredited 2742
institution of higher education in a field related to the 2743
subject area to be taught, as determined by the department of 2744
education; 2745

(2) Has experience teaching students at any grade level, 2746
including postsecondary students; 2747

(3) Has proof that an early college high school intends to 2748
employ the applicant pending a valid license under this section. 2749

An individual licensed under this section shall be subject 2750

to section 3319.39 of the Revised Code. 2751

A provisional educator license issued under division (A) 2752
of this section shall be valid for teaching only at the 2753
employing school described in division (A)(3) of this section. 2754

(B) After four years of teaching under a provisional 2755
educator license issued under this section, an individual may 2756
apply for a five-year professional educator license in the same 2757
subject area named in the provisional license. The state board 2758
shall issue the applicant a professional educator license if the 2759
applicant attains a passing score on an assessment of 2760
professional knowledge prescribed by the state board. 2761

Sec. 3319.283. (A) The board of education of any school 2762
district may employ an individual who is not certificated or 2763
licensed as required by Chapter 3319. of the Revised Code, but 2764
who meets the following qualifications, as a teacher in the 2765
schools of the district: 2766

(1) The individual is a veteran of the armed forces of the 2767
United States and was honorably discharged within three years of 2768
June 30, 1997; 2769

(2) While in the armed forces the individual had 2770
meaningful teaching or other instructional experience; 2771

(3) The individual holds at least a baccalaureate degree. 2772

(B) An individual employed under this section shall be 2773
deemed to hold a teaching certificate or educator license for 2774
the purposes of state and federal law and rules and regulations 2775
and school district policies, rules, and regulations. ~~However,~~ 2776
~~an individual employed under this section is not a highly~~ 2777
~~qualified teacher for purposes of the school district's~~ 2778
~~compliance with section 3319.074 of the Revised Code. Each~~ 2779

individual employed under this section shall meet the 2780
requirement to successfully complete fifteen hours, or the 2781
equivalent, of coursework every five years that is approved by 2782
the local professional development committee as is required of 2783
other teachers licensed in accordance with Chapter 3319. of the 2784
Revised Code. 2785

(C) The superintendent of public instruction may revoke 2786
the right of an individual employed under division (A) of this 2787
section to teach if, after an investigation and an adjudication 2788
conducted pursuant to Chapter 119. of the Revised Code, the 2789
superintendent finds that the person is not competent to teach 2790
the subject the person has been employed to teach or did not 2791
fulfill the requirements of division (A) of this section. No 2792
individual whose right to teach has been revoked under this 2793
division shall teach in a public school, and no board of 2794
education may engage such an individual to teach in the schools 2795
of its district. 2796

Notwithstanding division (B) of this section, a board of 2797
education is not required to comply with the provisions of 2798
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 2799
Code with regard to termination of employment if the 2800
superintendent, after an investigation and an adjudication, has 2801
revoked the individual's right to teach. 2802

Sec. 3319.361. Notwithstanding any provision of the 2803
Revised Code or any rule of the state board of education to the 2804
contrary, a superintendent of a school district may employ a 2805
person licensed under section 3319.22 of the Revised Code to 2806
teach a subject area for which the person is not licensed or a 2807
grade level for which the person is not licensed that is within 2808
two grade levels of the person's licensure grade band for up to 2809

three school years if that person has three or more years of 2810
teaching experience and attains a passing score on an 2811
examination prescribed by the state board of education in the 2812
teaching area. 2813

After a person has taught in a subject area or grade band 2814
for which that person is not licensed for one year under this 2815
section, that person may be licensed in the area or grade band 2816
for which they were teaching under this section if that person 2817
successfully completes the pedagogy and instruction in the 2818
teaching of reading required by the department of education for 2819
that subject area or grade band. A teacher preparation program 2820
approved by the chancellor of higher education under section 2821
3333.048 of the Revised Code or a school district board of 2822
education through a program approved by the department of 2823
education may provide the required pedagogy course or courses. 2824

