

As Introduced

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H. B. No. 200

Representatives Jones, Robinson

Cosponsors: Representatives Sobecki, Manning, Seitz, Hicks-Hudson, Oelslager, Sweeney, Bird, Baldrige, Blackshear, Boyd, Boggs, Brent, Edwards, Hillyer, Stein, Lightbody, Crawley, Stoltzfus, Abrams, Crossman, Denson, LaRe, Jarrells, Leland, Ghanbari, Cross, Carruthers, Brinkman, Lepore-Hagan, Miller, A., Miller, J., Stephens, Kick, Loychik, Miranda, O'Brien, Russo, Sheehy, Skindell, Johnson, Creech, Plummer, Smith, K., Smith, M., Upchurch, Cutrona, Patton, Weinstein, West, Howse, Young, T., Hoops, Zeltwanger, Manchester, John, Swearingen, Ferguson

A BILL

To amend sections 3301.0710, 3301.0712, 3301.0714, 1
3301.0715, 3301.52, 3302.01, 3302.02, 3302.03, 2
3302.035, 3302.04, 3302.041, 3302.042, 3302.05, 3
3302.10, 3302.13, 3302.151, 3302.17, 3302.21, 4
3311.741, 3313.413, 3314.012, 3314.02, 3314.034, 5
3314.05, and 3314.35 and to repeal section 6
3302.12 of the Revised Code to revise the state 7
report card and school accountability systems. 8

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

Section 1. That sections 3301.0710, 3301.0712, 3301.0714, 9
3301.0715, 3301.52, 3302.01, 3302.02, 3302.03, 3302.035, 10
3302.04, 3302.041, 3302.042, 3302.05, 3302.10, 3302.13, 11
3302.151, 3302.17, 3302.21, 3311.741, 3313.413, 3314.012, 12
3314.02, 3314.034, 3314.05, and 3314.35 of the Revised Code be 13
amended to read as follows: 14

Sec. 3301.0710. The state board of education shall adopt 15
rules establishing a statewide program to assess student 16
achievement. The state board shall ensure that all assessments 17
administered under the program are aligned with the academic 18
standards and model curricula adopted by the state board and are 19
created with input from Ohio parents, Ohio classroom teachers, 20
Ohio school administrators, and other Ohio school personnel 21
pursuant to section 3301.079 of the Revised Code. 22

The assessment program shall be designed to ensure that 23
students who receive a high school diploma demonstrate at least 24
high school levels of achievement in English language arts, 25
mathematics, science, and social studies. 26

(A) (1) The state board shall prescribe all of the 27
following: 28

(a) Two statewide achievement assessments, one each 29
designed to measure the level of English language arts and 30
mathematics skill expected at the end of third grade; 31

(b) Two statewide achievement assessments, one each 32
designed to measure the level of English language arts and 33
mathematics skill expected at the end of fourth grade; 34

(c) Three statewide achievement assessments, one each 35
designed to measure the level of English language arts, 36
mathematics, and science skill expected at the end of fifth 37
grade; 38

(d) Two statewide achievement assessments, one each 39
designed to measure the level of English language arts and 40
mathematics skill expected at the end of sixth grade; 41

(e) Two statewide achievement assessments, one each 42
designed to measure the level of English language arts and 43

mathematics skill expected at the end of seventh grade;	44
(f) Three statewide achievement assessments, one each	45
designed to measure the level of English language arts,	46
mathematics, and science skill expected at the end of eighth	47
grade.	48
(2) The state board shall determine and designate at least	49
five <u>six</u> ranges of scores on each of the achievement assessments	50
described in divisions (A) (1) and (B) (1) of this section. Each	51
range of scores shall be deemed to demonstrate a level of	52
achievement so that any student attaining a score within such	53
range has achieved one of the following:	54
(a) An advanced level of skill;	55
(b) An accelerated <u>accomplished</u> level of skill;	56
(c) A proficient level of skill;	57
(d) <u>An approaching proficient level of skill;</u>	58
<u>(e)</u> A basic level of skill;	59
(e) <u>(f)</u> A limited level of skill.	60
(3) For the purpose of implementing division (A) of	61
section 3313.608 of the Revised Code, the state board shall	62
determine and designate a level of achievement, not lower than	63
the level designated in division (A) (2) (e) <u>(A) (2) (f)</u> of this	64
section, on the third grade English language arts assessment for	65
a student to be promoted to the fourth grade. The state board	66
shall review and adjust upward the level of achievement	67
designated under this division each year the test is	68
administered until the level is set equal to the level	69
designated in division (A) (2) (c) of this section.	70

(4) Each school district or school shall teach and assess 71
social studies in at least the fourth and sixth grades. Any 72
assessment in such area shall be determined by the district or 73
school and may be formative or summative in nature. The results 74
of such assessment shall not be reported to the department of 75
education. 76

(B) (1) The assessments prescribed under division (B) (1) of 77
this section shall collectively be known as the Ohio graduation 78
tests. The state board shall prescribe five statewide high 79
school achievement assessments, one each designed to measure the 80
level of reading, writing, mathematics, science, and social 81
studies skill expected at the end of tenth grade. The state 82
board shall designate a score in at least the range designated 83
under division (A) (2) (c) of this section on each such assessment 84
that shall be deemed to be a passing score on the assessment as 85
a condition toward granting high school diplomas under sections 86
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 87
until the assessment system prescribed by section 3301.0712 of 88
the Revised Code is implemented in accordance with division (B) 89
(2) of this section. 90

(2) The state board shall prescribe an assessment system 91
in accordance with section 3301.0712 of the Revised Code that 92
shall replace the Ohio graduation tests beginning with students 93
who enter the ninth grade for the first time on or after July 1, 94
2014. 95

(3) The state board may enter into a reciprocal agreement 96
with the appropriate body or agency of any other state that has 97
similar statewide achievement assessment requirements for 98
receiving high school diplomas, under which any student who has 99
met an achievement assessment requirement of one state is 100

recognized as having met the similar requirement of the other 101
state for purposes of receiving a high school diploma. For 102
purposes of this section and sections 3301.0711 and 3313.61 of 103
the Revised Code, any student enrolled in any public high school 104
in this state who has met an achievement assessment requirement 105
specified in a reciprocal agreement entered into under this 106
division shall be deemed to have attained at least the 107
applicable score designated under this division on each 108
assessment required by division (B) (1) or (2) of this section 109
that is specified in the agreement. 110

(C) The superintendent of public instruction shall 111
designate dates and times for the administration of the 112
assessments prescribed by divisions (A) and (B) of this section. 113

In prescribing administration dates pursuant to this 114
division, the superintendent shall designate the dates in such a 115
way as to allow a reasonable length of time between the 116
administration of assessments prescribed under this section and 117
any administration of the national assessment of educational 118
progress given to students in the same grade level pursuant to 119
section 3301.27 of the Revised Code or federal law. 120

(D) The state board shall prescribe a practice version of 121
each Ohio graduation test described in division (B) (1) of this 122
section that is of comparable length to the actual test. 123

(E) Any committee established by the department of 124
education for the purpose of making recommendations to the state 125
board regarding the state board's designation of scores on the 126
assessments described by this section shall inform the state 127
board of the probable percentage of students who would score in 128
each of the ranges established under division (A) (2) of this 129
section on the assessments if the committee's recommendations 130

are adopted by the state board. To the extent possible, these 131
percentages shall be disaggregated by gender, major racial and 132
ethnic groups, English learners, economically disadvantaged 133
students, students with disabilities, and migrant students. 134

Sec. 3301.0712. (A) The state board of education, the 135
superintendent of public instruction, and the chancellor of 136
higher education shall develop a system of college and work 137
ready assessments as described in division (B) of this section 138
to assess whether each student upon graduating from high school 139
is ready to enter college or the workforce. Beginning with 140
students who enter the ninth grade for the first time on or 141
after July 1, 2014, the system shall replace the Ohio graduation 142
tests prescribed in division (B)(1) of section 3301.0710 of the 143
Revised Code as a measure of student academic performance and 144
one determinant of eligibility for a high school diploma in the 145
manner prescribed by rule of the state board adopted under 146
division (D) of this section. 147

(B) The college and work ready assessment system shall 148
consist of the following: 149

(1) Nationally standardized assessments that measure 150
college and career readiness and are used for college admission. 151
The assessments shall be selected jointly by the state 152
superintendent and the chancellor, and one of which shall be 153
selected by each school district or school to administer to its 154
students. The assessments prescribed under division (B)(1) of 155
this section shall be administered to all eleventh-grade 156
students in the spring of the school year. 157

(2) (a) Except as provided in division (B)(2)(b) of this 158
section, seven end-of-course examinations, one in each of the 159
areas of English language arts I, English language arts II, 160

science, Algebra I, geometry, American history, and American 161
government. The end-of-course examinations shall be selected 162
jointly by the state superintendent and the chancellor in 163
consultation with faculty in the appropriate subject areas at 164
institutions of higher education of the university system of 165
Ohio. Advanced placement examinations and international 166
baccalaureate examinations, as prescribed under section 167
3313.6013 of the Revised Code, in the areas of science, American 168
history, and American government may be used as end-of-course 169
examinations in accordance with division (B) (4) (a) (i) of this 170
section. Final course grades for courses taken under any other 171
advanced standing program, as prescribed under section 3313.6013 172
of the Revised Code, in the areas of science, American history, 173
and American government may be used in lieu of end-of-course 174
examinations in accordance with division (B) (4) (a) (ii) of this 175
section. 176

(b) Beginning with students who enter ninth grade for the 177
first time on or after July 1, 2019, five end-of-course 178
examinations, one in each areas of English language arts II, 179
science, Algebra I, American history, and American government. 180
However, only the end-of-course examinations in English language 181
arts II and Algebra I shall be required for graduation. 182

The department of education shall, as necessary to 183
implement division (B) (2) (b) of this section, seek a waiver from 184
the United States secretary of education for testing 185
requirements prescribed under federal law to allow for the use 186
and implementation of Algebra I as the primary assessment of 187
high school mathematics. If the department does not receive a 188
waiver under this division, the end-of-course examinations for 189
students described in division (B) (2) (b) of this section also 190
shall include an end-of-course examination in the area of 191

geometry. However, the geometry end-of-course examination shall	192
not be required for graduation.	193
(3) (a) Not later than July 1, 2013, each school district	194
board of education shall adopt interim end-of-course	195
examinations that comply with the requirements of divisions (B)	196
(3) (b) (i) and (ii) of this section to assess mastery of American	197
history and American government standards adopted under division	198
(A) (1) (b) of section 3301.079 of the Revised Code and the topics	199
required under division (M) of section 3313.603 of the Revised	200
Code. Each high school of the district shall use the interim	201
examinations until the state superintendent and chancellor	202
select end-of-course examinations in American history and	203
American government under division (B) (2) of this section.	204
(b) Not later than July 1, 2014, the state superintendent	205
and the chancellor shall select the end-of-course examinations	206
in American history and American government.	207
(i) The end-of-course examinations in American history and	208
American government shall require demonstration of mastery of	209
the American history and American government content for social	210
studies standards adopted under division (A) (1) (b) of section	211
3301.079 of the Revised Code and the topics required under	212
division (M) of section 3313.603 of the Revised Code.	213
(ii) At least twenty per cent of the end-of-course	214
examination in American government shall address the topics on	215
American history and American government described in division	216
(M) of section 3313.603 of the Revised Code.	217
(4) (a) Notwithstanding anything to the contrary in this	218
section, beginning with the 2014-2015 school year, both of the	219
following shall apply:	220

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

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

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

(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section in place of the end-of-course examinations in English language

arts I, English language arts II, Algebra I, or geometry 251
prescribed under division (B) (2) of this section. 252

(c) The state board shall consider additional assessments 253
that may be used, beginning with the 2016-2017 school year, as 254
substitute examinations in lieu of the end-of-course 255
examinations prescribed under division (B) (2) of this section. 256

(5) The state board shall do all of the following: 257

(a) Determine and designate at least ~~five~~six ranges of 258
scores on each of the end-of-course examinations prescribed 259
under division (B) (2) of this section, and substitute 260
examinations prescribed under division (B) (4) of this section. 261
Not later than sixty days after the designation of ranges of 262
scores, the state superintendent, or the state superintendent's 263
designee, shall conduct a public presentation before the 264
standing committees of the house of representatives and the 265
senate that consider primary and secondary education legislation 266
regarding the designated range of scores. Each range of scores 267
shall be considered to demonstrate a level of achievement so 268
that any student attaining a score within such range has 269
achieved one of the following: 270

(i) An advanced level of skill; 271

(ii) An ~~accelerated~~accomplished level of skill; 272

(iii) A proficient level of skill; 273

(iv) An approaching proficient level of skill; 274

(v) A basic level of skill; 275

~~(v)~~(vi) A limited level of skill. 276

(b) Determine a method by which to calculate a cumulative 277

performance score based on the results of a student's end-of-	278
course examinations or substitute examinations;	279
(c) Determine the minimum cumulative performance score	280
that demonstrates the level of academic achievement necessary to	281
earn a high school diploma under division (A) (2) of section	282
3313.618 of the Revised Code. However, the state board shall not	283
determine a new minimum cumulative performance score after the	284
effective date of this amendment October 17, 2019.	285
(d) Develop a table of corresponding score equivalents for	286
the end-of-course examinations and substitute examinations in	287
order to calculate student performance consistently across the	288
different examinations.	289
A score of two on an advanced placement examination or a	290
score of two or three on an international baccalaureate	291
examination shall be considered equivalent to a proficient level	292
of skill as specified under division (B) (5) (a) (iii) of this	293
section.	294
(6) (a) A student who meets both of the following	295
conditions shall not be required to take an end-of-course	296
examination:	297
(i) The student received high school credit prior to July	298
1, 2015, for a course for which the end-of-course examination is	299
prescribed.	300
(ii) The examination was not available for administration	301
prior to July 1, 2015.	302
Receipt of credit for the course described in division (B)	303
(6) (a) (i) of this section shall satisfy the requirement to take	304
the end-of-course examination. A student exempted under division	305
(B) (6) (a) of this section may take the applicable end-of-course	306

examination at a later date. 307

(b) For purposes of determining whether a student who is 308
exempt from taking an end-of-course examination under division 309
(B) (6) (a) of this section has attained the cumulative score 310
prescribed by division (B) (5) (c) of this section, such student 311
shall select either of the following: 312

(i) The student is considered to have attained a 313
proficient score on the end-of-course examination from which the 314
student is exempt; 315

(ii) The student's final course grade shall be used in 316
lieu of a score on the end-of-course examination from which the 317
student is exempt. 318

The state superintendent, in consultation with the 319
chancellor, shall adopt guidelines for purposes of calculating 320
the corresponding final course grades and the minimum cumulative 321
performance score that demonstrates the level of academic 322
achievement necessary to earn a high school diploma. 323

(7) (a) Notwithstanding anything to the contrary in this 324
section, the state board may replace the algebra I end-of-course 325
examination prescribed under division (B) (2) of this section 326
with an algebra II end-of-course examination, beginning with the 327
2016-2017 school year for students who enter ninth grade on or 328
after July 1, 2016. 329

(b) If the state board replaces the algebra I end-of- 330
course examination with an algebra II end-of-course examination 331
as authorized under division (B) (7) (a) of this section, both of 332
the following shall apply: 333

(i) A student who is enrolled in an advanced placement or 334
international baccalaureate course in algebra II shall take the 335

advanced placement or international baccalaureate examination in 336
lieu of the algebra II end-of-course examination. 337

(ii) A student who is enrolled in an algebra II course 338
under any other advanced standing program, as described in 339
section 3313.6013 of the Revised Code, shall not be required to 340
take the algebra II end-of-course examination. Instead, that 341
student's final course grade shall be used in lieu of the 342
examination. 343

(c) If a school district or school utilizes an integrated 344
approach to mathematics instruction, the district or school may 345
do either or both of the following: 346

(i) Administer an integrated mathematics I end-of-course 347
examination in lieu of the prescribed algebra I end-of-course 348
examination; 349

(ii) Administer an integrated mathematics II end-of-course 350
examination in lieu of the prescribed geometry end-of-course 351
examination. 352

(8) (a) For students entering the ninth grade for the first 353
time on or after July 1, 2014, but prior to July 1, 2015, the 354
assessment in the area of science shall be physical science or 355
biology. For students entering the ninth grade for the first 356
time on or after July 1, 2015, the assessment in the area of 357
science shall be biology. 358

(b) Until July 1, 2019, the department shall make 359
available the end-of-course examination in physical science for 360
students who entered the ninth grade for the first time on or 361
after July 1, 2014, but prior to July 1, 2015, and who wish to 362
retake the examination. 363

(c) Not later than July 1, 2016, the state board shall 364

adopt rules prescribing the requirements for the end-of-course 365
examination in science for students who entered the ninth grade 366
for the first time on or after July 1, 2014, but prior to July 367
1, 2015, and who have not met the requirement prescribed by 368
section 3313.618 of the Revised Code by July 1, 2019, due to a 369
student's failure to satisfy division (A)(2) of section 3313.618 370
of the Revised Code. 371

(9) Neither the state board nor the department of 372
education shall develop or administer an end-of-course 373
examination in the area of world history. 374

(10) Not later than March 1, 2020, the department, in 375
consultation with the chancellor and the governor's office of 376
workforce transformation, shall determine a competency score for 377
both of the Algebra I and English language arts II end-of-course 378
examinations for the purpose of graduation eligibility. 379

(C) The state board shall convene a group of national 380
experts, state experts, and local practitioners to provide 381
advice, guidance, and recommendations for the alignment of 382
standards and model curricula to the assessments and in the 383
design of the end-of-course examinations prescribed by this 384
section. 385

(D) Upon completion of the development of the assessment 386
system, the state board shall adopt rules prescribing all of the 387
following: 388

(1) A timeline and plan for implementation of the 389
assessment system, including a phased implementation if the 390
state board determines such a phase-in is warranted; 391

(2) The date after which a person shall meet the 392
requirements of the entire assessment system as a prerequisite 393

for a diploma of adult education under section 3313.611 of the Revised Code; 394
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(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code; 396
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(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 401
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 408
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 412
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(F) (1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 420
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of the Revised Code may choose to participate in the system of 423
assessments administered under divisions (B) (1) and (2) of this 424
section. However, no such person shall be required to 425
participate in the system of assessments. 426

(2) The department shall adopt rules for the 427
administration and scoring of any assessments under division (F) 428
(1) of this section. 429

(G) Not later than December 31, 2014, the state board 430
shall select at least one nationally recognized job skills 431
assessment. Each school district shall administer that 432
assessment to those students who opt to take it. The state shall 433
reimburse a school district for the costs of administering that 434
assessment. The state board shall establish the minimum score a 435
student must attain on the job skills assessment in order to 436
demonstrate a student's workforce readiness and employability. 437
The administration of the job skills assessment to a student 438
under this division shall not exempt a school district from 439
administering the assessments prescribed in division (B) of this 440
section to that student. 441

Sec. 3301.0714. (A) The state board of education shall 442
adopt rules for a statewide education management information 443
system. The rules shall require the state board to establish 444
guidelines for the establishment and maintenance of the system 445
in accordance with this section and the rules adopted under this 446
section. The guidelines shall include: 447

(1) Standards identifying and defining the types of data 448
in the system in accordance with divisions (B) and (C) of this 449
section; 450

(2) Procedures for annually collecting and reporting the 451

data to the state board in accordance with division (D) of this section;	452 453
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	454 455
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	456 457
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	458 459
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	460 461 462
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	463 464 465
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by	466 467 468 469 470 471 472 473 474 475 476 477 478 479 480

the guidelines under this division shall be the same as the 481
categories of instructional services used in determining cost 482
units pursuant to division (C) (3) of this section. 483

(b) The numbers of students receiving support or 484
extracurricular services for each of the support services or 485
extracurricular programs offered by the school district, such as 486
counseling services, health services, and extracurricular sports 487
and fine arts programs. The categories of services required by 488
the guidelines under this division shall be the same as the 489
categories of services used in determining cost units pursuant 490
to division (C) (4) (a) of this section. 491

(c) Average student grades in each subject in grades nine 492
through twelve; 493

(d) Academic achievement levels as assessed under sections 494
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 495

(e) The number of students designated as having a 496
disabling condition pursuant to division (C) (1) of section 497
3301.0711 of the Revised Code; 498

(f) The numbers of students reported to the state board 499
pursuant to division (C) (2) of section 3301.0711 of the Revised 500
Code; 501

(g) Attendance rates and the average daily attendance for 502
the year. For purposes of this division, a student shall be 503
counted as present for any field trip that is approved by the 504
school administration. 505

(h) Expulsion rates; 506

(i) Suspension rates; 507

(j) Dropout rates; 508

(k) Rates of retention in grade;	509
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	510 511 512
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	513 514 515 516 517
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	518 519 520 521 522 523 524 525 526
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.	527 528 529 530 531 532 533 534 535
Division (B) (1) (o) of this section does not apply after the date that is two years following the submission of the	536 537

report required by Section 733.13 of H.B. 49 of the 132nd general assembly.	538 539
(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;	540 541 542
(q) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (c) of section 3313.618 of the Revised Code;	543 544 545
(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code.	546 547 548 549
(2) Personnel and classroom enrollment data for each school district, including:	550 551
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C) (3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	552 553 554 555 556 557 558 559 560 561 562
(b) The total number of employees and the number of full- time equivalent employees providing each category of service used pursuant to divisions (C) (4) (a) and (b) of this section, and the total numbers of licensed employees and nonlicensed	563 564 565 566

employees and the numbers of full-time equivalent licensed 567
employees and nonlicensed employees providing each category used 568
pursuant to division (C) (4) (c) of this section. The guidelines 569
adopted under this section shall require these categories of 570
data to be maintained for the school district as a whole and, 571
wherever applicable, for each grade in the school district as a 572
whole, for each school building as a whole, and for each grade 573
in each school building. 574

(c) The total number of regular classroom teachers 575
teaching classes of regular education and the average number of 576
pupils enrolled in each such class, in each of grades 577
kindergarten through five in the district as a whole and in each 578
school building in the school district. 579

(d) The number of lead teachers employed by each school 580
district and each school building. 581

(3) (a) Student demographic data for each school district, 582
including information regarding the gender ratio of the school 583
district's pupils, the racial make-up of the school district's 584
pupils, the number of English learners in the district, and an 585
appropriate measure of the number of the school district's 586
pupils who reside in economically disadvantaged households. The 587
demographic data shall be collected in a manner to allow 588
correlation with data collected under division (B) (1) of this 589
section. Categories for data collected pursuant to division (B) 590
(3) of this section shall conform, where appropriate, to 591
standard practices of agencies of the federal government. 592

