

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 73**

**Representatives Manning, Crawley**

**Cosponsors: Representatives Miranda, Riedel, Jarrells, Carfagna, Russo, Brent,  
Kelly, Robinson, Manchester, Weinstein, Crossman, Cross, Leland, Patton**

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**A BILL**

To amend sections 3301.0710, 3301.0711, 3301.0712, 1  
3301.0729, 3301.163, 3313.608, 3313.61, 2  
3313.612, and 3313.6114 of the Revised Code 3  
regarding the college and work ready assessment 4  
system, to require school districts to form work 5  
groups to evaluate the amount of time students 6  
spend on testing, and to eliminate retention 7  
under the Third Grade Reading Guarantee. 8

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

**Section 1.** That sections 3301.0710, 3301.0711, 3301.0712, 9  
3301.0729, 3301.163, 3313.608, 3313.61, 3313.612, and 3313.6114 10  
of the Revised Code be amended to read as follows: 11

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

pursuant to section 3301.079 of the Revised Code. 19

The assessment program shall be designed to ensure that 20  
students who receive a high school diploma demonstrate at least 21  
high school levels of achievement in English language arts, 22  
mathematics, science, and social studies. 23

(A) (1) The state board shall prescribe all of the 24  
following: 25

(a) Two statewide achievement assessments, one each 26  
designed to measure the level of English language arts and 27  
mathematics skill expected at the end of third grade; 28

(b) 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 fourth grade; 31

(c) Three statewide achievement assessments, one each 32  
designed to measure the level of English language arts, 33  
mathematics, and science skill expected at the end of fifth 34  
grade; 35

(d) Two statewide achievement assessments, one each 36  
designed to measure the level of English language arts and 37  
mathematics skill expected at the end of sixth grade; 38

(e) 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 seventh grade; 41

(f) Three statewide achievement assessments, one each 42  
designed to measure the level of English language arts, 43  
mathematics, and science skill expected at the end of eighth 44  
grade. 45

(2) The state board shall determine and designate at least 46

five ranges of scores on each of the achievement assessments 47  
described in divisions (A) (1) and (B) (1) of this section. Each 48  
range of scores shall be deemed to demonstrate a level of 49  
achievement so that any student attaining a score within such 50  
range has achieved one of the following: 51

- (a) An advanced level of skill; 52
- (b) An accelerated level of skill; 53
- (c) A proficient level of skill; 54
- (d) A basic level of skill; 55
- (e) A limited level of skill. 56

(3) ~~For~~ Until the 2020-2021 school year, for the purpose 57  
of implementing ~~division~~ divisions (A) (1) and (2) of section 58  
3313.608 of the Revised Code, the state board shall determine 59  
and designate a level of achievement, not lower than the level 60  
designated in division (A) (2) (e) of this section, on the third 61  
grade English language arts assessment for a student to be 62  
promoted to the fourth grade. The state board shall review and 63  
adjust upward the level of achievement designated under this 64  
division each year the test is administered until the level is 65  
set equal to the level designated in division (A) (2) (c) of this 66  
section. 67

(4) Each school district or school shall teach and assess 68  
social studies in at least the fourth and sixth grades. Any 69  
assessment in such area shall be determined by the district or 70  
school and may be formative or summative in nature. The results 71  
of such assessment shall not be reported to the department of 72  
education. 73

(B) (1) The assessments prescribed under division (B) (1) of 74

this section shall collectively be known as the Ohio graduation 75  
tests. The state board shall prescribe five statewide high 76  
school achievement assessments, one each designed to measure the 77  
level of reading, writing, mathematics, science, and social 78  
studies skill expected at the end of tenth grade. The state 79  
board shall designate a score in at least the range designated 80  
under division (A) (2) (c) of this section on each such assessment 81  
that shall be deemed to be a passing score on the assessment as 82  
a condition toward granting high school diplomas under sections 83  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 84  
until the assessment system prescribed by section 3301.0712 of 85  
the Revised Code is implemented in accordance with division (B) 86  
(2) of this section. 87

(2) The state board shall prescribe an assessment system 88  
in accordance with section 3301.0712 of the Revised Code that 89  
shall replace the Ohio graduation tests beginning with students 90  
who enter the ninth grade for the first time on or after July 1, 91  
2014. 92

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

assessment required by division (B) (1) or (2) of this section 106  
that is specified in the agreement. 107

(C) The superintendent of public instruction shall 108  
designate dates and times for the administration of the 109  
assessments prescribed by divisions (A) and (B) of this section. 110

In prescribing administration dates pursuant to this 111  
division, the superintendent shall designate the dates in such a 112  
way as to allow a reasonable length of time between the 113  
administration of assessments prescribed under this section and 114  
any administration of the national assessment of educational 115  
progress given to students in the same grade level pursuant to 116  
section 3301.27 of the Revised Code or federal law. 117

(D) The state board shall prescribe a practice version of 118  
each Ohio graduation test described in division (B) (1) of this 119  
section that is of comparable length to the actual test. 120

(E) Any committee established by the department of 121  
education for the purpose of making recommendations to the state 122  
board regarding the state board's designation of scores on the 123  
assessments described by this section shall inform the state 124  
board of the probable percentage of students who would score in 125  
each of the ranges established under division (A) (2) of this 126  
section on the assessments if the committee's recommendations 127  
are adopted by the state board. To the extent possible, these 128  
percentages shall be disaggregated by gender, major racial and 129  
ethnic groups, English learners, economically disadvantaged 130  
students, students with disabilities, and migrant students. 131

**Sec. 3301.0711.** (A) The department of education shall: 132

(1) Annually furnish to, grade, and score all assessments 133  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 134

the Revised Code to be administered by city, local, exempted 135  
village, and joint vocational school districts, except that each 136  
district shall score any assessment administered pursuant to 137  
division (B) (10) of this section. Each assessment so furnished 138  
shall include the data verification code of the student to whom 139  
the assessment will be administered, as assigned pursuant to 140  
division (D) (2) of section 3301.0714 of the Revised Code. In 141  
furnishing the practice versions of Ohio graduation tests 142  
prescribed by division (D) of section 3301.0710 of the Revised 143  
Code, the department shall make the tests available on its web 144  
site for reproduction by districts. In awarding contracts for 145  
grading assessments, the department shall give preference to 146  
Ohio-based entities employing Ohio residents. 147

(2) Adopt rules for the ethical use of assessments and 148  
prescribing the manner in which the assessments prescribed by 149  
section 3301.0710 of the Revised Code shall be administered to 150  
students. 151

(B) Except as provided in divisions (C) and (J) of this 152  
section, the board of education of each city, local, and 153  
exempted village school district shall, in accordance with rules 154  
adopted under division (A) of this section: 155

(1) ~~Administer~~ Until the 2020-2021 school year, administer 156  
the English language arts assessments prescribed under division 157  
(A) (1) (a) of section 3301.0710 of the Revised Code twice 158  
annually to all students in the third grade who have not 159  
attained the score designated for that assessment under division 160  
(A) (2) (c) of section 3301.0710 of the Revised Code. Beginning 161  
with the 2021-2022 school year, the English language arts 162  
assessment shall be administered only once to all students in 163  
the third grade. 164

(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.	165 166 167
(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.	168 169 170
(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.	171 172 173
(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.	174 175 176
(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.	177 178 179
(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.	180 181 182
(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:	183 184 185
(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;	186 187 188 189
(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	190 191 192

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.

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

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

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

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of



the Revised Code in accordance with the timeline and plan for 223  
implementation of those assessments prescribed by rule of the 224  
state board adopted under division (D) (1) of section 3301.0712 225  
of the Revised Code; 226

(b) A student who has presented evidence to the district 227  
or school of having satisfied the condition prescribed by 228  
division (A) (1) of section 3313.618 of the Revised Code to 229  
qualify for a high school diploma prior to the date of the 230  
administration of the assessment prescribed under division (B) 231  
(1) of section 3301.0712 of the Revised Code shall not be 232  
required to take that assessment. However, no board shall 233  
prohibit a student who is not required to take such assessment 234  
from taking the assessment. 235

(c) A student shall not be required to retake the Algebra 236  
I end-of-course examination or the English language arts II end- 237  
of-course examination prescribed under division (B) (2) of 238  
section 3301.0712 of the Revised Code in grades nine through 239  
twelve if the student demonstrates at least a proficient level 240  
of skill, as prescribed under division (B) (5) (a) of that 241  
section, or achieves a competency score, as prescribed under 242  
division (B) (10) of that section, in an administration of the 243  
examination prior to grade nine. 244

(C) (1) (a) In the case of a student receiving special 245  
education services under Chapter 3323. of the Revised Code, the 246  
individualized education program developed for the student under 247  
that chapter shall specify the manner in which the student will 248  
participate in the assessments administered under this section, 249  
except that a student with significant cognitive disabilities to 250  
whom an alternate assessment is administered in accordance with 251  
division (C) (1) of this section and a student determined to have 252

a disability that includes an intellectual disability as 253  
outlined in guidance issued by the department shall not be 254  
required to take the assessment prescribed under division (B) (1) 255  
of section 3301.0712 of the Revised Code. The individualized 256  
education program may excuse the student from taking any 257  
particular assessment required to be administered under this 258  
section if it instead specifies an alternate assessment method 259  
approved by the department of education as conforming to 260  
requirements of federal law for receipt of federal funds for 261  
disadvantaged pupils. To the extent possible, the individualized 262  
education program shall not excuse the student from taking an 263  
assessment unless no reasonable accommodation can be made to 264  
enable the student to take the assessment. No board shall 265  
prohibit a student who is not required to take an assessment 266  
under division (C) (1) of this section from taking the 267  
assessment. 268

(b) Any alternate assessment approved by the department 269  
for a student under this division shall produce measurable 270  
results comparable to those produced by the assessment it 271  
replaces in order to allow for the student's results to be 272  
included in the data compiled for a school district or building 273  
under section 3302.03 of the Revised Code. 274

(c) (i) Any student enrolled in a chartered nonpublic 275  
school who has been identified, based on an evaluation conducted 276  
in accordance with section 3323.03 of the Revised Code or 277  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 278  
29 U.S.C.A. 794, as amended, as a child with a disability shall 279  
be excused from taking any particular assessment required to be 280  
administered under this section if either of the following 281  
apply: 282