Sec. 3321.191. (A) Effective beginning with the 2017-2018 2825
school year, the board of education of each city, exempted 2826
village, local, joint vocational, and cooperative education 2827
school district and the governing board of each educational 2828
service center shall adopt a new or amended policy to guide 2829
employees of the school district or service center in addressing 2830
and ameliorating student absences. In developing the policy, the 2831
appropriate board shall consult with the judge of the juvenile 2832
court of the county or counties in which the district or service 2833
center is located, with the parents, guardians, or other persons 2834
having care of the pupils attending school in the district, and 2835
with appropriate state and local agencies. 2836

(B) The policy developed under division (A) of this 2837
section shall include as an intervention strategy all of the 2838
following actions, if applicable: 2839

(1) Providing a truancy intervention plan for any student	2840
who is excessively absent from school, as described in the first	2841
paragraph of division (C) of this section;	2842
(2) Providing counseling for an habitual truant;	2843
(3) Requesting or requiring a parent, guardian, or other	2844
person having care of an habitual truant to attend parental	2845
involvement programs, including programs adopted under section	2846
3313.472 or 3313.663 of the Revised Code;	2847
(4) Requesting or requiring a parent, guardian, or other	2848
person having care of an habitual truant to attend truancy	2849
prevention mediation programs;	2850
(5) Notification of the registrar of motor vehicles under	2851
section 3321.13 of the Revised Code;	2852
(6) Taking legal action under section 2919.222, 3321.20,	2853
or 3321.38 of the Revised Code.	2854
(C) (1) In the event that a child of compulsory school age	2855
is absent with or without legitimate excuse from the public	2856
school the child is supposed to attend for thirty-eight or more	2857
hours in one school month, or sixty-five or more hours in a	2858
school year, the attendance officer of that school shall notify	2859
the child's parent, guardian, or custodian of the child's	2860
absences, in writing, within seven days after the date after the	2861
absence that triggered the notice requirement. At the time	2862
notice is given, the school also may take any appropriate action	2863
as an intervention strategy contained in the policy developed by	2864
the board pursuant to division (A) of this section.	2865
(2) (a) If the absences of a student surpass the threshold	2866
for an habitual truant as set forth in section 2151.011 of the	2867
Revised Code, the principal or chief administrator of the school	2868

or the superintendent of the school district shall assign the student to an absence intervention team. Within fourteen school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication under division (C) (2) (b) of section 3321.191 of the Revised Code. Within seven days after the development of the plan, the school district or school shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

(b) As part of the absence intervention plan described in division (C) (2) of this section, the school district or school, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in division (G) of section 2151.27 of the Revised Code. If the school district or school chooses to have students informally enrolled in an alternative to adjudication, the school district or school shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

(c) The superintendent of each school district, or the superintendent's designee, shall establish an absence intervention team for the district to be used by any schools of the district that do not establish their own absence

intervention team as permitted under division (C) (2) (d) of this 2900
section. Membership of each absence intervention team may vary 2901
based on the needs of each individual student but shall include 2902
a representative from the child's school district or school, 2903
another representative from the child's school district or 2904
school who knows the child, and the child's parent or parent's 2905
designee, or the child's guardian, custodian, guardian ad litem, 2906
or temporary custodian. The team also may include a school 2907
psychologist, counselor, social worker, or representative of a 2908
public or nonprofit agency designed to assist students and their 2909
families in reducing absences. 2910

(d) The principal or chief administrator of each school 2911
may establish an absence intervention team or series of teams to 2912
be used in lieu of the district team established pursuant to 2913
division (C) (2) (c) of this section. Membership of each absence 2914
intervention team may vary based on the needs of each individual 2915
student but shall include a representative from the child's 2916
school district or school, another representative from the 2917
child's school district or school who knows the child, and the 2918
child's parent or parent's designee, or the child's guardian, 2919
custodian, guardian ad litem, or temporary custodian. The team 2920
also may include a school psychologist, counselor, social 2921
worker, or representative of a public or nonprofit agency 2922
designed to assist students and their families in reducing 2923
absences. 2924

