

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 497**

**Representatives Manning, Robinson**

**Cosponsors: Representatives Patton, O'Brien, Crossman, Sobecki, Ingram, Humphrey, Lightbody, Abrams, Weinstein, Blackshear, Brent, Bird, Miranda, Boggs, Sweeney, Hicks-Hudson, Galonski, Upchurch, Miller, J., Sheehy, Lepore-Hagan, Boyd, Russo, Leland, Liston, Brown, Troy, Miller, A., Smith, M., Smith, K.**

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**A BILL**

To amend sections 3301.0711, 3301.163, and 3313.608 1  
of the Revised Code to eliminate retention under 2  
the Third Grade Reading Guarantee. 3

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

**Section 1.** That sections 3301.0711, 3301.163, and 3313.608 4  
of the Revised Code be amended to read as follows: 5

**Sec. 3301.0711.** (A) The department of education shall: 6

(1) Annually furnish to, grade, and score all assessments 7  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 8  
the Revised Code to be administered by city, local, exempted 9  
village, and joint vocational school districts, except that each 10  
district shall score any assessment administered pursuant to 11  
division (B) (10) of this section. Each assessment so furnished 12  
shall include the data verification code of the student to whom 13  
the assessment will be administered, as assigned pursuant to 14  
division (D) (2) of section 3301.0714 of the Revised Code. In 15  
furnishing the practice versions of Ohio graduation tests 16

prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

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

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

(1) ~~Administer~~ Until the 2020-2021 school year, administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code. Beginning with the 2021-2022 school year, the English language arts assessment shall be administered only once to all students in the third grade.

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

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

(4) Administer the assessments prescribed under division

(A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	46 47
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	48 49 50
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	51 52 53
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	54 55 56
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	57 58 59
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	60 61 62 63
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	64 65 66 67 68 69
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code at least twice annually to	70 71 72 73 74

any student enrolled in the joint vocational school district who 75  
has not yet attained the score on that assessment designated 76  
under that division. A board of a joint vocational school 77  
district may also administer such an assessment to any student 78  
described in division (B) (8) (b) of this section. 79

(10) If the district has a three-year average graduation 80  
rate of not more than seventy-five per cent, administer each 81  
assessment prescribed by division (D) of section 3301.0710 of 82  
the Revised Code in September to all ninth grade students who 83  
entered ninth grade prior to July 1, 2014. 84

Except as provided in section 3313.614 of the Revised Code 85  
for administration of an assessment to a person who has 86  
fulfilled the curriculum requirement for a high school diploma 87  
but has not passed one or more of the required assessments, the 88  
assessments prescribed under division (B) (1) of section 89  
3301.0710 of the Revised Code shall not be administered after 90  
the date specified in the rules adopted by the state board of 91  
education under division (D) (1) of section 3301.0712 of the 92  
Revised Code. 93

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 94  
of this section, administer the assessments prescribed by 95  
division (B) (2) of section 3301.0710 and section 3301.0712 of 96  
the Revised Code in accordance with the timeline and plan for 97  
implementation of those assessments prescribed by rule of the 98  
state board adopted under division (D) (1) of section 3301.0712 99  
of the Revised Code; 100

(b) A student who has presented evidence to the district 101  
or school of having satisfied the condition prescribed by 102  
division (A) (1) of section 3313.618 of the Revised Code to 103  
qualify for a high school diploma prior to the date of the 104

administration of the assessment prescribed under division (B) 105  
(1) of section 3301.0712 of the Revised Code shall not be 106  
required to take that assessment. However, no board shall 107  
prohibit a student who is not required to take such assessment 108  
from taking the assessment. 109

(c) A student shall not be required to retake the Algebra 110  
I end-of-course examination or the English language arts II end- 111  
of-course examination prescribed under division (B) (2) of 112  
section 3301.0712 of the Revised Code in grades nine through 113  
twelve if the student demonstrates at least a proficient level 114  
of skill, as prescribed under division (B) (5) (a) of that 115  
section, or achieves a competency score, as prescribed under 116  
division (B) (10) of that section, in an administration of the 117  
examination prior to grade nine. 118

(C) (1) (a) In the case of a student receiving special 119  
education services under Chapter 3323. of the Revised Code, the 120  
individualized education program developed for the student under 121  
that chapter shall specify the manner in which the student will 122  
participate in the assessments administered under this section, 123  
except that a student with significant cognitive disabilities to 124  
whom an alternate assessment is administered in accordance with 125  
division (C) (1) of this section and a student determined to have 126  
a disability that includes an intellectual disability as 127  
outlined in guidance issued by the department shall not be 128  
required to take the assessment prescribed under division (B) (1) 129  
of section 3301.0712 of the Revised Code. The individualized 130  
education program may excuse the student from taking any 131  
particular assessment required to be administered under this 132  
section if it instead specifies an alternate assessment method 133  
approved by the department of education as conforming to 134  
requirements of federal law for receipt of federal funds for 135

disadvantaged pupils. To the extent possible, the individualized 136  
education program shall not excuse the student from taking an 137  
assessment unless no reasonable accommodation can be made to 138  
enable the student to take the assessment. No board shall 139  
prohibit a student who is not required to take an assessment 140  
under division (C) (1) of this section from taking the 141  
assessment. 142

(b) Any alternate assessment approved by the department 143  
for a student under this division shall produce measurable 144  
results comparable to those produced by the assessment it 145  
replaces in order to allow for the student's results to be 146  
included in the data compiled for a school district or building 147  
under section 3302.03 of the Revised Code. 148

(c) (i) Any student enrolled in a chartered nonpublic 149  
school who has been identified, based on an evaluation conducted 150  
in accordance with section 3323.03 of the Revised Code or 151  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 152  
29 U.S.C.A. 794, as amended, as a child with a disability shall 153  
be excused from taking any particular assessment required to be 154  
administered under this section if either of the following 155  
apply: 156

(I) A plan developed for the student pursuant to rules 157  
adopted by the state board excuses the student from taking that 158  
assessment. 159