(I) A plan developed for the student pursuant to rules	283
adopted by the state board excuses the student from taking that	284
assessment.	285
(II) The chartered nonpublic school develops a written	286
plan in which the school, in consultation with the student's	287
parents, determines that an assessment or alternative assessment	288
with accommodations does not accurately assess the student's	289
academic performance. The plan shall include an academic profile	290
of the student's academic performance and shall be reviewed	291
annually to determine if the student's needs continue to require	292
excusal from taking the assessment.	293
(ii) A student with significant cognitive disabilities to	294
whom an alternate assessment is administered in accordance with	295
division (C) (1) of this section and a student determined to have	296
a disability that includes an intellectual disability as	297
outlined in guidance issued by the department shall not be	298
required to take the assessment prescribed under division (B) (1)	299
of section 3301.0712 of the Revised Code.	300
(iii) In the case of any student so excused from taking an	301
assessment under division (C) (1) (c) of this section, the	302
chartered nonpublic school shall not prohibit the student from	303
taking the assessment.	304
(2) A district board may, for medical reasons or other	305
good cause, excuse a student from taking an assessment	306
administered under this section on the date scheduled, but that	307
assessment shall be administered to the excused student not	308
later than nine days following the scheduled date. The district	309
board shall annually report the number of students who have not	310
taken one or more of the assessments required by this section to	311
the state board not later than the thirtieth day of June.	312

(3) As used in this division, "English learner" has the 313  
same meaning as in 20 U.S.C. 7801. 314

No school district board shall excuse any English learner 315  
from taking any particular assessment required to be 316  
administered under this section, except as follows: 317

(a) Any English learner who has been enrolled in United 318  
States schools for less than two years and for whom no 319  
appropriate accommodations are available based on guidance 320  
issued by the department shall not be required to take the 321  
assessment prescribed under division (B) (1) of section 3301.0712 322  
of the Revised Code. 323

(b) Any English learner who has been enrolled in United 324  
States schools for less than one full school year shall not be 325  
required to take any reading, writing, or English language arts 326  
assessment. 327

However, no board shall prohibit an English learner who is 328  
not required to take an assessment under division (C) (3) of this 329  
section from taking the assessment. A board may permit any 330  
English learner to take an assessment required to be 331  
administered under this section with appropriate accommodations, 332  
as determined by the department. For each English learner, each 333  
school district shall annually assess that student's progress in 334  
learning English, in accordance with procedures approved by the 335  
department. 336

(4) (a) The governing authority of a chartered nonpublic 337  
school may excuse an English learner from taking any assessment 338  
administered under this section. 339

(b) No governing authority shall require an English 340  
learner who has been enrolled in United States schools for less 341

than two years and for whom no appropriate accommodations are 342  
available based on guidance issued by the department to take the 343  
assessment prescribed under division (B) (1) of section 3301.0712 344  
of the Revised Code. 345

(c) No governing authority shall prohibit an English 346  
learner from taking an assessment from which the student was 347  
excused under division (C) (4) of this section. 348

(D) (1) In the school year next succeeding the school year 349  
in which the assessments prescribed by division (A) (1) or (B) (1) 350  
of section 3301.0710 of the Revised Code or former division (A) 351  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 352  
it existed prior to September 11, 2001, are administered to any 353  
student, the board of education of any school district in which 354  
the student is enrolled in that year shall provide to the 355  
student intervention services commensurate with the student's 356  
performance, including any intensive intervention required under 357  
section 3313.608 of the Revised Code, in any skill in which the 358  
student failed to demonstrate at least a score at the proficient 359  
level on the assessment. 360

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

scores received by ninth grade students on the English language 372  
arts and mathematics assessments prescribed under division (A) 373  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 374  
grade in determining which high schools shall provide 375  
intervention services. 376

Each high school selected to provide intervention services 377  
under this division shall provide intervention services to any 378  
student whose results indicate that the student is failing to 379  
make satisfactory progress toward being able to attain scores at 380  
the proficient level on the Ohio graduation tests. Intervention 381  
services shall be provided in any skill in which a student 382  
demonstrates unsatisfactory progress and shall be commensurate 383  
with the student's performance. Schools shall provide the 384  
intervention services prior to the end of the school year, 385  
during the summer following the ninth grade, in the next 386  
succeeding school year, or at any combination of those times. 387

(E) Except as provided in section 3313.608 of the Revised 388  
Code and division (N) of this section, no school district board 389  
of education shall utilize any student's failure to attain a 390  
specified score on an assessment administered under this section 391  
as a factor in any decision to deny the student promotion to a 392  
higher grade level. However, a district board may choose not to 393  
promote to the next grade level any student who does not take an 394  
assessment administered under this section or make up an 395  
assessment as provided by division (C) (2) of this section and 396  
who is not exempt from the requirement to take the assessment 397  
under division (C) (3) of this section. 398

(F) No person shall be charged a fee for taking any 399  
assessment administered under this section. 400

(G) (1) Each school district board shall designate one 401

location for the collection of assessments administered in the 402  
spring under division (B) (1) of this section and those 403  
administered under divisions (B) (2) to (7) of this section. Each 404  
district board shall submit the assessments to the entity with 405  
which the department contracts for the scoring of the 406  
assessments as follows: 407

(a) If the district's total enrollment in grades 408  
kindergarten through twelve during the first full school week of 409  
October was less than two thousand five hundred, not later than 410  
the Friday after all of the assessments have been administered; 411

(b) If the district's total enrollment in grades 412  
kindergarten through twelve during the first full school week of 413  
October was two thousand five hundred or more, but less than 414  
seven thousand, not later than the Monday after all of the 415  
assessments have been administered; 416

(c) If the district's total enrollment in grades 417  
kindergarten through twelve during the first full school week of 418  
October was seven thousand or more, not later than the Tuesday 419  
after all of the assessments have been administered. 420

However, any assessment that a student takes during the 421  
make-up period described in division (C) (2) of this section 422  
shall be submitted not later than the Friday following the day 423  
the student takes the assessment. 424

(2) The department or an entity with which the department 425  
contracts for the scoring of the assessment shall send to each 426  
school district board a list of the individual scores of all 427  
persons taking a state achievement assessment as follows: 428

(a) Except as provided in division (G) (2) (b) or (c) of 429  
this section, within forty-five days after the administration of 430

the assessments prescribed by sections 3301.0710 and 3301.0712 431  
of the Revised Code, but in no case shall the scores be returned 432  
later than the thirtieth day of June following the 433  
administration; 434

(b) In the case of the third-grade English language arts 435  
assessment, within forty-five days after the administration of 436  
that assessment, but in no case shall the scores be returned 437  
later than the fifteenth day of June following the 438  
administration; 439

(c) In the case of the writing component of an assessment 440  
or end-of-course examination in the area of English language 441  
arts, except for the third-grade English language arts 442  
assessment, the results may be sent after forty-five days of the 443  
administration of the writing component, but in no case shall 444  
the scores be returned later than the thirtieth day of June 445  
following the administration. 446

(3) For assessments administered under this section by a 447  
joint vocational school district, the department or entity shall 448  
also send to each city, local, or exempted village school 449  
district a list of the individual scores of any students of such 450  
city, local, or exempted village school district who are 451  
attending school in the joint vocational school district. 452

(4) Beginning with the 2019-2020 school year, a school 453  
district, other public school, or chartered nonpublic school may 454  
administer the third-grade English language arts or mathematics 455  
assessment, or both, in a paper format in any school year for 456  
which the district board of education or school governing body 457  
adopts a resolution indicating that the district or school 458  
chooses to administer the assessment in a paper format. The 459  
board or governing body shall submit a copy of the resolution to 460



the department of education not later than the first day of May 461  
prior to the school year for which it will apply. If the 462  
resolution is submitted, the district or school shall administer 463  
the assessment in a paper format to all students in the third 464  
grade, except that any student whose individualized education 465  
program or plan developed under section 504 of the 466  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 467  
amended, specifies that taking the assessment in an online 468  
format is an appropriate accommodation for the student may take 469  
the assessment in an online format. 470

(H) Individual scores on any assessments administered 471  
under this section shall be released by a district board only in 472  
accordance with section 3319.321 of the Revised Code and the 473  
rules adopted under division (A) of this section. No district 474  
board or its employees shall utilize individual or aggregate 475  
results in any manner that conflicts with rules for the ethical 476  
use of assessments adopted pursuant to division (A) of this 477  
section. 478

(I) Except as provided in division (G) of this section, 479  
the department or an entity with which the department contracts 480  
for the scoring of the assessment shall not release any 481  
individual scores on any assessment administered under this 482  
section. The state board shall adopt rules to ensure the 483  
protection of student confidentiality at all times. The rules 484  
may require the use of the data verification codes assigned to 485  
students pursuant to division (D) (2) of section 3301.0714 of the 486  
Revised Code to protect the confidentiality of student scores. 487

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

provided under rules adopted pursuant to this division. 491

(1) In accordance with rules that the state board shall 492  
adopt, the board of education of any city, exempted village, or 493  
local school district with territory in a cooperative education 494  
school district established pursuant to divisions (A) to (C) of 495  
section 3311.52 of the Revised Code may enter into an agreement 496  
with the board of education of the cooperative education school 497  
district for administering any assessment prescribed under this 498  
section to students of the city, exempted village, or local 499  
school district who are attending school in the cooperative 500  
education school district. 501

(2) In accordance with rules that the state board shall 502  
adopt, the board of education of any city, exempted village, or 503  
local school district with territory in a cooperative education 504  
school district established pursuant to section 3311.521 of the 505  
Revised Code shall enter into an agreement with the cooperative 506  
district that provides for the administration of any assessment 507  
prescribed under this section to both of the following: 508

(a) Students who are attending school in the cooperative 509  
district and who, if the cooperative district were not 510  
established, would be entitled to attend school in the city, 511  
local, or exempted village school district pursuant to section 512  
3313.64 or 3313.65 of the Revised Code; 513

(b) Persons described in division (B)(8)(b) of this 514  
section. 515

Any assessment of students pursuant to such an agreement 516  
shall be in lieu of any assessment of such students or persons 517  
pursuant to this section. 518