(e) A superintendent, as described in division (C) (2) (c) 2925
of this section, or principal or chief administrator, as 2926
described in division (C) (2) (d) of this section, shall select 2927
the members of an absence intervention team within seven school 2928
days of the triggering event described in division (C) (2) (a) of 2929
this section. The superintendent, principal, or chief 2930

administrator, within the same period of seven school days, 2931
shall make at least three meaningful, good faith attempts to 2932
secure the participation of the student's parent, guardian, 2933
custodian, guardian ad litem, or temporary custodian on that 2934
team. If the student's parent responds to any of those attempts, 2935
but is unable to participate for any reason, the representative 2936
of the school district shall inform the parent of the parent's 2937
right to appear by designee. If seven school days elapse and the 2938
student's parent, guardian, custodian, guardian ad litem, or 2939
temporary custodian fails to respond to the attempts to secure 2940
participation, the school district or school shall do both of 2941
the following: 2942

(i) Investigate whether the failure to respond triggers 2943
mandatory reporting to the public children services agency for 2944
the county in which the child resides in the manner described in 2945
section 2151.421 of the Revised Code; 2946

(ii) Instruct the absence intervention team to develop an 2947
intervention plan for the child notwithstanding the absence of 2948
the child's parent, guardian, custodian, guardian ad litem, or 2949
temporary custodian. 2950

(f) In the event that a student becomes habitually truant 2951
within twenty-one school days prior to the last day of 2952
instruction of a school year, the school district or school may, 2953
in its discretion, assign one school official to work with the 2954
child's parent, guardian, custodian, guardian ad litem, or 2955
temporary custodian to develop an absence intervention plan 2956
during the summer. If the school district or school selects this 2957
method, the plan shall be implemented not later than seven days 2958
prior to the first day of instruction of the next school year. 2959
In the alternative, the school district or school may toll the 2960

time periods to accommodate for the summer months and reconvene 2961
the absence intervention process upon the first day of 2962
instruction of the next school year. 2963

(3) For purposes of divisions (C)(2)(c) and (d) of this 2964
section, the state board of education shall develop a format for 2965
parental permission to ensure compliance with the "Family 2966
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 2967
U.S.C. 1232g, as amended, and any regulations promulgated under 2968
that act, and section 3319.321 of the Revised Code. 2969

(D) Each school district or school may consult or partner 2970
with public and nonprofit agencies to provide assistance as 2971
appropriate to students and their families in reducing absences. 2972

(E) Beginning with the 2017-2018 school year, each school 2973
district shall report to the department of education, as soon as 2974
practicable, and in a format and manner determined by the 2975
department, any of the following occurrences: 2976

(1) When a notice required by division (C)(1) of this 2977
section is submitted to a parent, guardian, or custodian; 2978

(2) When a child of compulsory school age has been absent 2979
without legitimate excuse from the public school the child is 2980
supposed to attend for thirty or more consecutive hours, forty- 2981
two or more hours in one school month, or seventy-two or more 2982
hours in a school year; 2983

(3) When a child of compulsory school age who has been 2984
adjudicated an unruly child for being an habitual truant 2985
violates the court order regarding that adjudication; 2986

(4) When an absence intervention plan has been implemented 2987
for a child under this section. 2988

(F) Nothing in this section shall be construed to limit 2989
the duty or authority of a district board of education or 2990
governing body of an educational service center to develop other 2991
policies related to truancy or to limit the duty or authority of 2992
any employee of the school district or service center to respond 2993
to pupil truancy. However, a board shall be subject to the 2994
prohibition against suspending, expelling, or otherwise 2995
preventing a student from attending school for excessive 2996
absences as prescribed by section 3313.668 of the Revised Code. 2997