(b) With respect to each student entering kindergarten, 593
whether the student previously participated in a public 594
preschool program, a private preschool program, or a head start 595
program, and the number of years the student participated in 596

each of these programs. 597

(4) Any data required to be collected pursuant to federal 598
law. 599

(C) The education management information system shall 600
include cost accounting data for each district as a whole and 601
for each school building in each school district. The guidelines 602
adopted under this section shall require the cost data for each 603
school district to be maintained in a system of mutually 604
exclusive cost units and shall require all of the costs of each 605
school district to be divided among the cost units. The 606
guidelines shall require the system of mutually exclusive cost 607
units to include at least the following: 608

(1) Administrative costs for the school district as a 609
whole. The guidelines shall require the cost units under this 610
division (C) (1) to be designed so that each of them may be 611
compiled and reported in terms of average expenditure per pupil 612
in formula ADM in the school district, as determined pursuant to 613
section 3317.03 of the Revised Code. 614

(2) Administrative costs for each school building in the 615
school district. The guidelines shall require the cost units 616
under this division (C) (2) to be designed so that each of them 617
may be compiled and reported in terms of average expenditure per 618
full-time equivalent pupil receiving instructional or support 619
services in each building. 620

(3) Instructional services costs for each category of 621
instructional service provided directly to students and required 622
by guidelines adopted pursuant to division (B) (1) (a) of this 623
section. The guidelines shall require the cost units under 624
division (C) (3) of this section to be designed so that each of 625

them may be compiled and reported in terms of average 626
expenditure per pupil receiving the service in the school 627
district as a whole and average expenditure per pupil receiving 628
the service in each building in the school district and in terms 629
of a total cost for each category of service and, as a breakdown 630
of the total cost, a cost for each of the following components: 631

(a) The cost of each instructional services category 632
required by guidelines adopted under division (B) (1) (a) of this 633
section that is provided directly to students by a classroom 634
teacher; 635

(b) The cost of the instructional support services, such 636
as services provided by a speech-language pathologist, classroom 637
aide, multimedia aide, or librarian, provided directly to 638
students in conjunction with each instructional services 639
category; 640

(c) The cost of the administrative support services 641
related to each instructional services category, such as the 642
cost of personnel that develop the curriculum for the 643
instructional services category and the cost of personnel 644
supervising or coordinating the delivery of the instructional 645
services category. 646

(4) Support or extracurricular services costs for each 647
category of service directly provided to students and required 648
by guidelines adopted pursuant to division (B) (1) (b) of this 649
section. The guidelines shall require the cost units under 650
division (C) (4) of this section to be designed so that each of 651
them may be compiled and reported in terms of average 652
expenditure per pupil receiving the service in the school 653
district as a whole and average expenditure per pupil receiving 654
the service in each building in the school district and in terms 655

of a total cost for each category of service and, as a breakdown 656
of the total cost, a cost for each of the following components: 657

(a) The cost of each support or extracurricular services 658
category required by guidelines adopted under division (B) (1) (b) 659
of this section that is provided directly to students by a 660
licensed employee, such as services provided by a guidance 661
counselor or any services provided by a licensed employee under 662
a supplemental contract; 663

(b) The cost of each such services category provided 664
directly to students by a nonlicensed employee, such as 665
janitorial services, cafeteria services, or services of a sports 666
trainer; 667

(c) The cost of the administrative services related to 668
each services category in division (C) (4) (a) or (b) of this 669
section, such as the cost of any licensed or nonlicensed 670
employees that develop, supervise, coordinate, or otherwise are 671
involved in administering or aiding the delivery of each 672
services category. 673

(D) (1) The guidelines adopted under this section shall 674
require school districts to collect information about individual 675
students, staff members, or both in connection with any data 676
required by division (B) or (C) of this section or other 677
reporting requirements established in the Revised Code. The 678
guidelines may also require school districts to report 679
information about individual staff members in connection with 680
any data required by division (B) or (C) of this section or 681
other reporting requirements established in the Revised Code. 682
The guidelines shall not authorize school districts to request 683
social security numbers of individual students. The guidelines 684
shall prohibit the reporting under this section of a student's 685

name, address, and social security number to the state board of 686
education or the department of education. The guidelines shall 687
also prohibit the reporting under this section of any personally 688
identifiable information about any student, except for the 689
purpose of assigning the data verification code required by 690
division (D) (2) of this section, to any other person unless such 691
person is employed by the school district or the information 692
technology center operated under section 3301.075 of the Revised 693
Code and is authorized by the district or technology center to 694
have access to such information or is employed by an entity with 695
which the department contracts for the scoring or the 696
development of state assessments. The guidelines may require 697
school districts to provide the social security numbers of 698
individual staff members and the county of residence for a 699
student. Nothing in this section prohibits the state board of 700
education or department of education from providing a student's 701
county of residence to the department of taxation to facilitate 702
the distribution of tax revenue. 703

(2) (a) The guidelines shall provide for each school 704
district or community school to assign a data verification code 705
that is unique on a statewide basis over time to each student 706
whose initial Ohio enrollment is in that district or school and 707
to report all required individual student data for that student 708
utilizing such code. The guidelines shall also provide for 709
assigning data verification codes to all students enrolled in 710
districts or community schools on the effective date of the 711
guidelines established under this section. The assignment of 712
data verification codes for other entities, as described in 713
division (D) (2) (d) of this section, the use of those codes, and 714
the reporting and use of associated individual student data 715
shall be coordinated by the department in accordance with state 716

and federal law. 717

School districts shall report individual student data to 718
the department through the information technology centers 719
utilizing the code. The entities described in division (D) (2) (d) 720
of this section shall report individual student data to the 721
department in the manner prescribed by the department. 722

(b) (i) Except as provided in sections 3301.941, 3310.11, 723
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 724
in division (D) (2) (b) (ii) of this section, at no time shall the 725
state board or the department have access to information that 726
would enable any data verification code to be matched to 727
personally identifiable student data. 728

(ii) For the purpose of making per-pupil payments to 729
community schools under division (C) of section 3314.08 of the 730
Revised Code, the department shall have access to information 731
that would enable any data verification code to be matched to 732
personally identifiable student data. 733

(c) Each school district and community school shall ensure 734
that the data verification code is included in the student's 735
records reported to any subsequent school district, community 736
school, or state institution of higher education, as defined in 737
section 3345.011 of the Revised Code, in which the student 738
enrolls. Any such subsequent district or school shall utilize 739
the same identifier in its reporting of data under this section. 740

(d) The director of any state agency that administers a 741
publicly funded program providing services to children who are 742
younger than compulsory school age, as defined in section 743
3321.01 of the Revised Code, including the directors of health, 744
job and family services, mental health and addiction services, 745

and developmental disabilities, shall request and receive, 746
pursuant to sections 3301.0723 and 5123.0423 of the Revised 747
Code, a data verification code for a child who is receiving 748
those services. 749

(E) The guidelines adopted under this section may require 750
school districts to collect and report data, information, or 751
reports other than that described in divisions (A), (B), and (C) 752
of this section for the purpose of complying with other 753
reporting requirements established in the Revised Code. The 754
other data, information, or reports may be maintained in the 755
education management information system but are not required to 756
be compiled as part of the profile formats required under 757
division (G) of this section or the annual statewide report 758
required under division (H) of this section. 759

(F) Beginning with the school year that begins July 1, 760
1991, the board of education of each school district shall 761
annually collect and report to the state board, in accordance 762
with the guidelines established by the board, the data required 763
pursuant to this section. A school district may collect and 764
report these data notwithstanding section 2151.357 or 3319.321 765
of the Revised Code. 766

(G) The state board shall, in accordance with the 767
procedures it adopts, annually compile the data reported by each 768
school district pursuant to division (D) of this section. The 769
state board shall design formats for profiling each school 770
district as a whole and each school building within each 771
district and shall compile the data in accordance with these 772
formats. These profile formats shall: 773

(1) Include all of the data gathered under this section in 774
a manner that facilitates comparison among school districts and 775

among school buildings within each school district; 776

(2) Present the data on academic achievement levels as 777
assessed by the testing of student achievement maintained 778
pursuant to division (B)(1)(d) of this section. 779

(H)(1) The state board shall, in accordance with the 780
procedures it adopts, annually prepare a statewide report for 781
all school districts and the general public that includes the 782
profile of each of the school districts developed pursuant to 783
division (G) of this section. Copies of the report shall be sent 784
to each school district. 785

(2) The state board shall, in accordance with the 786
procedures it adopts, annually prepare an individual report for 787
each school district and the general public that includes the 788
profiles of each of the school buildings in that school district 789
developed pursuant to division (G) of this section. Copies of 790
the report shall be sent to the superintendent of the district 791
and to each member of the district board of education. 792

(3) Copies of the reports received from the state board 793
under divisions (H)(1) and (2) of this section shall be made 794
available to the general public at each school district's 795
offices. Each district board of education shall make copies of 796
each report available to any person upon request and payment of 797
a reasonable fee for the cost of reproducing the report. The 798
board shall annually publish in a newspaper of general 799
circulation in the school district, at least twice during the 800
two weeks prior to the week in which the reports will first be 801
available, a notice containing the address where the reports are 802
available and the date on which the reports will be available. 803

(I) Any data that is collected or maintained pursuant to 804

this section and that identifies an individual pupil is not a 805
public record for the purposes of section 149.43 of the Revised 806
Code. 807

(J) As used in this section: 808

(1) "School district" means any city, local, exempted 809
village, or joint vocational school district and, in accordance 810
with section 3314.17 of the Revised Code, any community school. 811
As used in division (L) of this section, "school district" also 812
includes any educational service center or other educational 813
entity required to submit data using the system established 814
under this section. 815

(2) "Cost" means any expenditure for operating expenses 816
made by a school district excluding any expenditures for debt 817
retirement except for payments made to any commercial lending 818
institution for any loan approved pursuant to section 3313.483 819
of the Revised Code. 820

(K) Any person who removes data from the information 821
system established under this section for the purpose of 822
releasing it to any person not entitled under law to have access 823
to such information is subject to section 2913.42 of the Revised 824
Code prohibiting tampering with data. 825

(L) (1) In accordance with division (L) (2) of this section 826
and the rules adopted under division (L) (10) of this section, 827
the department of education may sanction any school district 828
that reports incomplete or inaccurate data, reports data that 829
does not conform to data requirements and descriptions published 830
by the department, fails to report data in a timely manner, or 831
otherwise does not make a good faith effort to report data as 832
required by this section. 833

(2) If the department decides to sanction a school 834
district under this division, the department shall take the 835
following sequential actions: 836

(a) Notify the district in writing that the department has 837
determined that data has not been reported as required under 838
this section and require the district to review its data 839
submission and submit corrected data by a deadline established 840
by the department. The department also may require the district 841
to develop a corrective action plan, which shall include 842
provisions for the district to provide mandatory staff training 843
on data reporting procedures. 844

(b) Withhold up to ten per cent of the total amount of 845
state funds due to the district for the current fiscal year and, 846
if not previously required under division (L) (2) (a) of this 847
section, require the district to develop a corrective action 848
plan in accordance with that division; 849

(c) Withhold an additional amount of up to twenty per cent 850
of the total amount of state funds due to the district for the 851
current fiscal year; 852

(d) Direct department staff or an outside entity to 853
investigate the district's data reporting practices and make 854
recommendations for subsequent actions. The recommendations may 855
include one or more of the following actions: 856

(i) Arrange for an audit of the district's data reporting 857
practices by department staff or an outside entity; 858

(ii) Conduct a site visit and evaluation of the district; 859

(iii) Withhold an additional amount of up to thirty per 860
cent of the total amount of state funds due to the district for 861
the current fiscal year; 862

(iv) Continue monitoring the district's data reporting;	863
(v) Assign department staff to supervise the district's data management system;	864 865
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	866 867 868
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	869 870 871 872
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	873 874 875 876 877
(ix) Any other action designed to correct the district's data reporting problems.	878 879
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	880 881 882 883 884 885
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that	886 887 888 889 890 891

if the department withheld funding under division (L) (2) (c) of 892
this section, the department shall not release the funds 893
withheld under division (L) (2) (b) of this section and, if the 894
department withheld funding under division (L) (2) (d) of this 895
section, the department shall not release the funds withheld 896
under division (L) (2) (b) or (c) of this section. 897

(5) Notwithstanding anything in this section to the 898
contrary, the department may use its own staff or an outside 899
entity to conduct an audit of a school district's data reporting 900
practices any time the department has reason to believe the 901
district has not made a good faith effort to report data as 902
required by this section. If any audit conducted by an outside 903
entity under division (L) (2) (d) (i) or (5) of this section 904
confirms that a district has not made a good faith effort to 905
report data as required by this section, the district shall 906
reimburse the department for the full cost of the audit. The 907
department may withhold state funds due to the district for this 908
purpose. 909

(6) Prior to issuing a revised report card for a school 910
district under division (L) (2) (d) (viii) of this section, the 911
department may hold a hearing to provide the district with an 912
opportunity to demonstrate that it made a good faith effort to 913
report data as required by this section. The hearing shall be 914
conducted by a referee appointed by the department. Based on the 915
information provided in the hearing, the referee shall recommend 916
whether the department should issue a revised report card for 917
the district. If the referee affirms the department's contention 918
that the district did not make a good faith effort to report 919
data as required by this section, the district shall bear the 920
full cost of conducting the hearing and of issuing any revised 921
report card. 922

(7) If the department determines that any inaccurate data 923
reported under this section caused a school district to receive 924
excess state funds in any fiscal year, the district shall 925
reimburse the department an amount equal to the excess funds, in 926
accordance with a payment schedule determined by the department. 927
The department may withhold state funds due to the district for 928
this purpose. 929

(8) Any school district that has funds withheld under 930
division (L) (2) of this section may appeal the withholding in 931
accordance with Chapter 119. of the Revised Code. 932

(9) In all cases of a disagreement between the department 933
and a school district regarding the appropriateness of an action 934
taken under division (L) (2) of this section, the burden of proof 935
shall be on the district to demonstrate that it made a good 936
faith effort to report data as required by this section. 937

(10) The state board of education shall adopt rules under 938
Chapter 119. of the Revised Code to implement division (L) of 939
this section. 940

(M) No information technology center or school district 941
shall acquire, change, or update its student administration 942
software package to manage and report data required to be 943
reported to the department unless it converts to a student 944
software package that is certified by the department. 945

(N) The state board of education, in accordance with 946
sections 3319.31 and 3319.311 of the Revised Code, may suspend 947
or revoke a license as defined under division (A) of section 948
3319.31 of the Revised Code that has been issued to any school 949
district employee found to have willfully reported erroneous, 950
inaccurate, or incomplete data to the education management 951

information system. 952

(O) No person shall release or maintain any information 953
about any student in violation of this section. Whoever violates 954
this division is guilty of a misdemeanor of the fourth degree. 955

(P) The department shall disaggregate the data collected 956
under division (B) (1) (n) of this section according to the race 957
and socioeconomic status of the students assessed. 958

(Q) If the department cannot compile any of the 959
information required by division ~~(H)~~(I) of section 3302.03 of 960
the Revised Code based upon the data collected under this 961
section, the department shall develop a plan and a reasonable 962
timeline for the collection of any data necessary to comply with 963
that division. 964

Sec. 3301.0715. (A) Except as required under division (B) 965
(1) of section 3313.608 or as specified in division (D) (3) of 966
section 3301.079 of the Revised Code, the board of education of 967
each city, local, and exempted village school district shall 968
administer each applicable diagnostic assessment developed and 969
provided to the district in accordance with section 3301.079 of 970
the Revised Code to the following: 971

(1) Any student who transfers into the district or to a 972
different school within the district if each applicable 973
diagnostic assessment was not administered by the district or 974
school the student previously attended in the current school 975
year, within thirty days after the date of transfer. If the 976
district or school into which the student transfers cannot 977
determine whether the student has taken any applicable 978
diagnostic assessment in the current school year, the district 979
or school may administer the diagnostic assessment to the 980

student. However, if a student transfers into the district prior 981
to the administration of the diagnostic assessments to all 982
students under division (B) of this section, the district may 983
administer the diagnostic assessments to that student on the 984
date or dates determined under that division. 985

(2) Each kindergarten student, not earlier than the first 986
day of the school year and not later than the first day of 987
November. However, a board of education may administer the 988
selected response and performance task items portion of the 989
diagnostic assessment up to two weeks prior to the first day of 990
the school year. 991

For the purpose of division (A) (2) of this section, the 992
district shall administer the kindergarten readiness assessment 993
provided by the department of education. In no case shall the 994
results of the readiness assessment be used to prohibit a 995
student from enrolling in kindergarten. 996

(3) Each student enrolled in first, second, or third 997
grade. 998

Division (A) of this section does not apply to students 999
with significant cognitive disabilities, as defined by the 1000
department of education. 1001

(B) Each district board shall administer each diagnostic 1002
assessment when the board deems appropriate, provided the 1003
administration complies with section 3313.608 of the Revised 1004
Code. However, the board shall administer any diagnostic 1005
assessment at least once annually to all students in the 1006
appropriate grade level. A district board may administer any 1007
diagnostic assessment in the fall and spring of a school year to 1008
measure the amount of academic growth attributable to the 1009

instruction received by students during that school year. 1010

~~(C) Any A district that received a grade of "A" or "B" for~~ 1011
~~the performance index score under division (A) (1) (b), (B) (1) (b),~~ 1012
~~or (C) (1) (b) of section 3302.03 of the Revised Code or for the~~ 1013
~~value-added progress dimension under division (A) (1) (c), (B) (1)~~ 1014
~~(c), or (C) (1) (c) of section 3302.03 of the Revised Code for the~~ 1015
~~immediately preceding school year~~ may use different diagnostic 1016
assessments from those adopted under division (D) of section 1017
3301.079 of the Revised Code in order to satisfy the 1018
requirements of division (A) (3) of this section if the district 1019
meets either of the following conditions for the immediately 1020
preceding school year: 1021

(1) The district received a grade of "A" or "B" for the 1022
performance index score under division (C) (1) (b) of section 1023
3302.03 of the Revised Code or the value-added progress 1024
dimension under division (C) (1) (e) of that section. 1025

(2) The district received a performance rating of "meets 1026
expectations" or higher for the achievement measure under 1027
division (D) (1) (b) of section 3302.03 of the Revised Code or the 1028
progress measure under division (D) (1) (d) of that section. 1029

(D) Each district board shall utilize and score any 1030
diagnostic assessment administered under division (A) of this 1031
section in accordance with rules established by the department. 1032
After the administration of any diagnostic assessment, each 1033
district shall provide a student's completed diagnostic 1034
assessment, the results of such assessment, and any other 1035
accompanying documents used during the administration of the 1036
assessment to the parent of that student, and shall include all 1037
such documents and information in any plan developed for the 1038
student under division (C) of section 3313.608 of the Revised 1039

Code. Each district shall submit to the department, in the 1040
manner the department prescribes, the results of the diagnostic 1041
assessments administered under this section, regardless of the 1042
type of assessment used under section 3313.608 of the Revised 1043
Code. The department may issue reports with respect to the data 1044
collected. The department may report school and district level 1045
kindergarten diagnostic assessment data and use diagnostic 1046
assessment data to calculate the measure prescribed by divisions 1047
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code 1048
and the data reported under division (D) (2) (g) of that section. 1049

(E) Each district board shall provide intervention 1050
services to students whose diagnostic assessments show that they 1051
are failing to make satisfactory progress toward attaining the 1052
academic standards for their grade level. 1053

(F) Beginning in the 2018-2019 school year, any chartered 1054
nonpublic school may elect to administer the kindergarten 1055
readiness assessment to all kindergarten students enrolled in 1056
the school. If the school so elects, the chief administrator of 1057
the school shall notify the superintendent of public instruction 1058
not later than the thirty-first day of March prior to any school 1059
year in which the school will administer the assessment. The 1060
department shall furnish the assessment to the school at no cost 1061
to the school. In administering the assessment, the school shall 1062
do all of the following: 1063

(1) Enter into a written agreement with the department 1064
specifying that the school will share each participating 1065
student's assessment data with the department and, that for the 1066
purpose of reporting the data to the department, each 1067
participating student will be assigned a data verification code 1068
as described in division (D) (2) of section 3301.0714 of the 1069

Revised Code; 1070

(2) Require the assessment to be administered by a teacher 1071
certified under section 3301.071 of the Revised Code who either 1072
has completed training on administering the kindergarten 1073
readiness assessment provided by the department or has been 1074
trained by another person who has completed such training; 1075

(3) Administer the assessment in the same manner as school 1076
districts are required to do under this section and the rules 1077
established under division (D) of this section. 1078

(G) Beginning in the 2019-2020 school year, a school 1079
district in which less than eighty per cent of its students 1080
score at the proficient level or higher on the third-grade 1081
English language arts assessment prescribed under section 1082
3301.0710 of the Revised Code shall establish a reading 1083
improvement plan supported by reading specialists. Prior to 1084
implementation, the plan shall be approved by the school 1085
district board of education. 1086

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 1087
the Revised Code: 1088

(A) "Preschool program" means either of the following: 1089

(1) A child care program for preschool children that is 1090
operated by a school district board of education or an eligible 1091
nonpublic school. 1092

(2) A child care program for preschool children age three 1093
or older that is operated by a county board of developmental 1094
disabilities or a community school. 1095

(B) "Preschool child" or "child" means a child who has not 1096
entered kindergarten and is not of compulsory school age. 1097

(C) "Parent, guardian, or custodian" means the person or 1098
government agency that is or will be responsible for a child's 1099
school attendance under section 3321.01 of the Revised Code. 1100

(D) "Superintendent" means the superintendent of a school 1101
district or the chief administrative officer of a community 1102
school or an eligible nonpublic school. 1103

(E) "Director" means the director, head teacher, 1104
elementary principal, or site administrator who is the 1105
individual on site and responsible for supervision of a 1106
preschool program. 1107

(F) "Preschool staff member" means a preschool employee 1108
whose primary responsibility is care, teaching, or supervision 1109
of preschool children. 1110

(G) "Nonteaching employee" means a preschool program or 1111
school child program employee whose primary responsibilities are 1112
duties other than care, teaching, and supervision of preschool 1113
children or school children. 1114

(H) "Eligible nonpublic school" means a nonpublic school 1115
chartered as described in division (B) (7) of section 5104.02 of 1116
the Revised Code or chartered by the state board of education 1117
for any combination of grades one through twelve, regardless of 1118
whether it also offers kindergarten. 1119