(K) (1) (a) Except as otherwise provided in division (K) (1) 519

or (2) of this section, each chartered nonpublic school for 520  
which at least sixty-five per cent of its total enrollment is 521  
made up of students who are participating in state scholarship 522  
programs shall administer the assessments prescribed by division 523  
(A) of section 3301.0710 of the Revised Code or an alternative 524  
standardized assessment determined by the department. In 525  
accordance with procedures and deadlines prescribed by the 526  
department, the parent or guardian of a student enrolled in the 527  
school who is not participating in a state scholarship program 528  
may submit notice to the chief administrative officer of the 529  
school that the parent or guardian does not wish to have the 530  
student take the assessments prescribed for the student's grade 531  
level under division (A) of section 3301.0710 of the Revised 532  
Code. If a parent or guardian submits an opt-out notice, the 533  
school shall not administer the assessments to that student. 534  
This option does not apply to any assessment required for a high 535  
school diploma under section 3313.612 of the Revised Code. 536

(b) Any chartered nonpublic school that enrolls students 537  
who are participating in state scholarship programs may 538  
administer an alternative standardized assessment determined by 539  
the department instead of the assessments prescribed by division 540  
(A) of section 3301.0710 of the Revised Code. 541

Each chartered nonpublic school subject to division (K) (1) 542  
(a) or (b) of this section shall report the results of each 543  
assessment administered under those divisions to the department. 544

(2) A chartered nonpublic school may submit to the 545  
superintendent of public instruction a request for a waiver from 546  
administering the elementary assessments prescribed by division 547  
(A) of section 3301.0710 of the Revised Code. The state 548  
superintendent shall approve or disapprove a request for a 549

waiver submitted under division (K) (2) of this section. No 550  
waiver shall be approved for any school year prior to the 2015- 551  
2016 school year. 552

To be eligible to submit a request for a waiver, a 553  
chartered nonpublic school shall meet the following conditions: 554

(a) At least ninety-five per cent of the students enrolled 555  
in the school are children with disabilities, as defined under 556  
section 3323.01 of the Revised Code, or have received a 557  
diagnosis by a school district or from a physician, including a 558  
neuropsychiatrist or psychiatrist, or a psychologist who is 559  
authorized to practice in this or another state as having a 560  
condition that impairs academic performance, such as dyslexia, 561  
dyscalculia, attention deficit hyperactivity disorder, or 562  
Asperger's syndrome. 563

(b) The school has solely served a student population 564  
described in division (K) (1) (a) of this section for at least ten 565  
years. 566

(c) The school provides to the department at least five 567  
years of records of internal testing conducted by the school 568  
that affords the department data required for accountability 569  
purposes, including diagnostic assessments and nationally 570  
standardized norm-referenced achievement assessments that 571  
measure reading and math skills. 572

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

be made in writing to the superintendent of public instruction 579  
prior to the first day of August of any school year in which 580  
assessments are administered and shall include a pledge that the 581  
nonpublic school will administer the specified assessments in 582  
the same manner as public schools are required to do under this 583  
section and rules adopted by the department. 584

(4) The department of education shall furnish the 585  
assessments prescribed by section 3301.0710 of the Revised Code 586  
to each chartered nonpublic school that is subject to division 587  
(K) (1) of this section or participates under division (K) (3) of 588  
this section. 589

(L) If a chartered nonpublic school is educating students 590  
in grades nine through twelve, the following shall apply: 591

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

required to take such assessment from taking the assessment. 609

(2) For a student who is enrolled in a chartered nonpublic 610  
school that is accredited through the independent schools 611  
association of the central states, and who is not attending the 612  
school under a state scholarship program, the student shall not 613  
be required to take any assessment prescribed under section 614  
3301.0712 or 3313.619 of the Revised Code. 615

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 616  
of this section, for a student who is enrolled in a chartered 617  
nonpublic school that is not accredited through the independent 618  
schools association of the central states, regardless of whether 619  
the student is attending or is not attending the school under a 620  
state scholarship program, the student shall do one of the 621  
following: 622

(i) Take all of the assessments prescribed by division (B) 623  
of section 3301.0712 of the Revised Code; 624

(ii) Take only the assessment prescribed by division (B) 625  
(1) of section 3301.0712 of the Revised Code, provided that the 626  
student's school publishes the results of that assessment for 627  
each graduating class. The published results of that assessment 628  
shall include the overall composite scores, mean scores, twenty- 629  
fifth percentile scores, and seventy-fifth percentile scores for 630  
each subject area of the assessment. 631

(iii) Take an alternative assessment approved by the 632  
department under section 3313.619 of the Revised Code. 633

(b) A student who is excused from taking an assessment 634  
under division (C) of this section or has presented evidence to 635  
the chartered nonpublic school of having satisfied the condition 636  
prescribed by division (A) (1) of section 3313.618 of the Revised 637

Code to qualify for a high school diploma prior to the date of 638  
the administration of the assessment prescribed under division 639  
(B) (1) of section 3301.0712 of the Revised Code shall not be 640  
required to take that assessment. No governing authority of a 641  
chartered nonpublic school shall prohibit a student who is not 642  
required to take such assessment from taking the assessment. 643

(4) The assessments prescribed by sections 3301.0712 and 644  
3313.619 of the Revised Code shall not be administered to any 645  
student attending the school, if the school meets all of the 646  
following conditions: 647

(a) At least ninety-five per cent of the students enrolled 648  
in the school are children with disabilities, as defined under 649  
section 3323.01 of the Revised Code, or have received a 650  
diagnosis by a school district or from a physician, including a 651  
neuropsychologist or psychiatrist, or a psychologist who is 652  
authorized to practice in this or another state as having a 653  
condition that impairs academic performance, such as dyslexia, 654  
dyscalculia, attention deficit hyperactivity disorder, or 655  
Asperger's syndrome. 656

(b) The school has solely served a student population 657  
described in division (L) (4) (a) of this section for at least ten 658  
years. 659

(c) The school makes available to the department at least 660  
five years of records of internal testing conducted by the 661  
school that affords the department data required for 662  
accountability purposes, including growth in student achievement 663  
in reading or mathematics, or both, as measured by nationally 664  
norm-referenced assessments that have developed appropriate 665  
standards for students. 666

Division (L) (4) of this section applies to any student 667  
attending such school regardless of whether the student receives 668  
special education or related services and regardless of whether 669  
the student is attending the school under a state scholarship 670  
program. 671

(M) (1) The superintendent of the state school for the 672  
blind and the superintendent of the state school for the deaf 673  
shall administer the assessments described by sections 3301.0710 674  
and 3301.0712 of the Revised Code. Each superintendent shall 675  
administer the assessments in the same manner as district boards 676  
are required to do under this section and rules adopted by the 677  
department of education and in conformity with division (C) (1) 678  
(a) of this section. 679

(2) The department of education shall furnish the 680  
assessments described by sections 3301.0710 and 3301.0712 of the 681  
Revised Code to each superintendent. 682

(N) Notwithstanding division (E) of this section, a school 683  
district may use a student's failure to attain a score in at 684  
least the proficient range on the mathematics assessment 685  
described by division (A) (1) (a) of section 3301.0710 of the 686  
Revised Code or on an assessment described by division (A) (1) 687  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 688  
Code as a factor in retaining that student in the current grade 689  
level. 690

(O) (1) In the manner specified in divisions (O) (3), (4), 691  
(6), and (7) of this section, the assessments required by 692  
division (A) (1) of section 3301.0710 of the Revised Code shall 693  
become public records pursuant to section 149.43 of the Revised 694  
Code on the thirty-first day of July following the school year 695  
that the assessments were administered. 696



(2) The department may field test proposed questions with 697  
samples of students to determine the validity, reliability, or 698  
appropriateness of questions for possible inclusion in a future 699  
year's assessment. The department also may use anchor questions 700  
on assessments to ensure that different versions of the same 701  
assessment are of comparable difficulty. 702

Field test questions and anchor questions shall not be 703  
considered in computing scores for individual students. Field 704  
test questions and anchor questions may be included as part of 705  
the administration of any assessment required by division (A) (1) 706  
or (B) of section 3301.0710 and division (B) of section 707  
3301.0712 of the Revised Code. 708

(3) Any field test question or anchor question 709  
administered under division (O) (2) of this section shall not be 710  
a public record. Such field test questions and anchor questions 711  
shall be redacted from any assessments which are released as a 712  
public record pursuant to division (O) (1) of this section. 713

(4) This division applies to the assessments prescribed by 714  
division (A) of section 3301.0710 of the Revised Code. 715

(a) The first administration of each assessment, as 716  
specified in former section 3301.0712 of the Revised Code, shall 717  
be a public record. 718

(b) For subsequent administrations of each assessment 719  
prior to the 2011-2012 school year, not less than forty per cent 720  
of the questions on the assessment that are used to compute a 721  
student's score shall be a public record. The department shall 722  
determine which questions will be needed for reuse on a future 723  
assessment and those questions shall not be public records and 724  
shall be redacted from the assessment prior to its release as a 725

public record. However, for each redacted question, the 726  
department shall inform each city, local, and exempted village 727  
school district of the statewide academic standard adopted by 728  
the state board under section 3301.079 of the Revised Code and 729  
the corresponding benchmark to which the question relates. The 730  
preceding sentence does not apply to field test questions that 731  
are redacted under division (O) (3) of this section. 732

(c) The administrations of each assessment in the 2011- 733  
2012, 2012-2013, and 2013-2014 school years shall not be a 734  
public record. 735

(5) Each assessment prescribed by division (B) (1) of 736  
section 3301.0710 of the Revised Code shall not be a public 737  
record. 738

(6) (a) Except as provided in division (O) (6) (b) of this 739  
section, for the administrations in the 2014-2015, 2015-2016, 740  
and 2016-2017 school years, questions on the assessments 741  
prescribed under division (A) of section 3301.0710 and division 742  
(B) (2) of section 3301.0712 of the Revised Code and the 743  
corresponding preferred answers that are used to compute a 744  
student's score shall become a public record as follows: 745

(i) Forty per cent of the questions and preferred answers 746  
on the assessments on the thirty-first day of July following the 747  
administration of the assessment; 748