Sec. 3323.022. The rules of the state board of education 2998
for staffing ratios for programs with preschool children with 2999
disabilities shall require the following: 3000

(A) A full-time staff member shall be provided when there 3001
are eight full-day or sixteen half-day preschool children 3002
eligible for special education enrolled in a center-based 3003
preschool special education program. 3004

(B) Staff ratios of one teacher for every eight children 3005
shall be maintained at all times for a program with a center- 3006
based teacher, and a second adult shall be present when there 3007
are nine or more children, including nondisabled children 3008
enrolled in a class session. 3009

(C) Unless otherwise specified in the individualized 3010
education program, a minimum of ten hours of services per week 3011
shall be provided for each child served by a center-based 3012
teacher. 3013

Sec. 3323.11. Each school district shall employ, as 3014
necessary, the personnel to meet the needs of the children with 3015
disabilities enrolled in its schools. Personnel shall possess 3016
appropriate qualifications and certificates or licenses as 3017

prescribed in rules of the state board of education. ~~Teachers~~ 3018
~~shall be "highly qualified," as that term is defined in section~~ 3019
~~602(10) of the "Individuals with Disabilities Education~~ 3020
~~Improvement Act of 2004," 20 U.S.C.1401(10).~~ 3021

Sec. 3324.07. (A) The board of education of each school 3022
district shall develop a plan for the service of gifted students 3023
enrolled in the district that are identified under section 3024
3324.03 of the Revised Code. Services specified in the plan 3025
developed by each board may include such options as the 3026
following: 3027

- (1) A differentiated curriculum; 3028
- (2) Cluster grouping; 3029
- (3) Mentorships; 3030
- (4) Accelerated course work; 3031
- (5) The college credit plus program under Chapter 3365. of 3032
the Revised Code; 3033
- (6) Advanced placement; 3034
- (7) Honors classes; 3035
- (8) Magnet schools; 3036
- (9) Self-contained classrooms; 3037
- (10) Independent study; 3038
- (11) International baccalaureate; 3039
- (12) Other options identified in rules adopted by the 3040
department of education. 3041

(B) Each board shall file the plan developed under 3042
division (A) of this section with the department of education by 3043

December 15, 2000. The department shall review and analyze each 3044
plan to determine if it is adequate and to make funding 3045
estimates. 3046

(C) Unless otherwise required by law, rule, or as a 3047
condition for receipt of funds, school boards may implement the 3048
plans developed under division (A) of this section, but shall 3049
not be required to do so until further action by the general 3050
assembly or the state superintendent of public instruction. 3051

Sec. 3326.13. (A) Teachers employed by a science, 3052
technology, engineering, and mathematics school shall be ~~highly-~~ 3053
~~qualified teachers, as defined in section 3319.074 of the~~ 3054
~~Revised Code, and shall be licensed under sections 3319.22 to~~ 3055
3319.31 of the Revised Code and rules of the state board of 3056
education implementing those sections. 3057

(B) No STEM school shall employ any classroom teacher 3058
initially hired on or after July 1, 2013, to provide instruction 3059
in physical education unless the teacher holds a valid license 3060
issued pursuant to section 3319.22 of the Revised Code for 3061
teaching physical education. 3062

Sec. 3365.07. The department of education shall calculate 3063
and pay state funds to colleges for participants in the college 3064
credit plus program under division (B) of section 3365.06 of the 3065
Revised Code pursuant to this section. For a nonpublic secondary 3066
school participant, a nonchartered nonpublic secondary school 3067
participant, or a home-instructed participant, the department 3068
shall pay state funds pursuant to this section only if that 3069
participant is awarded funding according to rules adopted by the 3070
chancellor of higher education, in consultation with the 3071
superintendent of public instruction, pursuant to section 3072
3365.071 of the Revised Code. The program shall be the sole 3073

mechanism by which state funds are paid to colleges for students 3074
to earn transcribed credit for college courses while enrolled 3075
in both a secondary school and a college, with the exception of 3076
state funds paid to colleges according to an agreement described 3077
in division (A) (1) of section 3365.02 of the Revised Code. 3078