(I) "School child program" means a child care program for 1120
only school children that is operated by a school district board 1121
of education, county board of developmental disabilities, 1122
community school, or eligible nonpublic school. 1123

(J) "School child" means a child who is enrolled in or is 1124
eligible to be enrolled in a grade of kindergarten or above but 1125
is less than fifteen years old. 1126

(K) "School child program staff member" means an employee 1127
whose primary responsibility is the care, teaching, or 1128
supervision of children in a school child program. 1129

(L) "Child care" means administering to the needs of 1130
infants, toddlers, preschool children, and school children 1131
outside of school hours by persons other than their parents or 1132
guardians, custodians, or relatives by blood, marriage, or 1133
adoption for any part of the twenty-four-hour day in a place or 1134
residence other than a child's own home. 1135

(M) "Child day-care center" and "publicly funded child 1136
care" have the same meanings as in section 5104.01 of the 1137
Revised Code. 1138

(N) "Community school" means either of the following: 1139

(1) A community school established under Chapter 3314. of 1140
the Revised Code that is sponsored by an entity that is rated 1141
"exemplary" under section 3314.016 of the Revised Code. 1142

(2) A community school established under Chapter 3314. of 1143
the Revised Code that has received, on its most recent report 1144
card, either of the following: 1145

(a) If the school offers any of grade levels four through 1146
twelve, ~~a~~ either of the following: 1147

(i) A grade of "C" or better for the overall value-added 1148
progress dimension under division (C) (1) (e) of section 3302.03 1149
of the Revised Code and for the performance index score under 1150
division (C) (1) (b) of section 3302.03 of the Revised Code; 1151

(ii) A performance rating of "meets expectations" or 1152
higher for the progress measure under division (D) (1) (d) and the 1153
achievement measure under division (D) (1) (b) of section 3302.03 1154

<u>of the Revised Code;</u>	1155
(b) If the school does not offer a grade level higher than	1156
three, <u>a-either of the following:</u>	1157
(i) <u>A grade of "C" or better for making progress in</u>	1158
improving literacy in grades kindergarten through three under	1159
division (C) (1) (g) of section 3302.03 of the Revised Code;	1160
(ii) <u>A performance rating of "meets expectations" or</u>	1161
<u>higher for the third-grade reading guarantee measure under</u>	1162
<u>division (D) (1) (e) of section 3302.03 of the Revised Code.</u>	1163
Sec. 3302.01. As used in this chapter:	1164
(A) "Performance index score" means the average of the	1165
totals derived from calculations, for each subject area, of the	1166
weighted proportion of untested students and students scoring at	1167
each level of skill described in division (A) (2) of section	1168
3301.0710 of the Revised Code on the state achievement	1169
assessments, as follows:	1170
(1) For the assessments prescribed by division (A) (1) of	1171
section 3301.0710 of the Revised Code, the average for each of	1172
the subject areas of English language arts, mathematics, and	1173
science.	1174
(2) For the assessments prescribed by division (B) (1) of	1175
section 3301.0710 and division (B) (2) of section 3301.0712 of	1176
the Revised Code, the average for each of the subject areas of	1177
English language arts and mathematics.	1178
The department of education shall assign weights such that	1179
students who do not take an assessment receive a weight of zero	1180
and students who take an assessment receive progressively larger	1181
weights dependent upon the level of skill attained on the	1182

assessment. In assigning weights, the department shall assign a weight of 1.0 to a proficient level of skill and a weight of 0.8 to an approaching proficient level of skill. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A) (2) (c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A) (2) (a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

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

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

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) English learners;
- (5) Students identified as gifted in superior cognitive

ability and specific academic ability fields under Chapter 3324. 1212
of the Revised Code. For students who are gifted in specific 1213
academic ability fields, the department shall use data for those 1214
students with specific academic ability in math and reading. If 1215
any other academic field is assessed, the department shall also 1216
include data for students with specific academic ability in that 1217
field. 1218

~~(6) Students in the lowest quintile for achievement 1219
statewide, as determined by a method prescribed by the state 1220
board of education. 1221~~

(C) "No Child Left Behind Act of 2001" includes the 1222
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 1223
waivers, or both thereto, rules and regulations promulgated 1224
pursuant to those statutes, guidance documents, and any other 1225
policy directives regarding implementation of that act issued by 1226
the United States department of education. 1227

(D) "Adequate yearly progress" means a measure of annual 1228
academic performance as calculated in accordance with the "No 1229
Child Left Behind Act of 2001." 1230

(E) "Supplemental educational services" means additional 1231
academic assistance, such as tutoring, remediation, or other 1232
educational enrichment activities, that is conducted outside of 1233
the regular school day by a provider approved by the department 1234
in accordance with the "No Child Left Behind Act of 2001." 1235

(F) "Value-added progress dimension" means a measure of 1236
academic gain for a student or group of students over a specific 1237
period of time that is calculated by applying a statistical 1238
methodology to individual student achievement data derived from 1239
the achievement assessments prescribed by section 3301.0710 of 1240

the Revised Code. The "value-added progress dimension" shall be 1241
developed and implemented in accordance with section 3302.021 of 1242
the Revised Code. 1243

(G) (1) "Four-year adjusted cohort graduation rate" means 1244
the number of students who graduate in four years or less with a 1245
regular high school diploma divided by the number of students 1246
who form the adjusted cohort for the graduating class. 1247

(2) "Five-year adjusted cohort graduation rate" means the 1248
number of students who graduate in five years with a regular 1249
high school diploma divided by the number of students who form 1250
the adjusted cohort for the four-year graduation rate. 1251

(H) "State institution of higher education" has the same 1252
meaning as in section 3345.011 of the Revised Code. 1253

(I) "Annual measurable objectives" means a measure of 1254
student progress determined in accordance with an agreement 1255
between the department of education and the United States 1256
department of education. 1257

(J) "Community school" means a community school 1258
established under Chapter 3314. of the Revised Code. 1259

(K) "STEM school" means a science, technology, 1260
engineering, and mathematics school established under Chapter 1261
3326. of the Revised Code. 1262

(L) "Entitled to attend school in the district" means 1263
entitled to attend school in a school district under section 1264
3313.64 or 3313.65 of the Revised Code. 1265

Sec. 3302.02. (A) Not later than one year after the 1266
adoption of rules under division (D) of section 3301.0712 of the 1267
Revised Code and at least every sixth year thereafter, upon 1268

recommendations of the superintendent of public instruction, the 1269
state board of education shall establish ~~a~~ all of the following: 1270

(1) A set of performance indicators that considered as a 1271
unit will be used as one of the performance categories for the 1272
report cards required by section 3302.03 of the Revised Code. In 1273
establishing these indicators, the superintendent shall consider 1274
inclusion of student performance on assessments prescribed under 1275
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1276
student improvement on such assessments, the breadth of 1277
coursework available within the district, and other indicators 1278
of student success. 1279

~~Beginning with the report card for the 2014-2015 school 1280
year, the performance indicators shall include an (2) A 1281
performance indicator that reflects the level of services 1282
provided to, and the performance of, students identified as 1283
gifted under Chapter 3324. of the Revised Code. The indicator 1284
shall include the performance of students identified as gifted 1285
on state assessments and value-added growth measure 1286
disaggregated for students identified as gifted. 1287~~

(3) A performance indicator that measures chronic 1288
absenteeism, as determined by the department of education, in a 1289
school district or school building. 1290

(4) A performance indicator that measures the performance 1291
and improvement of students who retake the end-of-course 1292
examinations prescribed under section 3301.0712 of the Revised 1293
Code. 1294

The performance indicators prescribed in divisions (A) (2) 1295
to (4) of this section shall not be part of the performance 1296
indicator unit under division (A) (1) of this section. 1297

(B) For the 2013-2014 school year, except as otherwise 1298
provided in this section, for any indicator based on the 1299
percentage of students attaining a proficient score on the 1300
assessments prescribed by divisions (A) and (B) (1) of section 1301
3301.0710 of the Revised Code, a school district or building 1302
shall be considered to have met the indicator if at least eighty 1303
per cent of the tested students attain a score of proficient or 1304
higher on the assessment. A school district or building shall be 1305
considered to have met the indicator for the assessments 1306
prescribed by division (B) (1) of section 3301.0710 of the 1307
Revised Code and only as administered to eleventh grade 1308
students, if at least eighty-five per cent of the tested 1309
students attain a score of proficient or higher on the 1310
assessment. 1311

The state board shall adopt rules, under Chapter 119. of 1312
the Revised Code, to establish proficiency percentages to meet 1313
each indicator that is based on a state assessment, prescribed 1314
under section 3301.0710 or 3301.0712 of the Revised Code, for 1315
the 2014-2015 school year ~~and thereafter by the following dates:~~ 1316

~~(A) Not later than December 31, 2015, for the 2014-2015~~ 1317
~~school year;~~ 1318

~~(B) Not later than July 1, 2016, for the 2015-2016 school~~ 1319
~~year;~~ 1320

~~(C) Not later than July 1, 2017, for the 2016-2017 school~~ 1321
~~year, and for each school year thereafter to the 2020-2021~~ 1322
~~school year.~~ 1323

Sec. 3302.03. Not later than the thirty-first day of July 1324
of each year, the department of education shall submit 1325
preliminary report card data for overall academic performance 1326

and for each separate performance measure for each school 1327
district, and each school building, in accordance with this 1328
section. 1329

Annually, not later than the fifteenth day of September or 1330
the preceding Friday when that day falls on a Saturday or 1331
Sunday, the department shall assign a letter grade for overall 1332
academic performance and for each separate performance measure 1333
for each school district, and each school building in a 1334
district, in accordance with this section. Beginning with the 1335
report card issued for the 2021-2022 school year and each school 1336
year thereafter, in lieu of letter grades, the department shall 1337
assign performance ratings for each performance measure for each 1338
district and building in accordance with this section. The 1339
department shall not issue any overall performance ratings. The 1340
state board shall adopt rules pursuant to Chapter 119. of the 1341
Revised Code to establish performance criteria for each letter 1342
grade or performance rating and prescribe a method by which the 1343
department assigns each letter grade or rating. For a school 1344
building to which any of the performance measures do not apply, 1345
due to grade levels served by the building, the state board 1346
shall designate the performance measures that are applicable to 1347
the building and, until the 2021-2022 school year, that must be 1348
calculated separately and used to calculate the building's 1349
overall grade. The department shall issue annual report cards 1350
reflecting the performance of each school district, each 1351
building within each district, and for the state as a whole 1352
using the performance measures and letter grade system or 1353
performance rating system described in this section. The 1354
department shall include on the report card for each district 1355
and each building within each district the most recent ~~two-year~~ 1356
three-year trend data in student achievement for each subject 1357

and each grade. 1358

(A) (1) For the 2012-2013 school year, the department shall 1359
issue grades as described in division ~~(E)~~ (F) (1) of this section 1360
for each of the following performance measures: 1361

(a) Annual measurable objectives; 1362

(b) Performance index score for a school district or 1363
building. Grades shall be awarded as a percentage of the total 1364
possible points on the performance index system as adopted by 1365
the state board. In adopting benchmarks for assigning letter 1366
grades under division (A) (1) (b) of this section, the state board 1367
of education shall designate ninety per cent or higher for an 1368
"A," at least seventy per cent but not more than eighty per cent 1369
for a "C," and less than fifty per cent for an "F." 1370

(c) The extent to which the school district or building 1371
meets each of the applicable performance indicators established 1372
by the state board under section 3302.02 of the Revised Code and 1373
the percentage of applicable performance indicators that have 1374
been achieved. In adopting benchmarks for assigning letter 1375
grades under division (A) (1) (c) of this section, the state board 1376
shall designate ninety per cent or higher for an "A." 1377

(d) The four- and five-year adjusted cohort graduation 1378
rates. 1379

In adopting benchmarks for assigning letter grades under 1380
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1381
department shall designate a four-year adjusted cohort 1382
graduation rate of ninety-three per cent or higher for an "A" 1383
and a five-year cohort graduation rate of ninety-five per cent 1384
or higher for an "A." 1385

(e) The overall score under the value-added progress 1386

dimension of a school district or building, for which the 1387
department shall use up to three years of value-added data as 1388
available. The letter grade assigned for this growth measure 1389
shall be as follows: 1390

(i) A score that is at least one standard error of measure 1391
above the mean score shall be designated as an "A." 1392

(ii) A score that is less than one standard error of 1393
measure above but greater than one standard error of measure 1394
below the mean score shall be designated as a "B." 1395

(iii) A score that is less than or equal to one standard 1396
error of measure below the mean score but greater than two 1397
standard errors of measure below the mean score shall be 1398
designated as a "C." 1399

(iv) A score that is less than or equal to two standard 1400
errors of measure below the mean score but is greater than three 1401
standard errors of measure below the mean score shall be 1402
designated as a "D." 1403

(v) A score that is less than or equal to three standard 1404
errors of measure below the mean score shall be designated as an 1405
"F." 1406

Whenever the value-added progress dimension is used as a 1407
graded performance measure, whether as an overall measure or as 1408
a measure of separate subgroups, the grades for the measure 1409
shall be calculated in the same manner as prescribed in division 1410
(A) (1) (e) of this section. 1411

(f) The value-added progress dimension score for a school 1412
district or building disaggregated for each of the following 1413
subgroups: students identified as gifted, students with 1414
disabilities, and students whose performance places them in the 1415

lowest quintile for achievement on a statewide basis. Each 1416
subgroup shall be a separate graded measure. 1417

(2) Not later than April 30, 2013, the state board of 1418
education shall adopt a resolution describing the performance 1419
measures, benchmarks, and grading system for the 2012-2013 1420
school year and, not later than June 30, 2013, shall adopt rules 1421
in accordance with Chapter 119. of the Revised Code that 1422
prescribe the methods by which the performance measures under 1423
division (A)(1) of this section shall be assessed and assigned a 1424
letter grade, including performance benchmarks for each letter 1425
grade. 1426

At least forty-five days prior to the state board's 1427
adoption of rules to prescribe the methods by which the 1428
performance measures under division (A)(1) of this section shall 1429
be assessed and assigned a letter grade, the department shall 1430
conduct a public presentation before the standing committees of 1431
the house of representatives and the senate that consider 1432
education legislation describing such methods, including 1433
performance benchmarks. 1434

(3) There shall not be an overall letter grade for a 1435
school district or building for the 2012-2013 school year. 1436

(B)(1) For the 2013-2014 and 2014-2015 school years, the 1437
department shall issue grades as described in division ~~(E)~~(F) 1438
(1) of this section for each of the following performance 1439
measures: 1440

(a) Annual measurable objectives; 1441

(b) Performance index score for a school district or 1442
building. Grades shall be awarded as a percentage of the total 1443
possible points on the performance index system as created by 1444

the department. In adopting benchmarks for assigning letter 1445
grades under division (B) (1) (b) of this section, the state board 1446
shall designate ninety per cent or higher for an "A," at least 1447
seventy per cent but not more than eighty per cent for a "C," 1448
and less than fifty per cent for an "F." 1449

(c) The extent to which the school district or building 1450
meets each of the applicable performance indicators established 1451
by the state board under section 3302.03 of the Revised Code and 1452
the percentage of applicable performance indicators that have 1453
been achieved. In adopting benchmarks for assigning letter 1454
grades under division (B) (1) (c) of this section, the state board 1455
shall designate ninety per cent or higher for an "A." 1456

(d) The four- and five-year adjusted cohort graduation 1457
rates; 1458

(e) The overall score under the value-added progress 1459
dimension of a school district or building, for which the 1460
department shall use up to three years of value-added data as 1461
available. 1462

(f) The value-added progress dimension score for a school 1463
district or building disaggregated for each of the following 1464
subgroups: students identified as gifted in superior cognitive 1465
ability and specific academic ability fields under Chapter 3324. 1466
of the Revised Code, students with disabilities, and students 1467
whose performance places them in the lowest quintile for 1468
achievement on a statewide basis. Each subgroup shall be a 1469
separate graded measure. 1470

(g) Whether a school district or building is making 1471
progress in improving literacy in grades kindergarten through 1472
three, as determined using a method prescribed by the state 1473

board. The state board shall adopt rules to prescribe benchmarks 1474
and standards for assigning grades to districts and buildings 1475
for purposes of division (B) (1) (g) of this section. In adopting 1476
benchmarks for assigning letter grades under divisions (B) (1) (g) 1477
and (C) (1) (g) of this section, the state board shall determine 1478
progress made based on the reduction in the total percentage of 1479
students scoring below grade level, or below proficient, 1480
compared from year to year on the reading and writing diagnostic 1481
assessments administered under section 3301.0715 of the Revised 1482
Code and the third grade English language arts assessment under 1483
section 3301.0710 of the Revised Code, as applicable. The state 1484
board shall designate for a "C" grade a value that is not lower 1485
than the statewide average value for this measure. No grade 1486
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1487
section for a district or building in which less than five per 1488
cent of students have scored below grade level on the diagnostic 1489
assessment administered to students in kindergarten under 1490
division (B) (1) of section 3313.608 of the Revised Code. 1491

(h) For a high mobility school district or building, an 1492
additional value-added progress dimension score. For this 1493
measure, the department shall use value-added data from the most 1494
recent school year available and shall use assessment scores for 1495
only those students to whom the district or building has 1496
administered the assessments prescribed by section 3301.0710 of 1497
the Revised Code for each of the two most recent consecutive 1498
school years. 1499

As used in this division, "high mobility school district 1500
or building" means a school district or building where at least 1501
twenty-five per cent of its total enrollment is made up of 1502
students who have attended that school district or building for 1503
less than one year. 1504

(2) In addition to the graded measures in division (B) (1) 1505
of this section, the department shall include on a school 1506
district's or building's report card all of the following 1507
without an assigned letter grade: 1508

(a) The percentage of students enrolled in a district or 1509
building participating in advanced placement classes and the 1510
percentage of those students who received a score of three or 1511
better on advanced placement examinations; 1512

(b) The number of a district's or building's students who 1513
have earned at least three college credits through dual 1514
enrollment or advanced standing programs, such as the post- 1515
secondary enrollment options program under Chapter 3365. of the 1516
Revised Code and state-approved career-technical courses offered 1517
through dual enrollment or statewide articulation, that appear 1518
on a student's transcript or other official document, either of 1519
which is issued by the institution of higher education from 1520
which the student earned the college credit. The credits earned 1521
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1522
this section shall not include any that are remedial or 1523
developmental and shall include those that count toward the 1524
curriculum requirements established for completion of a degree. 1525

(c) The percentage of students enrolled in a district or 1526
building who have taken a national standardized test used for 1527
college admission determinations and the percentage of those 1528
students who are determined to be remediation-free in accordance 1529
with standards adopted under division (F) of section 3345.061 of 1530
the Revised Code; 1531

(d) The percentage of the district's or the building's 1532
students who receive industry-recognized credentials as approved 1533
under section 3313.6113 of the Revised Code. 1534

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

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

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

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

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

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school-year and each school-year thereafter years, the department shall issue grades as described in division ~~(E)~~ (F) (1) of this section for each of the

performance measures prescribed in division (C) (1) of this 1564
section. The graded measures are as follows: 1565

(a) Annual measurable objectives. For the 2017-2018 school 1566
year, the department shall not include any subgroup data in the 1567
annual measurable objectives that includes data from fewer than 1568
twenty-five students. For the 2018-2019, 2019-2020, and 2020- 1569
2021 school-year years, the department shall not include any 1570
subgroup data in the annual measurable objectives that includes 1571
data from fewer than twenty students. ~~Beginning with~~ For the 1572
2019-2020 and 2020-2021 school year years, the department shall 1573
not include any subgroup data in the annual measurable 1574
objectives that includes data from fewer than fifteen students. 1575

(b) Performance index score for a school district or 1576
building. Grades shall be awarded as a percentage of the total 1577
possible points on the performance index system as created by 1578
the department. In adopting benchmarks for assigning letter 1579
grades under division (C) (1) (b) of this section, the state board 1580
shall designate ninety per cent or higher for an "A," at least 1581
seventy per cent but not more than eighty per cent for a "C," 1582
and less than fifty per cent for an "F." 1583

(c) The extent to which the school district or building 1584
meets each of the applicable performance indicators established 1585
by the state board under section 3302.03 of the Revised Code and 1586
the percentage of applicable performance indicators that have 1587
been achieved. In adopting benchmarks for assigning letter 1588
grades under division (C) (1) (c) of this section, the state board 1589
shall designate ninety per cent or higher for an "A." 1590

(d) The four- and five-year adjusted cohort graduation 1591
rates; 1592

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

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

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

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

The state board may adopt student academic progress measures to be used instead of the value-added progress

dimension. If the state board adopts such measures, it also 1623
shall prescribe a method for assigning letter grades for the new 1624
measures that is comparable to the method prescribed in division 1625
(A) (1) (e) of this section. 1626

(g) Whether a school district or building is making 1627
progress in improving literacy in grades kindergarten through 1628
three, as determined using a method prescribed by the state 1629
board. The state board shall adopt rules to prescribe benchmarks 1630
and standards for assigning grades to a district or building for 1631
purposes of division (C) (1) (g) of this section. The state board 1632
shall designate for a "C" grade a value that is not lower than 1633
the statewide average value for this measure. No grade shall be 1634
issued under division (C) (1) (g) of this section for a district 1635
or building in which less than five per cent of students have 1636
scored below grade level on the kindergarten diagnostic 1637
assessment under division (B) (1) of section 3313.608 of the 1638
Revised Code. 1639

(h) For a high mobility school district or building, an 1640
additional value-added progress dimension score. For this 1641
measure, the department shall use value-added data from the most 1642
recent school year available and shall use assessment scores for 1643
only those students to whom the district or building has 1644
administered the assessments prescribed by section 3301.0710 of 1645
the Revised Code for each of the two most recent consecutive 1646
school years. 1647

As used in this division, "high mobility school district 1648
or building" means a school district or building where at least 1649
twenty-five per cent of its total enrollment is made up of 1650
students who have attended that school district or building for 1651
less than one year. 1652

(2) In addition to the graded measures in division (C) (1) 1653
of this section, the department shall include on a school 1654
district's or building's report card all of the following 1655
without an assigned letter grade: 1656

(a) The percentage of students enrolled in a district or 1657
building who have taken a national standardized test used for 1658
college admission determinations and the percentage of those 1659
students who are determined to be remediation-free in accordance 1660
with the standards adopted under division (F) of section 1661
3345.061 of the Revised Code; 1662

(b) The percentage of students enrolled in a district or 1663
building participating in advanced placement classes and the 1664
percentage of those students who received a score of three or 1665
better on advanced placement examinations; 1666