(ii) Twenty per cent of the questions and preferred 749  
answers on the assessment on the thirty-first day of July one 750  
year after the administration of the assessment; 751

(iii) The remaining forty per cent of the questions and 752  
preferred answers on the assessment on the thirty-first day of 753  
July two years after the administration of the assessment. 754

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

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

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

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

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

(P) As used in this section:

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

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

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

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

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

**Sec. 3301.0712.** (A) The state board of education, the 814  
superintendent of public instruction, and the chancellor of 815  
higher education shall develop a system of college and work 816  
ready assessments as described in division (B) of this section 817  
to assess whether each student upon graduating from high school 818  
is ready to enter college or the workforce. Beginning with 819  
students who enter the ninth grade for the first time on or 820  
after July 1, 2014, the system shall replace the Ohio graduation 821  
tests prescribed in division (B)(1) of section 3301.0710 of the 822  
Revised Code as a measure of student academic performance and 823  
one determinant of eligibility for a high school diploma in the 824  
manner prescribed by rule of the state board adopted under 825  
division (D) of this section. 826

(B) The college and work ready assessment system shall 827  
consist of the following: 828

~~(1) Nationally~~ (a) Except as provided in division (B)(1) 829  
(b) of this section, nationally standardized assessments that 830  
measure college and career readiness and are used for college 831  
admission. The assessments shall be selected jointly by the 832  
state superintendent and the chancellor, and one of which shall 833  
be selected by each school district or school to administer to 834  
its students. The assessments prescribed under division (B)(1) 835  
of this section shall be administered to all eleventh-grade 836  
students in the spring of the school year. 837

(b) Beginning with students who enter the ninth grade for 838  
the first time on or after July 1, 2019, the nationally 839  
standardized assessment selected under division (B)(1)(a) of 840  
this section shall not be required for graduation. The 841  
assessment shall be administered to any eleventh-grade student 842  
in the spring of each school year, in accordance with procedures 843

prescribed by the department of education, whose parent or 844  
guardian gives permission to the principal or chief 845  
administrative officer of the student's school to administer the 846  
assessment described under division (B) (1) (a) of this section to 847  
that student. 848

(2) (a) Except as provided in division (B) (2) (b) of this 849  
section, seven end-of-course examinations, one in each of the 850  
areas of English language arts I, English language arts II, 851  
science, Algebra I, geometry, American history, and American 852  
government. The end-of-course examinations shall be selected 853  
jointly by the state superintendent and the chancellor in 854  
consultation with faculty in the appropriate subject areas at 855  
institutions of higher education of the university system of 856  
Ohio. Advanced placement examinations and international 857  
baccalaureate examinations, as prescribed under section 858  
3313.6013 of the Revised Code, in the areas of science, American 859  
history, and American government may be used as end-of-course 860  
examinations in accordance with division (B) (4) (a) (i) of this 861  
section. Final course grades for courses taken under any other 862  
advanced standing program, as prescribed under section 3313.6013 863  
of the Revised Code, in the areas of science, American history, 864  
and American government may be used in lieu of end-of-course 865  
examinations in accordance with division (B) (4) (a) (ii) of this 866  
section. 867

(b) Beginning with students who enter ninth grade for the 868  
first time on or after July 1, ~~2019~~2020, ~~five~~four end-of-course 869  
examinations, one in each areas of English language arts II, 870  
science, Algebra I, and American history~~7~~, and ~~American~~ 871  
government. However, only the end-of-course examinations in 872  
English language arts II and Algebra I shall be required for 873  
graduation. 874

The department of education shall, as necessary to 875  
implement division (B) (2) (b) of this section, seek a waiver from 876  
the United States secretary of education for testing 877  
requirements prescribed under federal law to allow for the use 878  
and implementation of Algebra I as the primary assessment of 879  
high school mathematics. If the department does not receive a 880  
waiver under this division, the end-of-course examinations for 881  
students described in division (B) (2) (b) of this section also 882  
shall include an end-of-course examination in the area of 883  
geometry. However, the geometry end-of-course examination shall 884  
not be required for graduation. 885

(3) (a) Not later than July 1, 2013, each school district 886  
board of education shall adopt interim end-of-course 887  
examinations that comply with the requirements of divisions (B) 888  
(3) (b) (i) and (ii) of this section to assess mastery of American 889  
history and American government standards adopted under division 890  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 891  
required under division (M) of section 3313.603 of the Revised 892  
Code. Each high school of the district shall use the interim 893  
examinations until the state superintendent and chancellor 894  
select end-of-course examinations in American history and 895  
American government under division (B) (2) of this section. 896

(b) Not later than July 1, 2014, the state superintendent 897  
and the chancellor shall select the end-of-course examinations 898  
in American history and American government. 899

(i) The end-of-course examinations in American history and 900  
American government shall require demonstration of mastery of 901  
the American history and American government content for social 902  
studies standards adopted under division (A) (1) (b) of section 903  
3301.079 of the Revised Code and the topics required under 904

division (M) of section 3313.603 of the Revised Code. 905

(ii) At least twenty per cent of the end-of-course 906  
examination in American government shall address the topics on 907  
American history and American government described in division 908  
(M) of section 3313.603 of the Revised Code. 909

(c) Beginning with students who enter ninth grade for the 910  
first time on or after July 1, 2020, students shall take one 911  
end-of-course examination in American history and government 912  
that complies with the requirements of division (B) (3) (b) (ii) of 913  
this section to assess mastery of American history and American 914  
government standards adopted under division (A) (1) (b) of section 915  
3301.079 of the Revised Code and the topics required under 916  
division (M) of section 3313.603 of the Revised Code. 917

The department of education shall take the steps necessary 918  
to develop the American history and government end-of-course 919  
examination so that it is available for the students to which 920  
divisions (B) (2) (b) and (3) (c) of this section apply. The 921  
department shall develop the examination in a manner so that it 922  
is comparable to other end-of-course examinations in both 923  
administration and length. 924

(4) (a) Notwithstanding anything to the contrary in this 925  
section, beginning with the 2014-2015 school year, both of the 926  
following shall apply: 927

(i) If a student is enrolled in an appropriate advanced 928  
placement or international baccalaureate course, that student 929  
shall take the advanced placement or international baccalaureate 930  
examination in lieu of the science, American history, or 931  
American government end-of-course examinations prescribed under 932  
division (B) (2) of this section. The state board shall specify 933



the score levels for each advanced placement examination and 934  
international baccalaureate examination for purposes of 935  
calculating the minimum cumulative performance score that 936  
demonstrates the level of academic achievement necessary to earn 937  
a high school diploma. 938

However, beginning with students who enter ninth grade for 939  
the first time on or after July 1, 2020, a student shall take 940  
the advanced placement or international baccalaureate 941  
examinations in both American history and American government to 942  
qualify for an alternative to the American history and 943  
government end-of-course examination prescribed under division 944  
(B) (2) (b) of this section. 945

(ii) If a student is enrolled in an appropriate course 946  
under any other advanced standing program, as described in 947  
section 3313.6013 of the Revised Code, that student shall not be 948  
required to take the science, American history, or American 949  
government end-of-course examination, whichever is applicable, 950  
prescribed under division (B) (2) of this section. Instead, that 951  
student's final course grade shall be used in lieu of the 952  
applicable end-of-course examination prescribed under that 953  
section. The state superintendent, in consultation with the 954  
chancellor, shall adopt guidelines for purposes of calculating 955  
the corresponding final course grades that demonstrate the level 956  
of academic achievement necessary to earn a high school diploma. 957

Division (B) (4) (a) (ii) of this section shall apply only to 958  
courses for which students receive transcribed credit, as 959  
defined in section 3365.01 of the Revised Code. It shall not 960  
apply to remedial or developmental courses. 961

(b) No student shall take a substitute examination or 962  
examination prescribed under division (B) (4) (a) of this section 963

in place of the end-of-course examinations in English language 964  
arts I, English language arts II, Algebra I, or geometry 965  
prescribed under division (B) (2) of this section. 966

(c) The state board shall consider additional assessments 967  
that may be used, beginning with the 2016-2017 school year, as 968  
substitute examinations in lieu of the end-of-course 969  
examinations prescribed under division (B) (2) of this section. 970

(5) The state board shall do all of the following: 971

(a) Determine and designate at least five ranges of scores 972  
on each of the end-of-course examinations prescribed under 973  
division (B) (2) of this section, and substitute examinations 974  
prescribed under division (B) (4) of this section. Not later than 975  
sixty days after the designation of ranges of scores, the state 976  
superintendent, or the state superintendent's designee, shall 977  
conduct a public presentation before the standing committees of 978  
the house of representatives and the senate that consider 979  
primary and secondary education legislation regarding the 980  
designated range of scores. Each range of scores shall be 981  
considered to demonstrate a level of achievement so that any 982  
student attaining a score within such range has achieved one of 983  
the following: 984

(i) An advanced level of skill; 985

(ii) An accelerated level of skill; 986

(iii) A proficient level of skill; 987

(iv) A basic level of skill; 988

(v) A limited level of skill. 989

(b) Determine a method by which to calculate a cumulative 990  
performance score based on the results of a student's end-of- 991

course examinations or substitute examinations;	992
(c) Determine the minimum cumulative performance score	993
that demonstrates the level of academic achievement necessary to	994
earn a high school diploma under division (A) (2) of section	995
3313.618 of the Revised Code. However, the state board shall not	996
determine a new minimum cumulative performance score after the	997
effective date of this amendment October 17, 2019.	998
(d) Develop a table of corresponding score equivalents for	999
the end-of-course examinations and substitute examinations in	1000
order to calculate student performance consistently across the	1001
different examinations.	1002
A score of two on an advanced placement examination or a	1003
score of two or three on an international baccalaureate	1004
examination shall be considered equivalent to a proficient level	1005
of skill as specified under division (B) (5) (a) (iii) of this	1006
section.	1007
(6) (a) A student who meets both of the following	1008
conditions shall not be required to take an end-of-course	1009
examination:	1010
(i) The student received high school credit prior to July	1011
1, 2015, for a course for which the end-of-course examination is	1012
prescribed.	1013
(ii) The examination was not available for administration	1014
prior to July 1, 2015.	1015
Receipt of credit for the course described in division (B)	1016
(6) (a) (i) of this section shall satisfy the requirement to take	1017
the end-of-course examination. A student exempted under division	1018
(B) (6) (a) of this section may take the applicable end-of-course	1019
examination at a later date.	1020