Beginning with participation for the 2018-2019 school 3079
year, section 3365.072 of the Revised Code shall govern all 3080
arrangements for the provision and payment of textbooks under 3081
the program. 3082

(A) For each public or nonpublic secondary school 3083
participant enrolled in a public college: 3084

(1) If no agreement has been entered into under division 3085
(A) (2) of this section, both of the following shall apply: 3086

(a) The department shall pay to the college the applicable 3087
amount as follows: 3088

(i) For a participant enrolled in a college course 3089
delivered on the college campus, at another location operated by 3090
the college, or online, the lesser of the default ceiling amount 3091
or the college's standard rate; 3092

(ii) For a participant enrolled in a college course 3093
delivered at the participant's secondary school but taught by 3094
college faculty, the lesser of fifty per cent of the default 3095
ceiling amount or the college's standard rate; 3096

(iii) For a participant enrolled in a college course 3097
delivered at the participant's secondary school and taught by a 3098
high school teacher who has met the credential requirements 3099
established for purposes of the program in rules adopted by the 3100
chancellor, the default floor amount. 3101

(b) The ~~participant's secondary school shall pay for~~ 3102
~~textbooks, and the~~ college shall waive payment of all other fees 3103
related to participation in the program. 3104

(2) The governing entity of a participant's secondary 3105
school and the college may enter into an agreement to establish 3106
an alternative payment structure for tuition, ~~textbooks,~~ and 3107
fees. Under such an agreement, payments for each participant 3108
made by the department shall be not less than the default floor 3109
amount, unless approved by the chancellor, and not more than 3110
either the default ceiling amount or the college's standard 3111
rate, whichever is less. The chancellor may approve an agreement 3112
that includes a payment below the default floor amount, as long 3113
as the provisions of the agreement comply with all other 3114
requirements of this chapter to ensure program quality. If no 3115
agreement is entered into under division (A) (2) of this section, 3116
both of the following shall apply: 3117

(a) The department shall pay to the college the applicable 3118
default amounts prescribed by division (A) (1) (a) of this 3119
section, depending upon the method of delivery and instruction. 3120

(b) In accordance with division (A) (1) (b) of this section, 3121
~~the participant's secondary school shall pay for textbooks, and~~ 3122
the college shall waive payment of all other fees related to 3123
participation in the program. 3124

(3) No participant that is enrolled in a public college 3125
shall be charged for any tuition, ~~textbooks,~~ or other fees 3126
related to participation in the program. 3127

(B) For each public secondary school participant enrolled 3128
in a private college: 3129

(1) If no agreement has been entered into under division 3130

(B) (2) of this section, the department shall pay to the college 3131
the applicable amount calculated in the same manner as in 3132
division (A) (1) (a) of this section. 3133

(2) The governing entity of a participant's secondary 3134
school and the college may enter into an agreement to establish 3135
an alternative payment structure for tuition, ~~textbooks,~~ and 3136
fees. Under such an agreement, payments shall be not less than 3137
the default floor amount, unless approved by the chancellor, and 3138
not more than either the default ceiling amount or the college's 3139
standard rate, whichever is less. 3140

If an agreement is entered into under division (B) (2) of 3141
this section, both of the following shall apply: 3142

(a) The department shall make a payment to the college for 3143
each participant that is equal to the default floor amount, 3144
unless approved by the chancellor to pay an amount below the 3145
default floor amount. The chancellor may approve an agreement 3146
that includes a payment below the default floor amount, as long 3147
as the provisions of the agreement comply with all other 3148
requirements of this chapter to ensure program quality. 3149

