

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 732

Representative Manning, G.

A BILL

To amend sections 3301.0710, 3301.0711, 3301.163, 1
and 3313.608 of the Revised Code to eliminate 2
retention under the Third Grade Reading 3
Guarantee and to require the Department of 4
Education to seek a federal waiver for the 2020- 5
2021 school year regarding the federal testing 6
requirement for a third grade reading 7
assessment. 8

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

Section 1. That sections 3301.0710, 3301.0711, 3301.163, 9
and 3313.608 of the Revised Code be amended to read as follows: 10

Sec. 3301.0710. The state board of education shall adopt 11
rules establishing a statewide program to assess student 12
achievement. The state board shall ensure that all assessments 13
administered under the program are aligned with the academic 14
standards and model curricula adopted by the state board and are 15
created with input from Ohio parents, Ohio classroom teachers, 16
Ohio school administrators, and other Ohio school personnel 17
pursuant to section 3301.079 of the Revised Code. 18

The assessment program shall be designed to ensure that 19

students who receive a high school diploma demonstrate at least 20
high school levels of achievement in English language arts, 21
mathematics, science, and social studies. 22

(A) (1) The state board shall prescribe all of the 23
following: 24

(a) Two statewide achievement assessments, one each 25
designed to measure the level of English language arts and 26
mathematics skill expected at the end of third grade; 27

(b) Two statewide achievement assessments, one each 28
designed to measure the level of English language arts and 29
mathematics skill expected at the end of fourth grade; 30

(c) Three statewide achievement assessments, one each 31
designed to measure the level of English language arts, 32
mathematics, and science skill expected at the end of fifth 33
grade; 34

(d) Two statewide achievement assessments, one each 35
designed to measure the level of English language arts and 36
mathematics skill expected at the end of sixth grade; 37

(e) Two statewide achievement assessments, one each 38
designed to measure the level of English language arts and 39
mathematics skill expected at the end of seventh grade; 40

(f) Three statewide achievement assessments, one each 41
designed to measure the level of English language arts, 42
mathematics, and science skill expected at the end of eighth 43
grade. 44

(2) The state board shall determine and designate at least 45
five ranges of scores on each of the achievement assessments 46
described in divisions (A) (1) and (B) (1) of this section. Each 47

range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (a) An advanced level of skill;
- (b) An accelerated level of skill;
- (c) A proficient level of skill;
- (d) A basic level of skill;
- (e) A limited level of skill.

(3) ~~For~~ Until the 2019-2020 school year, for the purpose of implementing ~~division~~ divisions (A) (1) and (2) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A) (2) (e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A) (2) (c) of this section.

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

(B) (1) The assessments prescribed under division (B) (1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high

school achievement assessments, one each designed to measure the 76
level of reading, writing, mathematics, science, and social 77
studies skill expected at the end of tenth grade. The state 78
board shall designate a score in at least the range designated 79
under division (A) (2) (c) of this section on each such assessment 80
that shall be deemed to be a passing score on the assessment as 81
a condition toward granting high school diplomas under sections 82
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 83
until the assessment system prescribed by section 3301.0712 of 84
the Revised Code is implemented in accordance with division (B) 85
(2) of this section. 86

(2) The state board shall prescribe an assessment system 87
in accordance with section 3301.0712 of the Revised Code that 88
shall replace the Ohio graduation tests beginning with students 89
who enter the ninth grade for the first time on or after July 1, 90
2014. 91

(3) The state board may enter into a reciprocal agreement 92
with the appropriate body or agency of any other state that has 93
similar statewide achievement assessment requirements for 94
receiving high school diplomas, under which any student who has 95
met an achievement assessment requirement of one state is 96
recognized as having met the similar requirement of the other 97
state for purposes of receiving a high school diploma. For 98
purposes of this section and sections 3301.0711 and 3313.61 of 99
the Revised Code, any student enrolled in any public high school 100
in this state who has met an achievement assessment requirement 101
specified in a reciprocal agreement entered into under this 102
division shall be deemed to have attained at least the 103
applicable score designated under this division on each 104
assessment required by division (B) (1) or (2) of this section 105
that is specified in the agreement. 106

(C) The superintendent of public instruction shall 107
designate dates and times for the administration of the 108
assessments prescribed by divisions (A) and (B) of this section. 109

In prescribing administration dates pursuant to this 110
division, the superintendent shall designate the dates in such a 111
way as to allow a reasonable length of time between the 112
administration of assessments prescribed under this section and 113
any administration of the national assessment of educational 114
progress given to students in the same grade level pursuant to 115
section 3301.27 of the Revised Code or federal law. 116

(D) The state board shall prescribe a practice version of 117
each Ohio graduation test described in division (B)(1) of this 118
section that is of comparable length to the actual test. 119

(E) Any committee established by the department of 120
education for the purpose of making recommendations to the state 121
board regarding the state board's designation of scores on the 122
assessments described by this section shall inform the state 123
board of the probable percentage of students who would score in 124
each of the ranges established under division (A)(2) of this 125
section on the assessments if the committee's recommendations 126
are adopted by the state board. To the extent possible, these 127
percentages shall be disaggregated by gender, major racial and 128
ethnic groups, English learners, economically disadvantaged 129
students, students with disabilities, and migrant students. 130

Sec. 3301.0711. (A) The department of education shall: 131

(1) Annually furnish to, grade, and score all assessments 132
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 133
the Revised Code to be administered by city, local, exempted 134
village, and joint vocational school districts, except that each 135

district shall score any assessment administered pursuant to 136
division (B) (10) of this section. Each assessment so furnished 137
shall include the data verification code of the student to whom 138
the assessment will be administered, as assigned pursuant to 139
division (D) (2) of section 3301.0714 of the Revised Code. In 140
furnishing the practice versions of Ohio graduation tests 141
prescribed by division (D) of section 3301.0710 of the Revised 142
Code, the department shall make the tests available on its web 143
site for reproduction by districts. In awarding contracts for 144
grading assessments, the department shall give preference to 145
Ohio-based entities employing Ohio residents. 146

