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134th General Assembly  
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2021-2022

Sub. S. B. No. 145

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**A BILL**

To amend sections 3301.0710, 3301.0712, 3301.0714,  
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021,  
3302.03, 3302.035, 3302.04, 3302.05, 3302.10,  
3302.12, 3302.13, 3302.151, 3311.741, 3313.413,  
3313.618, 3313.6113, 3313.6114, 3314.012,  
3314.02, 3314.034, 3314.05, and 3314.35 and to  
enact section 3302.037 of the Revised Code to  
revise the state report card system.

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

**Section 1.** That sections 3301.0710, 3301.0712, 3301.0714,  
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 3302.03,  
3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 3302.151,  
3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 3314.012,  
3314.02, 3314.034, 3314.05, and 3314.35 be amended and section  
3302.037 of the Revised Code be enacted to read as follows:

**Sec. 3301.0710.** The state board of education shall adopt  
rules establishing a statewide program to assess student  
achievement. The state board shall ensure that all assessments  
administered under the program are aligned with the academic



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standards and model curricula adopted by the state board and are 19  
created with input from Ohio parents, Ohio classroom teachers, 20  
Ohio school administrators, and other Ohio school personnel 21  
pursuant to section 3301.079 of the Revised Code. 22

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

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

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

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

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

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

(e) Two statewide achievement assessments, one each 42  
designed to measure the level of English language arts and 43  
mathematics skill expected at the end of seventh grade; 44

(f) Three statewide achievement assessments, one each 45  
designed to measure the level of English language arts, 46

mathematics, and science skill expected at the end of eighth 47  
grade. 48

(2) The state board shall determine and designate at least 49  
five ranges of scores on each of the achievement assessments 50  
described in divisions (A)(1) and (B)(1) of this section. Each 51  
range of scores shall be deemed to demonstrate a level of 52  
achievement so that any student attaining a score within such 53  
range has achieved one of the following: 54

(a) An advanced level of skill; 55

(b) An ~~accelerated~~-accomplished level of skill; 56

(c) A proficient level of skill; 57

(d) A basic level of skill; 58

(e) A limited level of skill. 59

(3) For the purpose of implementing division (A) of 60  
section 3313.608 of the Revised Code, the state board shall 61  
determine and designate a level of achievement, not lower than 62  
the level designated in division (A)(2)(e) of this section, on 63  
the third grade English language arts assessment for a student 64  
to be promoted to the fourth grade. The state board shall review 65  
and adjust upward the level of achievement designated under this 66  
division each year the test is administered until the level is 67  
set equal to the level designated in division (A)(2)(c) of this 68  
section. 69

(4) Each school district or school shall teach and assess 70  
social studies in at least the fourth and sixth grades. Any 71  
assessment in such area shall be determined by the district or 72  
school and may be formative or summative in nature. The results 73  
of such assessment shall not be reported to the department of 74

education. 75

(B) (1) The assessments prescribed under division (B) (1) of 76  
this section shall collectively be known as the Ohio graduation 77  
tests. The state board shall prescribe five statewide high 78  
school achievement assessments, one each designed to measure the 79  
level of reading, writing, mathematics, science, and social 80  
studies skill expected at the end of tenth grade. The state 81  
board shall designate a score in at least the range designated 82  
under division (A) (2) (c) of this section on each such assessment 83  
that shall be deemed to be a passing score on the assessment as 84  
a condition toward granting high school diplomas under sections 85  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 86  
until the assessment system prescribed by section 3301.0712 of 87  
the Revised Code is implemented in accordance with division (B) 88  
(2) of this section. 89

(2) The state board shall prescribe an assessment system 90  
in accordance with section 3301.0712 of the Revised Code that 91  
shall replace the Ohio graduation tests beginning with students 92  
who enter the ninth grade for the first time on or after July 1, 93  
2014. 94

(3) The state board may enter into a reciprocal agreement 95  
with the appropriate body or agency of any other state that has 96  
similar statewide achievement assessment requirements for 97  
receiving high school diplomas, under which any student who has 98  
met an achievement assessment requirement of one state is 99  
recognized as having met the similar requirement of the other 100  
state for purposes of receiving a high school diploma. For 101  
purposes of this section and sections 3301.0711 and 3313.61 of 102  
the Revised Code, any student enrolled in any public high school 103  
in this state who has met an achievement assessment requirement 104

specified in a reciprocal agreement entered into under this 105  
division shall be deemed to have attained at least the 106  
applicable score designated under this division on each 107  
assessment required by division (B) (1) or (2) of this section 108  
that is specified in the agreement. 109

(C) The superintendent of public instruction shall 110  
designate dates and times for the administration of the 111  
assessments prescribed by divisions (A) and (B) of this section. 112

In prescribing administration dates pursuant to this 113  
division, the superintendent shall designate the dates in such a 114  
way as to allow a reasonable length of time between the 115  
administration of assessments prescribed under this section and 116  
any administration of the national assessment of educational 117  
progress given to students in the same grade level pursuant to 118  
section 3301.27 of the Revised Code or federal law. 119

(D) The state board shall prescribe a practice version of 120  
each Ohio graduation test described in division (B) (1) of this 121  
section that is of comparable length to the actual test. 122

(E) Any committee established by the department of 123  
education for the purpose of making recommendations to the state 124  
board regarding the state board's designation of scores on the 125  
assessments described by this section shall inform the state 126  
board of the probable percentage of students who would score in 127  
each of the ranges established under division (A) (2) of this 128  
section on the assessments if the committee's recommendations 129  
are adopted by the state board. To the extent possible, these 130  
percentages shall be disaggregated by gender, major racial and 131  
ethnic groups, English learners, economically disadvantaged 132  
students, students with disabilities, and migrant students. 133

**Sec. 3301.0712.** (A) The state board of education, the 134  
superintendent of public instruction, and the chancellor of 135  
higher education shall develop a system of college and work 136  
ready assessments as described in division (B) of this section 137  
to assess whether each student upon graduating from high school 138  
is ready to enter college or the workforce. Beginning with 139  
students who enter the ninth grade for the first time on or 140  
after July 1, 2014, the system shall replace the Ohio graduation 141  
tests prescribed in division (B)(1) of section 3301.0710 of the 142  
Revised Code as a measure of student academic performance and 143  
one determinant of eligibility for a high school diploma in the 144  
manner prescribed by rule of the state board adopted under 145  
division (D) of this section. 146

(B) The college and work ready assessment system shall 147  
consist of the following: 148