(II) The chartered nonpublic school develops a written 160  
plan in which the school, in consultation with the student's 161  
parents, determines that an assessment or alternative assessment 162  
with accommodations does not accurately assess the student's 163  
academic performance. The plan shall include an academic profile 164  
of the student's academic performance and shall be reviewed 165

annually to determine if the student's needs continue to require 166  
excusal from taking the assessment. 167

(ii) A student with significant cognitive disabilities to 168  
whom an alternate assessment is administered in accordance with 169  
division (C) (1) of this section and a student determined to have 170  
a disability that includes an intellectual disability as 171  
outlined in guidance issued by the department shall not be 172  
required to take the assessment prescribed under division (B) (1) 173  
of section 3301.0712 of the Revised Code. 174

(iii) In the case of any student so excused from taking an 175  
assessment under division (C) (1) (c) of this section, the 176  
chartered nonpublic school shall not prohibit the student from 177  
taking the assessment. 178

(2) A district board may, for medical reasons or other 179  
good cause, excuse a student from taking an assessment 180  
administered under this section on the date scheduled, but that 181  
assessment shall be administered to the excused student not 182  
later than nine days following the scheduled date. The district 183  
board shall annually report the number of students who have not 184  
taken one or more of the assessments required by this section to 185  
the state board not later than the thirtieth day of June. 186

(3) As used in this division, "English learner" has the 187  
same meaning as in 20 U.S.C. 7801. 188

No school district board shall excuse any English learner 189  
from taking any particular assessment required to be 190  
administered under this section, except as follows: 191

(a) Any English learner who has been enrolled in United 192  
States schools for less than two years and for whom no 193  
appropriate accommodations are available based on guidance 194

issued by the department shall not be required to take the 195  
assessment prescribed under division (B) (1) of section 3301.0712 196  
of the Revised Code. 197

(b) Any English learner who has been enrolled in United 198  
States schools for less than one full school year shall not be 199  
required to take any reading, writing, or English language arts 200  
assessment. 201

However, no board shall prohibit an English learner who is 202  
not required to take an assessment under division (C) (3) of this 203  
section from taking the assessment. A board may permit any 204  
English learner to take an assessment required to be 205  
administered under this section with appropriate accommodations, 206  
as determined by the department. For each English learner, each 207  
school district shall annually assess that student's progress in 208  
learning English, in accordance with procedures approved by the 209  
department. 210

(4) (a) The governing authority of a chartered nonpublic 211  
school may excuse an English learner from taking any assessment 212  
administered under this section. 213

(b) No governing authority shall require an English 214  
learner who has been enrolled in United States schools for less 215  
than two years and for whom no appropriate accommodations are 216  
available based on guidance issued by the department to take the 217  
assessment prescribed under division (B) (1) of section 3301.0712 218  
of the Revised Code. 219

(c) No governing authority shall prohibit an English 220  
learner from taking an assessment from which the student was 221  
excused under division (C) (4) of this section. 222

(D) (1) In the school year next succeeding the school year 223



in which the assessments prescribed by division (A) (1) or (B) (1) 224  
of section 3301.0710 of the Revised Code or former division (A) 225  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 226  
it existed prior to September 11, 2001, are administered to any 227  
student, the board of education of any school district in which 228  
the student is enrolled in that year shall provide to the 229  
student intervention services commensurate with the student's 230  
performance, including any intensive intervention required under 231  
section 3313.608 of the Revised Code, in any skill in which the 232  
student failed to demonstrate at least a score at the proficient 233  
level on the assessment. 234

(2) Following any administration of the assessments 235  
prescribed by division (D) of section 3301.0710 of the Revised 236  
Code to ninth grade students, each school district that has a 237  
three-year average graduation rate of not more than seventy-five 238  
per cent shall determine for each high school in the district 239  
whether the school shall be required to provide intervention 240  
services to any students who took the assessments. In 241  
determining which high schools shall provide intervention 242  
services based on the resources available, the district shall 243  
consider each school's graduation rate and scores on the 244  
practice assessments. The district also shall consider the 245  
scores received by ninth grade students on the English language 246  
arts and mathematics assessments prescribed under division (A) 247  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 248  
grade in determining which high schools shall provide 249  
intervention services. 250

Each high school selected to provide intervention services 251  
under this division shall provide intervention services to any 252  
student whose results indicate that the student is failing to 253  
make satisfactory progress toward being able to attain scores at 254

the proficient level on the Ohio graduation tests. Intervention 255  
services shall be provided in any skill in which a student 256  
demonstrates unsatisfactory progress and shall be commensurate 257  
with the student's performance. Schools shall provide the 258  
intervention services prior to the end of the school year, 259  
during the summer following the ninth grade, in the next 260  
succeeding school year, or at any combination of those times. 261

(E) Except as provided in section 3313.608 of the Revised 262  
Code and division (N) of this section, no school district board 263  
of education shall utilize any student's failure to attain a 264  
specified score on an assessment administered under this section 265  
as a factor in any decision to deny the student promotion to a 266  
higher grade level. However, a district board may choose not to 267  
promote to the next grade level any student who does not take an 268  
assessment administered under this section or make up an 269  
assessment as provided by division (C) (2) of this section and 270  
who is not exempt from the requirement to take the assessment 271  
under division (C) (3) of this section. 272

(F) No person shall be charged a fee for taking any 273  
assessment administered under this section. 274

(G) (1) Each school district board shall designate one 275  
location for the collection of assessments administered in the 276  
spring under division (B) (1) of this section and those 277  
administered under divisions (B) (2) to (7) of this section. Each 278  
district board shall submit the assessments to the entity with 279  
which the department contracts for the scoring of the 280  
assessments as follows: 281

(a) If the district's total enrollment in grades 282  
kindergarten through twelve during the first full school week of 283  
October was less than two thousand five hundred, not later than 284

the Friday after all of the assessments have been administered; 285

(b) If the district's total enrollment in grades 286  
kindergarten through twelve during the first full school week of 287  
October was two thousand five hundred or more, but less than 288  
seven thousand, not later than the Monday after all of the 289  
assessments have been administered; 290