(b) For purposes of determining whether a student who is 1021  
exempt from taking an end-of-course examination under division 1022  
(B) (6) (a) of this section has attained the cumulative score 1023  
prescribed by division (B) (5) (c) of this section, such student 1024  
shall select either of the following: 1025

(i) The student is considered to have attained a 1026  
proficient score on the end-of-course examination from which the 1027  
student is exempt; 1028

(ii) The student's final course grade shall be used in 1029  
lieu of a score on the end-of-course examination from which the 1030  
student is exempt. 1031

The state superintendent, in consultation with the 1032  
chancellor, shall adopt guidelines for purposes of calculating 1033  
the corresponding final course grades and the minimum cumulative 1034  
performance score that demonstrates the level of academic 1035  
achievement necessary to earn a high school diploma. 1036

(7) (a) Notwithstanding anything to the contrary in this 1037  
section, the state board may replace the algebra I end-of-course 1038  
examination prescribed under division (B) (2) of this section 1039  
with an algebra II end-of-course examination, beginning with the 1040  
2016-2017 school year for students who enter ninth grade on or 1041  
after July 1, 2016. 1042

(b) If the state board replaces the algebra I end-of- 1043  
course examination with an algebra II end-of-course examination 1044  
as authorized under division (B) (7) (a) of this section, both of 1045  
the following shall apply: 1046

(i) A student who is enrolled in an advanced placement or 1047  
international baccalaureate course in algebra II shall take the 1048  
advanced placement or international baccalaureate examination in 1049

lieu of the algebra II end-of-course examination. 1050

(ii) A student who is enrolled in an algebra II course 1051  
under any other advanced standing program, as described in 1052  
section 3313.6013 of the Revised Code, shall not be required to 1053  
take the algebra II end-of-course examination. Instead, that 1054  
student's final course grade shall be used in lieu of the 1055  
examination. 1056

(c) If a school district or school utilizes an integrated 1057  
approach to mathematics instruction, the district or school may 1058  
do either or both of the following: 1059

(i) Administer an integrated mathematics I end-of-course 1060  
examination in lieu of the prescribed algebra I end-of-course 1061  
examination; 1062

(ii) Administer an integrated mathematics II end-of-course 1063  
examination in lieu of the prescribed geometry end-of-course 1064  
examination. 1065

(8) (a) For students entering the ninth grade for the first 1066  
time on or after July 1, 2014, but prior to July 1, 2015, the 1067  
assessment in the area of science shall be physical science or 1068  
biology. For students entering the ninth grade for the first 1069  
time on or after July 1, 2015, the assessment in the area of 1070  
science shall be biology. 1071

(b) Until July 1, 2019, the department shall make 1072  
available the end-of-course examination in physical science for 1073  
students who entered the ninth grade for the first time on or 1074  
after July 1, 2014, but prior to July 1, 2015, and who wish to 1075  
retake the examination. 1076

(c) Not later than July 1, 2016, the state board shall 1077  
adopt rules prescribing the requirements for the end-of-course 1078

examination in science for students who entered the ninth grade 1079  
for the first time on or after July 1, 2014, but prior to July 1080  
1, 2015, and who have not met the requirement prescribed by 1081  
section 3313.618 of the Revised Code by July 1, 2019, due to a 1082  
student's failure to satisfy division (A)(2) of section 3313.618 1083  
of the Revised Code. 1084

(9) Neither the state board nor the department of 1085  
education shall develop or administer an end-of-course 1086  
examination in the area of world history. 1087

(10) Not later than March 1, 2020, the department, in 1088  
consultation with the chancellor and the governor's office of 1089  
workforce transformation, shall determine a competency score for 1090  
both of the Algebra I and English language arts II end-of-course 1091  
examinations for the purpose of graduation eligibility. 1092

(C) The state board shall convene a group of national 1093  
experts, state experts, and local practitioners to provide 1094  
advice, guidance, and recommendations for the alignment of 1095  
standards and model curricula to the assessments and in the 1096  
design of the end-of-course examinations prescribed by this 1097  
section. 1098

(D) Upon completion of the development of the assessment 1099  
system, the state board shall adopt rules prescribing all of the 1100  
following: 1101

(1) A timeline and plan for implementation of the 1102  
assessment system, including a phased implementation if the 1103  
state board determines such a phase-in is warranted; 1104

(2) The date after which a person shall meet the 1105  
requirements of the entire assessment system as a prerequisite 1106  
for a diploma of adult education under section 3313.611 of the 1107

Revised Code; 1108

(3) Whether and the extent to which a person may be 1109  
excused from an ~~American history~~ end-of-course examination ~~and~~ 1110  
~~an in American history or American government end-of-course~~ 1111  
~~examination or both~~ under division (H) of section 3313.61 and 1112  
division (B) (3) of section 3313.612 of the Revised Code; 1113

(4) The date after which a person who has fulfilled the 1114  
curriculum requirement for a diploma but has not passed one or 1115  
more of the required assessments at the time the person 1116  
fulfilled the curriculum requirement shall meet the requirements 1117  
of the entire assessment system as a prerequisite for a high 1118  
school diploma under division (B) of section 3313.614 of the 1119  
Revised Code; 1120

(5) The extent to which the assessment system applies to 1121  
students enrolled in a dropout recovery and prevention program 1122  
for purposes of division (F) of section 3313.603 and section 1123  
3314.36 of the Revised Code. 1124

(E) Not later than forty-five days prior to the state 1125  
board's adoption of a resolution directing the department to 1126  
file the rules prescribed by division (D) of this section in 1127  
final form under section 119.04 of the Revised Code, the 1128  
superintendent of public instruction shall present the 1129  
assessment system developed under this section to the respective 1130  
committees of the house of representatives and senate that 1131  
consider education legislation. 1132

(F) (1) Any person enrolled in a nonchartered nonpublic 1133  
school or any person who has been excused from attendance at 1134  
school for the purpose of home instruction under section 3321.04 1135  
of the Revised Code may choose to participate in the system of 1136

assessments administered under divisions (B) (1) and (2) of this 1137  
section. However, no such person shall be required to 1138  
participate in the system of assessments. 1139

(2) The department shall adopt rules for the 1140  
administration and scoring of any assessments under division (F) 1141  
(1) of this section. 1142

(G) Not later than December 31, 2014, the state board 1143  
shall select at least one nationally recognized job skills 1144  
assessment. Each school district shall administer that 1145  
assessment to those students who opt to take it. The state shall 1146  
reimburse a school district for the costs of administering that 1147  
assessment. The state board shall establish the minimum score a 1148  
student must attain on the job skills assessment in order to 1149  
demonstrate a student's workforce readiness and employability. 1150  
The administration of the job skills assessment to a student 1151  
under this division shall not exempt a school district from 1152  
administering the assessments prescribed in division (B) of this 1153  
section to that student. 1154

**Sec. 3301.0729.** (A) Except as provided for in divisions 1155  
(B) and (C) of this section, beginning with assessments 1156  
administered on or after July 1, 2017, the board of education of 1157  
each city, local, and exempted village school district shall 1158  
ensure that no student is required to do either of the 1159  
following: 1160

(1) Spend a cumulative amount of time in excess of two per 1161  
cent of the school year taking the following assessments 1162  
combined: 1163

(a) The applicable state assessments prescribed by 1164  
division (A) of section 3301.0710 and division (B) (2) of section 1165



3301.0712 of the Revised Code; 1166

(b) Any assessment required by the district board to be 1167  
administered district-wide to all students in a specified 1168  
subject area or grade level. 1169

(2) Spend a cumulative amount of time in excess of one per 1170  
cent of the school year taking practice or diagnostic 1171  
assessments used to prepare for assessments described in 1172  
divisions (A) (1) (a) and (b) of this section. 1173

(B) The limitations prescribed by division (A) of this 1174  
section shall not apply to assessments for students with 1175  
disabilities, any related diagnostic assessment for students who 1176  
failed to attain a passing score on the English language arts 1177  
achievement assessment prescribed by division (A) (1) (a) of 1178  
section 3301.0710 of the Revised Code, substitute examinations 1179  
as prescribed by division (B) (4) of section 3301.0712 of the 1180  
Revised Code, or additional assessments administered to identify 1181  
a student as gifted under Chapter 3324. of the Revised Code. 1182

(C) The board of education of each city, exempted village, 1183  
and local school district may exceed the limitations prescribed 1184  
by division (A) of this section by annual resolution of the 1185  
district board. ~~However, prior~~ Prior to the adoption of such a 1186  
resolution, the board shall conduct at least one public hearing 1187  
on the proposed resolution and consider recommendations from the 1188  
testing work group formed under division (D) of this section. 1189  
Resolutions adopted under division (C) of this section shall be 1190  
reported to the department of education and made available to 1191  
the public. 1192

(D) (1) Not later than ninety days after the effective date 1193  
of this amendment, each school district shall form a work group 1194

to examine the amount of time students spend on district- 1195  
required testing and make recommendations to the district board 1196  
of education on how to reduce testing amounts. The work group 1197  
shall consist of the following members: 1198

(a) The district superintendent; 1199

(b) A district curriculum or testing administrator or 1200  
designee of the superintendent; 1201

(c) Three building principals, one each from an 1202  
elementary, middle, and high school; 1203

(d) Three classroom teachers selected by the local 1204  
teacher's association, one each from an elementary, middle, and 1205  
high school; 1206

(e) Three parents of students enrolled in the district 1207  
selected by the local parent-teacher organization or similar 1208  
organization, one each from an elementary, middle, and high 1209  
school. 1210

If a district does not employ enough individuals to meet 1211  
the membership requirements under division (D) (1) of this 1212  
section, the district is exempt from those requirements it 1213  
cannot meet. 1214

(2) In order to make testing reduction recommendations, 1215  
the work group described in division (D) (1) of this section 1216  
shall consider the following: 1217