(1) Nationally standardized assessments that measure 149  
college and career readiness and are used for college admission. 150  
The assessments shall be selected jointly by the state 151  
superintendent and the chancellor, and one of which shall be 152  
selected by each school district or school to administer to its 153  
students. The assessments prescribed under division (B)(1) of 154  
this section shall be administered to all eleventh-grade 155  
students in the spring of the school year. 156

(2) (a) Except as provided in division (B)(2)(b) of this 157  
section, seven end-of-course examinations, one in each of the 158  
areas of English language arts I, English language arts II, 159  
science, Algebra I, geometry, American history, and American 160  
government. The end-of-course examinations shall be selected 161  
jointly by the state superintendent and the chancellor in 162  
consultation with faculty in the appropriate subject areas at 163

institutions of higher education of the university system of 164  
Ohio. Advanced placement examinations and international 165  
baccalaureate examinations, as prescribed under section 166  
3313.6013 of the Revised Code, in the areas of science, American 167  
history, and American government may be used as end-of-course 168  
examinations in accordance with division (B) (4) (a) (i) of this 169  
section. Final course grades for courses taken under any other 170  
advanced standing program, as prescribed under section 3313.6013 171  
of the Revised Code, in the areas of science, American history, 172  
and American government may be used in lieu of end-of-course 173  
examinations in accordance with division (B) (4) (a) (ii) of this 174  
section. 175

(b) Beginning with students who enter ninth grade for the 176  
first time on or after July 1, 2019, five end-of-course 177  
examinations, one in each areas of English language arts II, 178  
science, Algebra I, American history, and American government. 179  
However, only the end-of-course examinations in English language 180  
arts II and Algebra I shall be required for graduation. 181

The department of education shall, as necessary to 182  
implement division (B) (2) (b) of this section, seek a waiver from 183  
the United States secretary of education for testing 184  
requirements prescribed under federal law to allow for the use 185  
and implementation of Algebra I as the primary assessment of 186  
high school mathematics. If the department does not receive a 187  
waiver under this division, the end-of-course examinations for 188  
students described in division (B) (2) (b) of this section also 189  
shall include an end-of-course examination in the area of 190  
geometry. However, the geometry end-of-course examination shall 191  
not be required for graduation. 192

(3) (a) Not later than July 1, 2013, each school district 193

board of education shall adopt interim end-of-course 194  
examinations that comply with the requirements of divisions (B) 195  
(3) (b) (i) and (ii) of this section to assess mastery of American 196  
history and American government standards adopted under division 197  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 198  
required under division (M) of section 3313.603 of the Revised 199  
Code. Each high school of the district shall use the interim 200  
examinations until the state superintendent and chancellor 201  
select end-of-course examinations in American history and 202  
American government under division (B) (2) of this section. 203

(b) Not later than July 1, 2014, the state superintendent 204  
and the chancellor shall select the end-of-course examinations 205  
in American history and American government. 206

(i) The end-of-course examinations in American history and 207  
American government shall require demonstration of mastery of 208  
the American history and American government content for social 209  
studies standards adopted under division (A) (1) (b) of section 210  
3301.079 of the Revised Code and the topics required under 211  
division (M) of section 3313.603 of the Revised Code. 212

(ii) At least twenty per cent of the end-of-course 213  
examination in American government shall address the topics on 214  
American history and American government described in division 215  
(M) of section 3313.603 of the Revised Code. 216

(4) (a) Notwithstanding anything to the contrary in this 217  
section, beginning with the 2014-2015 school year, both of the 218  
following shall apply: 219

(i) If a student is enrolled in an appropriate advanced 220  
placement or international baccalaureate course, that student 221  
shall take the advanced placement or international baccalaureate 222

examination in lieu of the science, American history, or 223  
American government end-of-course examinations prescribed under 224  
division (B) (2) of this section. The state board shall specify 225  
the score levels for each advanced placement examination and 226  
international baccalaureate examination for purposes of 227  
calculating the minimum cumulative performance score that 228  
demonstrates the level of academic achievement necessary to earn 229  
a high school diploma. 230

(ii) If a student is enrolled in an appropriate course 231  
under any other advanced standing program, as described in 232  
section 3313.6013 of the Revised Code, that student shall not be 233  
required to take the science, American history, or American 234  
government end-of-course examination, whichever is applicable, 235  
prescribed under division (B) (2) of this section. Instead, that 236  
student's final course grade shall be used in lieu of the 237  
applicable end-of-course examination prescribed under that 238  
section. The state superintendent, in consultation with the 239  
chancellor, shall adopt guidelines for purposes of calculating 240  
the corresponding final course grades that demonstrate the level 241  
of academic achievement necessary to earn a high school diploma. 242

Division (B) (4) (a) (ii) of this section shall apply only to 243  
courses for which students receive transcribed credit, as 244  
defined in section 3365.01 of the Revised Code. It shall not 245  
apply to remedial or developmental courses. 246

(b) No student shall take a substitute examination or 247  
examination prescribed under division (B) (4) (a) of this section 248  
in place of the end-of-course examinations in English language 249  
arts I, English language arts II, Algebra I, or geometry 250  
prescribed under division (B) (2) of this section. 251

(c) The state board shall consider additional assessments 252

that may be used, beginning with the 2016-2017 school year, as 253  
substitute examinations in lieu of the end-of-course 254  
examinations prescribed under division (B) (2) of this section. 255

(5) The state board shall do all of the following: 256

(a) Determine and designate at least five ranges of scores 257  
on each of the end-of-course examinations prescribed under 258  
division (B) (2) of this section, and substitute examinations 259  
prescribed under division (B) (4) of this section. Not later than 260  
sixty days after the designation of ranges of scores, the state 261  
superintendent, or the state superintendent's designee, shall 262  
conduct a public presentation before the standing committees of 263  
the house of representatives and the senate that consider 264  
primary and secondary education legislation regarding the 265  
designated range of scores. Each range of scores shall be 266  
considered to demonstrate a level of achievement so that any 267  
student attaining a score within such range has achieved one of 268  
the following: 269

(i) An advanced level of skill; 270

(ii) An ~~accelerated~~ accomplished level of skill; 271

(iii) A proficient level of skill; 272

(iv) A basic level of skill; 273

(v) A limited level of skill. 274

(b) Determine a method by which to calculate a cumulative 275  
performance score based on the results of a student's end-of- 276  
course examinations or substitute examinations; 277

(c) Determine the minimum cumulative performance score 278  
that demonstrates the level of academic achievement necessary to 279  
earn a high school diploma under division (A) (2) of section 280

3313.618 of the Revised Code. However, the state board shall not  
determine a new minimum cumulative performance score after the  
effective date of this amendment October 17, 2019.