(c) If the district's total enrollment in grades 291  
kindergarten through twelve during the first full school week of 292  
October was seven thousand or more, not later than the Tuesday 293  
after all of the assessments have been administered. 294

However, any assessment that a student takes during the 295  
make-up period described in division (C) (2) of this section 296  
shall be submitted not later than the Friday following the day 297  
the student takes the assessment. 298

(2) The department or an entity with which the department 299  
contracts for the scoring of the assessment shall send to each 300  
school district board a list of the individual scores of all 301  
persons taking a state achievement assessment as follows: 302

(a) Except as provided in division (G) (2) (b) or (c) of 303  
this section, within forty-five days after the administration of 304  
the assessments prescribed by sections 3301.0710 and 3301.0712 305  
of the Revised Code, but in no case shall the scores be returned 306  
later than the thirtieth day of June following the 307  
administration; 308

(b) In the case of the third-grade English language arts 309  
assessment, within forty-five days after the administration of 310  
that assessment, but in no case shall the scores be returned 311  
later than the fifteenth day of June following the 312  
administration; 313

(c) In the case of the writing component of an assessment 314  
or end-of-course examination in the area of English language 315  
arts, except for the third-grade English language arts 316  
assessment, the results may be sent after forty-five days of the 317  
administration of the writing component, but in no case shall 318  
the scores be returned later than the thirtieth day of June 319  
following the administration. 320

(3) For assessments administered under this section by a 321  
joint vocational school district, the department or entity shall 322  
also send to each city, local, or exempted village school 323  
district a list of the individual scores of any students of such 324  
city, local, or exempted village school district who are 325  
attending school in the joint vocational school district. 326

(4) Beginning with the 2019-2020 school year, a school 327  
district, other public school, or chartered nonpublic school may 328  
administer the third-grade English language arts or mathematics 329  
assessment, or both, in a paper format in any school year for 330  
which the district board of education or school governing body 331  
adopts a resolution indicating that the district or school 332  
chooses to administer the assessment in a paper format. The 333  
board or governing body shall submit a copy of the resolution to 334  
the department of education not later than the first day of May 335  
prior to the school year for which it will apply. If the 336  
resolution is submitted, the district or school shall administer 337  
the assessment in a paper format to all students in the third 338  
grade, except that any student whose individualized education 339  
program or plan developed under section 504 of the 340  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 341  
amended, specifies that taking the assessment in an online 342  
format is an appropriate accommodation for the student may take 343  
the assessment in an online format. 344

(H) Individual scores on any assessments administered 345  
under this section shall be released by a district board only in 346  
accordance with section 3319.321 of the Revised Code and the 347  
rules adopted under division (A) of this section. No district 348  
board or its employees shall utilize individual or aggregate 349  
results in any manner that conflicts with rules for the ethical 350  
use of assessments adopted pursuant to division (A) of this 351  
section. 352

(I) Except as provided in division (G) of this section, 353  
the department or an entity with which the department contracts 354  
for the scoring of the assessment shall not release any 355  
individual scores on any assessment administered under this 356  
section. The state board shall adopt rules to ensure the 357  
protection of student confidentiality at all times. The rules 358  
may require the use of the data verification codes assigned to 359  
students pursuant to division (D)(2) of section 3301.0714 of the 360  
Revised Code to protect the confidentiality of student scores. 361

(J) Notwithstanding division (D) of section 3311.52 of the 362  
Revised Code, this section does not apply to the board of 363  
education of any cooperative education school district except as 364  
provided under rules adopted pursuant to this division. 365

(1) In accordance with rules that the state board shall 366  
adopt, the board of education of any city, exempted village, or 367  
local school district with territory in a cooperative education 368  
school district established pursuant to divisions (A) to (C) of 369  
section 3311.52 of the Revised Code may enter into an agreement 370  
with the board of education of the cooperative education school 371  
district for administering any assessment prescribed under this 372  
section to students of the city, exempted village, or local 373  
school district who are attending school in the cooperative 374

education school district. 375

(2) In accordance with rules that the state board shall 376  
adopt, the board of education of any city, exempted village, or 377  
local school district with territory in a cooperative education 378  
school district established pursuant to section 3311.521 of the 379  
Revised Code shall enter into an agreement with the cooperative 380  
district that provides for the administration of any assessment 381  
prescribed under this section to both of the following: 382

(a) Students who are attending school in the cooperative 383  
district and who, if the cooperative district were not 384  
established, would be entitled to attend school in the city, 385  
local, or exempted village school district pursuant to section 386  
3313.64 or 3313.65 of the Revised Code; 387

(b) Persons described in division (B) (8) (b) of this 388  
section. 389

Any assessment of students pursuant to such an agreement 390  
shall be in lieu of any assessment of such students or persons 391  
pursuant to this section. 392

(K) (1) (a) Except as otherwise provided in division (K) (1) 393  
or (2) of this section, each chartered nonpublic school for 394  
which at least sixty-five per cent of its total enrollment is 395  
made up of students who are participating in state scholarship 396  
programs shall administer the assessments prescribed by division 397  
(A) of section 3301.0710 of the Revised Code or an alternative 398  
standardized assessment determined by the department. In 399  
accordance with procedures and deadlines prescribed by the 400  
department, the parent or guardian of a student enrolled in the 401  
school who is not participating in a state scholarship program 402  
may submit notice to the chief administrative officer of the 403

school that the parent or guardian does not wish to have the 404  
student take the assessments prescribed for the student's grade 405  
level under division (A) of section 3301.0710 of the Revised 406  
Code. If a parent or guardian submits an opt-out notice, the 407  
school shall not administer the assessments to that student. 408  
This option does not apply to any assessment required for a high 409  
school diploma under section 3313.612 of the Revised Code. 410