(2) Adopt rules for the ethical use of assessments and 147
prescribing the manner in which the assessments prescribed by 148
section 3301.0710 of the Revised Code shall be administered to 149
students. 150

(B) Except as provided in divisions (C) and (J) of this 151
section, the board of education of each city, local, and 152
exempted village school district shall, in accordance with rules 153
adopted under division (A) of this section: 154

(1) ~~Administer~~ Until the 2019-2020 school year, administer 155
the English language arts assessments prescribed under division 156
(A) (1) (a) of section 3301.0710 of the Revised Code twice 157
annually to all students in the third grade who have not 158
attained the score designated for that assessment under division 159
(A) (2) (c) of section 3301.0710 of the Revised Code. Beginning 160
with the 2020-2021 school year, the English language arts 161
assessment shall be administered only once to all students in 162
the third grade. 163

(2) Administer the mathematics assessment prescribed under 164
division (A) (1) (a) of section 3301.0710 of the Revised Code at 165

least once annually to all students in the third grade.	166
(3) Administer the assessments prescribed under division	167
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	168
annually to all students in the fourth grade.	169
(4) Administer the assessments prescribed under division	170
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	171
annually to all students in the fifth grade.	172
(5) Administer the assessments prescribed under division	173
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	174
annually to all students in the sixth grade.	175
(6) Administer the assessments prescribed under division	176
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	177
annually to all students in the seventh grade.	178
(7) Administer the assessments prescribed under division	179
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	180
annually to all students in the eighth grade.	181
(8) Except as provided in division (B) (9) of this section,	182
administer any assessment prescribed under division (B) (1) of	183
section 3301.0710 of the Revised Code as follows:	184
(a) At least once annually to all tenth grade students and	185
at least twice annually to all students in eleventh or twelfth	186
grade who have not yet attained the score on that assessment	187
designated under that division;	188
(b) To any person who has successfully completed the	189
curriculum in any high school or the individualized education	190
program developed for the person by any high school pursuant to	191
section 3323.08 of the Revised Code but has not received a high	192
school diploma and who requests to take such assessment, at any	193

time such assessment is administered in the district. 194

(9) In lieu of the board of education of any city, local, 195
or exempted village school district in which the student is also 196
enrolled, the board of a joint vocational school district shall 197
administer any assessment prescribed under division (B) (1) of 198
section 3301.0710 of the Revised Code at least twice annually to 199
any student enrolled in the joint vocational school district who 200
has not yet attained the score on that assessment designated 201
under that division. A board of a joint vocational school 202
district may also administer such an assessment to any student 203
described in division (B) (8) (b) of this section. 204

(10) If the district has a three-year average graduation 205
rate of not more than seventy-five per cent, administer each 206
assessment prescribed by division (D) of section 3301.0710 of 207
the Revised Code in September to all ninth grade students who 208
entered ninth grade prior to July 1, 2014. 209

Except as provided in section 3313.614 of the Revised Code 210
for administration of an assessment to a person who has 211
fulfilled the curriculum requirement for a high school diploma 212
but has not passed one or more of the required assessments, the 213
assessments prescribed under division (B) (1) of section 214
3301.0710 of the Revised Code shall not be administered after 215
the date specified in the rules adopted by the state board of 216
education under division (D) (1) of section 3301.0712 of the 217
Revised Code. 218

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 219
of this section, administer the assessments prescribed by 220
division (B) (2) of section 3301.0710 and section 3301.0712 of 221
the Revised Code in accordance with the timeline and plan for 222
implementation of those assessments prescribed by rule of the 223

state board adopted under division (D) (1) of section 3301.0712	224
of the Revised Code;	225
(b) A student who has presented evidence to the district	226
or school of having satisfied the condition prescribed by	227
division (A) (1) of section 3313.618 of the Revised Code to	228
qualify for a high school diploma prior to the date of the	229
administration of the assessment prescribed under division (B)	230
(1) of section 3301.0712 of the Revised Code shall not be	231
required to take that assessment. However, no board shall	232
prohibit a student who is not required to take such assessment	233
from taking the assessment.	234
(c) A student shall not be required to retake the Algebra	235
I end-of-course examination or the English language arts II end-	236
of-course examination prescribed under division (B) (2) of	237
section 3301.0712 of the Revised Code in grades nine through	238
twelve if the student demonstrates at least a proficient level	239
of skill, as prescribed under division (B) (5) (a) of that	240
section, or achieves a competency score, as prescribed under	241
division (B) (10) of that section, in an administration of the	242
examination prior to grade nine.	243
(C) (1) (a) In the case of a student receiving special	244
education services under Chapter 3323. of the Revised Code, the	245
individualized education program developed for the student under	246
that chapter shall specify the manner in which the student will	247
participate in the assessments administered under this section,	248
except that a student with significant cognitive disabilities to	249
whom an alternate assessment is administered in accordance with	250
division (C) (1) of this section and a student determined to have	251
a disability that includes an intellectual disability as	252
outlined in guidance issued by the department shall not be	253

required to take the assessment prescribed under division (B) (1) 254
of section 3301.0712 of the Revised Code. The individualized 255
education program may excuse the student from taking any 256
particular assessment required to be administered under this 257
section if it instead specifies an alternate assessment method 258
approved by the department of education as conforming to 259
requirements of federal law for receipt of federal funds for 260
disadvantaged pupils. To the extent possible, the individualized 261
education program shall not excuse the student from taking an 262
assessment unless no reasonable accommodation can be made to 263
enable the student to take the assessment. No board shall 264
prohibit a student who is not required to take an assessment 265
under division (C) (1) of this section from taking the 266
assessment. 267