(c) The percentage of a district's or building's students 1667
who have earned at least three college credits through advanced 1668
standing programs, such as the college credit plus program under 1669
Chapter 3365. of the Revised Code and state-approved career- 1670
technical courses offered through dual enrollment or statewide 1671
articulation, that appear on a student's college transcript 1672
issued by the institution of higher education from which the 1673
student earned the college credit. The credits earned that are 1674
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1675
shall not include any that are remedial or developmental and 1676
shall include those that count toward the curriculum 1677
requirements established for completion of a degree. 1678

(d) The percentage of the district's or building's 1679
students who receive an honor's diploma under division (B) of 1680
section 3313.61 of the Revised Code; 1681

(e) The percentage of the district's or building's	1682
students who receive industry-recognized credentials as approved	1683
under section 3313.6113 of the Revised Code;	1684
(f) The percentage of students enrolled in a district or	1685
building who are participating in an international baccalaureate	1686
program and the percentage of those students who receive a score	1687
of four or better on the international baccalaureate	1688
examinations;	1689
(g) The results of the college and career-ready	1690
assessments administered under division (B) (1) of section	1691
3301.0712 of the Revised Code;	1692
(h) Whether the school district or building has	1693
implemented a positive behavior intervention and supports	1694
framework in compliance with the requirements of section 3319.46	1695
of the Revised Code, notated as a "yes" or "no" answer.	1696
(3) The state board shall adopt rules pursuant to Chapter	1697
119. of the Revised Code that establish a method to assign an	1698
overall grade for a school district or school building for the	1699
2017-2018 school year and each school year thereafter. The rules	1700
shall group the performance measures in divisions (C) (1) and (2)	1701
of this section into the following components:	1702
(a) Gap closing, which shall include the performance	1703
measure in division (C) (1) (a) of this section;	1704
(b) Achievement, which shall include the performance	1705
measures in divisions (C) (1) (b) and (c) of this section;	1706
(c) Progress, which shall include the performance measures	1707
in divisions (C) (1) (e) and (f) of this section;	1708
(d) Graduation, which shall include the performance	1709

measure in division (C) (1) (d) of this section; 1710

(e) Kindergarten through third-grade literacy, which shall 1711
include the performance measure in division (C) (1) (g) of this 1712
section; 1713

(f) Prepared for success, which shall include the 1714
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1715
and (f) of this section. The state board shall develop a method 1716
to determine a grade for the component in division (C) (3) (f) of 1717
this section using the performance measures in divisions (C) (2) 1718
(a), (b), (c), (d), (e), and (f) of this section. When 1719
available, the state board may incorporate the performance 1720
measure under division (C) (2) (g) of this section into the 1721
component under division (C) (3) (f) of this section. When 1722
determining the overall grade for the prepared for success 1723
component prescribed by division (C) (3) (f) of this section, no 1724
individual student shall be counted in more than one performance 1725
measure. However, if a student qualifies for more than one 1726
performance measure in the component, the state board may, in 1727
its method to determine a grade for the component, specify an 1728
additional weight for such a student that is not greater than or 1729
equal to 1.0. In determining the overall score under division 1730
(C) (3) (f) of this section, the state board shall ensure that the 1731
pool of students included in the performance measures aggregated 1732
under that division are all of the students included in the 1733
four- and five-year adjusted graduation cohort. 1734

In the rules adopted under division (C) (3) of this 1735
section, the state board shall adopt a method for determining a 1736
grade for each component in divisions (C) (3) (a) to (f) of this 1737
section. The state board also shall establish a method to assign 1738
an overall grade of "A," "B," "C," "D," or "F" using the grades 1739

assigned for each component. The method the state board adopts 1740
for assigning an overall grade shall give equal weight to the 1741
components in divisions (C) (3) (b) and (c) of this section. 1742

At least forty-five days prior to the state board's 1743
adoption of rules to prescribe the methods for calculating the 1744
overall grade for the report card, as required by this division, 1745
the department shall conduct a public presentation before the 1746
standing committees of the house of representatives and the 1747
senate that consider education legislation describing the format 1748
for the report card, weights that will be assigned to the 1749
components of the overall grade, and the method for calculating 1750
the overall grade. 1751

(D)–For the 2021-2022 school year and each school year 1752
thereafter, both of the following apply: 1753

(1) The department shall include on a school district's or 1754
building's report card a set of performance measures. The state 1755
board shall adopt rules pursuant to Chapter 119. of the Revised 1756
Code to establish a method to assign performance ratings 1757
described in division (F) (2) of this section to a district or 1758
building for those performance measures. The performance 1759
measures shall consist of all of the following: 1760

(a) Gap closing, which shall be based on annual measurable 1761
objectives. The department shall not include any subgroup data 1762
in the annual measurable objectives that includes data from 1763
fewer than twenty students. The measure shall include students 1764
who are identified as gifted in superior cognitive ability and 1765
the specific academic ability fields of reading and mathematics 1766
pursuant to Chapter 3324. of the Revised Code as a subgroup, but 1767
shall not include students in the lowest quintile for 1768
achievement statewide as a subgroup. 1769

The method the state board develops to assign a performance rating to the gap closing measure shall 1770
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be based on either the performance index score or value-added progress dimension score of each subgroup in the measure, whichever measure would result in a higher rating for the district or building 1772
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. The method shall not prohibit assigning a particular performance rating for the measure based on whether or not all subgroups included in the measure achieve a prescribed performance level or higher. 1776
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(b) Achievement, which shall be based on the performance index score of a school district or building. The achievement measure shall be calculated by dividing a district's or building's performance index score by the maximum performance index score. The maximum performance index score shall be the average of the highest ten per cent of performance index scores achieved by districts or buildings in the 2018-2019 school year, as determined by the department. The department shall update the maximum performance index score every five years using the scores from the most recent school year for which performance index data is available. The maximum performance index score shall not equal the highest total possible points on the performance index score. 1780
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(c) Graduation, which shall be based on four- and five-year adjusted cohort graduation rates; 1793
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(d) Progress, which shall be based on the overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building. The department shall calculate the 1795
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progress measure using, as available, either the most recent 1799
three-year average of value-added data or the most recent year 1800
of value-added data, whichever measure would result in a higher 1801
rating for the district or building. The progress measure shall 1802
not be calculated using subgroups. The method the state board 1803
develops to assign a performance rating to the measure shall not 1804
prohibit assigning a particular performance rating for the 1805
measure based on whether or not subgroups achieve a prescribed 1806
performance level or higher. 1807

For the measure prescribed by division (D)(1)(d) of this 1808
section, the state board may adopt a student academic progress 1809
measure to be used instead of the value-added progress 1810
dimension. 1811

(e) Third-grade reading guarantee, which shall be based on 1812
the percentage of students in a district or building who are 1813
promoted to the fourth grade and not subject to retention under 1814
division (A)(2) of section 3313.608 of the Revised Code. The 1815
measure prescribed under division (D)(1)(e) of this section for 1816
a school district or building only shall include students who 1817
completed all of the grade levels offered prior to the fourth 1818
grade in the district or building. 1819

The department shall include a line graph representing the 1820
most recent three-year trend data for each performance measure 1821
in divisions (D)(1)(a) to (e) of this section. The line graph 1822
shall indicate if the trend data for that performance measure is 1823
upward, downward, or stagnant. In a printed or electronic 1824
version of the report card, each performance measure's line 1825
graph shall be presented next to the performance measure's 1826
performance rating. 1827

(2) In addition to the performance measures under division 1828

(D) (1) of this section, the department shall report on a school district's or building's report card the data prescribed under division (D) (2) of this section. The department shall not assign a letter grade or performance rating to that data. The reported data shall consist of all of the following: 1829
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(a) Each of the applicable performance indicators established by the state board under division (A) (1) of section 3302.02 of the Revised Code; 1834
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(b) The gifted services indicator under division (A) (2) of section 3302.02 of the Revised Code; 1837
1838

(c) The chronic absenteeism indicator under division (A) (3) of section 3302.02 of the Revised Code; 1839
1840

(d) The end-of-course examination rate of improvement indicator under division (A) (4) of section 3302.02 of the Revised Code; 1841
1842
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(e) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or building who: 1844
1845
1846

(i) Completed all of grades nine through twelve while enrolled in the district or building; 1847
1848

(ii) Officially withdrew from a district or building and did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code; 1849
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(iii) Have an individualized education program, as defined in section 3323.01 of the Revised Code, and satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma; 1852
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1855

(iv) Earned each diploma seal included in the system 1856

prescribed under division (A) of section 3313.6114 of the 1857
Revised Code; 1858

(v) Participated in advanced placement classes and the 1859
percentage of those students who received a score of three or 1860
better on advanced placement examinations; 1861

(vi) Participated in an international baccalaureate 1862
program and the percentage of those students who receive a score 1863
of four or better on the international baccalaureate 1864
examinations; 1865

(vii) Earned at least three college credits through 1866
advanced standing programs, such as the college credit plus 1867
program under Chapter 3365. of the Revised Code and state- 1868
approved career-technical courses offered through dual 1869
enrollment or statewide articulation, that appear on a student's 1870
college transcript issued by the institution of higher education 1871
from which the student earned the college credit. Earned credits 1872
reported under division (D) (2) (e) (vii) of this section shall 1873
include credits that count toward the curriculum requirements 1874
established for completion of a degree, but shall not include 1875
any remedial or developmental credits; 1876

(viii) Completed an internship; 1877

(ix) Earned a score of proficient or higher on three or 1878
more state technical assessments aligned with section 3313.903 1879
of the Revised Code in a single career pathway; 1880

(x) Earned an industry-recognized credential approved 1881
under section 3313.6113 of the Revised Code; 1882

(xi) Completed either a pre-apprenticeship or an 1883
apprenticeship in the student's chosen career field; 1884

(xii) Provide evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older. 1885
1886
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(f) The percentage of all students in a district or building who are promoted to the fourth grade and not subject to retention under division (A) (2) of section 3313.608 of the Revised Code. 1888
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(g) The percentage of students enrolled in kindergarten through third grade in the district or building who attained a score at least equivalent to the level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the reading component of either the diagnostic assessments administered under section 3301.0715 of the Revised Code or the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. 1892
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(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer. 1900
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(E) On or after July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade. 1904
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~~(E)~~ (F) (1) The letter grades assigned to a school district 1913

or building under this section shall be as follows:	1914
(1) <u>(a)</u> "A" for a district or school making excellent progress;	1915 1916
(2) <u>(b)</u> "B" for a district or school making above average progress;	1917 1918
(3) <u>(c)</u> "C" for a district or school making average progress;	1919 1920
(4) <u>(d)</u> "D" for a district or school making below average progress;	1921 1922
(5) <u>(e)</u> "F" for a district or school failing to meet minimum progress.	1923 1924
(F) <u>(2) A performance rating assigned to a school district or building under this section shall be as follows:</u>	1925 1926
<u>(a) "Significantly exceeds expectations";</u>	1927
<u>(b) "Exceeds expectations";</u>	1928
<u>(c) "Meets expectations";</u>	1929
<u>(d) "Making substantial progress toward expectations";</u>	1930
<u>(e) "Making moderate progress toward expectations";</u>	1931
<u>(f) "In need of support."</u>	1932
<u>(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:</u>	1933 1934 1935
(1) Performance of students by grade-level;	1936
(2) Performance of students by race and ethnic group;	1937
(3) Performance of students by gender;	1938

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1939 1940
(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;	1941 1942 1943
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1944 1945
(7) Performance of students grouped by those who are economically disadvantaged;	1946 1947
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1948 1949 1950
(9) Performance of students grouped by those who are classified as English learners;	1951 1952
(10) Performance of students grouped by those who have disabilities;	1953 1954
(11) Performance of students grouped by those who are classified as migrants;	1955 1956
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	1957 1958 1959 1960 1961 1962 1963 1964 1965
(13) Performance of students grouped by those who perform	1966

in the lowest quintile for achievement on a statewide basis, as 1967
determined by a method prescribed by the state board. 1968

The department may disaggregate data on student 1969
performance according to other categories that the department 1970
determines are appropriate. To the extent possible, the 1971
department shall disaggregate data on student performance 1972
according to any combinations of two or more of the categories 1973
listed in divisions ~~(F) (1)~~ (G) (1) to (13) of this section that 1974
it deems relevant. 1975

In reporting data pursuant to division ~~(F)~~ (G) of this 1976
section, the department shall not include in the report cards 1977
any data statistical in nature that is statistically unreliable 1978
or that could result in the identification of individual 1979
students. For this purpose, the department shall not report 1980
student performance data for any group identified in division 1981
~~(F)~~ (G) of this section that contains less than ten students. If 1982
the department does not report student performance data for a 1983
group because it contains less than ten students, the department 1984
shall indicate on the report card that is why data was not 1985
reported. 1986

~~(G)~~ (H) The department may include with the report cards 1987
any additional education and fiscal performance data it deems 1988
valuable. 1989

~~(H)~~ (I) The department shall include on each report card a 1990
list of additional information collected by the department that 1991
is available regarding the district or building for which the 1992
report card is issued. When available, such additional 1993
information shall include student mobility data disaggregated by 1994
race and socioeconomic status, college enrollment data, and the 1995
reports prepared under section 3302.031 of the Revised Code. 1996

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

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

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

(2) Any district that leases a building to a community

school located in the district or that enters into an agreement 2027
with a community school located in the district whereby the 2028
district and the school endorse each other's programs may elect 2029
to have data regarding the academic performance of students 2030
enrolled in the community school combined with comparable data 2031
from the schools of the district for the purpose of determining 2032
the performance of the district as a whole on the district 2033
report card. Any district that so elects shall annually file a 2034
copy of the lease or agreement with the department. 2035

(3) Any municipal school district, as defined in section 2036
3311.71 of the Revised Code, that sponsors a community school 2037
located within the district's territory, or that enters into an 2038
agreement with a community school located within the district's 2039
territory whereby the district and the community school endorse 2040
each other's programs, may exercise either or both of the 2041
following elections: 2042

(a) To have data regarding the academic performance of 2043
students enrolled in that community school combined with 2044
comparable data from the schools of the district for the purpose 2045
of determining the performance of the district as a whole on the 2046
district's report card; 2047

(b) To have the number of students attending that 2048
community school noted separately on the district's report card. 2049

The election authorized under division ~~(I) (3) (a)~~ (J) (3) (a) 2050
of this section is subject to approval by the governing 2051
authority of the community school. 2052

Any municipal school district that exercises an election 2053
to combine or include data under division ~~(I) (3)~~ (J) (3) of this 2054
section, by the first day of October of each year, shall file 2055

with the department documentation indicating eligibility for 2056
that election, as required by the department. 2057

~~(J)~~ (K) The department shall include on each report card 2058
the percentage of teachers in the district or building who are 2059
properly certified or licensed teachers, as defined in section 2060
3319.074 of the Revised Code, and a comparison of that 2061
percentage with the percentages of such teachers in similar 2062
districts and buildings. 2063

~~(K)(1)~~ (L)(1) In calculating English language arts, 2064
mathematics, or science assessment passage rates used to 2065
determine school district or building performance under this 2066
section, the department shall include all students taking an 2067
assessment with accommodation or to whom an alternate assessment 2068
is administered pursuant to division (C)(1) or (3) of section 2069
3301.0711 of the Revised Code. 2070

(2) In calculating performance index scores, rates of 2071
achievement on the performance indicators established by the 2072
state board under section 3302.02 of the Revised Code, and 2073
annual measurable objectives for determining adequate yearly 2074
progress for school districts and buildings under this section, 2075
the department shall do all of the following: 2076

(a) Include for each district or building only those 2077
students who are included in the ADM certified for the first 2078
full school week of October and are continuously enrolled in the 2079
district or building through the time of the spring 2080
administration of any assessment prescribed by division (A)(1) 2081
or (B)(1) of section 3301.0710 or division (B) of section 2082
3301.0712 of the Revised Code that is administered to the 2083
student's grade level; 2084

(b) Include cumulative totals from both the fall and 2085
spring administrations of the third grade English language arts 2086
achievement assessment; 2087

(c) Except as required by the No Child Left Behind Act of 2088
2001, exclude for each district or building any English learner 2089
who has been enrolled in United States schools for less than one 2090
full school year. 2091

~~(L) Beginning with the 2015-2016 school year and at~~ (M) At 2092
least once every three years ~~thereafter~~, the state board of 2093
education shall review and may adjust the benchmarks for 2094
assigning ~~letter grades~~ performance ratings to the performance 2095
measures ~~and components~~ prescribed under divisions ~~(C)(3) and~~ 2096
~~(D)(1) and (E)~~ of this section. 2097

Sec. 3302.035. (A) Not later than October 1, 2015, and not 2098
later than the first day of October each year thereafter, the 2099
department of education shall report for each school district, 2100
each community school established under Chapter 3314., each STEM 2101
school established under Chapter 3326., and each college- 2102
preparatory boarding school established under Chapter 3328. of 2103
the Revised Code, the following measures for students with 2104
disabilities enrolled in that school district or community, 2105
STEM, or college-preparatory boarding school: 2106

(1) The value-added progress dimension score, ~~as~~ 2107
~~disaggregated for that subgroup under division (C)(1)(f) of~~ 2108
~~section 3302.03 of the Revised Code, as determined by the~~ 2109
department; 2110

(2) The performance index score for that subgroup, as 2111
defined under division (A) of section 3302.01 of the Revised 2112
Code; 2113

(3) The four- and five-year adjusted cohort graduation rates, as defined under divisions (G) (1) and (2) of section 3302.01 of the Revised Code, for that subgroup. 2114
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(B) The department shall make each report completed pursuant to division (A) of this section available on its web site for comparison purposes. 2117
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~~Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C) (3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.~~ 2120
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(A) The department of education shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in division (A) of section 3302.041 of the Revised Code, the system shall give priority to the following: 2132
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(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code; 2138
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2140
2141

(2) For the 2012-2013 school year, and for each school 2142

year thereafter, districts and buildings in the manner 2143
prescribed by any agreement currently in force between the 2144
department and the United States department of education. The 2145
department shall endeavor to include schools and buildings that 2146
receive grades or performance ratings under section 3302.03 of 2147
the Revised Code that the department considers to be low 2148
performing. 2149

The system shall include services provided to districts 2150
and buildings through regional service providers, such as 2151
educational service centers. The system may include the 2152
appointment of an improvement coordinator for any of the lowest 2153
performing districts, as determined by the department, to 2154
coordinate the district's academic improvement efforts and to 2155
build support among the community for those efforts. 2156

(B) This division does not apply to any school district 2157
after June 30, 2008. 2158

When a school district has been notified by the department 2159
pursuant to section 3302.03 of the Revised Code that the 2160
district or a building within the district has failed to make 2161
adequate yearly progress for two consecutive school years, the 2162
district shall develop a three-year continuous improvement plan 2163
for the district or building containing each of the following: 2164

(1) An analysis of the reasons for the failure of the 2165
district or building to meet any of the applicable performance 2166
indicators established under section 3302.02 of the Revised Code 2167
that it did not meet and an analysis of the reasons for its 2168
failure to make adequate yearly progress; 2169

(2) Specific strategies that the district or building will 2170
use to address the problems in academic achievement identified 2171

in division (B) (1) of this section;	2172
(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;	2173 2174 2175
(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;	2176 2177 2178
(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;	2179 2180 2181
(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2182 2183 2184
No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.	2185 2186 2187 2188 2189 2190 2191 2192
(C) (1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.	2193 2194 2195 2196 2197 2198 2199 2200

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

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

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

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

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by

law or rule. 2231

(4) Division (D)(4) of this section does not apply to any 2232
school district after June 30, 2008. Site evaluations conducted 2233
under divisions (D)(1), (2), and (3) of this section shall 2234
include, but not be limited to, the following: 2235

(a) Determining whether teachers are assigned to subject 2236
areas for which they are licensed or certified; 2237

(b) Determining pupil-teacher ratios; 2238

(c) Examination of compliance with minimum instruction 2239
time requirements for each school day and for each school year; 2240

(d) Determining whether materials and equipment necessary 2241
to implement the curriculum approved by the school district 2242
board are available; 2243

(e) Examination of whether the teacher and principal 2244
evaluation systems comply with sections 3311.80, 3311.84, 2245
3319.02, and 3319.111 of the Revised Code; 2246

(f) Examination of the adequacy of efforts to improve the 2247
cultural competency, as defined pursuant to section 3319.61 of 2248
the Revised Code, of teachers and other educators. 2249

(E) This division applies only to school districts that 2250
operate a school building that fails to make adequate yearly 2251
progress for two or more consecutive school years. It does not 2252
apply to any such district after June 30, 2008, except as 2253
provided in division (D)(2) of section 3313.97 of the Revised 2254
Code. 2255

(1) For any school building that fails to make adequate 2256
yearly progress for two consecutive school years, the district 2257
shall do all of the following: 2258

(a) Provide written notification of the academic issues 2259
that resulted in the building's failure to make adequate yearly 2260
progress to the parent or guardian of each student enrolled in 2261
the building. The notification shall also describe the actions 2262
being taken by the district or building to improve the academic 2263
performance of the building and any progress achieved toward 2264
that goal in the immediately preceding school year. 2265

(b) If the building receives funds under Title I, Part A 2266
of the "Elementary and Secondary Education Act of 1965," 20 2267
U.S.C. 6311 to 6339, from the district, in accordance with 2268
section 3313.97 of the Revised Code, offer all students enrolled 2269
in the building the opportunity to enroll in an alternative 2270
building within the district that is not in school improvement 2271
status as defined by the "No Child Left Behind Act of 2001." 2272
Notwithstanding Chapter 3327. of the Revised Code, the district 2273
shall spend an amount equal to twenty per cent of the funds it 2274
receives under Title I, Part A of the "Elementary and Secondary 2275
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2276
transportation for students who enroll in alternative buildings 2277
under this division, unless the district can satisfy all demand 2278
for transportation with a lesser amount. If an amount equal to 2279
twenty per cent of the funds the district receives under Title 2280
I, Part A of the "Elementary and Secondary Education Act of 2281
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2282
demand for transportation, the district shall grant priority 2283
over all other students to the lowest achieving students among 2284
the subgroup described in division (B) (3) of section 3302.01 of 2285
the Revised Code in providing transportation. Any district that 2286
does not receive funds under Title I, Part A of the "Elementary 2287
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2288
shall not be required to provide transportation to any student 2289

who enrolls in an alternative building under this division. 2290

(2) For any school building that fails to make adequate 2291
yearly progress for three consecutive school years, the district 2292
shall do both of the following: 2293