(b) Payment for costs for the participant that exceed the 3150
amount paid by the department pursuant to division (B) (2) (a) of 3151
this section shall be negotiated by the school and the college. 3152
The agreement may include a stipulation permitting the charging 3153
of a participant. 3154

However, under no circumstances shall: 3155

(i) Payments for a participant made by the department 3156
under division (B) (2) of this section exceed the lesser of the 3157
default ceiling amount or the college's standard rate; 3158

(ii) The amount charged to a participant under division 3159

(B) (2) of this section exceed the difference between the maximum 3160
per participant charge amount and the default floor amount; 3161

(iii) The sum of the payments made by the department for a 3162
participant and the amount charged to that participant under 3163
division (B) (2) of this section exceed the following amounts, as 3164
applicable: 3165

(I) For a participant enrolled in a college course 3166
delivered on the college campus, at another location operated by 3167
the college, or online, the maximum per participant charge 3168
amount; 3169

(II) For a participant enrolled in a college course 3170
delivered at the participant's secondary school but taught by 3171
college faculty, one hundred twenty-five dollars; 3172

(III) For a participant enrolled in a college course 3173
delivered at the participant's secondary school and taught by a 3174
high school teacher who has met the credential requirements 3175
established for purposes of the program in rules adopted by the 3176
chancellor, one hundred dollars. 3177

(iv) A participant that is identified as economically 3178
disadvantaged according to rules adopted by the department be 3179
charged under division (B) (2) of this section for any tuition, 3180
textbooks, or other fees related to participation in the 3181
program. 3182

(C) For each nonpublic secondary school participant 3183
enrolled in a private or eligible out-of-state college, the 3184
department shall pay to the college the applicable amount 3185
calculated in the same manner as in division (A) (1) (a) of this 3186
section. Payment for costs for the participant that exceed the 3187
amount paid by the department shall be negotiated by the 3188

governing body of the nonpublic secondary school and the 3189
college. 3190

However, under no circumstances shall: 3191

(1) The payments for a participant made by the department 3192
under this division exceed the lesser of the default ceiling 3193
amount or the college's standard rate. 3194

(2) Any nonpublic secondary school participant, who is 3195
enrolled in that secondary school with a scholarship awarded 3196
under either the educational choice scholarship pilot program, 3197
as prescribed by sections 3310.01 to 3310.17, or the pilot 3198
project scholarship program, as prescribed by sections 3313.974 3199
to 3313.979 of the Revised Code, and who qualifies as a low- 3200
income student under either of those programs, be charged for 3201
any tuition, ~~textbooks~~, or other fees related to participation 3202
in the college credit plus program. 3203

(D) For each nonchartered nonpublic secondary school 3204
participant and each home-instructed participant enrolled in a 3205
public, private, or eligible out-of-state college, the 3206
department shall pay to the college the lesser of the default 3207
ceiling amount or the college's standard rate, if that 3208
participant is enrolled in a college course delivered on the 3209
college campus, at another location operated by the college, or 3210
online. 3211

(E) Not later than thirty days after the end of each term, 3212
each college expecting to receive payment for the costs of a 3213
participant under this section shall notify the department of 3214
the number of enrolled credit hours for each participant. 3215

(F) The department shall make the applicable payments 3216
under this section to each college, which provided proper 3217

notification to the department under division (E) of this 3218
section, for the number of enrolled credit hours for 3219
participants enrolled in the college under division (B) of 3220
section 3365.06 of the Revised Code. Except in cases involving 3221
incomplete participant information or a dispute of participant 3222
information, payments shall be made by the last day of January 3223
for participants who were enrolled during the fall term and by 3224
the last day of July for participants who were enrolled during 3225
the spring term. The department shall not make any payments to a 3226
college under this section if a participant withdrew from a 3227
course prior to the date on which a withdrawal from the course 3228
would have negatively affected the participant's transcribed 3229
grade, as prescribed by the college's established withdrawal 3230
policy. 3231