(d) Develop a table of corresponding score equivalents for  
the end-of-course examinations and substitute examinations in  
order to calculate student performance consistently across the  
different examinations.

A score of two on an advanced placement examination or a  
score of two or three on an international baccalaureate  
examination shall be considered equivalent to a proficient level  
of skill as specified under division (B) (5) (a) (iii) of this  
section.

(6) (a) A student who meets both of the following  
conditions shall not be required to take an end-of-course  
examination:

(i) The student received high school credit prior to July  
1, 2015, for a course for which the end-of-course examination is  
prescribed.

(ii) The examination was not available for administration  
prior to July 1, 2015.

Receipt of credit for the course described in division (B)  
(6) (a) (i) of this section shall satisfy the requirement to take  
the end-of-course examination. A student exempted under division  
(B) (6) (a) of this section may take the applicable end-of-course  
examination at a later date.

(b) For purposes of determining whether a student who is  
exempt from taking an end-of-course examination under division  
(B) (6) (a) of this section has attained the cumulative score  
prescribed by division (B) (5) (c) of this section, such student

shall select either of the following: 310

(i) The student is considered to have attained a 311  
proficient score on the end-of-course examination from which the 312  
student is exempt; 313

(ii) The student's final course grade shall be used in 314  
lieu of a score on the end-of-course examination from which the 315  
student is exempt. 316

The state superintendent, in consultation with the 317  
chancellor, shall adopt guidelines for purposes of calculating 318  
the corresponding final course grades and the minimum cumulative 319  
performance score that demonstrates the level of academic 320  
achievement necessary to earn a high school diploma. 321

(7) (a) Notwithstanding anything to the contrary in this 322  
section, the state board may replace the algebra I end-of-course 323  
examination prescribed under division (B) (2) of this section 324  
with an algebra II end-of-course examination, beginning with the 325  
2016-2017 school year for students who enter ninth grade on or 326  
after July 1, 2016. 327

(b) If the state board replaces the algebra I end-of- 328  
course examination with an algebra II end-of-course examination 329  
as authorized under division (B) (7) (a) of this section, both of 330  
the following shall apply: 331

(i) A student who is enrolled in an advanced placement or 332  
international baccalaureate course in algebra II shall take the 333  
advanced placement or international baccalaureate examination in 334  
lieu of the algebra II end-of-course examination. 335

(ii) A student who is enrolled in an algebra II course 336  
under any other advanced standing program, as described in 337  
section 3313.6013 of the Revised Code, shall not be required to 338

take the algebra II end-of-course examination. Instead, that 339  
student's final course grade shall be used in lieu of the 340  
examination. 341

(c) If a school district or school utilizes an integrated 342  
approach to mathematics instruction, the district or school may 343  
do either or both of the following: 344

(i) Administer an integrated mathematics I end-of-course 345  
examination in lieu of the prescribed algebra I end-of-course 346  
examination; 347

(ii) Administer an integrated mathematics II end-of-course 348  
examination in lieu of the prescribed geometry end-of-course 349  
examination. 350

(8) (a) For students entering the ninth grade for the first 351  
time on or after July 1, 2014, but prior to July 1, 2015, the 352  
assessment in the area of science shall be physical science or 353  
biology. For students entering the ninth grade for the first 354  
time on or after July 1, 2015, the assessment in the area of 355  
science shall be biology. 356

(b) Until July 1, 2019, the department shall make 357  
available the end-of-course examination in physical science for 358  
students who entered the ninth grade for the first time on or 359  
after July 1, 2014, but prior to July 1, 2015, and who wish to 360  
retake the examination. 361

(c) Not later than July 1, 2016, the state board shall 362  
adopt rules prescribing the requirements for the end-of-course 363  
examination in science for students who entered the ninth grade 364  
for the first time on or after July 1, 2014, but prior to July 365  
1, 2015, and who have not met the requirement prescribed by 366  
section 3313.618 of the Revised Code by July 1, 2019, due to a 367

student's failure to satisfy division (A) (2) of section 3313.618 368  
of the Revised Code. 369

(9) Neither the state board nor the department of 370  
education shall develop or administer an end-of-course 371  
examination in the area of world history. 372

(10) Not later than March 1, 2020, the department, in 373  
consultation with the chancellor and the governor's office of 374  
workforce transformation, shall determine a competency score for 375  
both of the Algebra I and English language arts II end-of-course 376  
examinations for the purpose of graduation eligibility. 377

(C) The state board shall convene a group of national 378  
experts, state experts, and local practitioners to provide 379  
advice, guidance, and recommendations for the alignment of 380  
standards and model curricula to the assessments and in the 381  
design of the end-of-course examinations prescribed by this 382  
section. 383

(D) Upon completion of the development of the assessment 384  
system, the state board shall adopt rules prescribing all of the 385  
following: 386

(1) A timeline and plan for implementation of the 387  
assessment system, including a phased implementation if the 388  
state board determines such a phase-in is warranted; 389

(2) The date after which a person shall meet the 390  
requirements of the entire assessment system as a prerequisite 391  
for a diploma of adult education under section 3313.611 of the 392  
Revised Code; 393

(3) Whether and the extent to which a person may be 394  
excused from an American history end-of-course examination and 395  
an American government end-of-course examination under division 396

(H) of section 3313.61 and division (B)(3) of section 3313.612 397  
of the Revised Code; 398

(4) The date after which a person who has fulfilled the 399  
curriculum requirement for a diploma but has not passed one or 400  
more of the required assessments at the time the person 401  
fulfilled the curriculum requirement shall meet the requirements 402  
of the entire assessment system as a prerequisite for a high 403  
school diploma under division (B) of section 3313.614 of the 404  
Revised Code; 405

(5) The extent to which the assessment system applies to 406  
students enrolled in a dropout recovery and prevention program 407  
for purposes of division (F) of section 3313.603 and section 408  
3314.36 of the Revised Code. 409

(E) Not later than forty-five days prior to the state 410  
board's adoption of a resolution directing the department to 411  
file the rules prescribed by division (D) of this section in 412  
final form under section 119.04 of the Revised Code, the 413  
superintendent of public instruction shall present the 414  
assessment system developed under this section to the respective 415  
committees of the house of representatives and senate that 416  
consider education legislation. 417

(F)(1) Any person enrolled in a nonchartered nonpublic 418  
school or any person who has been excused from attendance at 419  
school for the purpose of home instruction under section 3321.04 420  
of the Revised Code may choose to participate in the system of 421  
assessments administered under divisions (B)(1) and (2) of this 422  
section. However, no such person shall be required to 423  
participate in the system of assessments. 424