(a) If the building receives funds under Title I, Part A 2294
of the "Elementary and Secondary Education Act of 1965," 20 2295
U.S.C. 6311 to 6339, from the district, in accordance with 2296
section 3313.97 of the Revised Code, provide all students 2297
enrolled in the building the opportunity to enroll in an 2298
alternative building within the district that is not in school 2299
improvement status as defined by the "No Child Left Behind Act 2300
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2301
district shall provide transportation for students who enroll in 2302
alternative buildings under this division to the extent required 2303
under division (E) (2) of this section. 2304

(b) If the building receives funds under Title I, Part A 2305
of the "Elementary and Secondary Education Act of 1965," 20 2306
U.S.C. 6311 to 6339, from the district, offer supplemental 2307
educational services to students who are enrolled in the 2308
building and who are in the subgroup described in division (B) 2309
(3) of section 3302.01 of the Revised Code. 2310

The district shall spend a combined total of an amount 2311
equal to twenty per cent of the funds it receives under Title I, 2312
Part A of the "Elementary and Secondary Education Act of 1965," 2313
20 U.S.C. 6311 to 6339, to provide transportation for students 2314
who enroll in alternative buildings under division (E) (1) (b) or 2315
(E) (2) (a) of this section and to pay the costs of the 2316
supplemental educational services provided to students under 2317
division (E) (2) (b) of this section, unless the district can 2318
satisfy all demand for transportation and pay the costs of 2319

supplemental educational services for those students who request 2320
them with a lesser amount. In allocating funds between the 2321
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2322
this section, the district shall spend at least an amount equal 2323
to five per cent of the funds it receives under Title I, Part A 2324
of the "Elementary and Secondary Education Act of 1965," 20 2325
U.S.C. 6311 to 6339, to provide transportation for students who 2326
enroll in alternative buildings under division (E) (1) (b) or (E) 2327
(2) (a) of this section, unless the district can satisfy all 2328
demand for transportation with a lesser amount, and at least an 2329
amount equal to five per cent of the funds it receives under 2330
Title I, Part A of the "Elementary and Secondary Education Act 2331
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2332
supplemental educational services provided to students under 2333
division (E) (2) (b) of this section, unless the district can pay 2334
the costs of such services for all students requesting them with 2335
a lesser amount. If an amount equal to twenty per cent of the 2336
funds the district receives under Title I, Part A of the 2337
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2338
to 6339, is insufficient to satisfy all demand for 2339
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2340
section and to pay the costs of all of the supplemental 2341
educational services provided to students under division (E) (2) 2342
(b) of this section, the district shall grant priority over all 2343
other students in providing transportation and in paying the 2344
costs of supplemental educational services to the lowest 2345
achieving students among the subgroup described in division (B) 2346
(3) of section 3302.01 of the Revised Code. 2347

Any district that does not receive funds under Title I, 2348
Part A of the "Elementary and Secondary Education Act of 1965," 2349
20 U.S.C. 6311 to 6339, shall not be required to provide 2350

transportation to any student who enrolls in an alternative 2351
building under division (E) (2) (a) of this section or to pay the 2352
costs of supplemental educational services provided to any 2353
student under division (E) (2) (b) of this section. 2354

No student who enrolls in an alternative building under 2355
division (E) (2) (a) of this section shall be eligible for 2356
supplemental educational services under division (E) (2) (b) of 2357
this section. 2358

(3) For any school building that fails to make adequate 2359
yearly progress for four consecutive school years, the district 2360
shall continue to comply with division (E) (2) of this section 2361
and shall implement at least one of the following options with 2362
respect to the building: 2363

(a) Institute a new curriculum that is consistent with the 2364
statewide academic standards adopted pursuant to division (A) of 2365
section 3301.079 of the Revised Code; 2366

(b) Decrease the degree of authority the building has to 2367
manage its internal operations; 2368

(c) Appoint an outside expert to make recommendations for 2369
improving the academic performance of the building. The district 2370
may request the department to establish a state intervention 2371
team for this purpose pursuant to division (G) of this section. 2372

(d) Extend the length of the school day or year; 2373

(e) Replace the building principal or other key personnel; 2374

(f) Reorganize the administrative structure of the 2375
building. 2376

(4) For any school building that fails to make adequate 2377
yearly progress for five consecutive school years, the district 2378

shall continue to comply with division (E) (2) of this section 2379
and shall develop a plan during the next succeeding school year 2380
to improve the academic performance of the building, which shall 2381
include at least one of the following options: 2382

(a) Reopen the school as a community school under Chapter 2383
3314. of the Revised Code; 2384

(b) Replace personnel; 2385

(c) Contract with a nonprofit or for-profit entity to 2386
operate the building; 2387

(d) Turn operation of the building over to the department; 2388

(e) Other significant restructuring of the building's 2389
governance. 2390

(5) For any school building that fails to make adequate 2391
yearly progress for six consecutive school years, the district 2392
shall continue to comply with division (E) (2) of this section 2393
and shall implement the plan developed pursuant to division (E) 2394
(4) of this section. 2395

(6) A district shall continue to comply with division (E) 2396
(1) (b) or (E) (2) of this section, whichever was most recently 2397
applicable, with respect to any building formerly subject to one 2398
of those divisions until the building makes adequate yearly 2399
progress for two consecutive school years. 2400

(F) This division applies only to school districts that 2401
have been identified for improvement by the department pursuant 2402
to the "No Child Left Behind Act of 2001." It does not apply to 2403
any such district after June 30, 2008. 2404

(1) If a school district has been identified for 2405
improvement for one school year, the district shall provide a 2406

written description of the continuous improvement plan developed 2407
by the district pursuant to division (B) of this section to the 2408
parent or guardian of each student enrolled in the district. If 2409
the district does not have a continuous improvement plan, the 2410
district shall develop such a plan in accordance with division 2411
(B) of this section and provide a written description of the 2412
plan to the parent or guardian of each student enrolled in the 2413
district. 2414

(2) If a school district has been identified for 2415
improvement for two consecutive school years, the district shall 2416
continue to implement the continuous improvement plan developed 2417
by the district pursuant to division (B) or (F)(1) of this 2418
section. 2419

(3) If a school district has been identified for 2420
improvement for three consecutive school years, the department 2421
shall take at least one of the following corrective actions with 2422
respect to the district: 2423

(a) Withhold a portion of the funds the district is 2424
entitled to receive under Title I, Part A of the "Elementary and 2425
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2426

(b) Direct the district to replace key district personnel; 2427

(c) Institute a new curriculum that is consistent with the 2428
statewide academic standards adopted pursuant to division (A) of 2429
section 3301.079 of the Revised Code; 2430

(d) Establish alternative forms of governance for 2431
individual school buildings within the district; 2432

(e) Appoint a trustee to manage the district in place of 2433
the district superintendent and board of education. 2434

The department shall conduct individual audits of a 2435
sampling of districts subject to this division to determine 2436
compliance with the corrective actions taken by the department. 2437

(4) If a school district has been identified for 2438
improvement for four consecutive school years, the department 2439
shall continue to monitor implementation of the corrective 2440
action taken under division (F) (3) of this section with respect 2441
to the district. 2442

(5) If a school district has been identified for 2443
improvement for five consecutive school years, the department 2444
shall take at least one of the corrective actions identified in 2445
division (F) (3) of this section with respect to the district, 2446
provided that the corrective action the department takes is 2447
different from the corrective action previously taken under 2448
division (F) (3) of this section with respect to the district. 2449

(G) The department may establish a state intervention team 2450
to evaluate all aspects of a school district or building, 2451
including management, curriculum, instructional methods, 2452
resource allocation, and scheduling. Any such intervention team 2453
shall be appointed by the department and shall include teachers 2454
and administrators recognized as outstanding in their fields. 2455
The intervention team shall make recommendations regarding 2456
methods for improving the performance of the district or 2457
building. 2458

The department shall not approve a district's request for 2459
an intervention team under division (E) (3) of this section if 2460
the department cannot adequately fund the work of the team, 2461
unless the district agrees to pay for the expenses of the team. 2462

(H) The department shall conduct individual audits of a 2463

sampling of community schools established under Chapter 3314. of 2464
the Revised Code to determine compliance with this section. 2465

(I) The state board shall adopt rules for implementing 2466
this section. 2467

Sec. 3302.041. (A) Beginning July 1, 2008, and contingent 2468
upon continued approval by the United States department of 2469
education, each school district that has been identified for 2470
improvement, or that contains a school building that has been 2471
identified for improvement, shall implement all corrective 2472
actions required by the model of differentiated accountability 2473
developed by the Ohio department of education and approved by 2474
the United States department of education. In any school year in 2475
which a district is subject to this division, the Ohio 2476
department of education shall notify the district, prior to the 2477
district's opening date, of the corrective actions it is 2478
required to implement in that school year. 2479

(B) For the 2021-2022 school year and each school year 2480
thereafter, the Ohio department of education shall, as necessary 2481
to comply with the reporting requirement prescribed under 2482
federal law, submit to the United States department of education 2483
all of the following: 2484

(1) A list of the lowest five per cent of all public 2485
school buildings according to performance index score as 2486
determined by the Ohio department of education; 2487

(2) A list of the lowest five per cent of city, local, and 2488
exempted village school districts according to performance index 2489
score as determined by the Ohio department of education; 2490

(3) For public school buildings that only enroll students 2491
in grades kindergarten through two, the data necessary to 2492

meaningfully differentiate between those buildings. As the Ohio 2493
department of education determines appropriate, the data 2494
submitted under division (B) (3) of this section shall be either 2495
of the following: 2496

(a) The chronic absenteeism indicator prescribed under 2497
division (A) (3) of section 3302.02 of the Revised Code; 2498

(b) The data regarding students who attained a score at 2499
least equivalent to the level of achievement designated under 2500
division (A) (3) of section 3301.0710 of the Revised Code, as 2501
reported under division (D) (2) (g) of section 3302.03 of the 2502
Revised Code. 2503

The Ohio department of education shall, as necessary to 2504
implement division (B) of this section, seek a waiver from the 2505
United States department of education from any requirements 2506
prescribed under federal law. 2507

Sec. 3302.042. (A) This section shall operate as a pilot 2508
project that applies to any school that has been ranked 2509
according to performance index score under section 3302.21 of 2510
the Revised Code in the lowest five per cent of all public 2511
school buildings statewide for three or more consecutive school 2512
years and is operated by the Columbus city school district. The 2513
pilot project shall commence once the department of education 2514
establishes implementation guidelines for the pilot project in 2515
consultation with the Columbus city school district. 2516

(B) Except as provided in division (D), (E), or (F) of 2517
this section, if the parents or guardians of at least fifty per 2518
cent of the students enrolled in a school to which this section 2519
applies, or if the parents or guardians of at least fifty per 2520
cent of the total number of students enrolled in that school and 2521

the schools of lower grade levels whose students typically 2522
matriculate into that school, by the thirty-first day of 2523
December of any school year in which the school is subject to 2524
this section, sign and file with the school district treasurer a 2525
petition requesting the district board of education to implement 2526
one of the following reforms in the school, and if the validity 2527
and sufficiency of the petition is certified in accordance with 2528
division (C) of this section, the board shall implement the 2529
requested reform in the next school year: 2530

(1) Reopen the school as a community school under Chapter 2531
3314. of the Revised Code; 2532

(2) Replace at least seventy per cent of the school's 2533
personnel who are related to the school's poor academic 2534
performance or, at the request of the petitioners, retain not 2535
more than thirty per cent of the personnel; 2536

(3) Contract with another school district or a nonprofit 2537
or for-profit entity with a demonstrated record of effectiveness 2538
to operate the school; 2539

(4) Turn operation of the school over to the department; 2540

(5) Any other major restructuring of the school that makes 2541
fundamental reforms in the school's staffing or governance. 2542

(C) Not later than thirty days after receipt of a petition 2543
under division (B) of this section, the district treasurer shall 2544
verify the validity and sufficiency of the signatures on the 2545
petition and certify to the district board whether the petition 2546
contains the necessary number of valid signatures to require the 2547
board to implement the reform requested by the petitioners. If 2548
the treasurer certifies to the district board that the petition 2549
does not contain the necessary number of valid signatures, any 2550

person who signed the petition may file an appeal with the 2551
county auditor within ten days after the certification. Not 2552
later than thirty days after the filing of an appeal, the county 2553
auditor shall conduct an independent verification of the 2554
validity and sufficiency of the signatures on the petition and 2555
certify to the district board whether the petition contains the 2556
necessary number of valid signatures to require the board to 2557
implement the requested reform. If the treasurer or county 2558
auditor certifies that the petition contains the necessary 2559
number of valid signatures, the district board shall notify the 2560
superintendent of public instruction and the state board of 2561
education of the certification. 2562

(D) The district board shall not implement the reform 2563
requested by the petitioners in any of the following 2564
circumstances: 2565

(1) The district board has determined that the request is 2566
for reasons other than improving student academic achievement or 2567
student safety. 2568

(2) The state superintendent has determined that 2569
implementation of the requested reform would not comply with the 2570
model of differentiated accountability described in section 2571
3302.041 of the Revised Code. 2572

(3) The petitioners have requested the district board to 2573
implement the reform described in division (B)(4) of this 2574
section and the department has not agreed to take over the 2575
school's operation. 2576

(4) When all of the following have occurred: 2577

(a) After a public hearing on the matter, the district 2578
board issued a written statement explaining the reasons that it 2579

is unable to implement the requested reform and agreeing to 2580
implement one of the other reforms described in division (B) of 2581
this section. 2582

(b) The district board submitted its written statement to 2583
the state superintendent and the state board along with evidence 2584
showing how the alternative reform the district board has agreed 2585
to implement will enable the school to improve its academic 2586
performance. 2587

(c) Both the state superintendent and the state board have 2588
approved implementation of the alternative reform. 2589

(E) If the provisions of this section conflict in any way 2590
with the requirements of federal law, federal law shall prevail 2591
over the provisions of this section. 2592

(F) If a school is restructured under this section, 2593
section 3302.10 ~~or 3302.12~~ of the Revised Code, or federal law, 2594
the school shall not be required to restructure again under 2595
state law for three consecutive years after the implementation 2596
of that prior restructuring. 2597

(G) Beginning not later than six months after the first 2598
petition under this section has been resolved, the department of 2599
education shall annually evaluate the pilot program and submit a 2600
report to the general assembly under section 101.68 of the 2601
Revised Code. Such reports shall contain its recommendations to 2602
the general assembly with respect to the continuation of the 2603
pilot program, its expansion to other school districts, or the 2604
enactment of further legislation establishing the program 2605
statewide under permanent law. 2606

Sec. 3302.05. The state board of education shall adopt 2607
rules freeing school districts from specified state mandates if 2608

one of the following applies: 2609

(A) For the 2011-2012 school year, the school district was 2610
declared to be excellent under section 3302.03 of the Revised 2611
Code, as that section existed prior to March 22, 2013, and had 2612
above expected growth in the overall value-added measure. 2613

(B) For the 2012-2013 school year, the school district 2614
received a grade of "A" for the number of performance indicators 2615
met under division (A) (1) (c) of section 3302.03 of the Revised 2616
Code and for the value-added dimension under division (A) (1) (e) 2617
of section 3302.03 of the Revised Code. 2618

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 2619
year, the school district received a grade of "A" for the number 2620
of performance indicators met under division (B) (1) (c) of 2621
section 3302.03 of the Revised Code and for the value-added 2622
dimension under division (B) (1) (e) of section 3302.03 of the 2623
Revised Code. 2624

(D) For the ~~2016-2017 school year and for each, 2017-2018,~~ 2625
~~2018-2019, 2019-2020, or 2020-2021 school year thereafter,~~ the 2626
school district received an overall grade of "A" under division 2627
(C) (3) of section 3302.03 of the Revised Code. 2628

(E) For the 2021-2022 school year, and for each school 2629
year thereafter, the school district received a performance 2630
rating of "exceeds expectations" or higher on more than fifty 2631
per cent of the performance measures prescribed under division 2632
(D) (1) of section 3302.03 of the Revised Code. 2633

Any mandates included in the rules shall be only those 2634
statutes or rules pertaining to state education requirements. 2635
The rules shall not exempt districts from any operating standard 2636
adopted under division (D) (3) of section 3301.07 of the Revised 2637

Code. 2638

Sec. 3302.10. (A) The superintendent of public instruction 2639
shall establish an academic distress commission for any school 2640
district that meets one of the following conditions: 2641

(1) The district has ~~received an overall grade of "F"~~ 2642
~~under division (C) (3) of section 3302.03 of the Revised Code for~~ 2643
~~three-four consecutive years received either of the following:~~ 2644

(a) An overall grade of "F" under division (C) (3) of 2645
section 3302.03 of the Revised Code; 2646

(b) A performance rating of "in need of support" on at 2647
least four of the performance measures prescribed under division 2648
(D) (1) of section 3302.03 of the Revised Code. 2649

(2) An academic distress commission established for the 2650
district under former section 3302.10 of the Revised Code was 2651
still in existence ~~on the effective date of this section~~ October 2652
15, 2015, and has been in existence for at least four years. 2653

(B) (1) The academic distress commission shall consist of 2654
five members as follows: 2655

(a) Three members appointed by the state superintendent, 2656
one of whom is a resident in the county in which a majority of 2657
the district's territory is located; 2658

(b) One member appointed by the president of the district 2659
board of education, who shall be a teacher employed by the 2660
district; 2661

(c) One member appointed by the mayor of the municipality 2662
in which a majority of the district's territory is located or, 2663
if no such municipality exists, by the mayor of a municipality 2664
selected by the state superintendent in which the district has 2665

territory. 2666

Appointments to the commission shall be made within thirty 2667
days after the district is notified that it is subject to this 2668
section. Members of the commission shall serve at the pleasure 2669
of their appointing authority. The state superintendent shall 2670
designate a chairperson for the commission from among the 2671
members appointed by the state superintendent. The chairperson 2672
shall call and conduct meetings, set meeting agendas, and serve 2673
as a liaison between the commission and the chief executive 2674
officer appointed under division (C) (1) of this section. 2675

(2) In the case of a school district that meets the 2676
condition in division (A) (2) of this section, the academic 2677
distress commission established for the district under former 2678
section 3302.10 of the Revised Code shall be abolished and a new 2679
academic distress commission shall be appointed for the district 2680
pursuant to division (B) (1) of this section. 2681

(C) (1) Within sixty days after the state superintendent 2682
has designated a chairperson for the academic distress 2683
commission, the commission shall appoint a chief executive 2684
officer for the district, who shall be paid by the department of 2685
education and shall serve at the pleasure of the commission. The 2686
individual appointed as chief executive officer shall have high- 2687
level management experience in the public or private sector. The 2688
chief executive officer shall exercise complete operational, 2689
managerial, and instructional control of the district, which 2690
shall include, but shall not be limited to, the following powers 2691
and duties, but the chief executive officer may delegate, in 2692
writing, specific powers or duties to the district board or 2693
district superintendent: 2694

(a) Replacing school administrators and central office 2695

staff;	2696
(b) Assigning employees to schools and approving transfers;	2697
(c) Hiring new employees;	2699
(d) Defining employee responsibilities and job descriptions;	2700
(e) Establishing employee compensation;	2702
(f) Allocating teacher class loads;	2703
(g) Conducting employee evaluations;	2704
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	2705
(i) Setting the school calendar;	2706
(j) Creating a budget for the district;	2707
(k) Contracting for services for the district;	2708
(l) Modifying policies and procedures established by the district board;	2709
(m) Establishing grade configurations of schools;	2710
(n) Determining the school curriculum;	2711
(o) Selecting instructional materials and assessments;	2712
(p) Setting class sizes;	2713
(q) Providing for staff professional development.	2714
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However,	2715
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nothing in this section shall prohibit the chief executive 2720
officer from employing the same individual or other staff to 2721
perform duties or functions previously performed by the 2722
improvement coordinator. 2723

(D) The academic distress commission, in consultation with 2724
the state superintendent and the chief executive officer, shall 2725
be responsible for expanding high-quality school choice options 2726
in the district. The commission, in consultation with the state 2727
superintendent, may create an entity to act as a high-quality 2728
school accelerator for schools not operated by the district. The 2729
accelerator shall promote high-quality schools in the district, 2730
lead improvement efforts for underperforming schools, recruit 2731
high-quality sponsors for community schools, attract new high- 2732
quality schools to the district, and increase the overall 2733
capacity of schools to deliver a high-quality education for 2734
students. Any accelerator shall be an independent entity and the 2735
chief executive officer shall have no authority over the 2736
accelerator. 2737

(E) (1) Within thirty days after the chief executive 2738
officer is appointed, the chief executive officer shall convene 2739
a group of community stakeholders. The purpose of the group 2740
shall be to develop expectations for academic improvement in the 2741
district and to assist the district in building relationships 2742
with organizations in the community that can provide needed 2743
services to students. Members of the group shall include, but 2744
shall not be limited to, educators, civic and business leaders, 2745
and representatives of institutions of higher education and 2746
government service agencies. Within ninety days after the chief 2747
executive officer is appointed, the chief executive officer also 2748
shall convene a smaller group of community stakeholders for each 2749
school operated by the district to develop expectations for 2750

academic improvement in that school. The group convened for each 2751
school shall have teachers employed in the school and parents of 2752
students enrolled in the school among its members. 2753

(2) The chief executive officer shall create a plan to 2754
improve the district's academic performance. In creating the 2755
plan, the chief executive officer shall consult with the groups 2756
convened under division (E)(1) of this section. The chief 2757
executive officer also shall consider the availability of 2758
funding to ensure sustainability of the plan. The plan shall 2759
establish clear, measurable performance goals for the district 2760
and for each school operated by the district. The performance 2761
goals shall include, but not be limited to, the performance 2762
measures prescribed for report cards issued under section 2763
3302.03 of the Revised Code. Within ninety days after the chief 2764
executive officer is appointed, the chief executive officer 2765
shall submit the plan to the academic distress commission for 2766
approval. Within thirty days after the submission of the plan, 2767
the commission shall approve the plan or suggest modifications 2768
to the plan that will render it acceptable. If the commission 2769
suggests modifications, the chief executive officer may revise 2770
the plan before resubmitting it to the commission. The chief 2771
executive officer shall resubmit the plan, whether revised or 2772
not, within fifteen days after the commission suggests 2773
modifications. The commission shall approve the plan within 2774
thirty days after the plan is resubmitted. Upon approval of the 2775
plan by the commission, the chief executive officer shall 2776
implement the plan. 2777