(1) Payments made for public secondary school participants 3232
under this section shall be deducted from the school foundation 3233
payments made to the participant's school district or, if the 3234
participant is enrolled in a community school, a STEM school, or 3235
a college-preparatory boarding school, from the payments made to 3236
that school under section 3314.08, 3326.33, or 3328.34 of the 3237
Revised Code. If the participant is enrolled in a joint 3238
vocational school district, a portion of the amount shall be 3239
deducted from the payments to the joint vocational school 3240
district and a portion shall be deducted from the payments to 3241
the participant's city, local, or exempted village school 3242
district in accordance with the full-time equivalency of the 3243
student's enrollment in each district. Amounts deducted under 3244
division (F)(1) of this section shall be calculated in 3245
accordance with rules adopted by the chancellor, in consultation 3246
with the state superintendent, pursuant to division (B) of 3247
section 3365.071 of the Revised Code. 3248

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3365.072. This section applies only to participants who elect to participate under division (B) of section 3365.06 of the Revised Code. This section first shall apply to participation for the 2018-2019 school year.

(A) Except as provided in division (B) of this section and notwithstanding section 3329.06 of the Revised Code, for each participant enrolled in a public, nonpublic, or nonchartered nonpublic secondary school, textbooks required for courses in which the participant enrolls under the college credit plus program shall be paid for in the following manner:

(1) The participant's secondary school shall pay for fifty per cent of the cost of all required textbooks.

(2) The participant shall pay for fifty per cent of the cost of all required textbooks.

(B) No participant whose family income is at or below two

hundred per cent of the federal poverty guidelines, as defined 3278
in section 5101.46 of the Revised Code, shall be charged for 3279
textbooks under division (A) of this section. Instead, the 3280
participant's secondary school shall pay for one hundred per 3281
cent of all required textbooks for that participant. 3282

(C) Each home-instructed participant enrolled in the 3283
college credit plus program shall be responsible for the cost of 3284
textbooks required for courses under the program. 3285

Section 2. That existing sections 3301.078, 3301.0711, 3286
3301.0715, 3302.03, 3311.78, 3311.79, 3313.814, 3317.141, 3287
3319.075, 3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 3288
3319.223, 3319.283, 3321.191, 3323.022, 3323.11, 3324.07, 3289
3326.13, and 3365.07 and sections 3319.074, 3319.114, 3319.226, 3290
3319.229, and 3319.58 of the Revised Code are hereby repealed. 3291

Section 3. Not later than one year after the effective 3292
date of this section, the Department of Education shall conduct 3293
a study on the results and cost-effectiveness of the College 3294
Credit Plus Program, established under Chapter 3365. of the 3295
Revised Code, and submit a report of its findings to the 3296
Governor, the Chancellor of Higher Education, each member of the 3297
General Assembly, and the superintendent of each school district 3298
and each educational service center. The study shall include the 3299
cost-effectiveness for secondary schools and participants under 3300
the program, as well as whether participants in the program save 3301
money on college tuition and reduce the amount of time to degree 3302
completion. 3303

Section 4. The General Assembly recognizes that section 3304
3319.229 of the Revised Code, as repealed and re-enacted by this 3305
act, codifies a method for assessing if career-technical 3306
teachers teaching under alternative resident educator licenses 3307

are qualified for a professional educator license which the 3308
Department of Education was required to establish under Section 3309
13 of Sub. S.B. 3 of the 131st General Assembly. 3310

Section 5. Not later than July 1, 2018, the State Board of 3311
Education shall revise any rule it has adopted regarding 3312
operating standards for identifying and serving gifted students 3313
to specify all of the following: 3314

(A) If a general education teacher is designated as the 3315
provider of gifted services but is not an Advanced Placement or 3316
International Baccalaureate teacher, that teacher shall 3317
participate in at least fifteen hours of ongoing gifted 3318
professional development during the first year in which the 3319
teacher has that designation and forty-five hours of ongoing 3320
professional development by the end of the fourth year in which 3321
the teacher has that designation. 3322