(b) Any alternate assessment approved by the department 268
for a student under this division shall produce measurable 269
results comparable to those produced by the assessment it 270
replaces in order to allow for the student's results to be 271
included in the data compiled for a school district or building 272
under section 3302.03 of the Revised Code. 273

(c) (i) Any student enrolled in a chartered nonpublic 274
school who has been identified, based on an evaluation conducted 275
in accordance with section 3323.03 of the Revised Code or 276
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 277
29 U.S.C.A. 794, as amended, as a child with a disability shall 278
be excused from taking any particular assessment required to be 279
administered under this section if either of the following 280
apply: 281

(I) A plan developed for the student pursuant to rules 282
adopted by the state board excuses the student from taking that 283

assessment.	284
(II) The chartered nonpublic school develops a written	285
plan in which the school, in consultation with the student's	286
parents, determines that an assessment or alternative assessment	287
with accommodations does not accurately assess the student's	288
academic performance. The plan shall include an academic profile	289
of the student's academic performance and shall be reviewed	290
annually to determine if the student's needs continue to require	291
excusal from taking the assessment.	292
(ii) A student with significant cognitive disabilities to	293
whom an alternate assessment is administered in accordance with	294
division (C) (1) of this section and a student determined to have	295
a disability that includes an intellectual disability as	296
outlined in guidance issued by the department shall not be	297
required to take the assessment prescribed under division (B) (1)	298
of section 3301.0712 of the Revised Code.	299
(iii) In the case of any student so excused from taking an	300
assessment under division (C) (1) (c) of this section, the	301
chartered nonpublic school shall not prohibit the student from	302
taking the assessment.	303
(2) A district board may, for medical reasons or other	304
good cause, excuse a student from taking an assessment	305
administered under this section on the date scheduled, but that	306
assessment shall be administered to the excused student not	307
later than nine days following the scheduled date. The district	308
board shall annually report the number of students who have not	309
taken one or more of the assessments required by this section to	310
the state board not later than the thirtieth day of June.	311
(3) As used in this division, "English learner" has the	312

same meaning as in 20 U.S.C. 7801. 313

No school district board shall excuse any English learner 314
from taking any particular assessment required to be 315
administered under this section, except as follows: 316

(a) Any English learner who has been enrolled in United 317
States schools for less than two years and for whom no 318
appropriate accommodations are available based on guidance 319
issued by the department shall not be required to take the 320
assessment prescribed under division (B)(1) of section 3301.0712 321
of the Revised Code. 322

(b) Any English learner who has been enrolled in United 323
States schools for less than one full school year shall not be 324
required to take any reading, writing, or English language arts 325
assessment. 326

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

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

(b) No governing authority shall require an English 339
learner who has been enrolled in United States schools for less 340
than two years and for whom no appropriate accommodations are 341

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

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

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

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

arts and mathematics assessments prescribed under division (A) 372
(1) (f) of section 3301.0710 of the Revised Code in the eighth 373
grade in determining which high schools shall provide 374
intervention services. 375

Each high school selected to provide intervention services 376
under this division shall provide intervention services to any 377
student whose results indicate that the student is failing to 378
make satisfactory progress toward being able to attain scores at 379
the proficient level on the Ohio graduation tests. Intervention 380
services shall be provided in any skill in which a student 381
demonstrates unsatisfactory progress and shall be commensurate 382
with the student's performance. Schools shall provide the 383
intervention services prior to the end of the school year, 384
during the summer following the ninth grade, in the next 385
succeeding school year, or at any combination of those times. 386

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Beginning with the 2019-2020 school year, a school 452
district, other public school, or chartered nonpublic school may 453
administer the third-grade English language arts or mathematics 454
assessment, or both, in a paper format in any school year for 455
which the district board of education or school governing body 456
adopts a resolution indicating that the district or school 457
chooses to administer the assessment in a paper format. The 458
board or governing body shall submit a copy of the resolution to 459
the department of education not later than the first day of May 460

prior to the school year for which it will apply. If the 461
resolution is submitted, the district or school shall administer 462
the assessment in a paper format to all students in the third 463
grade, except that any student whose individualized education 464
program or plan developed under section 504 of the 465
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 466
amended, specifies that taking the assessment in an online 467
format is an appropriate accommodation for the student may take 468
the assessment in an online format. 469

(H) Individual scores on any assessments administered 470
under this section shall be released by a district board only in 471
accordance with section 3319.321 of the Revised Code and the 472
rules adopted under division (A) of this section. No district 473
board or its employees shall utilize individual or aggregate 474
results in any manner that conflicts with rules for the ethical 475
use of assessments adopted pursuant to division (A) of this 476
section. 477

(I) Except as provided in division (G) of this section, 478
the department or an entity with which the department contracts 479
for the scoring of the assessment shall not release any 480
individual scores on any assessment administered under this 481
section. The state board shall adopt rules to ensure the 482
protection of student confidentiality at all times. The rules 483
may require the use of the data verification codes assigned to 484
students pursuant to division (D) (2) of section 3301.0714 of the 485
Revised Code to protect the confidentiality of student scores. 486

(J) Notwithstanding division (D) of section 3311.52 of the 487
Revised Code, this section does not apply to the board of 488
education of any cooperative education school district except as 489
provided under rules adopted pursuant to this division. 490

(1) In accordance with rules that the state board shall 491
adopt, the board of education of any city, exempted village, or 492
local school district with territory in a cooperative education 493
school district established pursuant to divisions (A) to (C) of 494
section 3311.52 of the Revised Code may enter into an agreement 495
with the board of education of the cooperative education school 496
district for administering any assessment prescribed under this 497
section to students of the city, exempted village, or local 498
school district who are attending school in the cooperative 499
education school district. 500