(F) Notwithstanding any provision to the contrary in 2778
Chapter 4117. of the Revised Code, if the district board has 2779
entered into, modified, renewed, or extended a collective 2780
bargaining agreement on or after ~~the effective date of this~~ 2781

~~section October 15, 2015,~~ that contains provisions relinquishing 2782
one or more of the rights or responsibilities listed in division 2783
(C) of section 4117.08 of the Revised Code, those provisions are 2784
not enforceable and the chief executive officer and the district 2785
board shall resume holding those rights or responsibilities as 2786
if the district board had not relinquished them in that 2787
agreement until such time as both the academic distress 2788
commission ceases to exist and the district board agrees to 2789
relinquish those rights or responsibilities in a new collective 2790
bargaining agreement. For purposes of this section, "collective 2791
bargaining agreement" shall include any labor contract or 2792
agreement in effect with any applicable bargaining 2793
representative. The chief executive officer and the district 2794
board are not required to bargain on subjects reserved to the 2795
management and direction of the school district, including, but 2796
not limited to, the rights or responsibilities listed in 2797
division (C) of section 4117.08 of the Revised Code. The way in 2798
which these subjects and these rights or responsibilities may 2799
affect the wages, hours, terms and conditions of employment, or 2800
the continuation, modification, or deletion of an existing 2801
provision of a collective bargaining agreement is not subject to 2802
collective bargaining or effects bargaining under Chapter 4117. 2803
of the Revised Code. The provisions of this paragraph apply to a 2804
collective bargaining agreement entered into, modified, renewed, 2805
or extended on or after ~~the effective date of this section~~ 2806
October 15, 2015, and those provisions are deemed to be part of 2807
that agreement regardless of whether the district satisfied the 2808
conditions prescribed in division (A) of this section at the 2809
time the district entered into that agreement. If the district 2810
board relinquished one or more of the rights or responsibilities 2811
listed in division (C) of section 4117.08 of the Revised Code in 2812
a collective bargaining agreement entered into prior to ~~the~~ 2813

~~effective date of this section October 15, 2015,~~ and had resumed 2814
holding those rights or responsibilities pursuant to division 2815
(K) of former section 3302.10 of the Revised Code, as it existed 2816
prior to that date, the district board shall continue to hold 2817
those rights or responsibilities until such time as both the new 2818
academic distress commission appointed under this section ceases 2819
to exist upon completion of the transition period specified in 2820
division (N) (1) of this section and the district board agrees to 2821
relinquish those rights or responsibilities in a new collective 2822
bargaining agreement. 2823

(G) In each school year that the district is subject to 2824
this section, the following shall apply: 2825

(1) The chief executive officer shall implement the 2826
improvement plan approved under division (E) (2) of this section 2827
and shall review the plan annually to determine if changes are 2828
needed. The chief executive officer may modify the plan upon the 2829
approval of the modifications by the academic distress 2830
commission. 2831

(2) The chief executive officer may implement innovative 2832
education programs to do any of the following: 2833

(a) Address the physical and mental well-being of students 2834
and their families; 2835

(b) Provide mentoring; 2836

(c) Provide job resources; 2837

(d) Disseminate higher education information; 2838

(e) Offer recreational or cultural activities; 2839

(f) Provide any other services that will contribute to a 2840
successful learning environment. 2841

The chief executive officer shall establish a separate 2842
fund to support innovative education programs and shall deposit 2843
any moneys appropriated by the general assembly for the purposes 2844
of division (G) (2) of this section in the fund. The chief 2845
executive officer shall have sole authority to disburse moneys 2846
from the fund until the district is no longer subject to this 2847
section. All disbursements shall support the improvement plan 2848
approved under division (E) (2) of this section. 2849

(3) If the district is not a school district in which the 2850
pilot project scholarship program is operating under sections 2851
3313.974 to 3313.979 of the Revised Code, each student who is 2852
entitled to attend school in the district under section 3313.64 2853
or 3313.65 of the Revised Code and is enrolled in a school 2854
operated by the district or in a community school, or will be 2855
both enrolling in any of grades kindergarten through twelve in 2856
this state for the first time and at least five years of age by 2857
the first day of January of the following school year, shall be 2858
eligible to participate in the educational choice scholarship 2859
pilot program established under sections 3310.01 to 3310.17 of 2860
the Revised Code and an application for the student may be 2861
submitted during the next application period. 2862

(4) Notwithstanding anything to the contrary in the 2863
Revised Code, the chief executive officer may limit, suspend, or 2864
alter any contract with an administrator that is entered into, 2865
modified, renewed, or extended by the district board on or after 2866
~~the effective date of this section~~ October 15, 2015, provided 2867
that the chief executive officer shall not reduce any salary or 2868
base hourly rate of pay unless such salary or base hourly rate 2869
reductions are part of a uniform plan affecting all district 2870
employees and shall not reduce any insurance benefits unless 2871
such insurance benefit reductions are also applicable generally 2872

to other employees of the district. 2873

(5) The chief executive officer shall represent the 2874
district board during any negotiations to modify, renew, or 2875
extend a collective bargaining agreement entered into by the 2876
board under Chapter 4117. of the Revised Code. 2877

(H) If the report card for the district has been issued 2878
under section 3302.03 of the Revised Code for the first school 2879
year that the district is subject to this section and the 2880
district does not meet the qualification in division (N) (1) of 2881
this section, the following shall apply: 2882

(1) The chief executive officer may reconstitute any 2883
school operated by the district. The chief executive officer 2884
shall present to the academic distress commission a plan that 2885
lists each school designated for reconstitution and explains how 2886
the chief executive officer plans to reconstitute the school. 2887
The chief executive officer may take any of the following 2888
actions to reconstitute a school: 2889

(a) Change the mission of the school or the focus of its 2890
curriculum; 2891

(b) Replace the school's principal and/or administrative 2892
staff; 2893

(c) Replace a majority of the school's staff, including 2894
teaching and nonteaching employees; 2895

(d) Contract with a nonprofit or for-profit entity to 2896
manage the operations of the school. The contract may provide 2897
for the entity to supply all or some of the staff for the 2898
school. 2899

(e) Reopen the school as a community school under Chapter 2900

3314. of the Revised Code or a science, technology, engineering, 2901
and mathematics school under Chapter 3326. of the Revised Code; 2902

(f) Permanently close the school. 2903

If the chief executive officer plans to reconstitute a 2904
school under division (H) (1) (e) or (f) of this section, the 2905
commission shall review the plan for that school and either 2906
approve or reject it by the thirtieth day of June of the school 2907
year. Upon approval of the plan by the commission, the chief 2908
executive officer shall reconstitute the school as outlined in 2909
the plan. 2910

(2) Notwithstanding any provision to the contrary in 2911
Chapter 4117. of the Revised Code, the chief executive officer, 2912
in consultation with the chairperson of the academic distress 2913
commission, may reopen any collective bargaining agreement 2914
entered into, modified, renewed, or extended on or after ~~the~~ 2915
~~effective date of this section~~ October 15, 2015, for the purpose 2916
of renegotiating its terms. The chief executive officer shall 2917
have the sole discretion to designate any provisions of a 2918
collective bargaining agreement as subject to reopening by 2919
providing written notice to the bargaining representative. Any 2920
provisions designated for reopening by the chief executive 2921
officer shall be subject to collective bargaining as set forth 2922
in Chapter 4117. of the Revised Code. Any changes to the 2923
provisions subject to reopening shall take effect on the 2924
following first day of July or another date agreed to by the 2925
parties. The chief executive officer may reopen a collective 2926
bargaining agreement under division (H) (2) of this section as 2927
necessary to reconstitute a school under division (H) (1) of this 2928
section. 2929

(I) If the report card for the district has been issued 2930

under section 3302.03 of the Revised Code for the second school 2931
year that the district is subject to this section and the 2932
district does not meet the qualification in division (N) (1) of 2933
this section, the following shall apply: 2934

(1) The chief executive officer may exercise any of the 2935
powers authorized under division (H) of this section. 2936

(2) Notwithstanding any provision to the contrary in 2937
Chapter 4117. of the Revised Code, the chief executive officer 2938
may limit, suspend, or alter any provision of a collective 2939
bargaining agreement entered into, modified, renewed, or 2940
extended on or after ~~the effective date of this section~~ October 2941
15, 2015, provided that the chief executive officer shall not 2942
reduce any base hourly rate of pay and shall not reduce any 2943
insurance benefits. The decision to limit, suspend, or alter any 2944
provision of a collective bargaining agreement under this 2945
division is not subject to bargaining under Chapter 4117. of the 2946
Revised Code; however, the chief executive officer shall have 2947
the discretion to engage in effects bargaining on the way any 2948
such decision may affect wages, hours, or terms and conditions 2949
of employment. The chief executive officer may limit, suspend, 2950
or alter a provision of a collective bargaining agreement under 2951
division (I) (2) of this section as necessary to reconstitute a 2952
school under division (H) (1) of this section. 2953

(J) If the report card for the district has been issued 2954
under section 3302.03 of the Revised Code for the third school 2955
year that the district is subject to this section and the 2956
district does not meet the qualification in division (N) (1) of 2957
this section, the following shall apply: 2958

(1) The chief executive officer may exercise any of the 2959
powers authorized under division (H) or (I) of this section. 2960

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

(K) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fourth school year that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the following shall apply:

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

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

(L) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fifth school year, or any subsequent school year, that the district is subject to this section and the district does not meet the qualification in division (N) (1) of this section, the chief executive officer may exercise any of the powers authorized under division (H), (I), (J), or (K) (1) of this section.

(M) If division (I), (J), (K), or (L) of this section applies to a district, community schools, STEM schools,

chartered nonpublic schools, and other school districts that 2990
enroll students residing in the district and meet academic 2991
accountability standards shall be eligible to be paid an 2992
academic performance bonus in each fiscal year for which the 2993
general assembly appropriates funds for that purpose. The 2994
academic performance bonus is intended to give students residing 2995
in the district access to a high-quality education by 2996
encouraging high-quality schools to enroll those students. 2997

(N) (1) When a district subject to this section receives 2998
either an overall grade of "C" or higher under division (C) (3) 2999
of section 3302.03 of the Revised Code or a performance rating 3000
of "making moderate progress toward expectations" or higher for 3001
more than fifty per cent of the performance measures prescribed 3002
under division (D) (1) of that section, the district shall begin 3003
its transition out of being subject to this section. Except as 3004
provided in division (N) (2) of this section, the transition 3005
period shall last until the district has received either an 3006
overall grade higher than "F" under division (C) (3) of section 3007
3302.03 of the Revised Code or a performance rating higher than 3008
"in need of support" for more than fifty per cent of the 3009
performance measures prescribed under division (D) (1) of that 3010
section for two consecutive school years after the transition 3011
period begins. The overall grade of "C" or higher or performance 3012
ratings of "making moderate progress toward expectations" or 3013
higher that ~~qualifies~~ qualify the district to begin the 3014
transition period shall not count as one of the two consecutive 3015
school years. During the transition period, the conditions 3016
described in divisions (F) to (L) of this section for the school 3017
year prior to the school year in which the transition period 3018
begins shall continue to apply and the chief executive officer 3019
shall work closely with the district board and district 3020

superintendent to increase their ability to resume control of 3021
the district and sustain the district's academic improvement 3022
over time. Upon completion of the transition period, the chief 3023
executive officer shall relinquish all operational, managerial, 3024
and instructional control of the district to the district board 3025
and district superintendent and the academic distress commission 3026
shall cease to exist. 3027

(2) If the district receives either an overall grade of 3028
"F" under division (C) (3) of section 3302.03 of the Revised Code 3029
or a performance rating of "in need of support" on at least four 3030
of the performance measures prescribed under division (D) (1) 3031
that section at any time during the transition period, the 3032
transition period shall end and the district shall be fully 3033
subject to this section again. The district shall resume being 3034
fully subject to this section at the point it began its 3035
transition out of being subject to this section and the division 3036
in divisions (H) to (L) of this section that would have applied 3037
to the district had the district not qualified to begin its 3038
transition under division (N) (1) of this section shall apply to 3039
the district. 3040

(O) If at any time there are no longer any schools 3041
operated by the district due to reconstitution or other closure 3042
of the district's schools under this section, the academic 3043
distress commission shall cease to exist and the chief executive 3044
officer shall cease to exercise any powers with respect to the 3045
district. 3046

(P) Beginning ~~on the effective date of this section~~ 3047
October 15, 2015, each collective bargaining agreement entered 3048
into by a school district board of education under Chapter 4117. 3049
of the Revised Code shall incorporate the provisions of this 3050

section. 3051

(Q) The chief executive officer, the members of the 3052
academic distress commission, the state superintendent, and any 3053
person authorized to act on behalf of or assist them shall not 3054
be personally liable or subject to any suit, judgment, or claim 3055
for damages resulting from the exercise of or failure to 3056
exercise the powers, duties, and functions granted to them in 3057
regard to their functioning under this section, but the chief 3058
executive officer, commission, state superintendent, and such 3059
other persons shall be subject to mandamus proceedings to compel 3060
performance of their duties under this section. 3061

(R) The state superintendent shall not exempt any district 3062
from this section by approving an application for an innovative 3063
education pilot program submitted by the district under section 3064
3302.07 of the Revised Code. 3065

Sec. 3302.13. (A) This section applies to any school 3066
district or community school that meets both of the following 3067
criteria, as reported on the past two consecutive report cards 3068
issued for that district or school under section 3302.03 of the 3069
Revised Code: 3070

(1) The district or school received ~~a~~either of the 3071
following: 3072

(a) A grade of "D" or "F" on the kindergarten through 3073
third-grade literacy progress measure under division (C) (3) (e) 3074
of section 3302.03 of the Revised Code; 3075

(b) A performance rating of "in need of support" for the 3076
third-grade reading guarantee measure under division (D) (1) (e) 3077
of section 3302.03 of the Revised Code. 3078

(2) Less than sixty per cent of the district's students 3079

who took the third grade English language arts assessment 3080
prescribed under section 3301.0710 of the Revised Code for that 3081
school year attained at least ~~a proficient score on that~~ 3082
~~assessment~~ the equivalent level of achievement designated under 3083
division (A) (3) of that section. 3084

(B) By December 31, 2016, and by the thirty-first day of 3085
each December thereafter, any school district or community 3086
school that meets the criteria set forth in division (A) of this 3087
section shall submit to the department of education a school or 3088
district reading achievement improvement plan, which shall 3089
include all requirements prescribed by the state board of 3090
education pursuant to division (C) of this section. 3091

(C) Not later than December 31, 2014, the state board 3092
shall adopt rules in accordance with Chapter 119. of the Revised 3093
Code prescribing the content of and deadlines for the reading 3094
achievement improvement plans required under division (B) of 3095
this section. The rules shall prescribe that each plan include, 3096
at a minimum, an analysis of relevant student performance data, 3097
measurable student performance goals, strategies to meet 3098
specific student needs, a staffing and professional development 3099
plan, and instructional strategies for improving literacy. 3100

(D) Any school district or community school to which this 3101
section applies shall no longer be required to submit an 3102
improvement plan pursuant to division (B) of this section when 3103
that district or school meets either of the following criteria, 3104
as reported on the most recent report card issued for that 3105
district or school under section 3302.03 of the Revised Code: 3106

(1) The district or school received ~~a~~ either of the 3107
following: 3108

(a) A grade of "C" or higher on the kindergarten through 3109
third-grade literacy progress measure under division (C) (3) (e) 3110
of section 3302.03 of the Revised Code; 3111

(b) A performance rating of "making moderate progress 3112
toward expectations" or higher for the third-grade reading 3113
guarantee performance measure under division (D) (1) (e) of 3114
section 3302.03 of the Revised Code. 3115

(2) Not less than sixty per cent of the district's 3116
students who took the third grade English language arts 3117
assessment prescribed under section 3301.0710 of the Revised 3118
Code for that school year attained at least ~~a proficient score~~ 3119
on that assessment the equivalent level of achievement 3120
designated under division (A) (3) of that section. 3121

(E) The department of education shall post in a prominent 3122
location on its web site all plans submitted pursuant to this 3123
section. 3124

Sec. 3302.151. (A) Notwithstanding anything to the 3125
contrary in the Revised Code, a school district that qualifies 3126
under division (D) of this section shall be exempt from all of 3127
the following: 3128

(1) The teacher qualification requirements under the 3129
third-grade reading guarantee, as prescribed under divisions (B) 3130
(3) (c) and (H) of section 3313.608 of the Revised Code. This 3131
exemption does not relieve a teacher from holding a valid Ohio 3132
license in a subject area and grade level determined appropriate 3133
by the board of education of that district. 3134

(2) The mentoring component of the Ohio teacher residency 3135
program established under division (A) (1) of section 3319.223 of 3136
the Revised Code, so long as the district utilizes a local 3137

approach to train and support new teachers; 3138

(3) Any provision of the Revised Code or rule or standard 3139
of the state board of education prescribing a minimum or maximum 3140
class size; 3141

(4) Any provision of the Revised Code or rule or standard 3142
of the state board requiring teachers to be licensed 3143
specifically in the grade level in which they are teaching, 3144
except unless otherwise prescribed by federal law. This 3145
exemption does not apply to special education teachers. Nor does 3146
this exemption relieve a teacher from holding a valid Ohio 3147
license in the subject area in which that teacher is teaching 3148
and at least some grade level determined appropriate by the 3149
district board. 3150

(B) (1) Notwithstanding anything to the contrary in the 3151
Revised Code, including sections 3319.30 and 3319.36 of the 3152
Revised Code, the superintendent of a school district that 3153
qualifies under division (D) of this section may employ an 3154
individual who is not licensed as required by sections 3319.22 3155
to 3319.30 of the Revised Code, but who is otherwise qualified 3156
based on experience, to teach classes in the district, so long 3157
as the board of education of the school district approves the 3158
individual's employment and provides mentoring and professional 3159
development opportunities to that individual, as determined 3160
necessary by the board. 3161

(2) As a condition of employment under this section, an 3162
individual shall be subject to a criminal records check as 3163
prescribed by section 3319.391 of the Revised Code. In the 3164
manner prescribed by the department of education, the individual 3165
shall submit the criminal records check to the department and 3166
shall register with the department during the period in which 3167

the individual is employed by the district. The department shall 3168
use the information submitted to enroll the individual in the 3169
retained applicant fingerprint database, established under 3170
section 109.5721 of the Revised Code, in the same manner as any 3171
teacher licensed under sections 3319.22 to 3319.31 of the 3172
Revised Code. 3173

(3) An individual employed pursuant to this division is 3174
subject to Chapter 3307. of the Revised Code. 3175

If the department receives notification of the arrest or 3176
conviction of an individual employed under division (B) of this 3177
section, the department shall promptly notify the employing 3178
district and may take any action authorized under sections 3179
3319.31 and 3319.311 of the Revised Code that it considers 3180
appropriate. No district shall employ any individual under 3181
division (B) of this section if the district learns that the 3182
individual has plead guilty to, has been found guilty by a jury 3183
or court of, or has been convicted of any of the offenses listed 3184
in division (C) of section 3319.31 of the Revised Code. 3185

(C) Notwithstanding anything to the contrary in the 3186
Revised Code, noncompliance with any of the requirements listed 3187
in divisions (A) or (B) of this section shall not disqualify a 3188
school district that qualifies under division (D) of this 3189
section from receiving funds under Chapter 3317. of the Revised 3190
Code. 3191

(D) In order for a city, local, or exempted village school 3192
district to qualify for the exemptions described in this 3193
section, the school district shall meet all of the following 3194
benchmarks on the most recent report card issued for that 3195
district under section 3302.03 of the Revised Code: 3196

(1) The district received at least eighty-five per cent of 3197
either of the following: 3198

(a) Until the 2021-2022 school year, the total possible 3199
points for the performance index score calculated under division 3200
(C) (1) (b) of that section; 3201

(b) For the 2021-2022 school year, and each school year 3202
thereafter, the maximum performance index score described under 3203
division (D) (1) (b) of that section; 3204

(2) The district received a grade of an "A" for 3205
performance indicators met under division (C) (1) (c) of that 3206
section. 3207

Division (D) (2) of this section shall not apply for the 3208
2021-2022 school year or any school year thereafter. 3209

(3) The district has a four-year adjusted cohort 3210
graduation rate of at least ninety-three per cent and a five- 3211
year adjusted cohort graduation rate of at least ninety-five per 3212
cent, as calculated under division (C) (1) (d) or (D) (1) (c) of 3213
that section. 3214

(E) A school district that meets the requirements 3215
prescribed by division (D) of this section shall be qualified 3216
for the exemptions prescribed by this section for three school 3217
years, beginning with the school year in which the qualifying 3218
report card is issued. 3219

(F) As used in this section, "license" has the same 3220
meaning as in section 3319.31 of the Revised Code. 3221

Sec. 3302.17. (A) Any school building operated by a city, 3222
exempted village, or local school district, or a community 3223
school established under Chapter 3314. of the Revised Code is 3224

eligible to initiate the community learning center process as 3225
prescribed by this section. 3226

(B) Beginning with the 2015-2016 school year, each 3227
district board of education or community school governing 3228
authority may initiate a community learning center process for 3229
any school building to which this section applies. 3230

First, the board or governing authority shall conduct a 3231
public information hearing at each school building to which this 3232
section applies to inform the community of the community 3233
learning center process. The board or governing authority may do 3234
all of the following with regard to the public information 3235
hearing: 3236

(1) Announce the meeting not less than forty-five days in 3237
advance at the school and on the school's or district's web 3238
sites and using tools to ensure effective communication with 3239
individuals with disabilities; 3240

(2) Schedule the meeting for an evening or weekend time; 3241

(3) Provide interpretation services and written materials 3242
in all languages spoken by five per cent or more of the students 3243
enrolled in the school; 3244

(4) Provide child care services for parents attending the 3245
meeting; 3246

(5) Provide parents, students, teachers, nonteaching 3247
employees, and community members with the opportunity to speak 3248
at the meeting; 3249

(6) Comply with section 149.43 of the Revised Code. 3250

In preparing for the public information hearing, the board 3251
or governing authority shall ensure that information about the 3252

hearing is broadly distributed throughout the community. 3253

The board or governing authority may enter into an 3254
agreement with any civic engagement organizations, community 3255
organizations, or employee organizations to support the 3256
implementation of the community learning center process. 3257

The board or governing authority shall conduct a follow-up 3258
hearing at least once annually until action is further taken 3259
under the section with respect to the school building or until 3260
the conditions described in division (A) of this section no 3261
longer apply to the school building. 3262