(b) Any chartered nonpublic school that enrolls students 411  
who are participating in state scholarship programs may 412  
administer an alternative standardized assessment determined by 413  
the department instead of the assessments prescribed by division 414  
(A) of section 3301.0710 of the Revised Code. 415

Each chartered nonpublic school subject to division (K) (1) 416  
(a) or (b) of this section shall report the results of each 417  
assessment administered under those divisions to the department. 418

(2) A chartered nonpublic school may submit to the 419  
superintendent of public instruction a request for a waiver from 420  
administering the elementary assessments prescribed by division 421  
(A) of section 3301.0710 of the Revised Code. The state 422  
superintendent shall approve or disapprove a request for a 423  
waiver submitted under division (K) (2) of this section. No 424  
waiver shall be approved for any school year prior to the 2015- 425  
2016 school year. 426

To be eligible to submit a request for a waiver, a 427  
chartered nonpublic school shall meet the following conditions: 428

(a) At least ninety-five per cent of the students enrolled 429  
in the school are children with disabilities, as defined under 430  
section 3323.01 of the Revised Code, or have received a 431  
diagnosis by a school district or from a physician, including a 432

neuropsychiatrist or psychiatrist, or a psychologist who is 433  
authorized to practice in this or another state as having a 434  
condition that impairs academic performance, such as dyslexia, 435  
dyscalculia, attention deficit hyperactivity disorder, or 436  
Asperger's syndrome. 437

(b) The school has solely served a student population 438  
described in division (K) (1) (a) of this section for at least ten 439  
years. 440

(c) The school provides to the department at least five 441  
years of records of internal testing conducted by the school 442  
that affords the department data required for accountability 443  
purposes, including diagnostic assessments and nationally 444  
standardized norm-referenced achievement assessments that 445  
measure reading and math skills. 446

(3) Any chartered nonpublic school that is not subject to 447  
division (K) (1) of this section may participate in the 448  
assessment program by administering any of the assessments 449  
prescribed by division (A) of section 3301.0710 of the Revised 450  
Code. The chief administrator of the school shall specify which 451  
assessments the school will administer. Such specification shall 452  
be made in writing to the superintendent of public instruction 453  
prior to the first day of August of any school year in which 454  
assessments are administered and shall include a pledge that the 455  
nonpublic school will administer the specified assessments in 456  
the same manner as public schools are required to do under this 457  
section and rules adopted by the department. 458

(4) The department of education shall furnish the 459  
assessments prescribed by section 3301.0710 of the Revised Code 460  
to each chartered nonpublic school that is subject to division 461  
(K) (1) of this section or participates under division (K) (3) of 462



this section. 463

(L) If a chartered nonpublic school is educating students 464  
in grades nine through twelve, the following shall apply: 465

(1) Except as provided in division (L)(4) of this section, 466  
for a student who is enrolled in a chartered nonpublic school 467  
that is accredited through the independent schools association 468  
of the central states and who is attending the school under a 469  
state scholarship program, the student shall either take all of 470  
the assessments prescribed by division (B) of section 3301.0712 471  
of the Revised Code or take an alternative assessment approved 472  
by the department under section 3313.619 of the Revised Code. 473  
However, a student who is excused from taking an assessment 474  
under division (C) of this section or has presented evidence to 475  
the chartered nonpublic school of having satisfied the condition 476  
prescribed by division (A)(1) of section 3313.618 of the Revised 477  
Code to qualify for a high school diploma prior to the date of 478  
the administration of the assessment prescribed under division 479  
(B)(1) of section 3301.0712 of the Revised Code shall not be 480  
required to take that assessment. No governing authority of a 481  
chartered nonpublic school shall prohibit a student who is not 482  
required to take such assessment from taking the assessment. 483

(2) For a student who is enrolled in a chartered nonpublic 484  
school that is accredited through the independent schools 485  
association of the central states, and who is not attending the 486  
school under a state scholarship program, the student shall not 487  
be required to take any assessment prescribed under section 488  
3301.0712 or 3313.619 of the Revised Code. 489

(3) (a) Except as provided in divisions (L)(3)(b) and (4) 490  
of this section, for a student who is enrolled in a chartered 491  
nonpublic school that is not accredited through the independent 492

schools association of the central states, regardless of whether 493  
the student is attending or is not attending the school under a 494  
state scholarship program, the student shall do one of the 495  
following: 496

(i) Take all of the assessments prescribed by division (B) 497  
of section 3301.0712 of the Revised Code; 498

(ii) Take only the assessment prescribed by division (B) 499  
(1) of section 3301.0712 of the Revised Code, provided that the 500  
student's school publishes the results of that assessment for 501  
each graduating class. The published results of that assessment 502  
shall include the overall composite scores, mean scores, twenty- 503  
fifth percentile scores, and seventy-fifth percentile scores for 504  
each subject area of the assessment. 505

(iii) Take an alternative assessment approved by the 506  
department under section 3313.619 of the Revised Code. 507

(b) A student who is excused from taking an assessment 508  
under division (C) of this section or has presented evidence to 509  
the chartered nonpublic school of having satisfied the condition 510  
prescribed by division (A) (1) of section 3313.618 of the Revised 511  
Code to qualify for a high school diploma prior to the date of 512  
the administration of the assessment prescribed under division 513  
(B) (1) of section 3301.0712 of the Revised Code shall not be 514  
required to take that assessment. No governing authority of a 515  
chartered nonpublic school shall prohibit a student who is not 516  
required to take such assessment from taking the assessment. 517

(4) The assessments prescribed by sections 3301.0712 and 518  
3313.619 of the Revised Code shall not be administered to any 519  
student attending the school, if the school meets all of the 520  
following conditions: 521

(a) At least ninety-five per cent of the students enrolled 522  
in the school are children with disabilities, as defined under 523  
section 3323.01 of the Revised Code, or have received a 524  
diagnosis by a school district or from a physician, including a 525  
neuropsychologist or psychiatrist, or a psychologist who is 526  
authorized to practice in this or another state as having a 527  
condition that impairs academic performance, such as dyslexia, 528  
dyscalculia, attention deficit hyperactivity disorder, or 529  
Asperger's syndrome. 530