(2) In accordance with rules that the state board shall 501
adopt, the board of education of any city, exempted village, or 502
local school district with territory in a cooperative education 503
school district established pursuant to section 3311.521 of the 504
Revised Code shall enter into an agreement with the cooperative 505
district that provides for the administration of any assessment 506
prescribed under this section to both of the following: 507

(a) Students who are attending school in the cooperative 508
district and who, if the cooperative district were not 509
established, would be entitled to attend school in the city, 510
local, or exempted village school district pursuant to section 511
3313.64 or 3313.65 of the Revised Code; 512

(b) Persons described in division (B) (8) (b) of this 513
section. 514

Any assessment of students pursuant to such an agreement 515
shall be in lieu of any assessment of such students or persons 516
pursuant to this section. 517

(K) (1) (a) Except as otherwise provided in division (K) (1) 518
or (2) of this section, each chartered nonpublic school for 519

which at least sixty-five per cent of its total enrollment is 520
made up of students who are participating in state scholarship 521
programs shall administer the assessments prescribed by division 522
(A) of section 3301.0710 of the Revised Code or an alternative 523
standardized assessment determined by the department. In 524
accordance with procedures and deadlines prescribed by the 525
department, the parent or guardian of a student enrolled in the 526
school who is not participating in a state scholarship program 527
may submit notice to the chief administrative officer of the 528
school that the parent or guardian does not wish to have the 529
student take the assessments prescribed for the student's grade 530
level under division (A) of section 3301.0710 of the Revised 531
Code. If a parent or guardian submits an opt-out notice, the 532
school shall not administer the assessments to that student. 533
This option does not apply to any assessment required for a high 534
school diploma under section 3313.612 of the Revised Code. 535

(b) Any chartered nonpublic school that enrolls students 536
who are participating in state scholarship programs may 537
administer an alternative standardized assessment determined by 538
the department instead of the assessments prescribed by division 539
(A) of section 3301.0710 of the Revised Code. 540

Each chartered nonpublic school subject to division (K) (1) 541
(a) or (b) of this section shall report the results of each 542
assessment administered under those divisions to the department. 543

(2) A chartered nonpublic school may submit to the 544
superintendent of public instruction a request for a waiver from 545
administering the elementary assessments prescribed by division 546
(A) of section 3301.0710 of the Revised Code. The state 547
superintendent shall approve or disapprove a request for a 548
waiver submitted under division (K) (2) of this section. No 549

waiver shall be approved for any school year prior to the 2015- 550
2016 school year. 551

To be eligible to submit a request for a waiver, a 552
chartered nonpublic school shall meet the following conditions: 553

(a) At least ninety-five per cent of the students enrolled 554
in the school are children with disabilities, as defined under 555
section 3323.01 of the Revised Code, or have received a 556
diagnosis by a school district or from a physician, including a 557
neuropsychiatrist or psychiatrist, or a psychologist who is 558
authorized to practice in this or another state as having a 559
condition that impairs academic performance, such as dyslexia, 560
dyscalculia, attention deficit hyperactivity disorder, or 561
Asperger's syndrome. 562

(b) The school has solely served a student population 563
described in division (K) (1) (a) of this section for at least ten 564
years. 565

(c) The school provides to the department at least five 566
years of records of internal testing conducted by the school 567
that affords the department data required for accountability 568
purposes, including diagnostic assessments and nationally 569
standardized norm-referenced achievement assessments that 570
measure reading and math skills. 571

(3) Any chartered nonpublic school that is not subject to 572
division (K) (1) of this section may participate in the 573
assessment program by administering any of the assessments 574
prescribed by division (A) of section 3301.0710 of the Revised 575
Code. The chief administrator of the school shall specify which 576
assessments the school will administer. Such specification shall 577
be made in writing to the superintendent of public instruction 578

prior to the first day of August of any school year in which 579
assessments are administered and shall include a pledge that the 580
nonpublic school will administer the specified assessments in 581
the same manner as public schools are required to do under this 582
section and rules adopted by the department. 583

(4) The department of education shall furnish the 584
assessments prescribed by section 3301.0710 of the Revised Code 585
to each chartered nonpublic school that is subject to division 586
(K) (1) of this section or participates under division (K) (3) of 587
this section. 588

(L) If a chartered nonpublic school is educating students 589
in grades nine through twelve, the following shall apply: 590

(1) Except as provided in division (L) (4) of this section, 591
for a student who is enrolled in a chartered nonpublic school 592
that is accredited through the independent schools association 593
of the central states and who is attending the school under a 594
state scholarship program, the student shall either take all of 595
the assessments prescribed by division (B) of section 3301.0712 596
of the Revised Code or take an alternative assessment approved 597
by the department under section 3313.619 of the Revised Code. 598
However, a student who is excused from taking an assessment 599
under division (C) of this section or has presented evidence to 600
the chartered nonpublic school of having satisfied the condition 601
prescribed by division (A) (1) of section 3313.618 of the Revised 602
Code to qualify for a high school diploma prior to the date of 603
the administration of the assessment prescribed under division 604
(B) (1) of section 3301.0712 of the Revised Code shall not be 605
required to take that assessment. No governing authority of a 606
chartered nonpublic school shall prohibit a student who is not 607
required to take such assessment from taking the assessment. 608

(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 divisions (L) (3) (b) and (4) 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 638
(B) (1) of section 3301.0712 of the Revised Code shall not be 639
required to take that assessment. No governing authority of a 640
chartered nonpublic school shall prohibit a student who is not 641
required to take such assessment from taking the assessment. 642

(4) The assessments prescribed by sections 3301.0712 and 643
3313.619 of the Revised Code shall not be administered to any 644
student attending the school, if the school meets all of the 645
following conditions: 646