(a) Time students spend on district required testing; 1218

(b) The current district testing calendar; 1219

(c) Identifying if there are groups of students being 1220  
tested at a greater rate than others; 1221

<u>(d) The purpose of testing and if that purpose has been achieved;</u>	1222
	1223
<u>(e) The use of testing data to drive instructional decisions;</u>	1224
	1225
<u>(f) The financial cost of testing;</u>	1226
<u>(g) If tests are duplicative;</u>	1227
<u>(h) Any previous testing audit or examination of testing the district may have.</u>	1228
	1229
<u>(3) The work group shall report any findings and recommendations to the district board of education not later than six months after formation. Upon completion of this report, the work group may be dissolved, continue to meet, or be reconstituted in the future based on local need.</u>	1230
	1231
	1232
	1233
	1234
<u>(E) The department annually shall publish a report on the amount of time students spent on required state and district testing. The report shall include all of the following:</u>	1235
	1236
	1237
<u>(1) Information disaggregated by required state testing and by additional testing required by a district;</u>	1238
	1239
<u>(2) Efforts to reduce testing time and increase instructional time;</u>	1240
	1241
<u>(3) Caps on testing time as described in division (A) of this section and a list of any district that exceeded them;</u>	1242
	1243
<u>(4) The purpose and use of the required state and district tests;</u>	1244
	1245
<u>(5) Resources for parents to ask questions regarding testing of their child.</u>	1246
	1247
<u>The report shall be published on the department's web site</u>	1248

and delivered to the governor and the respective standing 1249  
committees of the house of representatives and senate that 1250  
consider primary and secondary education legislation. 1251

(F) It is the intent of the general assembly to reduce the 1252  
time students spend on standardized testing and restore 1253  
classroom instructional time. The department of education or 1254  
other state entity should not require local school districts to 1255  
increase testing for Ohio students or create policies that 1256  
result in further testing as part of an improvement plan. 1257

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015~~Until the 2020- 1258  
2021 school year, any third-grade student who attends a 1259  
chartered nonpublic school with a scholarship awarded under 1260  
either the educational choice scholarship pilot program, 1261  
prescribed in sections 3310.01 to 3310.17, or the pilot project 1262  
scholarship program prescribed in sections 3313.974 to 3313.979 1263  
of the Revised Code, shall be subject to the third-grade reading 1264  
guarantee retention provisions under division (A) (2) of section 1265  
3313.608 of the Revised Code, including the exemptions 1266  
prescribed by that division. For purposes of determining if a 1267  
child with a disability is exempt from retention under this 1268  
section, an individual services plan created for the child that 1269  
has been reviewed by either the student's school district of 1270  
residence or the school district in which the chartered 1271  
nonpublic school is located and that specifies that the student 1272  
is not subject to retention shall be considered in the same 1273  
manner as an individualized education program or plan under 1274  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 1275  
29 U.S.C. 794, as amended, as prescribed by division (A) (2) of 1276  
section 3313.608 of the Revised Code. 1277

As used in this section, "child with a disability" and 1278

"school district of residence" have the same meanings as in 1279  
section 3323.01 of the Revised Code. 1280

(B) (1) Each chartered nonpublic school that enrolls 1281  
students in any of grades kindergarten through three and that 1282  
accepts students under the educational choice scholarship pilot 1283  
program or the pilot project scholarship program shall adopt 1284  
policies and procedures for the annual assessment of the reading 1285  
skills of those students. Each school may use the diagnostic 1286  
assessment to measure reading ability for the appropriate grade 1287  
level prescribed in division (D) of section 3301.079 of the 1288  
Revised Code. If the school uses such assessments, the 1289  
department of education shall furnish them to the chartered 1290  
nonpublic school. 1291

(2) For each student identified as having reading skills 1292  
below grade level, the school shall do both of the following: 1293

(a) Provide to the student's parent or guardian, in 1294  
writing, all of the following: 1295

(i) Notification that the student has been identified as 1296  
having a substantial deficiency in reading; 1297

(ii) ~~Notification~~ Through the 2020-2021 school year, 1298  
notification that if the student attains a score in the range 1299  
designated under division (A) (3) of section 3301.0710 of the 1300  
Revised Code on the assessment prescribed under that section to 1301  
measure skill in English language arts expected at the end of 1302  
third grade, the student shall be retained unless the student is 1303  
exempt under division (A) (1) of section 3313.608 of the Revised 1304  
Code. 1305

(b) Provide intensive reading instruction services, as 1306  
determined appropriate by the school, to each student identified 1307

under this section. 1308

(C) Each chartered nonpublic school subject to this 1309  
section annually shall report to the department the number of 1310  
students identified as reading at grade level and the number of 1311  
students identified as reading below grade level. 1312

**Sec. 3313.608.** (A) (1) Beginning with students who enter 1313  
third grade in the school year that starts July 1, 2009, and 1314  
until June 30, 2013, unless the student is excused under 1315  
division (C) of section 3301.0711 of the Revised Code from 1316  
taking the assessment described in this section, for any student 1317  
who does not attain at least the equivalent level of achievement 1318  
designated under division (A) (3) of section 3301.0710 of the 1319  
Revised Code on the assessment prescribed under that section to 1320  
measure skill in English language arts expected at the end of 1321  
third grade, each school district, in accordance with the policy 1322  
adopted under section 3313.609 of the Revised Code, shall do one 1323  
of the following: 1324

(a) Promote the student to fourth grade if the student's 1325  
principal and reading teacher agree that other evaluations of 1326  
the student's skill in reading demonstrate that the student is 1327  
academically prepared to be promoted to fourth grade; 1328

(b) Promote the student to fourth grade but provide the 1329  
student with intensive intervention services in fourth grade; 1330

(c) Retain the student in third grade. 1331

(2) Beginning with students who enter third grade in the 1332  
2013-2014 school year and until June 30, 2021, unless the 1333  
student is excused under division (C) of section 3301.0711 of 1334  
the Revised Code from taking the assessment described in this 1335  
section, no school district shall promote to fourth grade any 1336

student who does not attain at least the equivalent level of 1337  
achievement designated under division (A) (3) of section 1338  
3301.0710 of the Revised Code on the assessment prescribed under 1339  
that section to measure skill in English language arts expected 1340  
at the end of third grade, unless one of the following applies: 1341

(a) The student is an English learner who has been 1342  
enrolled in United States schools for less than three full 1343  
school years and has had less than three years of instruction in 1344  
an English as a second language program. 1345

(b) The student is a child with a disability entitled to 1346  
special education and related services under Chapter 3323. of 1347  
the Revised Code and the student's individualized education 1348  
program exempts the student from retention under this division. 1349

(c) The student demonstrates an acceptable level of 1350  
performance on an alternative standardized reading assessment as 1351  
determined by the department of education. 1352

(d) All of the following apply: 1353

(i) The student is a child with a disability entitled to 1354  
special education and related services under Chapter 3323. of 1355  
the Revised Code. 1356

(ii) The student has taken the third grade English 1357  
language arts achievement assessment prescribed under section 1358  
3301.0710 of the Revised Code. 1359

(iii) The student's individualized education program or 1360  
plan under section 504 of the "Rehabilitation Act of 1973," 87 1361  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 1362  
received intensive remediation in reading for two school years 1363  
but still demonstrates a deficiency in reading. 1364

(iv) The student previously was retained in any of grades 1365  
kindergarten to three. 1366

(e) (i) The student received intensive remediation for 1367  
reading for two school years but still demonstrates a deficiency 1368  
in reading and was previously retained in any of grades 1369  
kindergarten to three. 1370

(ii) A student who is promoted under division (A) (2) (e) (i) 1371  
of this section shall continue to receive intensive reading 1372  
instruction in grade four. The instruction shall include an 1373  
altered instructional day that includes specialized diagnostic 1374  
information and specific research-based reading strategies for 1375  
the student that have been successful in improving reading among 1376  
low-performing readers. 1377

(3) Beginning with students who enter the third grade in 1378  
the 2021-2022 school year, no school district shall retain a 1379  
student under this section based upon the student's score on the 1380  
assessment prescribed by section 3301.0710 of the Revised Code 1381  
to measure skill in English language arts expected at the end of 1382  
third grade. Districts shall continue to offer intervention and 1383  
remediation services in the manner prescribed under this section 1384  
for students found to be reading below grade level. 1385

(B) (1) Beginning in the 2012-2013 school year, to assist 1386  
students in meeting the third grade guarantee established by 1387  
this section, each school district board of education shall 1388  
adopt policies and procedures with which it annually shall 1389  
assess the reading skills of each student, except those students 1390  
with significant cognitive disabilities or other disabilities as 1391  
authorized by the department on a case-by-case basis, enrolled 1392  
in kindergarten to third grade and shall identify students who 1393  
are reading below their grade level. The reading skills 1394



assessment shall be completed by the thirtieth day of September 1395  
for students in grades one to three, and by the first day of 1396  
November for students in kindergarten. Each district shall use 1397  
the diagnostic assessment to measure reading ability for the 1398  
appropriate grade level adopted under section 3301.079 of the 1399  
Revised Code, or a comparable tool approved by the department of 1400  
education, to identify such students. The policies and 1401  
procedures shall require the students' classroom teachers to be 1402  
involved in the assessment and the identification of students 1403  
reading below grade level. The assessment may be administered 1404  
electronically using live, two-way video and audio connections 1405  
whereby the teacher administering the assessment may be in a 1406  
separate location from the student. 1407

(2) For each student identified by the diagnostic 1408  
assessment prescribed under this section as having reading 1409  
skills below grade level, the district shall do both of the 1410  
following: 1411

(a) Provide to the student's parent or guardian, in 1412  
writing, all of the following: 1413

(i) Notification that the student has been identified as 1414  
having a substantial deficiency in reading; 1415

(ii) A description of the current services that are 1416  
provided to the student; 1417

(iii) A description of the proposed supplemental 1418  
instructional services and supports that will be provided to the 1419  
student that are designed to remediate the identified areas of 1420  
reading deficiency; 1421

~~(iv) Notification that if the student attains a score in 1422  
the range designated under division (A) (3) of section 3301.0710 1423~~