(b) The school has solely served a student population 531  
described in division (L) (4) (a) of this section for at least ten 532  
years. 533

(c) The school makes available to the department at least 534  
five years of records of internal testing conducted by the 535  
school that affords the department data required for 536  
accountability purposes, including growth in student achievement 537  
in reading or mathematics, or both, as measured by nationally 538  
norm-referenced assessments that have developed appropriate 539  
standards for students. 540

Division (L) (4) of this section applies to any student 541  
attending such school regardless of whether the student receives 542  
special education or related services and regardless of whether 543  
the student is attending the school under a state scholarship 544  
program. 545

(M) (1) The superintendent of the state school for the 546  
blind and the superintendent of the state school for the deaf 547  
shall administer the assessments described by sections 3301.0710 548  
and 3301.0712 of the Revised Code. Each superintendent shall 549  
administer the assessments in the same manner as district boards 550  
are required to do under this section and rules adopted by the 551

department of education and in conformity with division (C) (1) 552  
(a) of this section. 553

(2) The department of education shall furnish the 554  
assessments described by sections 3301.0710 and 3301.0712 of the 555  
Revised Code to each superintendent. 556

(N) Notwithstanding division (E) of this section, a school 557  
district may use a student's failure to attain a score in at 558  
least the proficient range on the mathematics assessment 559  
described by division (A) (1) (a) of section 3301.0710 of the 560  
Revised Code or on an assessment described by division (A) (1) 561  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 562  
Code as a factor in retaining that student in the current grade 563  
level. 564

(O) (1) In the manner specified in divisions (O) (3), (4), 565  
(6), and (7) of this section, the assessments required by 566  
division (A) (1) of section 3301.0710 of the Revised Code shall 567  
become public records pursuant to section 149.43 of the Revised 568  
Code on the thirty-first day of July following the school year 569  
that the assessments were administered. 570

(2) The department may field test proposed questions with 571  
samples of students to determine the validity, reliability, or 572  
appropriateness of questions for possible inclusion in a future 573  
year's assessment. The department also may use anchor questions 574  
on assessments to ensure that different versions of the same 575  
assessment are of comparable difficulty. 576

Field test questions and anchor questions shall not be 577  
considered in computing scores for individual students. Field 578  
test questions and anchor questions may be included as part of 579  
the administration of any assessment required by division (A) (1) 580

or (B) of section 3301.0710 and division (B) of section 581  
3301.0712 of the Revised Code. 582

(3) Any field test question or anchor question 583  
administered under division (O) (2) of this section shall not be 584  
a public record. Such field test questions and anchor questions 585  
shall be redacted from any assessments which are released as a 586  
public record pursuant to division (O) (1) of this section. 587

(4) This division applies to the assessments prescribed by 588  
division (A) of section 3301.0710 of the Revised Code. 589

(a) The first administration of each assessment, as 590  
specified in former section 3301.0712 of the Revised Code, shall 591  
be a public record. 592

(b) For subsequent administrations of each assessment 593  
prior to the 2011-2012 school year, not less than forty per cent 594  
of the questions on the assessment that are used to compute a 595  
student's score shall be a public record. The department shall 596  
determine which questions will be needed for reuse on a future 597  
assessment and those questions shall not be public records and 598  
shall be redacted from the assessment prior to its release as a 599  
public record. However, for each redacted question, the 600  
department shall inform each city, local, and exempted village 601  
school district of the statewide academic standard adopted by 602  
the state board under section 3301.079 of the Revised Code and 603  
the corresponding benchmark to which the question relates. The 604  
preceding sentence does not apply to field test questions that 605  
are redacted under division (O) (3) of this section. 606

(c) The administrations of each assessment in the 2011- 607  
2012, 2012-2013, and 2013-2014 school years shall not be a 608  
public record. 609

(5) Each assessment prescribed by division (B) (1) of 610  
section 3301.0710 of the Revised Code shall not be a public 611  
record. 612

(6) (a) Except as provided in division (O) (6) (b) of this 613  
section, for the administrations in the 2014-2015, 2015-2016, 614  
and 2016-2017 school years, questions on the assessments 615  
prescribed under division (A) of section 3301.0710 and division 616  
(B) (2) of section 3301.0712 of the Revised Code and the 617  
corresponding preferred answers that are used to compute a 618  
student's score shall become a public record as follows: 619

(i) Forty per cent of the questions and preferred answers 620  
on the assessments on the thirty-first day of July following the 621  
administration of the assessment; 622

(ii) Twenty per cent of the questions and preferred 623  
answers on the assessment on the thirty-first day of July one 624  
year after the administration of the assessment; 625

(iii) The remaining forty per cent of the questions and 626  
preferred answers on the assessment on the thirty-first day of 627  
July two years after the administration of the assessment. 628

The entire content of an assessment shall become a public 629  
record within three years of its administration. 630

The department shall make the questions that become a 631  
public record under this division readily accessible to the 632  
public on the department's web site. Questions on the spring 633  
administration of each assessment shall be released on an annual 634  
basis, in accordance with this division. 635

(b) No questions and corresponding preferred answers shall 636  
become a public record under division (O) (6) of this section 637  
after July 31, 2017. 638

(7) Division (O) (7) of this section applies to the 639  
assessments prescribed by division (A) of section 3301.0710 and 640  
division (B) (2) of section 3301.0712 of the Revised Code. 641

Beginning with the assessments administered in the spring 642  
of the 2017-2018 school year, not less than forty per cent of 643  
the questions on each assessment that are used to compute a 644  
student's score shall be a public record. The department shall 645  
determine which questions will be needed for reuse on a future 646  
assessment and those questions shall not be public records and 647  
shall be redacted from the assessment prior to its release as a 648  
public record. However, for each redacted question, the 649  
department shall inform each city, local, and exempted village 650  
school district of the corresponding statewide academic standard 651  
adopted by the state board under section 3301.079 of the Revised 652  
Code and the corresponding benchmark to which the question 653  
relates. The department is not required to provide corresponding 654  
standards and benchmarks to field test questions that are 655  
redacted under division (O) (3) of this section. 656