(a) At least ninety-five per cent of the students enrolled 647
in the school are children with disabilities, as defined under 648
section 3323.01 of the Revised Code, or have received a 649
diagnosis by a school district or from a physician, including a 650
neuropsychologist or psychiatrist, or a psychologist who is 651
authorized to practice in this or another state as having a 652
condition that impairs academic performance, such as dyslexia, 653
dyscalculia, attention deficit hyperactivity disorder, or 654
Asperger's syndrome. 655

(b) The school has solely served a student population 656
described in division (L) (4) (a) of this section for at least ten 657
years. 658

(c) The school makes available to the department at least 659
five years of records of internal testing conducted by the 660
school that affords the department data required for 661
accountability purposes, including growth in student achievement 662
in reading or mathematics, or both, as measured by nationally 663
norm-referenced assessments that have developed appropriate 664
standards for students. 665

Division (L) (4) of this section applies to any student 666

attending such school regardless of whether the student receives 667
special education or related services and regardless of whether 668
the student is attending the school under a state scholarship 669
program. 670

(M) (1) The superintendent of the state school for the 671
blind and the superintendent of the state school for the deaf 672
shall administer the assessments described by sections 3301.0710 673
and 3301.0712 of the Revised Code. Each superintendent shall 674
administer the assessments in the same manner as district boards 675
are required to do under this section and rules adopted by the 676
department of education and in conformity with division (C) (1) 677
(a) of this section. 678

(2) The department of education shall furnish the 679
assessments described by sections 3301.0710 and 3301.0712 of the 680
Revised Code to each superintendent. 681

(N) Notwithstanding division (E) of this section, a school 682
district may use a student's failure to attain a score in at 683
least the proficient range on the mathematics assessment 684
described by division (A) (1) (a) of section 3301.0710 of the 685
Revised Code or on an assessment described by division (A) (1) 686
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 687
Code as a factor in retaining that student in the current grade 688
level. 689

(O) (1) In the manner specified in divisions (O) (3), (4), 690
(6), and (7) of this section, the assessments required by 691
division (A) (1) of section 3301.0710 of the Revised Code shall 692
become public records pursuant to section 149.43 of the Revised 693
Code on the thirty-first day of July following the school year 694
that the assessments were administered. 695

(2) The department may field test proposed questions with 696
samples of students to determine the validity, reliability, or 697
appropriateness of questions for possible inclusion in a future 698
year's assessment. The department also may use anchor questions 699
on assessments to ensure that different versions of the same 700
assessment are of comparable difficulty. 701

Field test questions and anchor questions shall not be 702
considered in computing scores for individual students. Field 703
test questions and anchor questions may be included as part of 704
the administration of any assessment required by division (A) (1) 705
or (B) of section 3301.0710 and division (B) of section 706
3301.0712 of the Revised Code. 707

(3) Any field test question or anchor question 708
administered under division (O) (2) of this section shall not be 709
a public record. Such field test questions and anchor questions 710
shall be redacted from any assessments which are released as a 711
public record pursuant to division (O) (1) of this section. 712

(4) This division applies to the assessments prescribed by 713
division (A) of section 3301.0710 of the Revised Code. 714

(a) The first administration of each assessment, as 715
specified in former section 3301.0712 of the Revised Code, shall 716
be a public record. 717

(b) For subsequent administrations of each assessment 718
prior to the 2011-2012 school year, not less than forty per cent 719
of the questions on the assessment that are used to compute a 720
student's score shall be a public record. The department shall 721
determine which questions will be needed for reuse on a future 722
assessment and those questions shall not be public records and 723
shall be redacted from the assessment prior to its release as a 724

public record. However, for each redacted question, the 725
department shall inform each city, local, and exempted village 726
school district of the statewide academic standard adopted by 727
the state board under section 3301.079 of the Revised Code and 728
the corresponding benchmark to which the question relates. The 729
preceding sentence does not apply to field test questions that 730
are redacted under division (O) (3) of this section. 731

(c) The administrations of each assessment in the 2011- 732
2012, 2012-2013, and 2013-2014 school years shall not be a 733
public record. 734

(5) Each assessment prescribed by division (B) (1) of 735
section 3301.0710 of the Revised Code shall not be a public 736
record. 737

(6) (a) Except as provided in division (O) (6) (b) of this 738
section, for the administrations in the 2014-2015, 2015-2016, 739
and 2016-2017 school years, questions on the assessments 740
prescribed under division (A) of section 3301.0710 and division 741
(B) (2) of section 3301.0712 of the Revised Code and the 742
corresponding preferred answers that are used to compute a 743
student's score shall become a public record as follows: 744

(i) Forty per cent of the questions and preferred answers 745
on the assessments on the thirty-first day of July following the 746
administration of the assessment; 747

(ii) Twenty per cent of the questions and preferred 748
answers on the assessment on the thirty-first day of July one 749
year after the administration of the assessment; 750

(iii) The remaining forty per cent of the questions and 751
preferred answers on the assessment on the thirty-first day of 752
July two years after the administration of the assessment. 753

The entire content of an assessment shall become a public record within three years of its administration. 754
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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. 756
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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. 761
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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. 764
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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. 767
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(P) As used in this section: 782

- (1) "Three-year average" means the average of the most recent consecutive three school years of data. 783
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- (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. 785
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"Dropout" does not include a student who has departed the country. 789
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- (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. 791
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- (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. 801
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- (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. 809
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Sec. 3301.163. (A) ~~Beginning July 1, 2015~~Until the 2019- 813
2020 school year, any third-grade student who attends a 814
chartered nonpublic school with a scholarship awarded under 815
either the educational choice scholarship pilot program, 816
prescribed in sections 3310.01 to 3310.17, or the pilot project 817
scholarship program prescribed in sections 3313.974 to 3313.979 818
of the Revised Code, shall be subject to the third-grade reading 819
guarantee retention provisions under division (A) (2) of section 820
3313.608 of the Revised Code, including the exemptions 821
prescribed by that division. For purposes of determining if a 822
child with a disability is exempt from retention under this 823
section, an individual services plan created for the child that 824
has been reviewed by either the student's school district of 825
residence or the school district in which the chartered 826
nonpublic school is located and that specifies that the student 827
is not subject to retention shall be considered in the same 828
manner as an individualized education program or plan under 829
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 830
29 U.S.C. 794, as amended, as prescribed by division (A) (2) of 831
section 3313.608 of the Revised Code. 832