(2) The department shall adopt rules for the 425

administration and scoring of any assessments under division (F) 426  
(1) of this section. 427

(G) Not later than December 31, 2014, the state board 428  
shall select at least one nationally recognized job skills 429  
assessment. Each school district shall administer that 430  
assessment to those students who opt to take it. The state shall 431  
reimburse a school district for the costs of administering that 432  
assessment. The state board shall establish the minimum score a 433  
student must attain on the job skills assessment in order to 434  
demonstrate a student's workforce readiness and employability. 435  
The administration of the job skills assessment to a student 436  
under this division shall not exempt a school district from 437  
administering the assessments prescribed in division (B) of this 438  
section to that student. 439

**Sec. 3301.0714.** (A) The state board of education shall 440  
adopt rules for a statewide education management information 441  
system. The rules shall require the state board to establish 442  
guidelines for the establishment and maintenance of the system 443  
in accordance with this section and the rules adopted under this 444  
section. The guidelines shall include: 445

(1) Standards identifying and defining the types of data 446  
in the system in accordance with divisions (B) and (C) of this 447  
section; 448

(2) Procedures for annually collecting and reporting the 449  
data to the state board in accordance with division (D) of this 450  
section; 451

(3) Procedures for annually compiling the data in 452  
accordance with division (G) of this section; 453

(4) Procedures for annually reporting the data to the 454

public in accordance with division (H) of this section; 455

(5) Standards to provide strict safeguards to protect the 456  
confidentiality of personally identifiable student data. 457

(B) The guidelines adopted under this section shall 458  
require the data maintained in the education management 459  
information system to include at least the following: 460

(1) Student participation and performance data, for each 461  
grade in each school district as a whole and for each grade in 462  
each school building in each school district, that includes: 463

(a) The numbers of students receiving each category of 464  
instructional service offered by the school district, such as 465  
regular education instruction, vocational education instruction, 466  
specialized instruction programs or enrichment instruction that 467  
is part of the educational curriculum, instruction for gifted 468  
students, instruction for students with disabilities, and 469  
remedial instruction. The guidelines shall require instructional 470  
services under this division to be divided into discrete 471  
categories if an instructional service is limited to a specific 472  
subject, a specific type of student, or both, such as regular 473  
instructional services in mathematics, remedial reading 474  
instructional services, instructional services specifically for 475  
students gifted in mathematics or some other subject area, or 476  
instructional services for students with a specific type of 477  
disability. The categories of instructional services required by 478  
the guidelines under this division shall be the same as the 479  
categories of instructional services used in determining cost 480  
units pursuant to division (C) (3) of this section. 481

(b) The numbers of students receiving support or 482  
extracurricular services for each of the support services or 483

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

(c) Average student grades in each subject in grades nine 490  
through twelve; 491

(d) Academic achievement levels as assessed under sections 492  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 493

(e) The number of students designated as having a 494  
disabling condition pursuant to division (C) (1) of section 495  
3301.0711 of the Revised Code; 496

(f) The numbers of students reported to the state board 497  
pursuant to division (C) (2) of section 3301.0711 of the Revised 498  
Code; 499

(g) Attendance rates and the average daily attendance for 500  
the year. For purposes of this division, a student shall be 501  
counted as present for any field trip that is approved by the 502  
school administration. 503

(h) Expulsion rates; 504

(i) Suspension rates; 505

(j) Dropout rates; 506

(k) Rates of retention in grade; 507

(l) For pupils in grades nine through twelve, the average 508  
number of carnegie units, as calculated in accordance with state 509  
board of education rules; 510

(m) Graduation rates, to be calculated in a manner 511  
specified by the department of education that reflects the rate 512  
at which students who were in the ninth grade three years prior 513  
to the current year complete school and that is consistent with 514  
nationally accepted reporting requirements; 515

(n) Results of diagnostic assessments administered to 516  
kindergarten students as required under section 3301.0715 of the 517  
Revised Code to permit a comparison of the academic readiness of 518  
kindergarten students. However, no district shall be required to 519  
report to the department the results of any diagnostic 520  
assessment administered to a kindergarten student, except for 521  
the language and reading assessment described in division (A) (2) 522  
of section 3301.0715 of the Revised Code, if the parent of that 523  
student requests the district not to report those results. 524

(o) Beginning on July 1, 2018, for each disciplinary 525  
action which is required to be reported under division (B) (4) of 526  
this section, districts and schools also shall include an 527  
identification of the person or persons, if any, at whom the 528  
student's violent behavior that resulted in discipline was 529  
directed. The person or persons shall be identified by the 530  
respective classification at the district or school, such as 531  
student, teacher, or nonteaching employee, but shall not be 532  
identified by name. 533

Division (B) (1) (o) of this section does not apply after 534  
the date that is two years following the submission of the 535  
report required by Section 733.13 of H.B. 49 of the 132nd 536  
general assembly. 537

(p) The number of students earning each state diploma seal 538  
included in the system prescribed under division (A) of section 539  
3313.6114 of the Revised Code; 540

(q) The number of students demonstrating competency for 541  
graduation using each option described in divisions (B) (1) (a) to 542  
(c) of section 3313.618 of the Revised Code; 543

(r) The number of students completing each foundational 544  
and supporting option as part of the demonstration of competency 545  
for graduation pursuant to division (B) (1) (b) of section 546  
3313.618 of the Revised Code. 547

(2) Personnel and classroom enrollment data for each 548  
school district, including: 549

(a) The total numbers of licensed employees and 550  
nonlicensed employees and the numbers of full-time equivalent 551  
licensed employees and nonlicensed employees providing each 552  
category of instructional service, instructional support 553  
service, and administrative support service used pursuant to 554  
division (C) (3) of this section. The guidelines adopted under 555  
this section shall require these categories of data to be 556  
maintained for the school district as a whole and, wherever 557  
applicable, for each grade in the school district as a whole, 558  
for each school building as a whole, and for each grade in each 559  
school building. 560

(b) The total number of employees and the number of full- 561  
time equivalent employees providing each category of service 562  
used pursuant to divisions (C) (4) (a) and (b) of this section, 563  
and the total numbers of licensed employees and nonlicensed 564  
employees and the numbers of full-time equivalent licensed 565  
employees and nonlicensed employees providing each category used 566  
pursuant to division (C) (4) (c) of this section. The guidelines 567  
adopted under this section shall require these categories of 568  
data to be maintained for the school district as a whole and, 569  
wherever applicable, for each grade in the school district as a 570

whole, for each school building as a whole, and for each grade 571  
in each school building. 572