(P) As used in this section: 657

(1) "Three-year average" means the average of the most 658  
recent consecutive three school years of data. 659

(2) "Dropout" means a student who withdraws from school 660  
before completing course requirements for graduation and who is 661  
not enrolled in an education program approved by the state board 662  
of education or an education program outside the state. 663  
"Dropout" does not include a student who has departed the 664  
country. 665

(3) "Graduation rate" means the ratio of students 666  
receiving a diploma to the number of students who entered ninth 667

grade four years earlier. Students who transfer into the 668  
district are added to the calculation. Students who transfer out 669  
of the district for reasons other than dropout are subtracted 670  
from the calculation. If a student who was a dropout in any 671  
previous year returns to the same school district, that student 672  
shall be entered into the calculation as if the student had 673  
entered ninth grade four years before the graduation year of the 674  
graduating class that the student joins. 675

(4) "State scholarship programs" means the educational 676  
choice scholarship pilot program established under sections 677  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 678  
program established under section 3310.41 of the Revised Code, 679  
the Jon Peterson special needs scholarship program established 680  
under sections 3310.51 to 3310.64 of the Revised Code, and the 681  
pilot project scholarship program established under sections 682  
3313.974 to 3313.979 of the Revised Code. 683

(5) "Other public school" means a community school 684  
established under Chapter 3314., a STEM school established under 685  
Chapter 3326., or a college-preparatory boarding school 686  
established under Chapter 3328. of the Revised Code. 687

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015~~Until the 2020- 688  
2021 school year, any third-grade student who attends a 689  
chartered nonpublic school with a scholarship awarded under 690  
either the educational choice scholarship pilot program, 691  
prescribed in sections 3310.01 to 3310.17, or the pilot project 692  
scholarship program prescribed in sections 3313.974 to 3313.979 693  
of the Revised Code, shall be subject to the third-grade reading 694  
guarantee retention provisions under division (A)(2) of section 695  
3313.608 of the Revised Code, including the exemptions 696  
prescribed by that division. For purposes of determining if a 697



child with a disability is exempt from retention under this 698  
section, an individual services plan created for the child that 699  
has been reviewed by either the student's school district of 700  
residence or the school district in which the chartered 701  
nonpublic school is located and that specifies that the student 702  
is not subject to retention shall be considered in the same 703  
manner as an individualized education program or plan under 704  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 705  
29 U.S.C. 794, as amended, as prescribed by division (A) (2) of 706  
section 3313.608 of the Revised Code. 707

As used in this section, "child with a disability" and 708  
"school district of residence" have the same meanings as in 709  
section 3323.01 of the Revised Code. 710

(B) (1) Each chartered nonpublic school that enrolls 711  
students in any of grades kindergarten through three and that 712  
accepts students under the educational choice scholarship pilot 713  
program or the pilot project scholarship program shall adopt 714  
policies and procedures for the annual assessment of the reading 715  
skills of those students. Each school may use the diagnostic 716  
assessment to measure reading ability for the appropriate grade 717  
level prescribed in division (D) of section 3301.079 of the 718  
Revised Code. If the school uses such assessments, the 719  
department of education shall furnish them to the chartered 720  
nonpublic school. 721

(2) For each student identified as having reading skills 722  
below grade level, the school shall do both of the following: 723

(a) Provide to the student's parent or guardian, in 724  
writing, all of the following: 725

(i) Notification that the student has been identified as 726

having a substantial deficiency in reading; 727

(ii) ~~Notification~~ Through the 2020-2021 school year, 728  
notification that if the student attains a score in the range 729  
designated under division (A) (3) of section 3301.0710 of the 730  
Revised Code on the assessment prescribed under that section to 731  
measure skill in English language arts expected at the end of 732  
third grade, the student shall be retained unless the student is 733  
exempt under division (A) (1) of section 3313.608 of the Revised 734  
Code. 735

(b) Provide intensive reading instruction services, as 736  
determined appropriate by the school, to each student identified 737  
under this section. 738

(C) Each chartered nonpublic school subject to this 739  
section annually shall report to the department the number of 740  
students identified as reading at grade level and the number of 741  
students identified as reading below grade level. 742

**Sec. 3313.608.** (A) (1) Beginning with students who enter 743  
third grade in the school year that starts July 1, 2009, and 744  
until June 30, 2013, unless the student is excused under 745  
division (C) of section 3301.0711 of the Revised Code from 746  
taking the assessment described in this section, for any student 747  
who does not attain at least the equivalent level of achievement 748  
designated under division (A) (3) of section 3301.0710 of the 749  
Revised Code on the assessment prescribed under that section to 750  
measure skill in English language arts expected at the end of 751  
third grade, each school district, in accordance with the policy 752  
adopted under section 3313.609 of the Revised Code, shall do one 753  
of the following: 754

(a) Promote the student to fourth grade if the student's 755

principal and reading teacher agree that other evaluations of 756  
the student's skill in reading demonstrate that the student is 757  
academically prepared to be promoted to fourth grade; 758

(b) Promote the student to fourth grade but provide the 759  
student with intensive intervention services in fourth grade; 760

(c) Retain the student in third grade. 761

(2) Beginning with students who enter third grade in the 762  
2013-2014 school year and until June 30, 2021, unless the 763  
student is excused under division (C) of section 3301.0711 of 764  
the Revised Code from taking the assessment described in this 765  
section, no school district shall promote to fourth grade any 766  
student who does not attain at least the equivalent level of 767  
achievement designated under division (A) (3) of section 768  
3301.0710 of the Revised Code on the assessment prescribed under 769  
that section to measure skill in English language arts expected 770  
at the end of third grade, unless one of the following applies: 771

(a) The student is an English learner who has been 772  
enrolled in United States schools for less than three full 773  
school years and has had less than three years of instruction in 774  
an English as a second language program. 775