(B) If a general education teacher is designated as the 3323
provider of gifted services and is an Advanced Placement or 3324
International Baccalaureate teacher who has earned at least 3325
twenty-four hours of certified Advanced Placement or 3326
International Baccalaureate development within the five years 3327
prior to receiving that designation, that teacher shall 3328
participate in at least seven and a half hours of ongoing 3329
professional development during the first year in which the 3330
teacher has that designation and twenty-two and a half hours of 3331
ongoing professional development by the end of the fourth year 3332
in which the teacher has that designation. 3333

(C) If a teacher satisfies the hour requirement under 3334
division (A) or (B) of this section, that teacher may be 3335
reported as providing services to gifted students in the 3336
teacher's classroom for that year. 3337

(D) Any documented clock hours earned in the twenty-four 3338
months prior to the revision of any rule adopted by the State 3339
Board regarding operating standards for identifying and serving 3340
students who are gifted in accordance with this section shall 3341
count toward the requirements specified in divisions (A) and (B) 3342
of this section. 3343

Section 6. (A) The Early Childhood Comprehensive 3344
Assessment Advisory Group, as convened by the Department of 3345
Education, shall submit recommendations to the Superintendent of 3346
Public Instruction regarding ways to improve the use and 3347
administration of the kindergarten readiness assessment required 3348
under division (A) (2) of section 3301.0715 of the Revised Code. 3349
In developing its recommendations, the Advisory Group shall 3350
consider appropriate areas of content for the assessment and 3351
efficient procedures for administering the assessment. 3352

(B) The State Superintendent shall review the 3353
recommendations submitted under division (A) of this section and 3354
shall report final recommendations regarding the assessment to 3355
the General Assembly in accordance with section 101.68 of the 3356
Revised Code not later than September 1, 2019. 3357

Section 7. (A) For the 2018-2019 school year, the 3358
Department of Education shall establish a pilot program to guide 3359
implementation of the framework for the evaluation of teachers 3360
revised under section 3319.112 of the Revised Code, as amended 3361
by this act. The Department shall issue a request for school 3362
districts to volunteer to participate in the pilot program. 3363
However, the Department may designate districts to participate 3364
as necessary to ensure a participant pool of adequate size and 3365
diversity. 3366

(B) The Department shall provide professional development 3367

and technical assistance to teachers and evaluators in 3368
participating school districts prior to their use of the revised 3369
teacher evaluation framework. The Department shall collect 3370
feedback from participating districts, teachers, and evaluators 3371
on the implementation of the framework, and shall use such 3372
feedback to make adjustments to the framework and to improve 3373
professional development on the framework. 3374

(C) The Department shall work with stakeholder groups in 3375
conducting the pilot program. 3376

Section 8. Notwithstanding the amendment or repeal of 3377
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 3378
this act, for the 2017-2018 and 2018-2019 school years, the 3379
following shall apply: 3380

(A) Each school district, other than a district 3381
participating in the pilot program established under Section 7 3382
of this act, shall conduct teacher evaluations in accordance 3383
with those sections as they existed prior to the effective date 3384
of this section. 3385

(B) Each state agency that employs teachers shall conduct 3386
teacher evaluations in accordance with its teacher evaluation 3387
policy developed under former division (E) of section 3319.112 3388
of the Revised Code, as it existed prior to the effective date 3389
of this section. 3390

(C) Any reference in law to evaluations conducted under 3391
section 3319.111 of the Revised Code shall be construed to 3392
include evaluations conducted as required by this section. 3393

(D) References to "evaluation procedures" in section 3394
3319.11 of the Revised Code shall be construed to include the 3395
evaluation procedures required by this section. 3396

Section 9. This act shall be known as the "Ohio Public 3397
School Deregulation Act." 3398