(c) The total number of regular classroom teachers 573  
teaching classes of regular education and the average number of 574  
pupils enrolled in each such class, in each of grades 575  
kindergarten through five in the district as a whole and in each 576  
school building in the school district. 577

(d) The number of lead teachers employed by each school 578  
district and each school building. 579

(3) (a) Student demographic data for each school district, 580  
including information regarding the gender ratio of the school 581  
district's pupils, the racial make-up of the school district's 582  
pupils, the number of English learners in the district, and an 583  
appropriate measure of the number of the school district's 584  
pupils who reside in economically disadvantaged households. The 585  
demographic data shall be collected in a manner to allow 586  
correlation with data collected under division (B) (1) of this 587  
section. Categories for data collected pursuant to division (B) 588  
(3) of this section shall conform, where appropriate, to 589  
standard practices of agencies of the federal government. 590

(b) With respect to each student entering kindergarten, 591  
whether the student previously participated in a public 592  
preschool program, a private preschool program, or a head start 593  
program, and the number of years the student participated in 594  
each of these programs. 595

(4) Any data required to be collected pursuant to federal 596  
law. 597

(C) The education management information system shall 598  
include cost accounting data for each district as a whole and 599

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

(1) Administrative costs for the school district as a 607  
whole. The guidelines shall require the cost units under this 608  
division (C) (1) to be designed so that each of them may be 609  
compiled and reported in terms of average expenditure per pupil 610  
in formula ADM in the school district, as determined pursuant to 611  
section 3317.03 of the Revised Code. 612

(2) Administrative costs for each school building in the 613  
school district. The guidelines shall require the cost units 614  
under this division (C) (2) to be designed so that each of them 615  
may be compiled and reported in terms of average expenditure per 616  
full-time equivalent pupil receiving instructional or support 617  
services in each building. 618

(3) Instructional services costs for each category of 619  
instructional service provided directly to students and required 620  
by guidelines adopted pursuant to division (B) (1) (a) of this 621  
section. The guidelines shall require the cost units under 622  
division (C) (3) of this section to be designed so that each of 623  
them may be compiled and reported in terms of average 624  
expenditure per pupil receiving the service in the school 625  
district as a whole and average expenditure per pupil receiving 626  
the service in each building in the school district and in terms 627  
of a total cost for each category of service and, as a breakdown 628  
of the total cost, a cost for each of the following components: 629

(a) The cost of each instructional services category 630  
required by guidelines adopted under division (B) (1) (a) of this 631  
section that is provided directly to students by a classroom 632  
teacher; 633

(b) The cost of the instructional support services, such 634  
as services provided by a speech-language pathologist, classroom 635  
aide, multimedia aide, or librarian, provided directly to 636  
students in conjunction with each instructional services 637  
category; 638

(c) The cost of the administrative support services 639  
related to each instructional services category, such as the 640  
cost of personnel that develop the curriculum for the 641  
instructional services category and the cost of personnel 642  
supervising or coordinating the delivery of the instructional 643  
services category. 644

(4) Support or extracurricular services costs for each 645  
category of service directly provided to students and required 646  
by guidelines adopted pursuant to division (B) (1) (b) of this 647  
section. The guidelines shall require the cost units under 648  
division (C) (4) of this section to be designed so that each of 649  
them may be compiled and reported in terms of average 650  
expenditure per pupil receiving the service in the school 651  
district as a whole and average expenditure per pupil receiving 652  
the service in each building in the school district and in terms 653  
of a total cost for each category of service and, as a breakdown 654  
of the total cost, a cost for each of the following components: 655

(a) The cost of each support or extracurricular services 656  
category required by guidelines adopted under division (B) (1) (b) 657  
of this section that is provided directly to students by a 658  
licensed employee, such as services provided by a guidance 659

counselor or any services provided by a licensed employee under 660  
a supplemental contract; 661

(b) The cost of each such services category provided 662  
directly to students by a nonlicensed employee, such as 663  
janitorial services, cafeteria services, or services of a sports 664  
trainer; 665

(c) The cost of the administrative services related to 666  
each services category in division (C) (4) (a) or (b) of this 667  
section, such as the cost of any licensed or nonlicensed 668  
employees that develop, supervise, coordinate, or otherwise are 669  
involved in administering or aiding the delivery of each 670  
services category. 671

(D) (1) The guidelines adopted under this section shall 672  
require school districts to collect information about individual 673  
students, staff members, or both in connection with any data 674  
required by division (B) or (C) of this section or other 675  
reporting requirements established in the Revised Code. The 676  
guidelines may also require school districts to report 677  
information about individual staff members in connection with 678  
any data required by division (B) or (C) of this section or 679  
other reporting requirements established in the Revised Code. 680  
The guidelines shall not authorize school districts to request 681  
social security numbers of individual students. The guidelines 682  
shall prohibit the reporting under this section of a student's 683  
name, address, and social security number to the state board of 684  
education or the department of education. The guidelines shall 685  
also prohibit the reporting under this section of any personally 686  
identifiable information about any student, except for the 687  
purpose of assigning the data verification code required by 688  
division (D) (2) of this section, to any other person unless such 689

person is employed by the school district or the information 690  
technology center operated under section 3301.075 of the Revised 691  
Code and is authorized by the district or technology center to 692  
have access to such information or is employed by an entity with 693  
which the department contracts for the scoring or the 694  
development of state assessments. The guidelines may require 695  
school districts to provide the social security numbers of 696  
individual staff members and the county of residence for a 697  
student. Nothing in this section prohibits the state board of 698  
education or department of education from providing a student's 699  
county of residence to the department of taxation to facilitate 700  
the distribution of tax revenue. 701

(2) (a) The guidelines shall provide for each school 702  
district or community school to assign a data verification code 703  
that is unique on a statewide basis over time to each student 704  
whose initial Ohio enrollment is in that district or school and 705  
to report all required individual student data for that student 706  
utilizing such code. The guidelines shall also provide for 707  
assigning data verification codes to all students enrolled in 708  
districts or community schools on the effective date of the 709  
guidelines established under this section. The assignment of 710  
data verification codes for other entities, as described in 711  
division (D) (2) (d) of this section, the use of those codes, and 712  
the reporting and use of associated individual student data 713  
shall be coordinated by the department in accordance with state 714  
and federal law. 715

School districts shall report individual student data to 716  
the department through the information technology centers 717  
utilizing the code. The entities described in division (D) (2) (d) 718  
of this section shall report individual student data to the 719  
department in the manner prescribed by the department. 720