(b) The student is a child with a disability entitled to 776  
special education and related services under Chapter 3323. of 777  
the Revised Code and the student's individualized education 778  
program exempts the student from retention under this division. 779

(c) The student demonstrates an acceptable level of 780  
performance on an alternative standardized reading assessment as 781  
determined by the department of education. 782

(d) All of the following apply: 783

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

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

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

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

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

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

(3) Beginning with students who enter the third grade in the 2021-2022 school year, no school district shall retain a student under this section based upon the student's score on the assessment prescribed by section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of

third grade. Districts shall continue to offer intervention and 813  
remediation services in the manner prescribed under this section 814  
for students found to be reading below grade level. 815

(B) (1) Beginning in the 2012-2013 school year, to assist 816  
students in meeting the third grade guarantee established by 817  
this section, each school district board of education shall 818  
adopt policies and procedures with which it annually shall 819  
assess the reading skills of each student, except those students 820  
with significant cognitive disabilities or other disabilities as 821  
authorized by the department on a case-by-case basis, enrolled 822  
in kindergarten to third grade and shall identify students who 823  
are reading below their grade level. The reading skills 824  
assessment shall be completed by the thirtieth day of September 825  
for students in grades one to three, and by the first day of 826  
November for students in kindergarten. Each district shall use 827  
the diagnostic assessment to measure reading ability for the 828  
appropriate grade level adopted under section 3301.079 of the 829  
Revised Code, or a comparable tool approved by the department of 830  
education, to identify such students. The policies and 831  
procedures shall require the students' classroom teachers to be 832  
involved in the assessment and the identification of students 833  
reading below grade level. The assessment may be administered 834  
electronically using live, two-way video and audio connections 835  
whereby the teacher administering the assessment may be in a 836  
separate location from the student. 837

(2) For each student identified by the diagnostic 838  
assessment prescribed under this section as having reading 839  
skills below grade level, the district shall do both of the 840  
following: 841

(a) Provide to the student's parent or guardian, in 842

writing, all of the following:	843
(i) Notification that the student has been identified as having a substantial deficiency in reading;	844 845
(ii) A description of the current services that are provided to the student;	846 847
(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;	848 849 850 851
<del>    (iv) Notification that if the student attains a score in the range designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.</del>	852 853 854 855 856 857 858 859 860 861 862 863
(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's	864 865 866 867 868 869 870 871

identified reading deficiencies. 872

(3) ~~For~~ Prior to the 2021-2022 school year, for each 873  
student retained under division (A) of this section, the 874  
district shall do all of the following: 875

(a) Provide intense remediation services until the student 876  
is able to read at grade level. The remediation services shall 877  
include intensive interventions in reading that address the 878  
areas of deficiencies identified under this section including, 879  
but not limited to, not less than ninety minutes of reading 880  
instruction per day, and may include any of the following: 881

(i) Small group instruction; 882

(ii) Reduced teacher-student ratios; 883

(iii) More frequent progress monitoring; 884

(iv) Tutoring or mentoring; 885

(v) Transition classes containing third and fourth grade 886  
students; 887

(vi) Extended school day, week, or year; 888

(vii) Summer reading camps. 889

(b) Establish a policy for the mid-year promotion of a 890  
student retained under division (A) of this section who 891  
demonstrates that the student is reading at or above grade 892  
level; 893

(c) Provide each student with a teacher who satisfies one 894  
or more of the criteria set forth in division (H) of this 895  
section. 896

The district shall offer the option for students to 897  
receive applicable services from one or more providers other 898

than the district. Providers shall be screened and approved by 899  
the district or the department of education. If the student 900  
participates in the remediation services and demonstrates 901  
reading proficiency in accordance with standards adopted by the 902  
department prior to the start of fourth grade, the district 903  
shall promote the student to that grade. 904

(4) For each student retained under division (A) of this 905  
section who has demonstrated proficiency in a specific academic 906  
ability field, each district shall provide instruction 907  
commensurate with student achievement levels in that specific 908  
academic ability field. 909

As used in this division, "specific academic ability 910  
field" has the same meaning as in section 3324.01 of the Revised 911  
Code. 912

(C) For each student required to be provided intervention 913  
services under this section, the district shall develop a 914  
reading improvement and monitoring plan within sixty days after 915  
receiving the student's results on the diagnostic assessment or 916  
comparable tool administered under division (B)(1) of this 917  
section. The district shall involve the student's parent or 918  
guardian and classroom teacher in developing the plan. The plan 919  
shall include all of the following: 920

(1) Identification of the student's specific reading 921  
deficiencies; 922

(2) A description of the additional instructional services 923  
and support that will be provided to the student to remediate 924  
the identified reading deficiencies; 925

(3) Opportunities for the student's parent or guardian to 926  
be involved in the instructional services and support described 927



in division (C) (2) of this section; 928

(4) A process for monitoring the extent to which the 929  
student receives the instructional services and support 930  
described in division (C) (2) of this section; 931

(5) A reading curriculum during regular school hours that 932  
does all of the following: 933

(a) Assists students to read at grade level; 934

(b) Provides scientifically based and reliable assessment; 935

(c) Provides initial and ongoing analysis of each 936  
student's reading progress. 937

~~(6) A statement that if the student does not attain at 938  
least the equivalent level of achievement designated under 939  
division (A) (3) of section 3301.0710 of the Revised Code on the 940  
assessment prescribed under that section to measure skill in 941  
English language arts expected by the end of third grade, the 942  
student may be retained in third grade. 943~~

Each student with a reading improvement and monitoring 944  
plan under this division who enters third grade after July 1, 945  
2013, shall be assigned to a teacher who satisfies one or more 946  
of the criteria set forth in division (H) of this section. 947

The district shall report any information requested by the 948  
department about the reading improvement monitoring plans 949  
developed under this division in the manner required by the 950  
department. 951