As used in this section, "child with a disability" and 833
"school district of residence" have the same meanings as in 834
section 3323.01 of the Revised Code. 835

(B) (1) Each chartered nonpublic school that enrolls 836
students in any of grades kindergarten through three and that 837
accepts students under the educational choice scholarship pilot 838
program or the pilot project scholarship program shall adopt 839
policies and procedures for the annual assessment of the reading 840
skills of those students. Each school may use the diagnostic 841
assessment to measure reading ability for the appropriate grade 842
level prescribed in division (D) of section 3301.079 of the 843

Revised Code. If the school uses such assessments, the 844
department of education shall furnish them to the chartered 845
nonpublic school. 846

(2) For each student identified as having reading skills 847
below grade level, the school shall do both of the following: 848

(a) Provide to the student's parent or guardian, in 849
writing, all of the following: 850

(i) Notification that the student has been identified as 851
having a substantial deficiency in reading; 852

(ii) ~~Notification~~ Through the 2019-2020 school year, 853
notification that if the student attains a score in the range 854
designated under division (A) (3) of section 3301.0710 of the 855
Revised Code on the assessment prescribed under that section to 856
measure skill in English language arts expected at the end of 857
third grade, the student shall be retained unless the student is 858
exempt under division (A) (1) of section 3313.608 of the Revised 859
Code. 860

(b) Provide intensive reading instruction services, as 861
determined appropriate by the school, to each student identified 862
under this section. 863

(C) Each chartered nonpublic school subject to this 864
section annually shall report to the department the number of 865
students identified as reading at grade level and the number of 866
students identified as reading below grade level. 867

Sec. 3313.608. (A) (1) Beginning with students who enter 868
third grade in the school year that starts July 1, 2009, and 869
until June 30, 2013, unless the student is excused under 870
division (C) of section 3301.0711 of the Revised Code from 871
taking the assessment described in this section, for any student 872

who does not attain at least the equivalent level of achievement 873
designated under division (A) (3) of section 3301.0710 of the 874
Revised Code on the assessment prescribed under that section to 875
measure skill in English language arts expected at the end of 876
third grade, each school district, in accordance with the policy 877
adopted under section 3313.609 of the Revised Code, shall do one 878
of the following: 879

(a) Promote the student to fourth grade if the student's 880
principal and reading teacher agree that other evaluations of 881
the student's skill in reading demonstrate that the student is 882
academically prepared to be promoted to fourth grade; 883

(b) Promote the student to fourth grade but provide the 884
student with intensive intervention services in fourth grade; 885

(c) Retain the student in third grade. 886

(2) ~~Beginning with~~ Except as provided in division (A) (3) 887
of this section, beginning with students who enter third grade 888
in the 2013-2014 school year, unless the student is excused 889
under division (C) of section 3301.0711 of the Revised Code from 890
taking the assessment described in this section, no school 891
district shall promote to fourth grade any student who does not 892
attain at least the equivalent level of achievement designated 893
under division (A) (3) of section 3301.0710 of the Revised Code 894
on the assessment prescribed under that section to measure skill 895
in English language arts expected at the end of third grade, 896
unless one of the following applies: 897

(a) The student is an English learner who has been 898
enrolled in United States schools for less than three full 899
school years and has had less than three years of instruction in 900
an English as a second language program. 901

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

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

(d) All of the following apply:

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

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

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

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

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

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an

altered instructional day that includes specialized diagnostic 930
information and specific research-based reading strategies for 931
the student that have been successful in improving reading among 932
low-performing readers. 933

(3) Beginning with students who enter the third grade in 934
the 2020-2021 school year, no school district shall retain a 935
student under this section based upon the student's score on the 936
assessment prescribed by section 3301.0710 of the Revised Code 937
to measure skill in English language arts expected at the end of 938
third grade. Districts shall continue to offer intervention and 939
remediation services in the manner prescribed under this section 940
for students found to be reading below grade level. 941

(B) (1) Beginning in the 2012-2013 school year, to assist 942
students in meeting the third grade guarantee established by 943
this section, each school district board of education shall 944
adopt policies and procedures with which it annually shall 945
assess the reading skills of each student, except those students 946
with significant cognitive disabilities or other disabilities as 947
authorized by the department on a case-by-case basis, enrolled 948
in kindergarten to third grade and shall identify students who 949
are reading below their grade level. The reading skills 950
assessment shall be completed by the thirtieth day of September 951
for students in grades one to three, and by the first day of 952
November for students in kindergarten. Each district shall use 953
the diagnostic assessment to measure reading ability for the 954
appropriate grade level adopted under section 3301.079 of the 955
Revised Code, or a comparable tool approved by the department of 956
education, to identify such students. The policies and 957
procedures shall require the students' classroom teachers to be 958
involved in the assessment and the identification of students 959
reading below grade level. The assessment may be administered 960

electronically using live, two-way video and audio connections 961
whereby the teacher administering the assessment may be in a 962
separate location from the student. 963

(2) For each student identified by the diagnostic 964
assessment prescribed under this section as having reading 965
skills below grade level, the district shall do both of the 966
following: 967

(a) Provide to the student's parent or guardian, in 968
writing, all of the following: 969