(b) (i) Except as provided in sections 3301.941, 3310.11, 721  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 722  
in division (D) (2) (b) (ii) of this section, at no time shall the 723  
state board or the department have access to information that 724  
would enable any data verification code to be matched to 725  
personally identifiable student data. 726

(ii) For the purpose of making per-pupil payments to 727  
community schools under division (C) of section 3314.08 of the 728  
Revised Code, the department shall have access to information 729  
that would enable any data verification code to be matched to 730  
personally identifiable student data. 731

(c) Each school district and community school shall ensure 732  
that the data verification code is included in the student's 733  
records reported to any subsequent school district, community 734  
school, or state institution of higher education, as defined in 735  
section 3345.011 of the Revised Code, in which the student 736  
enrolls. Any such subsequent district or school shall utilize 737  
the same identifier in its reporting of data under this section. 738

(d) The director of any state agency that administers a 739  
publicly funded program providing services to children who are 740  
younger than compulsory school age, as defined in section 741  
3321.01 of the Revised Code, including the directors of health, 742  
job and family services, mental health and addiction services, 743  
and developmental disabilities, shall request and receive, 744  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 745  
Code, a data verification code for a child who is receiving 746  
those services. 747

(E) The guidelines adopted under this section may require 748  
school districts to collect and report data, information, or 749  
reports other than that described in divisions (A), (B), and (C) 750

of this section for the purpose of complying with other 751  
reporting requirements established in the Revised Code. The 752  
other data, information, or reports may be maintained in the 753  
education management information system but are not required to 754  
be compiled as part of the profile formats required under 755  
division (G) of this section or the annual statewide report 756  
required under division (H) of this section. 757

(F) Beginning with the school year that begins July 1, 758  
1991, the board of education of each school district shall 759  
annually collect and report to the state board, in accordance 760  
with the guidelines established by the board, the data required 761  
pursuant to this section. A school district may collect and 762  
report these data notwithstanding section 2151.357 or 3319.321 763  
of the Revised Code. 764

(G) The state board shall, in accordance with the 765  
procedures it adopts, annually compile the data reported by each 766  
school district pursuant to division (D) of this section. The 767  
state board shall design formats for profiling each school 768  
district as a whole and each school building within each 769  
district and shall compile the data in accordance with these 770  
formats. These profile formats shall: 771

(1) Include all of the data gathered under this section in 772  
a manner that facilitates comparison among school districts and 773  
among school buildings within each school district; 774

(2) Present the data on academic achievement levels as 775  
assessed by the testing of student achievement maintained 776  
pursuant to division (B) (1) (d) of this section. 777

(H) (1) The state board shall, in accordance with the 778  
procedures it adopts, annually prepare a statewide report for 779

all school districts and the general public that includes the 780  
profile of each of the school districts developed pursuant to 781  
division (G) of this section. Copies of the report shall be sent 782  
to each school district. 783

(2) The state board shall, in accordance with the 784  
procedures it adopts, annually prepare an individual report for 785  
each school district and the general public that includes the 786  
profiles of each of the school buildings in that school district 787  
developed pursuant to division (G) of this section. Copies of 788  
the report shall be sent to the superintendent of the district 789  
and to each member of the district board of education. 790

(3) Copies of the reports received from the state board 791  
under divisions (H) (1) and (2) of this section shall be made 792  
available to the general public at each school district's 793  
offices. Each district board of education shall make copies of 794  
each report available to any person upon request and payment of 795  
a reasonable fee for the cost of reproducing the report. The 796  
board shall annually publish in a newspaper of general 797  
circulation in the school district, at least twice during the 798  
two weeks prior to the week in which the reports will first be 799  
available, a notice containing the address where the reports are 800  
available and the date on which the reports will be available. 801

(I) Any data that is collected or maintained pursuant to 802  
this section and that identifies an individual pupil is not a 803  
public record for the purposes of section 149.43 of the Revised 804  
Code. 805

(J) As used in this section: 806

(1) "School district" means any city, local, exempted 807  
village, or joint vocational school district and, in accordance 808

with section 3314.17 of the Revised Code, any community school. 809  
As used in division (L) of this section, "school district" also 810  
includes any educational service center or other educational 811  
entity required to submit data using the system established 812  
under this section. 813

(2) "Cost" means any expenditure for operating expenses 814  
made by a school district excluding any expenditures for debt 815  
retirement except for payments made to any commercial lending 816  
institution for any loan approved pursuant to section 3313.483 817  
of the Revised Code. 818

(K) Any person who removes data from the information 819  
system established under this section for the purpose of 820  
releasing it to any person not entitled under law to have access 821  
to such information is subject to section 2913.42 of the Revised 822  
Code prohibiting tampering with data. 823

(L) (1) In accordance with division (L) (2) of this section 824  
and the rules adopted under division (L) (10) of this section, 825  
the department of education may sanction any school district 826  
that reports incomplete or inaccurate data, reports data that 827  
does not conform to data requirements and descriptions published 828  
by the department, fails to report data in a timely manner, or 829  
otherwise does not make a good faith effort to report data as 830  
required by this section. 831

(2) If the department decides to sanction a school 832  
district under this division, the department shall take the 833  
following sequential actions: 834

(a) Notify the district in writing that the department has 835  
determined that data has not been reported as required under 836  
this section and require the district to review its data 837

submission and submit corrected data by a deadline established 838  
by the department. The department also may require the district 839  
to develop a corrective action plan, which shall include 840  
provisions for the district to provide mandatory staff training 841  
on data reporting procedures. 842

(b) Withhold up to ten per cent of the total amount of 843  
state funds due to the district for the current fiscal year and, 844  
if not previously required under division (L) (2) (a) of this 845  
section, require the district to develop a corrective action 846  
plan in accordance with that division; 847

(c) Withhold an additional amount of up to twenty per cent 848  
of the total amount of state funds due to the district for the 849  
current fiscal year; 850

(d) Direct department staff or an outside entity to 851  
investigate the district's data reporting practices and make 852  
recommendations for subsequent actions. The recommendations may 853  
include one or more of the following actions: 854

(i) Arrange for an audit of the district's data reporting 855  
practices by department staff or an outside entity; 856

(ii) Conduct a site visit and evaluation of the district; 857

(iii) Withhold an additional amount of up to thirty per 858  
cent of the total amount of state funds due to the district for 859  
the current fiscal year; 860

(iv) Continue monitoring the district's data reporting; 861

(v) Assign department staff to supervise the district's 862  
data management system; 863