(C) Not sooner than forty-five days after the first public 3263
information hearing, the board or governing authority shall 3264
conduct an election, by paper ballot, to initiate the process to 3265
become a community learning center. Only parents or guardians of 3266
students enrolled in the school and students enrolled in a 3267
different school operated by a joint vocational school district 3268
but are otherwise entitled to attend the school, and teachers 3269
and nonteaching employees who are assigned to the school may 3270
vote in the election. 3271

The board or governing authority shall distribute the 3272
ballots by mail and shall make copies available at the school 3273
and on the web site of the school. The board or governing 3274
authority also may distribute the ballots by directly giving 3275
ballots to teachers and nonteaching employees and sending home 3276
ballots with every student enrolled in the school building. 3277

(D) The board or governing authority shall initiate the 3278
transition of the building to a community learning center if the 3279
results of the election held under division (C) of this section 3280
are as follows: 3281

(1) At least fifty per cent of parents and guardians of 3282
students enrolled in the eligible school building and students 3283
enrolled in a different building operated by a joint vocational 3284
school district but who are entitled to attend the school cast 3285
ballots by a date set by the board or governing authority, and 3286
of those ballots at least sixty-seven per cent are in favor of 3287
initiating the process; and 3288

(2) At least fifty per cent of teachers and nonteaching 3289
employees who are assigned to the school cast ballots by a date 3290
set by the board or governing authority, and of those ballots at 3291
least sixty-seven per cent are in favor of initiating the 3292
process. 3293

(E) If a community learning center process is initiated 3294
under this section, the board or governing authority shall 3295
create a school action team under section 3302.18 of the Revised 3296
Code. Within four months upon selection, the school action team 3297
shall conduct and complete, in consultation with community 3298
partners, a performance audit of the school and review, with 3299
parental input, the needs of the school with regard to 3300
restructuring under section 3302.10, ~~3302.12,~~ or 3302.042 of the 3301
Revised Code, or federal law. 3302

The school action team shall provide quarterly updates of 3303
its work in a public hearing that complies with the same 3304
specifications prescribed in division (B) of this section. 3305

(F) Upon completion of the audit and review, the school 3306
action team shall present its findings at a public hearing that 3307
complies with the same specifications prescribed in division (B) 3308
of this section. After the school action team presents its 3309
findings at the public hearing, it shall create a community 3310
learning center improvement plan that designates appropriate 3311

interventions, which may be based on the recommendations 3312
developed by the department under division (H) (1) (b) of this 3313
section. 3314

If there is a federally mandated school improvement 3315
planning process, the team shall coordinate its work with that 3316
plan. 3317

The school action team shall approve the plan by a 3318
majority vote. 3319

(G) Upon approval of the plan by the school action team, 3320
the team shall submit the community learning center improvement 3321
plan to the same individuals described in division (C) of this 3322
section. Ballots shall be distributed and an election shall be 3323
conducted in the same manner as indicated under that division. 3324

The school action team shall submit the plan to the 3325
district board of education or community school governing 3326
authority, if the results of the election under division (G) of 3327
this section are as follows: 3328

(1) At least thirty per cent of parents and guardians of 3329
students enrolled in the eligible school building and students 3330
enrolled in a different building operated by a joint vocational 3331
school district but who are entitled to attend the school cast 3332
ballots by a date set by the board or governing authority, and 3333
of those ballots at least fifty per cent are in favor of 3334
initiating the process; and 3335

(2) At least thirty per cent of teachers and nonteaching 3336
employees who are assigned to the school cast ballots by a date 3337
set by the board or governing authority, and of those ballots at 3338
least fifty per cent are in favor of initiating the process. 3339

The board or governing authority shall evaluate the plan 3340

and determine whether to adopt it. The board or governing 3341
authority shall adopt the plan in full or adopt portions of the 3342
plan. If the board or governing authority does not adopt the 3343
plan in full, it shall provide a written explanation of why 3344
portions of the plan were rejected. 3345

(H) (1) The department shall do all of the following with 3346
respect to this section: 3347

(a) Adopt rules regarding the elections required under 3348
this section; 3349

(b) Develop appropriate interventions for a community 3350
learning center improvement plan that may be used by a school 3351
action team under division (F) of this section; 3352

(c) Publish a menu of programs and services that may be 3353
offered by community learning centers. The information shall be 3354
posted on the department's web site. To compile this information 3355
the department shall solicit input from resource coordinators of 3356
existing community learning centers. 3357

(d) Provide information regarding implementation of 3358
comprehensive community-based programs and supportive services 3359
including the community learning center model to school 3360
buildings meeting any of the following conditions: 3361

(i) The building is in improvement status as defined by 3362
the "No Child Left Behind Act of 2001" or under an agreement 3363
between the Ohio department of education and the United States 3364
secretary of education. 3365

(ii) The building is a secondary school that is among the 3366
lowest achieving fifteen per cent of secondary schools 3367
statewide, as determined by the department. 3368

(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years. 3369
3370
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(iv) The building is a school that the department determines is persistently low-performing. 3372
3373

(2) The department may do the following with respect to this section: 3374
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(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section; 3376
3377
3378

(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools; 3379
3380
3381
3382

(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan. 3383
3384
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(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this section~~ October 15, 2015. However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan. 3386
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Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools 3394
3395
3396
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to which section 3314.017 of the Revised Code applies, and STEM 3398
schools established under Chapter 3326. of the Revised Code 3399
according to the following measures: 3400

(1) Performance index score for each school district, 3401
community school, and STEM school and for each separate building 3402
of a district, community school, or STEM school. For districts, 3403
schools, or buildings to which the performance index score does 3404
not apply, the superintendent of public instruction may develop 3405
another measure of student academic performance based on similar 3406
data and performance measures if appropriate and use that 3407
measure to include those buildings in the ranking so that 3408
districts, schools, and buildings may be reliably compared to 3409
each other. 3410

~~(2) Student performance growth from year to year, using 3411
the value added progress dimension, if applicable, and other 3412
measures of student performance growth designated by the 3413
superintendent of public instruction for subjects and grades not 3414
covered by the value added progress dimension or the alternative 3415
student academic progress measure if adopted under division (C) 3416
(1)(e) of section 3302.03 of the Revised Code;~~ 3417

~~(3) Current operating expenditure per equivalent pupils as 3418
defined in section 3302.26 of the Revised Code;~~ 3419

~~(4) (3) Of total current operating expenditures, 3420
percentage spent for classroom instruction as determined under 3421
standards adopted by the state board under section 3302.20 of 3422
the Revised Code;~~ 3423

~~(5) (4) Performance of, and opportunities provided to, 3424
students identified as gifted using value-added progress 3425
dimensions, if applicable, and other relevant measures as 3426~~

designated by the superintendent of public instruction. 3427

The department shall rank each district, each community 3428
school except a community school to which section 3314.017 of 3429
the Revised Code applies, and each STEM school annually in 3430
accordance with the system developed under this section. 3431

(B) In addition to the reports required by sections 3432
3302.03 and 3302.031 of the Revised Code, not later than the 3433
first day of September each year, the department shall issue a 3434
report for each city, exempted village, and local school 3435
district, each community school except a community school to 3436
which section 3314.017 of the Revised Code applies, and each 3437
STEM school indicating the district's or school's rank on each 3438
measure described in divisions (A) (1) to ~~(4)~~ (3) of this 3439
section, including each separate building's rank among all 3440
public school buildings according to performance index score 3441
under division (A) (1) of this section. 3442

Sec. 3311.741. (A) This section applies only to a 3443
municipal school district in existence on July 1, 2012. 3444

(B) Not later than December 1, 2012, the board of 3445
education of each municipal school district to which this 3446
section applies shall submit to the superintendent of public 3447
instruction an array of measures to be used in evaluating the 3448
performance of the district. The measures shall assess at least 3449
overall student achievement, student progress over time, the 3450
achievement and progress over time of each of the applicable 3451
categories of students described in division ~~(F)~~ (G) of section 3452
3302.03 of the Revised Code, and college and career readiness. 3453
The state superintendent shall approve or disapprove the 3454
measures by January 15, 2013. If the measures are disapproved, 3455
the state superintendent shall recommend modifications that will 3456

make the measures acceptable. 3457

(C) Beginning with the 2012-2013 school year, the board 3458
annually shall establish goals for improvement on each of the 3459
measures approved under division (B) of this section. The school 3460
district's performance data for the 2011-2012 school year shall 3461
be used as a baseline for determining improvement. 3462

(D) Not later than October 1, 2013, and by the first day 3463
of October each year thereafter, the board shall issue a report 3464
describing the school district's performance for the previous 3465
school year on each of the measures approved under division (B) 3466
of this section and whether the district has met each of the 3467
improvement goals established for that year under division (C) 3468
of this section. The board shall provide the report to the 3469
governor, the superintendent of public instruction, and, in 3470
accordance with section 101.68 of the Revised Code, the general 3471
assembly. 3472

(E) Not later than November 15, 2017, the superintendent 3473
of public instruction shall evaluate the school district's 3474
performance based on the measures approved under division (B) of 3475
this section and shall issue a report to the governor and 3476
general assembly. 3477

Sec. 3313.413. (A) As used in this section, "high- 3478
performing community school" means either of the following: 3479

(1) A community school established under Chapter 3314. of 3480
the Revised Code that meets the following conditions: 3481

(a) Except as provided in division (A) (1) (b) or (c) of 3482
this section, the school both: 3483

(i) Has received a grade of "A," "B," or "C" for the 3484
performance index score under division (C) (1) (b) of section 3485

3302.03 of the Revised Code or a "meets expectations" or higher 3486
for the achievement measure under division (D) (1) (b) of that 3487
section in each of the previous three years of operation; or has 3488
increased its performance index score under division (C) (1) (b) 3489
or (D) (1) (b) of section 3302.03 of the Revised Code in each of 3490
the previous three years of operation; and 3491

(ii) Has received a grade of "A" or "B" for the value- 3492
added progress dimension under division (C) (1) (e) of section 3493
3302.03 of the Revised Code or a performance rating of "exceeds 3494
expectations" or higher for the progress measure under division 3495
(D) (1) (d) of that section on its most recent report card rating 3496
issued under that section. 3497

(b) If the school serves only grades kindergarten through 3498
three, the school received a grade of "A" or "B" for making 3499
progress in improving literacy in grades kindergarten through 3500
three under division (C) (1) (g) of section 3302.03 of the Revised 3501
Code or a performance rating of "exceeds expectations" or higher 3502
for the third-grade reading guarantee measure under division (D) 3503
(1) (e) of that section on its most recent report card issued 3504
under that section. 3505

(c) If the school primarily serves students enrolled in a 3506
dropout prevention and recovery program as described in division 3507
(A) (4) (a) of section 3314.35 of the Revised Code, the school 3508
received a rating of "exceeds standards" on its most recent 3509
report card issued under section 3314.017 of the Revised Code. 3510

(2) A newly established community school that is 3511
implementing a community school model that has a track record of 3512
high-quality academic performance, as determined by the 3513
department of education. 3514

(B) When a school district board of education decides to 3515
dispose of real property it owns in its corporate capacity under 3516
section 3313.41 of the Revised Code, the board shall first offer 3517
that property to the governing authorities of all start-up 3518
community schools, the boards of trustees of any college- 3519
preparatory boarding schools, and the governing bodies of any 3520
STEM schools that are located within the territory of the 3521
district. Not later than sixty days after the district board 3522
makes the offer, interested governing authorities, boards of 3523
trustees, and governing bodies shall notify the district 3524
treasurer in writing of the intention to purchase the property. 3525

The district board shall give priority to the governing 3526
authorities of high-performing community schools that are 3527
located within the territory of the district. 3528

(1) If more than one governing authority of a high- 3529
performing community school notifies the district treasurer of 3530
its intention to purchase the property pursuant to division (B) 3531
of this section, the board shall conduct a public auction in the 3532
manner required for auctions of district property under division 3533
(A) of section 3313.41 of the Revised Code. Only the governing 3534
authorities of high-performing community schools that notified 3535
the district treasurer pursuant to division (B) of this section 3536
are eligible to bid at the auction. 3537

(2) If no governing authority of a high-performing 3538
community school notifies the district treasurer of its 3539
intention to purchase the property pursuant to division (B) of 3540
this section, the board shall then proceed with the offers from 3541
all other start-up community schools, college-preparatory 3542
boarding schools, and STEM schools made pursuant to that 3543
division. If more than one such entity notifies the district 3544

treasurer of its intention to purchase the property pursuant to 3545
division (B) of this section, the board shall conduct a public 3546
auction in the manner required for auctions of district property 3547
under division (A) of section 3313.41 of the Revised Code. Only 3548
the entities that notified the district treasurer pursuant to 3549
division (B) of this section are eligible to bid at the auction. 3550

(3) If no governing authority, board of trustees, or 3551
governing body notifies the district treasurer of its intention 3552
to purchase the property pursuant to division (B) of this 3553
section, the district may then offer the property for sale in 3554
the manner prescribed under divisions (A) to (F) of section 3555
3313.41 of the Revised Code. 3556

(C) Notwithstanding anything to the contrary in sections 3557
3313.41 and 3313.411 of the Revised Code, the purchase price of 3558
any real property sold to any of the entities in accordance with 3559
division (B) of this section shall not be more than the 3560
appraised fair market value of that property as determined in an 3561
appraisal of the property that is not more than one year old. 3562

(D) Not later than the first day of October of each year, 3563
the department of education shall post in a prominent location 3564
on its web site a list of schools that qualify as high- 3565
performing community schools for purposes of this section and 3566
section 3313.411 of the Revised Code. 3567

Sec. 3314.012. (A) Within ninety days of September 28, 3568
1999, the superintendent of public instruction shall appoint 3569
representatives of the department of education, including 3570
employees who work with the education management information 3571
system, to a committee to develop report card models for 3572
community schools. The committee shall design model report cards 3573
appropriate for the various types of community schools approved 3574

to operate in the state. Sufficient models shall be developed to 3575
reflect the variety of grade levels served and the missions of 3576
the state's community schools. All models shall include both 3577
financial and academic data. The initial models shall be 3578
developed by March 31, 2000. 3579

(B) Except as provided in section 3314.017 of the Revised 3580
Code, the department of education shall issue an annual report 3581
card for each community school, regardless of how long the 3582
school has been in operation. The report card shall report the 3583
academic and financial performance of the school utilizing one 3584
of the models developed under division (A) of this section. The 3585
report card shall include all information applicable to school 3586
buildings under divisions (A), (B), (C), ~~and (D)~~, and (E) of 3587
section 3302.03 of the Revised Code. The ratings a community 3588
school receives under section 3302.03 of the Revised Code for 3589
its first two full school years shall not be considered toward 3590
automatic closure of the school under section 3314.35 of the 3591
Revised Code or any other matter that is based on report card 3592
ratings. 3593

(C) Upon receipt of a copy of a contract between a sponsor 3594
and a community school entered into under this chapter, the 3595
department of education shall notify the community school of the 3596
specific model report card that will be used for that school. 3597

(D) Report cards shall be distributed to the parents of 3598
all students in the community school, to the members of the 3599
board of education of the school district in which the community 3600
school is located, and to any person who requests one from the 3601
department. 3602

Sec. 3314.02. (A) As used in this chapter: 3603

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 3633
and 2020-2021 school-year and for any school year thereafter 3634
years, the district has received an overall grade of "D" or "F" 3635
under division (C) (3) of section 3302.03 of the Revised Code, 3636
or, for at least two of the three most recent school years, the 3637
district received a grade of "F" for the value-added progress 3638
dimension under division (C) (1) (e) of that section; 3639

(iv) For the 2021-2022 school year, and each school year 3640
thereafter, the district has received a performance rating of 3641
"in need of support" on more than fifty per cent of the 3642
performance measures prescribed under division (D) (1) of section 3643
3302.03 of the Revised Code; or, for at least two of the three 3644
most recent school years, the district received an "in need of 3645
support" rating for the progress measure under division (D) (1) 3646
(d) of that section. 3647

(c) A big eight school district; 3648

(d) A school district ranked in the lowest five per cent 3649
of school districts according to performance index score under 3650
section 3302.21 of the Revised Code. 3651

(4) "Big eight school district" means a school district 3652
that for fiscal year 1997 had both of the following: 3653

(a) A percentage of children residing in the district and 3654
participating in the predecessor of Ohio works first greater 3655
than thirty per cent, as reported pursuant to section 3317.10 of 3656
the Revised Code; 3657

(b) An average daily membership greater than twelve 3658
thousand, as reported pursuant to former division (A) of section 3659
3317.03 of the Revised Code. 3660

(5) "New start-up school" means a community school other 3661

than one created by converting all or part of an existing public 3662
school or educational service center building, as designated in 3663
the school's contract pursuant to division (A)(17) of section 3664
3314.03 of the Revised Code. 3665

(6) "Urban school district" means one of the state's 3666
twenty-one urban school districts as defined in division (O) of 3667
section 3317.02 of the Revised Code as that section existed 3668
prior to July 1, 1998. 3669

(7) "Internet- or computer-based community school" means a 3670
community school established under this chapter in which the 3671
enrolled students work primarily from their residences on 3672
assignments in nonclassroom-based learning opportunities 3673
provided via an internet- or other computer-based instructional 3674
method that does not rely on regular classroom instruction or 3675
via comprehensive instructional methods that include internet- 3676
based, other computer-based, and noncomputer-based learning 3677
opportunities unless a student receives career-technical 3678
education under section 3314.086 of the Revised Code. 3679

A community school that operates mainly as an internet- or 3680
computer-based community school and provides career-technical 3681
education under section 3314.086 of the Revised Code shall be 3682
considered an internet- or computer-based community school, even 3683
if it provides some classroom-based instruction, so long as it 3684
provides instruction via the methods described in this division. 3685

(8) "Operator" or "management company" means either of the 3686
following: 3687

(a) An individual or organization that manages the daily 3688
operations of a community school pursuant to a contract between 3689
the operator or management company and the school's governing 3690

authority; 3691

(b) A nonprofit organization that provides programmatic 3692
oversight and support to a community school under a contract 3693
with the school's governing authority and that retains the right 3694
to terminate its affiliation with the school if the school fails 3695
to meet the organization's quality standards. 3696

(9) "Alliance municipal school district" has the same 3697
meaning as in section 3311.86 of the Revised Code. 3698

(B) (1) Any person or group of individuals may initially 3699
propose under this division the conversion of all or a portion 3700
of a public school to a community school. The proposal shall be 3701
made to the board of education of the city, local, exempted 3702
village, or joint vocational school district in which the public 3703
school is proposed to be converted. 3704

(2) Any person or group of individuals may initially 3705
propose under this division the conversion of all or a portion 3706
of a building operated by an educational service center to a 3707
community school. The proposal shall be made to the governing 3708
board of the service center. 3709

On or after July 1, 2017, except as provided in section 3710
3314.027 of the Revised Code, any educational service center 3711
that sponsors a community school shall be approved by and enter 3712
into a written agreement with the department as described in 3713
section 3314.015 of the Revised Code. 3714

(3) Upon receipt of a proposal, and after an agreement has 3715
been entered into pursuant to section 3314.015 of the Revised 3716
Code, a board may enter into a preliminary agreement with the 3717
person or group proposing the conversion of the public school or 3718
service center building, indicating the intention of the board 3719

to support the conversion to a community school. A proposing 3720
person or group that has a preliminary agreement under this 3721
division may proceed to finalize plans for the school, establish 3722
a governing authority for the school, and negotiate a contract 3723
with the board. Provided the proposing person or group adheres 3724
to the preliminary agreement and all provisions of this chapter, 3725
the board shall negotiate in good faith to enter into a contract 3726
in accordance with section 3314.03 of the Revised Code and 3727
division (C) of this section. 3728

(4) The sponsor of a conversion community school proposed 3729
to open in an alliance municipal school district shall be 3730
subject to approval by the department of education for 3731
sponsorship of that school using the criteria established under 3732
division (A) of section 3311.87 of the Revised Code. 3733

Division (B) (4) of this section does not apply to a 3734
sponsor that, on or before September 29, 2015, was exempted 3735
under section 3314.021 or 3314.027 of the Revised Code from the 3736
requirement to be approved for sponsorship under divisions (A) 3737
(2) and (B) (1) of section 3314.015 of the Revised Code. 3738

(5) A school established in accordance with division (B) 3739
of this section that later enters into a sponsorship contract 3740
with an entity that is not a school district or educational 3741
service center shall, at the time of entering into the new 3742
contract, be deemed a community school established in accordance 3743
with division (C) of this section. 3744

(C) (1) Any person or group of individuals may propose 3745
under this division the establishment of a new start-up school 3746
to be located in a challenged school district. The proposal may 3747
be made to any of the following entities: 3748

- (a) The board of education of the district in which the school is proposed to be located; 3749
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- (b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located; 3751
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- (c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory; 3755
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- (d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school in any challenged school district in the state if all of the following are satisfied: 3759
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- (i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code; 3763
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- (ii) It is approved to do so by the department; 3765
- (iii) It enters into an agreement with the department under section 3314.015 of the Revised Code. 3766
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- (e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A) (2) of section 3314.03 of the Revised Code and as approved by the department under division (B) (3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher 3768
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preparation program approved by the state board of education; 3778

(f) Any qualified tax-exempt entity under section 501(c) 3779
(3) of the Internal Revenue Code as long as all of the following 3780
conditions are satisfied: 3781

(i) The entity has been in operation for at least five 3782
years prior to applying to be a community school sponsor. 3783

(ii) The entity has assets of at least five hundred 3784
thousand dollars and a demonstrated record of financial 3785
responsibility. 3786

(iii) The department has determined that the entity is an 3787
education-oriented entity under division (B) (4) of section 3788
3314.015 of the Revised Code and the entity has a demonstrated 3789
record of successful implementation of educational programs. 3790

(iv) The entity is not a community school. 3791

(g) The mayor of a city in which the majority of the 3792
territory of a school district to which section 3311.60 of the 3793
Revised Code applies is located, regardless of whether that 3794
district has created the position of independent auditor as 3795
prescribed by that section. The mayor's sponsorship authority 3796
under this division is limited to community schools that are 3797
located in that school district. Such mayor may sponsor 3798
community schools only with the approval of the city council of 3799
that city, after establishing standards with which community 3800
schools sponsored by the mayor must comply, and after entering 3801
into a sponsor agreement with the department as prescribed under 3802
section 3314.015 of the Revised Code. The mayor shall establish 3803
the standards for community schools sponsored by the mayor not 3804
later than one hundred eighty days after July 15, 2013, and 3805
shall submit them to the department upon their establishment. 3806