(i) Notification that the student has been identified as 970
having a substantial deficiency in reading; 971

(ii) A description of the current services that are 972
provided to the student; 973

(iii) A description of the proposed supplemental 974
instructional services and supports that will be provided to the 975
student that are designed to remediate the identified areas of 976
reading deficiency; 977

~~(iv) Notification that if the student attains a score in 978
the range designated under division (A)(3) of section 3301.0710 979
of the Revised Code on the assessment prescribed under that 980
section to measure skill in English language arts expected at 981
the end of third grade, the student shall be retained unless the 982
student is exempt under division (A) of this section. The 983
notification shall specify that the assessment under section 984
3301.0710 of the Revised Code is not the sole determinant of 985
promotion and that additional evaluations and assessments are 986
available to the student to assist parents and the district in 987
knowing when a student is reading at or above grade level and 988
ready for promotion. 989~~

(b) Provide intensive reading instruction services and 990
regular diagnostic assessments to the student immediately 991
following identification of a reading deficiency until the 992
development of the reading improvement and monitoring plan 993
required by division (C) of this section. These intervention 994
services shall include research-based reading strategies that 995
have been shown to be successful in improving reading among low- 996
performing readers and instruction targeted at the student's 997
identified reading deficiencies. 998

(3) ~~For~~ Prior to the 2020-2021 school year, for each 999
student retained under division (A) of this section, the 1000
district shall do all of the following: 1001

(a) Provide intense remediation services until the student 1002
is able to read at grade level. The remediation services shall 1003
include intensive interventions in reading that address the 1004
areas of deficiencies identified under this section including, 1005
but not limited to, not less than ninety minutes of reading 1006
instruction per day, and may include any of the following: 1007

(i) Small group instruction; 1008

(ii) Reduced teacher-student ratios; 1009

(iii) More frequent progress monitoring; 1010

(iv) Tutoring or mentoring; 1011

(v) Transition classes containing third and fourth grade 1012
students; 1013

(vi) Extended school day, week, or year; 1014

(vii) Summer reading camps. 1015

(b) Establish a policy for the mid-year promotion of a 1016

student retained under division (A) of this section who 1017
demonstrates that the student is reading at or above grade 1018
level; 1019

(c) Provide each student with a teacher who satisfies one 1020
or more of the criteria set forth in division (H) of this 1021
section. 1022

The district shall offer the option for students to 1023
receive applicable services from one or more providers other 1024
than the district. Providers shall be screened and approved by 1025
the district or the department of education. If the student 1026
participates in the remediation services and demonstrates 1027
reading proficiency in accordance with standards adopted by the 1028
department prior to the start of fourth grade, the district 1029
shall promote the student to that grade. 1030

(4) For each student retained under division (A) of this 1031
section who has demonstrated proficiency in a specific academic 1032
ability field, each district shall provide instruction 1033
commensurate with student achievement levels in that specific 1034
academic ability field. 1035

As used in this division, "specific academic ability 1036
field" has the same meaning as in section 3324.01 of the Revised 1037
Code. 1038

(C) For each student required to be provided intervention 1039
services under this section, the district shall develop a 1040
reading improvement and monitoring plan within sixty days after 1041
receiving the student's results on the diagnostic assessment or 1042
comparable tool administered under division (B)(1) of this 1043
section. The district shall involve the student's parent or 1044
guardian and classroom teacher in developing the plan. The plan 1045

shall include all of the following:	1046
(1) Identification of the student's specific reading deficiencies;	1047 1048
(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;	1049 1050 1051
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;	1052 1053 1054
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;	1055 1056 1057
(5) A reading curriculum during regular school hours that does all of the following:	1058 1059
(a) Assists students to read at grade level;	1060
(b) Provides scientifically based and reliable assessment;	1061
(c) Provides initial and ongoing analysis of each student's reading progress.	1062 1063
 (6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	1064 1065 1066 1067 1068 1069
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more	1070 1071 1072

of the criteria set forth in division (H) of this section. 1073

The district shall report any information requested by the 1074
department about the reading improvement monitoring plans 1075
developed under this division in the manner required by the 1076
department. 1077

(D) Each school district shall report annually to the 1078
department on its implementation and compliance with this 1079
section using guidelines prescribed by the superintendent of 1080
public instruction. The superintendent of public instruction 1081
annually shall report to the governor and general assembly the 1082
number and percentage of students in grades kindergarten through 1083
four reading below grade level based on the diagnostic 1084
assessments administered under division (B) of this section and 1085
the achievement assessments administered under divisions (A)(1) 1086
(a) and (b) of section 3301.0710 of the Revised Code in English 1087
language arts, aggregated by school district and building; the 1088
types of intervention services provided to students; and, if 1089
available, an evaluation of the efficacy of the intervention 1090
services provided. 1091

(E) Any summer remediation services funded in whole or in 1092
part by the state and offered by school districts to students 1093
under this section shall meet the following conditions: 1094

(1) The remediation methods are based on reliable 1095
educational research. 1096

(2) The school districts conduct assessment before and 1097
after students participate in the program to facilitate 1098
monitoring results of the remediation services. 1099

(3) The parents of participating students are involved in 1100
programming decisions. 1101

(F) Any intervention or remediation services required by 1102
this section shall include intensive, explicit, and systematic 1103
instruction. 1104

(G) This section does not create a new cause of action or 1105
a substantive legal right for any person. 1106

(H) (1) Except as provided under divisions (H) (2), (3), and 1107
(4) of this section, each student described in division (B) (3) 1108
or (C) of this section who enters third grade for the first time 1109
on or after July 1, 2013, shall be assigned a teacher who has at 1110
least one year of teaching experience and who satisfies one or 1111
more of the following criteria: 1112

(a) The teacher holds a reading endorsement on the 1113
teacher's license and has attained a passing score on the 1114
corresponding assessment for that endorsement, as applicable. 1115