(vi) Conduct an investigation to determine whether to 864  
suspend or revoke the license of any district employee in 865

accordance with division (N) of this section; 866

(vii) If the district is issued a report card under 867  
section 3302.03 of the Revised Code, indicate on the report card 868  
that the district has been sanctioned for failing to report data 869  
as required by this section; 870

(viii) If the district is issued a report card under 871  
section 3302.03 of the Revised Code and incomplete or inaccurate 872  
data submitted by the district likely caused the district to 873  
receive a higher performance rating than it deserved under that 874  
section, issue a revised report card for the district; 875

(ix) Any other action designed to correct the district's 876  
data reporting problems. 877

(3) Any time the department takes an action against a 878  
school district under division (L)(2) of this section, the 879  
department shall make a report of the circumstances that 880  
prompted the action. The department shall send a copy of the 881  
report to the district superintendent or chief administrator and 882  
maintain a copy of the report in its files. 883

(4) If any action taken under division (L)(2) of this 884  
section resolves a school district's data reporting problems to 885  
the department's satisfaction, the department shall not take any 886  
further actions described by that division. If the department 887  
withheld funds from the district under that division, the 888  
department may release those funds to the district, except that 889  
if the department withheld funding under division (L)(2)(c) of 890  
this section, the department shall not release the funds 891  
withheld under division (L)(2)(b) of this section and, if the 892  
department withheld funding under division (L)(2)(d) of this 893  
section, the department shall not release the funds withheld 894

under division (L) (2) (b) or (c) of this section. 895

(5) Notwithstanding anything in this section to the 896  
contrary, the department may use its own staff or an outside 897  
entity to conduct an audit of a school district's data reporting 898  
practices any time the department has reason to believe the 899  
district has not made a good faith effort to report data as 900  
required by this section. If any audit conducted by an outside 901  
entity under division (L) (2) (d) (i) or (5) of this section 902  
confirms that a district has not made a good faith effort to 903  
report data as required by this section, the district shall 904  
reimburse the department for the full cost of the audit. The 905  
department may withhold state funds due to the district for this 906  
purpose. 907

(6) Prior to issuing a revised report card for a school 908  
district under division (L) (2) (d) (viii) of this section, the 909  
department may hold a hearing to provide the district with an 910  
opportunity to demonstrate that it made a good faith effort to 911  
report data as required by this section. The hearing shall be 912  
conducted by a referee appointed by the department. Based on the 913  
information provided in the hearing, the referee shall recommend 914  
whether the department should issue a revised report card for 915  
the district. If the referee affirms the department's contention 916  
that the district did not make a good faith effort to report 917  
data as required by this section, the district shall bear the 918  
full cost of conducting the hearing and of issuing any revised 919  
report card. 920

(7) If the department determines that any inaccurate data 921  
reported under this section caused a school district to receive 922  
excess state funds in any fiscal year, the district shall 923  
reimburse the department an amount equal to the excess funds, in 924

accordance with a payment schedule determined by the department. 925  
The department may withhold state funds due to the district for 926  
this purpose. 927

(8) Any school district that has funds withheld under 928  
division (L) (2) of this section may appeal the withholding in 929  
accordance with Chapter 119. of the Revised Code. 930

(9) In all cases of a disagreement between the department 931  
and a school district regarding the appropriateness of an action 932  
taken under division (L) (2) of this section, the burden of proof 933  
shall be on the district to demonstrate that it made a good 934  
faith effort to report data as required by this section. 935

(10) The state board of education shall adopt rules under 936  
Chapter 119. of the Revised Code to implement division (L) of 937  
this section. 938

(M) No information technology center or school district 939  
shall acquire, change, or update its student administration 940  
software package to manage and report data required to be 941  
reported to the department unless it converts to a student 942  
software package that is certified by the department. 943

(N) The state board of education, in accordance with 944  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 945  
or revoke a license as defined under division (A) of section 946  
3319.31 of the Revised Code that has been issued to any school 947  
district employee found to have willfully reported erroneous, 948  
inaccurate, or incomplete data to the education management 949  
information system. 950

(O) No person shall release or maintain any information 951  
about any student in violation of this section. Whoever violates 952  
this division is guilty of a misdemeanor of the fourth degree. 953

(P) The department shall disaggregate the data collected 954  
under division (B) (1) (n) of this section according to the race 955  
and socioeconomic status of the students assessed. 956

(Q) If the department cannot compile any of the 957  
information required by division ~~(H)~~ (I) of section 3302.03 of 958  
the Revised Code based upon the data collected under this 959  
section, the department shall develop a plan and a reasonable 960  
timeline for the collection of any data necessary to comply with 961  
that division. 962

**Sec. 3301.0715.** (A) Except as required under division (B) 963  
(1) of section 3313.608 or as specified in division (D) (3) of 964  
section 3301.079 of the Revised Code, the board of education of 965  
each city, local, and exempted village school district shall 966  
administer each applicable diagnostic assessment developed and 967  
provided to the district in accordance with section 3301.079 of 968  
the Revised Code to the following: 969

(1) Any student who transfers into the district or to a 970  
different school within the district if each applicable 971  
diagnostic assessment was not administered by the district or 972  
school the student previously attended in the current school 973  
year, within thirty days after the date of transfer. If the 974  
district or school into which the student transfers cannot 975  
determine whether the student has taken any applicable 976  
diagnostic assessment in the current school year, the district 977  
or school may administer the diagnostic assessment to the 978  
student. However, if a student transfers into the district prior 979  
to the administration of the diagnostic assessments to all 980  
students under division (B) of this section, the district may 981  
administer the diagnostic assessments to that student on the 982  
date or dates determined under that division. 983

(2) Each kindergarten student, not earlier than the first 984  
day of the school year and not later than the first day of 985  
November. However, a board of education may administer the 986  
selected response and performance task items portion of the 987  
diagnostic assessment up to two weeks prior to the first day of 988  
the school year. 989

For the purpose of division (A) (2) of this section, the 990  
district shall administer the kindergarten readiness assessment 991  
provided by the department of education. In no case shall the 992  
results of the readiness assessment be used to prohibit a 993  
student from enrolling in kindergarten. 994

(3) Each student enrolled in first, second, or third 995  
grade. 996

Division (A) of this section does not apply to students 997  
with significant cognitive disabilities, as defined by the 998  
department of education. 999

(B) Each district board shall administer each diagnostic 1000  
assessment when the board deems appropriate, provided the 1001  
administration complies with section 3313.608 of the Revised 1002  
Code. However, the board shall administer any diagnostic 1003  
assessment at least once annually to all students in the 1004  
appropriate grade level. A district board may administer any 1005  
diagnostic assessment in the fall and spring of a school year to 1006  
measure the amount of academic growth attributable to the 1007  
instruction received by students during that school year. 1008