~~of the Revised Code on the assessment prescribed under that~~ 1424  
~~section to measure skill in English language arts expected at~~ 1425  
~~the end of third grade, the student shall be retained unless the~~ 1426  
~~student is exempt under division (A) of this section. The~~ 1427  
~~notification shall specify that the assessment under section~~ 1428  
~~3301.0710 of the Revised Code is not the sole determinant of~~ 1429  
~~promotion and that additional evaluations and assessments are~~ 1430  
~~available to the student to assist parents and the district in~~ 1431  
~~knowing when a student is reading at or above grade level and~~ 1432  
~~ready for promotion.~~ 1433

(b) Provide intensive reading instruction services and 1434  
regular diagnostic assessments to the student immediately 1435  
following identification of a reading deficiency until the 1436  
development of the reading improvement and monitoring plan 1437  
required by division (C) of this section. These intervention 1438  
services shall include research-based reading strategies that 1439  
have been shown to be successful in improving reading among low- 1440  
performing readers and instruction targeted at the student's 1441  
identified reading deficiencies. 1442

(3) ~~For~~ Prior to the 2021-2022 school year, for each 1443  
student retained under division (A) of this section, the 1444  
district shall do all of the following: 1445

(a) Provide intense remediation services until the student 1446  
is able to read at grade level. The remediation services shall 1447  
include intensive interventions in reading that address the 1448  
areas of deficiencies identified under this section including, 1449  
but not limited to, not less than ninety minutes of reading 1450  
instruction per day, and may include any of the following: 1451

(i) Small group instruction; 1452

(ii) Reduced teacher-student ratios;	1453
(iii) More frequent progress monitoring;	1454
(iv) Tutoring or mentoring;	1455
(v) Transition classes containing third and fourth grade students;	1456 1457
(vi) Extended school day, week, or year;	1458
(vii) Summer reading camps.	1459
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	1460 1461 1462 1463
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	1464 1465 1466
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	1467 1468 1469 1470 1471 1472 1473 1474
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	1475 1476 1477 1478 1479

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 1480  
1481  
1482

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B) (1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 1483  
1484  
1485  
1486  
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1489  
1490

(1) Identification of the student's specific reading deficiencies; 1491  
1492

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 1493  
1494  
1495

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section; 1496  
1497  
1498

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section; 1499  
1500  
1501

(5) A reading curriculum during regular school hours that does all of the following: 1502  
1503

(a) Assists students to read at grade level; 1504

(b) Provides scientifically based and reliable assessment; 1505

(c) Provides initial and ongoing analysis of each student's reading progress. 1506  
1507

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

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

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

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

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 1538

(1) The remediation methods are based on reliable 1539  
educational research. 1540

(2) The school districts conduct assessment before and 1541  
after students participate in the program to facilitate 1542  
monitoring results of the remediation services. 1543

(3) The parents of participating students are involved in 1544  
programming decisions. 1545

(F) Any intervention or remediation services required by 1546  
this section shall include intensive, explicit, and systematic 1547  
instruction. 1548

(G) This section does not create a new cause of action or 1549  
a substantive legal right for any person. 1550

(H) (1) Except as provided under divisions (H) (2), (3), and 1551  
(4) of this section, each student described in division (B) (3) 1552  
or (C) of this section who enters third grade for the first time 1553  
on or after July 1, 2013, shall be assigned a teacher who has at 1554  
least one year of teaching experience and who satisfies one or 1555  
more of the following criteria: 1556

(a) The teacher holds a reading endorsement on the 1557  
teacher's license and has attained a passing score on the 1558  
corresponding assessment for that endorsement, as applicable. 1559

(b) The teacher has completed a master's degree program 1560  
with a major in reading. 1561

(c) The teacher was rated "most effective" for reading 1562  
instruction consecutively for the most recent two years based on 1563  
assessments of student growth measures developed by a vendor and 1564  
that is on the list of student assessments approved by the state 1565

board under division (B) (2) of section 3319.112 of the Revised Code. 1566  
1567

(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. 1568  
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(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. 1571  
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(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. 1574  
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(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 qualifications of division (H) (1) of this section. 1577  
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(3) 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, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the 1585  
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reading competencies adopted by the state board of education 1595  
under section 3301.077 of the Revised Code. 1596

(4) Notwithstanding division (H)(1) of this section, a 1597  
student described in division (B)(3) or (C) of this section who 1598  
enters third grade for the first time on or after July 1, 2013, 1599  
may receive reading intervention or remediation services under 1600  
this section from an individual employed as a speech-language 1601  
pathologist who holds a license issued by the state speech and 1602  
hearing professionals board under Chapter 4753. of the Revised 1603  
Code and a professional pupil services license as a school 1604  
speech-language pathologist issued by the state board of 1605  
education. 1606

(5) A teacher, other than a student's teacher of record, 1607  
may provide any services required under this section, so long as 1608  
that other teacher meets the requirements of division (H) of 1609  
this section and the teacher of record and the school principal 1610  
agree to the assignment. Any such assignment shall be documented 1611  
in the student's reading improvement and monitoring plan. 1612

As used in this division, "teacher of record" means the 1613  
classroom teacher to whom a student is assigned. 1614

(I) Notwithstanding division (H) of this section, a 1615  
teacher may teach reading to any student who is an English 1616  
language learner, and has been in the United States for three 1617  
years or less, or to a student who has an individualized 1618  
education program developed under Chapter 3323. of the Revised 1619  
Code if that teacher holds an alternative credential approved by 1620  
the department or has successfully completed training that is 1621  
based on principles of scientifically research-based reading 1622  
instruction that has been approved by the department. Beginning 1623  
on July 1, 2014, the alternative credentials and training 1624



described in this division shall be aligned with the reading 1625  
competencies adopted by the state board of education under 1626  
section 3301.077 of the Revised Code. 1627

(J) If, on or after June 4, 2013, a school district or 1628  
community school cannot furnish the number of teachers needed 1629  
who satisfy one or more of the criteria set forth in division 1630  
(H) of this section for the 2013-2014 school year, the school 1631  
district or community school shall develop and submit a staffing 1632  
plan by June 30, 2013. The staffing plan shall include criteria 1633  
that will be used to assign a student described in division (B) 1634  
(3) or (C) of this section to a teacher, credentials or training 1635  
held by teachers currently teaching at the school, and how the 1636  
school district or community school will meet the requirements 1637  
of this section. The school district or community school shall 1638  
post the staffing plan on its web site for the applicable school 1639  
year. 1640

Not later than March 1, 2014, and on the first day of 1641  
March in each year thereafter, a school district or community 1642  
school that has submitted a plan under this division shall 1643  
submit to the department a detailed report of the progress the 1644  
district or school has made in meeting the requirements under 1645  
this section. 1646

A school district or community school may request an 1647  
extension of a staffing plan beyond the 2013-2014 school year. 1648  
Extension requests must be submitted to the department not later 1649  
than the thirtieth day of April prior to the start of the 1650  
applicable school year. The department may grant extensions 1651  
valid through the 2015-2016 school year. 1652

Until June 30, 2015, the department annually shall review 1653  
all staffing plans and report to the state board not later than 1654

the thirtieth day of June of each year the progress of school 1655  
districts and community schools in meeting the requirements of 1656  
this section. 1657

(K) The department of education shall designate one or 1658  
more staff members to provide guidance and assistance to school 1659  
districts and community schools in implementing the third grade 1660  
guarantee established by this section, including any standards 1661  
or requirements adopted to implement the guarantee and to 1662  
provide information and support for reading instruction and 1663  
achievement. 1664

**Sec. 3313.61.** (A) A diploma shall be granted by the board 1665  
of education of any city, exempted village, or local school 1666  
district that operates a high school to any person to whom all 1667  
of the following apply: 1668

(1) The person has successfully completed the curriculum 1669  
in any high school or the individualized education program 1670  
developed for the person by any high school pursuant to section 1671  
3323.08 of the Revised Code, or has qualified under division (D) 1672  
or (F) of section 3313.603 of the Revised Code, provided that no 1673  
school district shall require a student to remain in school for 1674  
any specific number of semesters or other terms if the student 1675  
completes the required curriculum early; 1676

(2) Subject to section 3313.614 of the Revised Code, the 1677  
person has met the assessment requirements of division (A) (2) (a) 1678  
or (b) of this section, as applicable. 1679

(a) If the person entered the ninth grade prior to July 1, 1680  
2014, the person either: 1681

(i) Has attained at least the applicable scores designated 1682  
under division (B) (1) of section 3301.0710 of the Revised Code 1683

on all the assessments required by that division unless the 1684  
person was excused from taking any such assessment pursuant to 1685  
section 3313.532 of the Revised Code or unless division (H) or 1686  
(L) of this section applies to the person; 1687

(ii) Has satisfied the alternative conditions prescribed 1688  
in section 3313.615 of the Revised Code. 1689

(b) If the person entered the ninth grade on or after July 1690  
1, 2014, the person has met the requirement prescribed by 1691  
section 3313.618 of the Revised Code, except to the extent that 1692  
the person is excused from an assessment prescribed by that 1693  
section pursuant to section 3313.532 of the Revised Code or 1694  
division (H) or (L) of this section. 1695

(3) The person is not eligible to receive an honors 1696  
diploma granted pursuant to division (B) of this section. 1697

Except as provided in divisions (C), (E), (J), and (L) of 1698  
this section, no diploma shall be granted under this division to 1699  
anyone except as provided under this division. 1700

(B) In lieu of a diploma granted under division (A) of 1701  
this section, an honors diploma shall be granted, in accordance 1702  
with rules of the state board, by any such district board to 1703  
anyone who accomplishes all of the following: 1704

(1) Successfully completes the curriculum in any high 1705  
school or the individualized education program developed for the 1706  
person by any high school pursuant to section 3323.08 of the 1707  
Revised Code; 1708

(2) Subject to section 3313.614 of the Revised Code, has 1709  
met the assessment requirements of division (B) (2) (a) or (b) of 1710  
this section, as applicable. 1711

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

- (i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;
- (ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this

division and the number of such criteria that must be met for 1741  
the granting of that type of diploma. The number of such 1742  
criteria for any type of honors diploma shall be at least one 1743  
less than the total number of criteria designated for that type 1744  
and no one or more particular criteria shall be required of all 1745  
persons who are to be granted that type of diploma. 1746