The department shall approve the mayor to sponsor community 3807
schools in the district, upon receipt of an application by the 3808
mayor to do so. Not later than ninety days after the 3809
department's approval of the mayor as a community school 3810
sponsor, the department shall enter into the sponsor agreement 3811
with the mayor. 3812

Any entity described in division (C) (1) of this section 3813
may enter into a preliminary agreement pursuant to division (C) 3814
(2) of this section with the proposing person or group, provided 3815
that entity has been approved by and entered into a written 3816
agreement with the department pursuant to section 3314.015 of 3817
the Revised Code. 3818

(2) A preliminary agreement indicates the intention of an 3819
entity described in division (C) (1) of this section to sponsor 3820
the community school. A proposing person or group that has such 3821
a preliminary agreement may proceed to finalize plans for the 3822
school, establish a governing authority as described in division 3823
(E) of this section for the school, and negotiate a contract 3824
with the entity. Provided the proposing person or group adheres 3825
to the preliminary agreement and all provisions of this chapter, 3826
the entity shall negotiate in good faith to enter into a 3827
contract in accordance with section 3314.03 of the Revised Code. 3828

(3) A new start-up school that is established in a school 3829
district described in either division (A) (3) (b) or (d) of this 3830
section may continue in existence once the school district no 3831
longer meets the conditions described in either division, 3832
provided there is a valid contract between the school and a 3833
sponsor. 3834

(4) A copy of every preliminary agreement entered into 3835
under this division shall be filed with the superintendent of 3836

public instruction. 3837

(D) A majority vote of the board of a sponsoring entity 3838
and a majority vote of the members of the governing authority of 3839
a community school shall be required to adopt a contract and 3840
convert the public school or educational service center building 3841
to a community school or establish the new start-up school. 3842
Beginning September 29, 2005, adoption of the contract shall 3843
occur not later than the fifteenth day of March, and signing of 3844
the contract shall occur not later than the fifteenth day of 3845
May, prior to the school year in which the school will open. The 3846
governing authority shall notify the department of education 3847
when the contract has been signed. Subject to sections 3314.013 3848
and 3314.016 of the Revised Code, an unlimited number of 3849
community schools may be established in any school district 3850
provided that a contract is entered into for each community 3851
school pursuant to this chapter. 3852

(E) (1) As used in this division, "immediate relatives" are 3853
limited to spouses, children, parents, grandparents, and 3854
siblings, as well as in-laws residing in the same household as 3855
the person serving on the governing authority. 3856

Each new start-up community school established under this 3857
chapter shall be under the direction of a governing authority 3858
which shall consist of a board of not less than five 3859
individuals. 3860

(2) (a) No person shall serve on the governing authority or 3861
operate the community school under contract with the governing 3862
authority under any of the following circumstances: 3863

(i) The person owes the state any money or is in a dispute 3864
over whether the person owes the state any money concerning the 3865

operation of a community school that has closed. 3866

(ii) The person would otherwise be subject to division (B) 3867
of section 3319.31 of the Revised Code with respect to refusal, 3868
limitation, or revocation of a license to teach, if the person 3869
were a licensed educator. 3870

(iii) The person has pleaded guilty to or been convicted 3871
of theft in office under section 2921.41 of the Revised Code, or 3872
has pleaded guilty to or been convicted of a substantially 3873
similar offense in another state. 3874

(b) No person shall serve on the governing authority or 3875
engage in the financial day-to-day management of the community 3876
school under contract with the governing authority unless and 3877
until that person has submitted to a criminal records check in 3878
the manner prescribed by section 3319.39 of the Revised Code. 3879

(c) Each sponsor of a community school shall annually 3880
verify that a finding for recovery has not been issued by the 3881
auditor of state against any individual or individuals who 3882
propose to create a community school or any member of the 3883
governing authority, the operator, or any employee of each 3884
community school with responsibility for fiscal operations or 3885
authorization to expend money on behalf of the school. 3886

(3) No person shall serve on the governing authorities of 3887
more than five start-up community schools at the same time 3888
unless both of the following apply: 3889

(a) The person serves in a volunteer capacity and receives 3890
no compensation under division (E)(5) of this section from any 3891
governing authority on which the person serves. 3892

(b) For any school that has an operator, the operator is a 3893
nonprofit organization. 3894

(4) (a) For a community school established under this 3895
chapter that is not sponsored by a school district or an 3896
educational service center, no present or former member, or 3897
immediate relative of a present or former member, of the 3898
governing authority shall be an owner, employee, or consultant 3899
of the community school's sponsor or operator, unless at least 3900
one year has elapsed since the conclusion of the person's 3901
membership on the governing authority. 3902

(b) For a community school established under this chapter 3903
that is sponsored by a school district or an educational service 3904
center, no present or former member, or immediate relative of a 3905
present or former member, of the governing authority shall: 3906

(i) Be an officer of the district board or service center 3907
governing board that serves as the community school's sponsor, 3908
unless at least one year has elapsed since the conclusion of the 3909
person's membership on the governing authority; 3910

(ii) Serve as an employee of, or a consultant for, the 3911
department, division, or section of the sponsoring district or 3912
service center that is directly responsible for sponsoring 3913
community schools, or have supervisory authority over such a 3914
department, division, or section, unless at least one year has 3915
elapsed since the conclusion of the person's membership on the 3916
governing authority. 3917

(5) The governing authority of a start-up or conversion 3918
community school may provide by resolution for the compensation 3919
of its members. However, no individual who serves on the 3920
governing authority of a start-up or conversion community school 3921
shall be compensated more than one hundred twenty-five dollars 3922
per meeting of that governing authority and no such individual 3923
shall be compensated more than a total amount of five thousand 3924

dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.

(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority

and the school's sponsor may be renewed, as provided under this 3954
chapter, after that date, but no additional new start-up schools 3955
may be established in such a district unless the district is a 3956
challenged school district as defined in this section as it 3957
exists on and after that date. 3958

(2) A community school that was established prior to June 3959
29, 1999, and is located in a county contiguous to the pilot 3960
project area and in a school district that is not a challenged 3961
school district may continue to operate after that date, 3962
provided the school complies with all provisions of this 3963
chapter. The contract between the school's governing authority 3964
and the school's sponsor may be renewed, but no additional 3965
start-up community school may be established in that district 3966
unless the district is a challenged school district. 3967

(3) Any educational service center that, on June 30, 2007, 3968
sponsors a community school that is not located in a county 3969
within the territory of the service center or in a county 3970
contiguous to such county may continue to sponsor that community 3971
school on and after June 30, 2007, and may renew its contract 3972
with the school. However, the educational service center shall 3973
not enter into a contract with any additional community school, 3974
unless the governing board of the service center has entered 3975
into an agreement with the department authorizing the service 3976
center to sponsor a community school in any challenged school 3977
district in the state. 3978

Sec. 3314.034. (A) Subject to division (B) of this 3979
section, any community school to which either of the following 3980
conditions apply shall be prohibited from entering into a 3981
contract with a new sponsor: 3982

(1) The community school has received ~~a~~either of the 3983

following on the most recent report card issued for that school 3984
under section 3302.03 of the Revised Code: 3985

(a) A grade of "D" or "F" for the performance index score, 3986
under division (C) (1) (b) of section 3302.03 of the Revised Code, 3987
and an overall grade of "D" or "F" for the value-added progress 3988
dimension or another measure of student academic progress if 3989
adopted by the state board of education, under division (C) (1) 3990
(e) of that section, ~~on the most recent report card issued for~~ 3991
~~the school pursuant to that section;~~ 3992

(b) A performance rating of "in need of support" for the 3993
achievement measure under division (D) (1) (b) of section 3302.03 3994
of the Revised Code and the progress measure under division (D) 3995
(1) (d) of that section. 3996

(2) The community school is one in which a majority of the 3997
students are enrolled in a dropout prevention and recovery 3998
program, and it has received a rating of "does not meet 3999
standards" for the annual student growth measure and combined 4000
graduation rates on the most recent report card issued for the 4001
school under section 3314.017 of the Revised Code. 4002

(B) A community school to which division (A) of this 4003
section applies may enter into a contract with a new sponsor if 4004
all of the following conditions are satisfied: 4005

(1) The proposed sponsor received a rating of "effective" 4006
or higher pursuant to division (B) (6) of section 3314.016 of the 4007
Revised Code on its most recent evaluation conducted according 4008
to that section, or the proposed sponsor is the office of Ohio 4009
school sponsorship established in section 3314.029 of the 4010
Revised Code. 4011

(2) The community school submits a request to enter into a 4012

new contract with a sponsor. 4013

(3) The community school has not submitted a prior request 4014
that was granted. 4015

(4) The department grants the school's request pursuant to 4016
division (C) of this section. 4017

(C) A school shall submit a request to change sponsors 4018
under this section not later than on the fifteenth day of 4019
February of the year in which the school wishes to do so. The 4020
department shall grant or deny the request not later than thirty 4021
days after the department receives it. If the department denies 4022
the request, the community school may submit an appeal to the 4023
state board of education, which shall hold a hearing in 4024
accordance with Chapter 119. of the Revised Code. The community 4025
school shall file its notice of appeal to the state board not 4026
later than ten days after receiving the decision from the 4027
department. The state board shall conduct the hearing not later 4028
than thirty days after receiving the school's notice of appeal 4029
and act upon the determination of the hearing officer not later 4030
than the twenty-fifth day of June of the year in which the 4031
school wishes to change sponsors. 4032

(D) Factors to be considered during a hearing held 4033
pursuant to division (C) of this section include, but are not 4034
limited to, the following: 4035

(1) The school's impact on the students and the community 4036
or communities it serves; 4037

(2) The quality and quantity of academic and 4038
administrative support the school receives from its current 4039
sponsor to help the school to improve; 4040

(3) The sponsor's annual evaluations of the community 4041

school under division (D) (2) of section 3314.03 of the Revised Code for the previous three years;	4042 4043
(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;	4044 4045 4046
(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;	4047 4048 4049
(6) The fiscal stability of the school;	4050
(7) The results of any audits of the school by the auditor of state;	4051 4052
(8) The length of time the school has been under the oversight of its current sponsor;	4053 4054
(9) The number of times the school has changed sponsors prior to the current request;	4055 4056
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	4057 4058
Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B) (3) and (4) of this section, no community school shall be established in more than one school district under the same contract.	4059 4060 4061 4062 4063 4064
(B) Division (B) of this section shall not apply to internet- or computer-based community schools.	4065 4066
(1) A community school may be located in multiple facilities under the same contract only if the limitations on	4067 4068

availability of space prohibit serving all the grade levels 4069
specified in the contract in a single facility or division (B) 4070
(2), (3), or (4) of this section applies to the school. The 4071
school shall not offer the same grade level classrooms in more 4072
than one facility. 4073

(2) A community school may be located in multiple 4074
facilities under the same contract and, notwithstanding division 4075
(B) (1) of this section, may assign students in the same grade 4076
level to multiple facilities, as long as all of the following 4077
apply: 4078

(a) The governing authority has entered into and maintains 4079
a contract with an operator of the type described in division 4080
(A) (8) (b) of section 3314.02 of the Revised Code. 4081

(b) The contract with that operator qualified the school 4082
to be established pursuant to division (A) of former section 4083
3314.016 of the Revised Code. 4084

(c) The school's rating under section 3302.03 of the 4085
Revised Code does not fall below a combination of any of the 4086
following for two or more consecutive years: 4087

(i) A rating of "in need of continuous improvement" under 4088
section 3302.03 of the Revised Code, as that section existed 4089
prior to March 22, 2013; 4090

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 4091
2016 school years, a rating of "C" for both the performance 4092
index score under division (A) (1) (b) or (B) (1) (b) and the value- 4093
added dimension under division (A) (1) (e) or (B) (1) (e) of section 4094
3302.03 of the Revised Code; or if the building serves only 4095
grades ten through twelve, the building received a grade of "C" 4096
for the performance index score under division (A) (1) (b) or (B) 4097

(1) (b) of section 3302.03 of the Revised Code; 4098

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 4099
and 2020-2021 school-year and for any school year thereafter 4100
years, an overall grade of "C" under division (C) (3) of section 4101
3302.03 of the Revised Code or an overall performance 4102
designation of "meets standards" under division (E) (3) (e) of 4103
section 3314.017 of the Revised Code; 4104

(iv) For the 2021-2022 school year, and each school year 4105
thereafter, a performance rating of "meets expectations" or 4106
higher on more than fifty per cent of the performance measures 4107
prescribed under division (D) (1) of section 3302.03 of the 4108
Revised Code that apply to the school; or an overall performance 4109
designation of "meets standards" under division (E) (3) (e) of 4110
section 3314.017 of the Revised Code. 4111

(3) A new start-up community school may be established in 4112
two school districts under the same contract if all of the 4113
following apply: 4114

(a) At least one of the school districts in which the 4115
school is established is a challenged school district; 4116

(b) The school operates not more than one facility in each 4117
school district and, in accordance with division (B) (1) of this 4118
section, the school does not offer the same grade level 4119
classrooms in both facilities; and 4120

(c) Transportation between the two facilities does not 4121
require more than thirty minutes of direct travel time as 4122
measured by school bus. 4123

In the case of a community school to which division (B) (3) 4124
of this section applies, if only one of the school districts in 4125
which the school is established is a challenged school district, 4126

that district shall be considered the school's primary location 4127
and the district in which the school is located for the purposes 4128
of division (A) (19) of section 3314.03 and divisions (C) and (H) 4129
of section 3314.06 of the Revised Code and for all other 4130
purposes of this chapter. If both of the school districts in 4131
which the school is established are challenged school districts, 4132
the school's governing authority shall designate one of those 4133
districts to be considered the school's primary location and the 4134
district in which the school is located for the purposes of 4135
those divisions and all other purposes of this chapter and shall 4136
notify the department of education of that designation. 4137

(4) A community school may be located in multiple 4138
facilities under the same contract and, notwithstanding division 4139
(B) (1) of this section, may assign students in the same grade 4140
level to multiple facilities, as long as both of the following 4141
apply: 4142

(a) The facilities are all located in the same county. 4143

(b) Either of the following conditions are satisfied: 4144

(i) The community school is sponsored by a board of 4145
education of a city, local, or exempted village school district 4146
having territory in the same county where the facilities of the 4147
community school are located; 4148

(ii) The community school is managed by an operator. 4149

In the case of a community school to which division (B) (4) 4150
of this section applies and that maintains facilities in more 4151
than one school district, the school's governing authority shall 4152
designate one of those districts to be considered the school's 4153
primary location and the district in which the school is located 4154
for the purposes of division (A) (19) of section 3314.03 and 4155

divisions (C) and (H) of section 3314.06 of the Revised Code and 4156
for all other purposes of this chapter and shall notify the 4157
department of that designation. 4158

(5) Any facility used for a community school shall meet 4159
all health and safety standards established by law for school 4160
buildings. 4161

(C) In the case where a community school is proposed to be 4162
located in a facility owned by a school district or educational 4163
service center, the facility may not be used for such community 4164
school unless the district or service center board owning the 4165
facility enters into an agreement for the community school to 4166
utilize the facility. Use of the facility may be under any terms 4167
and conditions agreed to by the district or service center board 4168
and the school. 4169

(D) Two or more separate community schools may be located 4170
in the same facility. 4171

(E) In the case of a community school that is located in 4172
multiple facilities, beginning July 1, 2012, the department 4173
shall assign a unique identification number to the school and to 4174
each facility maintained by the school. Each number shall be 4175
used for identification purposes only. Nothing in this division 4176
shall be construed to require the department to calculate the 4177
amount of funds paid under this chapter, or to compute any data 4178
required for the report cards issued under section 3314.012 of 4179
the Revised Code, for each facility separately. The department 4180
shall make all such calculations or computations for the school 4181
as a whole. 4182

Sec. 3314.35. (A) (1) Except as provided in division (A) (4) 4183
of this section, this section applies to any community school 4184

that meets one of the following criteria after July 1, 2009, but 4185
before July 1, 2011: 4186

(a) The school does not offer a grade level higher than 4187
three and has been declared to be in a state of academic 4188
emergency under section 3302.03 of the Revised Code for three of 4189
the four most recent school years. 4190

(b) The school satisfies all of the following conditions: 4191

(i) The school offers any of grade levels four to eight 4192
but does not offer a grade level higher than nine. 4193

(ii) The school has been declared to be in a state of 4194
academic emergency under section 3302.03 of the Revised Code for 4195
two of the three most recent school years. 4196

(iii) In at least two of the three most recent school 4197
years, the school showed less than one standard year of academic 4198
growth in either reading or mathematics, as determined by the 4199
department of education in accordance with rules adopted under 4200
division (A) of section 3302.021 of the Revised Code. 4201

(c) The school offers any of grade levels ten to twelve 4202
and has been declared to be in a state of academic emergency 4203
under section 3302.03 of the Revised Code for three of the four 4204
most recent school years. 4205

(2) Except as provided in division (A) (4) of this section, 4206
this section applies to any community school that meets one of 4207
the following criteria after July 1, 2011, but before July 1, 4208
2013: 4209

(a) The school does not offer a grade level higher than 4210
three and has been declared to be in a state of academic 4211
emergency under section 3302.03 of the Revised Code for two of 4212

the three most recent school years.	4213
(b) The school satisfies all of the following conditions:	4214
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	4215 4216
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	4217 4218 4219
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	4220 4221 4222 4223 4224
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	4225 4226 4227 4228
(3) Except as provided in division (A) (4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:	4229 4230 4231
(a) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies any of the following criteria:	4232 4233 4234
(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;	4235 4236 4237
(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code;	4238 4239 4240

- (iii) The school has received an overall grade of "F" 4241
under division (C) of section 3302.03 of the Revised Code; 4242
- (iv) The school has received a performance rating of "in 4243
need of support" for the third-grade reading guarantee measure 4244
under division (D)(1)(e) of section 3302.03 of the Revised Code; 4245
- (v) The school has received an "in need of support" rating 4246
for more than fifty per cent of the performance measures 4247
prescribed under division (D)(1) of section 3302.03 of the 4248
Revised Code that apply to that school. 4249
- (b) The school offers any of grade levels four to eight 4250
but does not offer a grade level higher than nine and, for the 4251
three most recent school years, satisfies any of the following 4252
criteria: 4253
- (i) The school has been declared to be in a state of 4254
academic emergency under section 3302.03 of the Revised Code, as 4255
it existed prior to March 22, 2013, and the school showed less 4256
than one standard year of academic growth in either reading or 4257
mathematics, as determined by the department in accordance with 4258
rules adopted under division (A) of section 3302.021 of the 4259
Revised Code; 4260
- (ii) The school has received a grade of "F" for the 4261
performance index score under division (A)(1)(b), (B)(1)(b), or 4262
(C)(1)(b) and a grade of "F" for the value-added progress 4263
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 4264
section 3302.03 of the Revised Code; 4265
- (iii) The school has received an overall grade of "F" 4266
under division (C) and a grade of "F" for the value-added 4267
progress dimension under division (C)(1)(e) of section 3302.03 4268
of the Revised Code; 4269

(iv) The school has received a performance rating of "in need of support" for the achievement measure under division (D) (1) (b) of section 3302.03 of the Revised Code and the progress measure under division (D) (1) (d) of that section; 4270
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(v) The school has received a performance rating of "in need of support" for fifty per cent or more of the performance measures prescribed under division (D) (1) of section 3302.03 of the Revised Code that apply to that school and the school has received a performance rating of "in need of support" for the progress measure under that section. 4274
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(c) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies any of the following criteria: 4280
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 4283
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(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and has not met annual measurable objectives under division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 of the Revised Code; 4286
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(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 4291
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(iv) The school has a performance rating of "in need of support" for the achievement measure under division (D) (1) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives under division (D) (1) (a) of that section, 4295
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as determined by the department; 4299

(v) The school has received a performance rating of "in 4300
need of support" for more than fifty per cent of the performance 4301
measures prescribed under division (D) (1) of section 3302.03 of 4302
the Revised Code that apply to the school. One of the 4303
performance measures for which the school has received a 4304
performance rating of "in need of support" shall be the progress 4305
measure under division (D) (1) (d) of that section. 4306

For purposes of division (A) (3) of this section only, the 4307
department of education shall calculate the value-added progress 4308
dimension for a community school using assessment scores for 4309
only those students to whom the school has administered the 4310
achievement assessments prescribed by section 3301.0710 of the 4311
Revised Code for at least the two most recent school years but 4312
using value-added data from only the most recent school year. 4313

(4) This section does not apply to either of the 4314
following: 4315

(a) Any community school in which a majority of the 4316
students are enrolled in a dropout prevention and recovery 4317
program that is operated by the school. Rather, such schools 4318
shall be subject to closure only as provided in section 3314.351 4319
of the Revised Code. However, prior to July 1, 2014, a community 4320
school in which a majority of the students are enrolled in a 4321
dropout prevention and recovery program shall be exempt from 4322
this section only if it has been granted a waiver under section 4323
3314.36 of the Revised Code. 4324

(b) Any community school in which a majority of the 4325
enrolled students are children with disabilities receiving 4326
special education and related services in accordance with 4327

Chapter 3323. of the Revised Code. 4328

(B) Any community school to which this section applies 4329
shall permanently close at the conclusion of the school year in 4330
which the school first becomes subject to this section. The 4331
sponsor and governing authority of the school shall comply with 4332
all procedures for closing a community school adopted by the 4333
department under division (E) of section 3314.015 of the Revised 4334
Code. The governing authority of the school shall not enter into 4335
a contract with any other sponsor under section 3314.03 of the 4336
Revised Code after the school closes. 4337

(C) In accordance with division (B) of section 3314.012 of 4338
the Revised Code, the department shall not consider the 4339
performance ratings assigned to a community school for its first 4340
two years of operation when determining whether the school meets 4341
the criteria prescribed by division (A) (1) or (2) of this 4342
section. 4343

(D) Nothing in this section or in any other provision of 4344
the Revised Code prohibits the sponsor of a community school 4345
from exercising its option not to renew a contract for any 4346
reason or from terminating a contract prior to its expiration 4347
for any of the reasons set forth in section 3314.07 of the 4348
Revised Code. 4349

Section 2. That existing sections 3301.0710, 3301.0712, 4350
3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.03, 4351
3302.035, 3302.04, 3302.041, 3302.042, 3302.05, 3302.10, 4352
3302.13, 3302.151, 3302.17, 3302.21, 3311.741, 3313.413, 4353
3314.012, 3314.02, 3314.034, 3314.05, and 3314.35 of the Revised 4354
Code are hereby repealed. 4355

Section 3. That section 3302.12 of the Revised Code is 4356

hereby repealed.

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