(D) Each school district shall report annually to the 952  
department on its implementation and compliance with this 953  
section using guidelines prescribed by the superintendent of 954  
public instruction. The superintendent of public instruction 955

annually shall report to the governor and general assembly the 956  
number and percentage of students in grades kindergarten through 957  
four reading below grade level based on the diagnostic 958  
assessments administered under division (B) of this section and 959  
the achievement assessments administered under divisions (A)(1) 960  
(a) and (b) of section 3301.0710 of the Revised Code in English 961  
language arts, aggregated by school district and building; the 962  
types of intervention services provided to students; and, if 963  
available, an evaluation of the efficacy of the intervention 964  
services provided. 965

(E) Any summer remediation services funded in whole or in 966  
part by the state and offered by school districts to students 967  
under this section shall meet the following conditions: 968

(1) The remediation methods are based on reliable 969  
educational research. 970

(2) The school districts conduct assessment before and 971  
after students participate in the program to facilitate 972  
monitoring results of the remediation services. 973

(3) The parents of participating students are involved in 974  
programming decisions. 975

(F) Any intervention or remediation services required by 976  
this section shall include intensive, explicit, and systematic 977  
instruction. 978

(G) This section does not create a new cause of action or 979  
a substantive legal right for any person. 980

(H) (1) Except as provided under divisions (H) (2), (3), and 981  
(4) of this section, each student described in division (B) (3) 982  
or (C) of this section who enters third grade for the first time 983  
on or after July 1, 2013, shall be assigned a teacher who has at 984

least one year of teaching experience and who satisfies one or more of the following criteria:	985 986
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	987 988 989
(b) The teacher has completed a master's degree program with a major in reading.	990 991
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B) (2) of section 3319.112 of the Revised Code.	992 993 994 995 996 997
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	998 999 1000
(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.	1001 1002 1003
(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.	1004 1005 1006
(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the	1007 1008 1009 1010 1011 1012 1013

qualifications of division (H) (1) of this section. 1014

(3) Notwithstanding division (H) (1) of this section, a 1015  
student described in division (B) (3) or (C) of this section who 1016  
enters third grade for the first time on or after July 1, 2013, 1017  
but prior to July 1, 2016, may be assigned to a teacher who 1018  
holds an alternative credential approved by the department or 1019  
who has successfully completed training that is based on 1020  
principles of scientifically research-based reading instruction 1021  
that has been approved by the department. Beginning on July 1, 1022  
2014, the alternative credentials and training described in 1023  
division (H) (3) of this section shall be aligned with the 1024  
reading competencies adopted by the state board of education 1025  
under section 3301.077 of the Revised Code. 1026

(4) Notwithstanding division (H) (1) of this section, a 1027  
student described in division (B) (3) or (C) of this section who 1028  
enters third grade for the first time on or after July 1, 2013, 1029  
may receive reading intervention or remediation services under 1030  
this section from an individual employed as a speech-language 1031  
pathologist who holds a license issued by the state speech and 1032  
hearing professionals board under Chapter 4753. of the Revised 1033  
Code and a professional pupil services license as a school 1034  
speech-language pathologist issued by the state board of 1035  
education. 1036

(5) A teacher, other than a student's teacher of record, 1037  
may provide any services required under this section, so long as 1038  
that other teacher meets the requirements of division (H) of 1039  
this section and the teacher of record and the school principal 1040  
agree to the assignment. Any such assignment shall be documented 1041  
in the student's reading improvement and monitoring plan. 1042

As used in this division, "teacher of record" means the 1043

classroom teacher to whom a student is assigned. 1044

(I) Notwithstanding division (H) of this section, a 1045  
teacher may teach reading to any student who is an English 1046  
language learner, and has been in the United States for three 1047  
years or less, or to a student who has an individualized 1048  
education program developed under Chapter 3323. of the Revised 1049  
Code if that teacher holds an alternative credential approved by 1050  
the department or has successfully completed training that is 1051  
based on principles of scientifically research-based reading 1052  
instruction that has been approved by the department. Beginning 1053  
on July 1, 2014, the alternative credentials and training 1054  
described in this division shall be aligned with the reading 1055  
competencies adopted by the state board of education under 1056  
section 3301.077 of the Revised Code. 1057

(J) If, on or after June 4, 2013, a school district or 1058  
community school cannot furnish the number of teachers needed 1059  
who satisfy one or more of the criteria set forth in division 1060  
(H) of this section for the 2013-2014 school year, the school 1061  
district or community school shall develop and submit a staffing 1062  
plan by June 30, 2013. The staffing plan shall include criteria 1063  
that will be used to assign a student described in division (B) 1064  
(3) or (C) of this section to a teacher, credentials or training 1065  
held by teachers currently teaching at the school, and how the 1066  
school district or community school will meet the requirements 1067  
of this section. The school district or community school shall 1068  
post the staffing plan on its web site for the applicable school 1069  
year. 1070

Not later than March 1, 2014, and on the first day of 1071  
March in each year thereafter, a school district or community 1072  
school that has submitted a plan under this division shall 1073

submit to the department a detailed report of the progress the 1074  
district or school has made in meeting the requirements under 1075  
this section. 1076

A school district or community school may request an 1077  
extension of a staffing plan beyond the 2013-2014 school year. 1078  
Extension requests must be submitted to the department not later 1079  
than the thirtieth day of April prior to the start of the 1080  
applicable school year. The department may grant extensions 1081  
valid through the 2015-2016 school year. 1082

Until June 30, 2015, the department annually shall review 1083  
all staffing plans and report to the state board not later than 1084  
the thirtieth day of June of each year the progress of school 1085  
districts and community schools in meeting the requirements of 1086  
this section. 1087

(K) The department of education shall designate one or 1088  
more staff members to provide guidance and assistance to school 1089  
districts and community schools in implementing the third grade 1090  
guarantee established by this section, including any standards 1091  
or requirements adopted to implement the guarantee and to 1092  
provide information and support for reading instruction and 1093  
achievement. 1094

**Section 2.** That existing sections 3301.0711, 3301.163, and 1095  
3313.608 of the Revised Code are hereby repealed. 1096