(C) Any district board administering any of the 1747  
assessments required by section 3301.0710 of the Revised Code to 1748  
any person requesting to take such assessment pursuant to 1749  
division (B) (8) (b) of section 3301.0711 of the Revised Code 1750  
shall award a diploma to such person if the person attains at 1751  
least the applicable scores designated under division (B) (1) of 1752  
section 3301.0710 of the Revised Code on all the assessments 1753  
administered and if the person has previously attained the 1754  
applicable scores on all the other assessments required by 1755  
division (B) (1) of that section or has been exempted or excused 1756  
from attaining the applicable score on any such assessment 1757  
pursuant to division (H) or (L) of this section or from taking 1758  
any such assessment pursuant to section 3313.532 of the Revised 1759  
Code. 1760

(D) Each diploma awarded under this section shall be 1761  
signed by the president and treasurer of the issuing board, the 1762  
superintendent of schools, and the principal of the high school. 1763  
Each diploma shall bear the date of its issue, be in such form 1764  
as the district board prescribes, and be paid for out of the 1765  
district's general fund. 1766

(E) A person who is a resident of Ohio and is eligible 1767  
under state board of education minimum standards to receive a 1768  
high school diploma based in whole or in part on credits earned 1769  
while an inmate of a correctional institution operated by the 1770

state or any political subdivision thereof, shall be granted 1771  
such diploma by the correctional institution operating the 1772  
programs in which such credits were earned, and by the board of 1773  
education of the school district in which the inmate resided 1774  
immediately prior to the inmate's placement in the institution. 1775  
The diploma granted by the correctional institution shall be 1776  
signed by the director of the institution, and by the person 1777  
serving as principal of the institution's high school and shall 1778  
bear the date of issue. 1779

(F) Persons who are not residents of Ohio but who are 1780  
inmates of correctional institutions operated by the state or 1781  
any political subdivision thereof, and who are eligible under 1782  
state board of education minimum standards to receive a high 1783  
school diploma based in whole or in part on credits earned while 1784  
an inmate of the correctional institution, shall be granted a 1785  
diploma by the correctional institution offering the program in 1786  
which the credits were earned. The diploma granted by the 1787  
correctional institution shall be signed by the director of the 1788  
institution and by the person serving as principal of the 1789  
institution's high school and shall bear the date of issue. 1790

(G) The state board of education shall provide by rule for 1791  
the administration of the assessments required by sections 1792  
3301.0710 and 3301.0712 of the Revised Code to inmates of 1793  
correctional institutions. 1794

(H) Any person to whom all of the following apply shall be 1795  
exempted from attaining the applicable score on the assessment 1796  
in social studies designated under division (B) (1) of section 1797  
3301.0710 of the Revised Code, any ~~American history~~ end-of- 1798  
course examination ~~and any~~ in American history or American 1799  
government ~~end-of-course examination~~ or both as required under 1800

division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D) (3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) Any student described by division (A) (1) of this section may be awarded a diploma without meeting the requirement prescribed by section 3313.618 of the Revised Code provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C) (1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

**Sec. 3313.612.** (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A) (1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division,



or has satisfied the alternative conditions prescribed in 1860  
section 3313.615 of the Revised Code. 1861

(2) If the person entered the ninth grade on or after July 1862  
1, 2014, the person has met the requirement prescribed by 1863  
section 3313.618 or 3313.619 of the Revised Code. 1864

(B) This section does not apply to any of the following: 1865

(1) Any person with regard to any assessment from which 1866  
the person was excused pursuant to division (C) (1) (c) of section 1867  
3301.0711 of the Revised Code; 1868

(2) Except as provided in division (B) (4) of this section, 1869  
any person who attends a nonpublic school accredited through the 1870  
independent schools association of the central states, except 1871  
for a student attending the school under a state scholarship 1872  
program as defined in section 3301.0711 of the Revised Code; 1873

(3) Any person with regard to the social studies 1874  
assessment under division (B) (1) of section 3301.0710 of the 1875  
Revised Code, any ~~American history end-of-course examination and~~ 1876  
~~any in American history or American government end-of-course~~ 1877  
~~examination or both as required~~ under division (B) of section 1878  
3301.0712 of the Revised Code if such an exemption is prescribed 1879  
by rule of the state board of education under division (D) (3) of 1880  
section 3301.0712 of the Revised Code, or the citizenship test 1881  
under former division (B) of section 3301.0710 of the Revised 1882  
Code as it existed prior to September 11, 2001, if all of the 1883  
following apply: 1884

(a) The person is not a citizen of the United States; 1885

(b) The person is not a permanent resident of the United 1886  
States; 1887

(c) The person indicates no intention to reside in the United States after completion of high school. 1888  
1889

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 1890  
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(C) As used in this division, "English learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 1896  
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 1899  
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 1906  
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(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 1910  
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**Sec. 3313.6114.** (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be 1913  
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attached or affixed to the high school diploma of a student 1917  
enrolled in a public or chartered nonpublic school. The system 1918  
of state diploma seals shall consist of all of the following: 1919

(1) The state seal of biliteracy established under section 1920  
3313.6111 of the Revised Code; 1921

(2) The OhioMeansJobs-readiness seal established under 1922  
section 3313.6112 of the Revised Code; 1923

(3) The state diploma seals prescribed under division (C) 1924  
of this section. 1925

(B) A school district, community school established under 1926  
Chapter 3314. of the Revised Code, STEM school established under 1927  
Chapter 3326. of the Revised Code, college-preparatory boarding 1928  
school established under Chapter 3328. of the Revised Code, or 1929  
chartered nonpublic school shall attach or affix the state seals 1930  
prescribed under division (C) of this section to the diploma and 1931  
transcript of a student enrolled in the district or school who 1932  
meets the requirements established under that division. 1933

(C) The state board shall establish all of the following 1934  
state diploma seals: 1935

(1) An industry-recognized credential seal. A student 1936  
shall meet the requirement for this seal by earning an industry- 1937  
recognized credential approved under section 3313.6113 of the 1938  
Revised Code that is aligned to a job that is determined to be 1939  
in demand in this state and its regions under section 6301.11 of 1940  
the Revised Code. 1941

(2) A college-ready seal. A student shall meet the 1942  
requirement for this seal by attaining a score that is 1943  
remediation-free, in accordance with standards adopted under 1944  
division (F) of section 3345.061 of the Revised Code, on a 1945

nationally standardized assessment prescribed under division (B)	1946
(1) of section 3301.0712 of the Revised Code.	1947
(3) A military enlistment seal. A student shall meet the	1948
requirement for this seal by doing either of the following:	1949
(a) Providing evidence that the student has enlisted in a	1950
branch of the armed services of the United States as defined in	1951
section 5910.01 of the Revised Code;	1952
(b) Participating in a junior reserve officer training	1953
program approved by the congress of the United States under	1954
title 10 of the United States Code.	1955
(4) A citizenship seal. A student shall meet the	1956
requirement for this seal by doing any of the following:	1957
(a) Demonstrating at least a proficient level of skill as	1958
prescribed under division (B) (5) (a) of section 3301.0712 of the	1959
Revised Code on both the American history and American	1960
government end-of-course examinations prescribed under division	1961
<del>(B) (2)</del> (B) (2) (a) of section 3301.0712 of the Revised Code <u>or, for</u>	1962
<u>students who enter the ninth grade for the first time on or</u>	1963
<u>after July 1, 2020, demonstrating at least a proficient level of</u>	1964
<u>skill as prescribed under division (B) (5) (a) of that section on</u>	1965
<u>the American history and government end-of-course examination</u>	1966
<u>prescribed under division (B) (2) (b) of that section;</u>	1967
(b) Attaining a score level prescribed under division (B)	1968
(5) (d) of section 3301.0712 of the Revised Code that is at least	1969
the equivalent of a proficient level of skill in appropriate	1970
advanced placement or international baccalaureate examinations	1971
in lieu of the American history and American government end-of-	1972
course examinations <u>or the American history and government end-</u>	1973
<u>of-course examination;</u>	1974

(c) Attaining a final course grade that is the equivalent of a "B" or higher in appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the American history and American government end-of-course examinations.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B) (2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B) (5) (d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the

equivalent of a proficient level of skill in an appropriate	2004
advanced placement or international baccalaureate examination;	2005
(b) Attaining a final course grade that is the equivalent	2006
of a "B" or higher in an appropriate course taken through the	2007
college credit plus program established under Chapter 3365. of	2008
the Revised Code;	2009
(c) Completing a course offered through the student's	2010
district or school that meets guidelines developed by the	2011
department of education. However, a district or school shall not	2012
be required to offer a course that meets guidelines developed by	2013
the department.	2014
(8) A community service seal. A student shall meet the	2015
requirement for this seal by completing a community service	2016
project that is aligned with guidelines adopted by the student's	2017
district board or school governing authority.	2018
(9) A fine and performing arts seal. A student shall meet	2019
the requirement for this seal by demonstrating skill in the fine	2020
or performing arts according to an evaluation that is aligned	2021
with guidelines adopted by the student's district board or	2022
school governing authority.	2023
(10) A student engagement seal. A student shall meet the	2024
requirement for this seal by participating in extracurricular	2025
activities such as athletics, clubs, or student government to a	2026
meaningful extent, as determined by guidelines adopted by the	2027
student's district board or school governing authority.	2028
(D) Each district or school shall develop guidelines for	2029
at least one of the state seals prescribed under divisions (C)	2030
(8) to (10) of this section.	2031
(E) Each district or school shall maintain appropriate	2032

records to identify students who have met the requirements 2033  
prescribed under division (C) of this section for earning the 2034  
state seals established under that division. 2035

(F) The department shall prepare and deliver to each 2036  
district or school an appropriate mechanism for assigning a 2037  
state diploma seal established under division (C) of this 2038  
section. 2039

(G) A student shall not be charged a fee to be assigned a 2040  
state seal prescribed under division (C) of this section on the 2041  
student's diploma and transcript. 2042

**Section 2.** That existing sections 3301.0710, 3301.0711, 2043  
3301.0712, 3301.0729, 3301.163, 3313.608, 3313.61, 3313.612, and 2044  
3313.6114 of the Revised Code are hereby repealed. 2045