(b) The teacher has completed a master's degree program 1116
with a major in reading. 1117

(c) The teacher was rated "most effective" for reading 1118
instruction consecutively for the most recent two years based on 1119
assessments of student growth measures developed by a vendor and 1120
that is on the list of student assessments approved by the state 1121
board under division (B) (2) of section 3319.112 of the Revised 1122
Code. 1123

(d) The teacher was rated "above expected value added," in 1124
reading instruction, as determined by criteria established by 1125
the department, for the most recent, consecutive two years. 1126

(e) The teacher has earned a passing score on a rigorous 1127
test of principles of scientifically research-based reading 1128
instruction as approved by the state board. 1129

(f) The teacher holds an educator license for teaching 1130
grades pre-kindergarten through three or four through nine 1131
issued on or after July 1, 2017. 1132

(2) Notwithstanding division (H)(1) of this section, a 1133
student described in division (B)(3) or (C) of this section who 1134
enters third grade for the first time on or after July 1, 2013, 1135
may be assigned to a teacher with less than one year of teaching 1136
experience provided that the teacher meets one or more of the 1137
criteria described in divisions (H)(1)(a) to (f) of this section 1138
and that teacher is assigned a teacher mentor who meets the 1139
qualifications of division (H)(1) of this section. 1140

(3) Notwithstanding division (H)(1) of this section, a 1141
student described in division (B)(3) or (C) of this section who 1142
enters third grade for the first time on or after July 1, 2013, 1143
but prior to July 1, 2016, may be assigned to a teacher who 1144
holds an alternative credential approved by the department or 1145
who has successfully completed training that is based on 1146
principles of scientifically research-based reading instruction 1147
that has been approved by the department. Beginning on July 1, 1148
2014, the alternative credentials and training described in 1149
division (H)(3) of this section shall be aligned with the 1150
reading competencies adopted by the state board of education 1151
under section 3301.077 of the Revised Code. 1152

(4) Notwithstanding division (H)(1) of this section, a 1153
student described in division (B)(3) or (C) of this section who 1154
enters third grade for the first time on or after July 1, 2013, 1155
may receive reading intervention or remediation services under 1156
this section from an individual employed as a speech-language 1157
pathologist who holds a license issued by the state speech and 1158
hearing professionals board under Chapter 4753. of the Revised 1159

Code and a professional pupil services license as a school 1160
speech-language pathologist issued by the state board of 1161
education. 1162

(5) A teacher, other than a student's teacher of record, 1163
may provide any services required under this section, so long as 1164
that other teacher meets the requirements of division (H) of 1165
this section and the teacher of record and the school principal 1166
agree to the assignment. Any such assignment shall be documented 1167
in the student's reading improvement and monitoring plan. 1168

As used in this division, "teacher of record" means the 1169
classroom teacher to whom a student is assigned. 1170

(I) Notwithstanding division (H) of this section, a 1171
teacher may teach reading to any student who is an English 1172
language learner, and has been in the United States for three 1173
years or less, or to a student who has an individualized 1174
education program developed under Chapter 3323. of the Revised 1175
Code if that teacher holds an alternative credential approved by 1176
the department or has successfully completed training that is 1177
based on principles of scientifically research-based reading 1178
instruction that has been approved by the department. Beginning 1179
on July 1, 2014, the alternative credentials and training 1180
described in this division shall be aligned with the reading 1181
competencies adopted by the state board of education under 1182
section 3301.077 of the Revised Code. 1183

(J) If, on or after June 4, 2013, a school district or 1184
community school cannot furnish the number of teachers needed 1185
who satisfy one or more of the criteria set forth in division 1186
(H) of this section for the 2013-2014 school year, the school 1187
district or community school shall develop and submit a staffing 1188
plan by June 30, 2013. The staffing plan shall include criteria 1189

that will be used to assign a student described in division (B) 1190
(3) or (C) of this section to a teacher, credentials or training 1191
held by teachers currently teaching at the school, and how the 1192
school district or community school will meet the requirements 1193
of this section. The school district or community school shall 1194
post the staffing plan on its web site for the applicable school 1195
year. 1196

Not later than March 1, 2014, and on the first day of 1197
March in each year thereafter, a school district or community 1198
school that has submitted a plan under this division shall 1199
submit to the department a detailed report of the progress the 1200
district or school has made in meeting the requirements under 1201
this section. 1202

A school district or community school may request an 1203
extension of a staffing plan beyond the 2013-2014 school year. 1204
Extension requests must be submitted to the department not later 1205
than the thirtieth day of April prior to the start of the 1206
applicable school year. The department may grant extensions 1207
valid through the 2015-2016 school year. 1208

Until June 30, 2015, the department annually shall review 1209
all staffing plans and report to the state board not later than 1210
the thirtieth day of June of each year the progress of school 1211
districts and community schools in meeting the requirements of 1212
this section. 1213

(K) The department of education shall designate one or 1214
more staff members to provide guidance and assistance to school 1215
districts and community schools in implementing the third grade 1216
guarantee established by this section, including any standards 1217
or requirements adopted to implement the guarantee and to 1218
provide information and support for reading instruction and 1219

achievement. 1220

Section 2. That existing sections 3301.0710, 3301.0711, 1221
3301.163, and 3313.608 of the Revised Code are hereby repealed. 1222

Section 3. The Department of Education shall seek a waiver 1223
for the 2020-2021 school year from the United States Secretary 1224
of Education regarding the testing requirement prescribed under 1225
federal law for the third grade reading assessment. If the 1226
Department does not receive a waiver, the Department shall 1227
determine the reading assessment required for third grade 1228
students to meet federal requirements. School districts and 1229
schools shall administer the assessment determined by the 1230
Department to be federally required. 1231