(C) ~~Any A district that received a grade of "A" or "B" for~~ 1009  
~~the performance index score under division (A) (1) (b), (B) (1) (b),~~ 1010  
~~or (C) (1) (b) of section 3302.03 of the Revised Code or for the~~ 1011  
~~value-added progress dimension under division (A) (1) (c), (B) (1)~~ 1012

~~(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the~~ 1013  
~~immediately preceding school year~~ may use different diagnostic 1014  
assessments from those adopted under division (D) of section 1015  
3301.079 of the Revised Code in order to satisfy the 1016  
requirements of division (A) (3) of this section if the district 1017  
meets either of the following conditions for the immediately 1018  
preceding school year: 1019

(1) The district received a grade of "A" or "B" for the 1020  
performance index score under division (C) (1) (b) of section 1021  
3302.03 of the Revised Code or for the value-added progress 1022  
dimension under division (C) (1) (e) of that section. 1023

(2) The district received a performance rating of four 1024  
stars or higher for achievement under division (D) (3) (b) of 1025  
section 3302.03 of the Revised Code or for progress under 1026  
division (D) (3) (c) of that section. 1027

(D) Each district board shall utilize and score any 1028  
diagnostic assessment administered under division (A) of this 1029  
section in accordance with rules established by the department. 1030  
After the administration of any diagnostic assessment, each 1031  
district shall provide a student's completed diagnostic 1032  
assessment, the results of such assessment, and any other 1033  
accompanying documents used during the administration of the 1034  
assessment to the parent of that student, and shall include all 1035  
such documents and information in any plan developed for the 1036  
student under division (C) of section 3313.608 of the Revised 1037  
Code. Each district shall submit to the department, in the 1038  
manner the department prescribes, the results of the diagnostic 1039  
assessments administered under this section, regardless of the 1040  
type of assessment used under section 3313.608 of the Revised 1041  
Code. The department may issue reports with respect to the data 1042

collected. The department may report school and district level 1043  
kindergarten diagnostic assessment data and use diagnostic 1044  
assessment data to calculate the ~~measure~~measures prescribed by 1045  
divisions (B) (1) (g) ~~and~~, (C) (1) (g), and (D) (1) (i) of section 1046  
3302.03 of the Revised Code and the data reported under division 1047  
(D) (2) (e) of that section. 1048

(E) Each district board shall provide intervention 1049  
services to students whose diagnostic assessments show that they 1050  
are failing to make satisfactory progress toward attaining the 1051  
academic standards for their grade level. 1052

(F) Beginning in the 2018-2019 school year, any chartered 1053  
nonpublic school may elect to administer the kindergarten 1054  
readiness assessment to all kindergarten students enrolled in 1055  
the school. If the school so elects, the chief administrator of 1056  
the school shall notify the superintendent of public instruction 1057  
not later than the thirty-first day of March prior to any school 1058  
year in which the school will administer the assessment. The 1059  
department shall furnish the assessment to the school at no cost 1060  
to the school. In administering the assessment, the school shall 1061  
do all of the following: 1062

(1) Enter into a written agreement with the department 1063  
specifying that the school will share each participating 1064  
student's assessment data with the department and, that for the 1065  
purpose of reporting the data to the department, each 1066  
participating student will be assigned a data verification code 1067  
as described in division (D) (2) of section 3301.0714 of the 1068  
Revised Code; 1069

(2) Require the assessment to be administered by a teacher 1070  
certified under section 3301.071 of the Revised Code who either 1071  
has completed training on administering the kindergarten 1072

readiness assessment provided by the department or has been 1073  
trained by another person who has completed such training; 1074

(3) Administer the assessment in the same manner as school 1075  
districts are required to do under this section and the rules 1076  
established under division (D) of this section. 1077

(G) Beginning in the 2019-2020 school year, a school 1078  
district in which less than eighty per cent of its students 1079  
score at the proficient level or higher on the third-grade 1080  
English language arts assessment prescribed under section 1081  
3301.0710 of the Revised Code shall establish a reading 1082  
improvement plan supported by reading specialists. Prior to 1083  
implementation, the plan shall be approved by the school 1084  
district board of education. 1085

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of 1086  
the Revised Code: 1087

(A) "Preschool program" means either of the following: 1088

(1) A child care program for preschool children that is 1089  
operated by a school district board of education or an eligible 1090  
nonpublic school. 1091

(2) A child care program for preschool children age three 1092  
or older that is operated by a county board of developmental 1093  
disabilities or a community school. 1094

(B) "Preschool child" or "child" means a child who has not 1095  
entered kindergarten and is not of compulsory school age. 1096

(C) "Parent, guardian, or custodian" means the person or 1097  
government agency that is or will be responsible for a child's 1098  
school attendance under section 3321.01 of the Revised Code. 1099

(D) "Superintendent" means the superintendent of a school 1100

district or the chief administrative officer of a community 1101  
school or an eligible nonpublic school. 1102

(E) "Director" means the director, head teacher, 1103  
elementary principal, or site administrator who is the 1104  
individual on site and responsible for supervision of a 1105  
preschool program. 1106

(F) "Preschool staff member" means a preschool employee 1107  
whose primary responsibility is care, teaching, or supervision 1108  
of preschool children. 1109

(G) "Nonteaching employee" means a preschool program or 1110  
school child program employee whose primary responsibilities are 1111  
duties other than care, teaching, and supervision of preschool 1112  
children or school children. 1113

(H) "Eligible nonpublic school" means a nonpublic school 1114  
chartered as described in division (B) (7) of section 5104.02 of 1115  
the Revised Code or chartered by the state board of education 1116  
for any combination of grades one through twelve, regardless of 1117  
whether it also offers kindergarten. 1118

(I) "School child program" means a child care program for 1119  
only school children that is operated by a school district board 1120  
of education, county board of developmental disabilities, 1121  
community school, or eligible nonpublic school. 1122

(J) "School child" means a child who is enrolled in or is 1123  
eligible to be enrolled in a grade of kindergarten or above but 1124  
is less than fifteen years old. 1125

(K) "School child program staff member" means an employee 1126  
whose primary responsibility is the care, teaching, or 1127  
supervision of children in a school child program. 1128

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

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

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

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

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

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

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

(ii) A performance rating of three stars or higher for  
achievement under division (D)(3)(b) of section 3302.03 of the  
Revised Code and progress under division (D)(3)(c) of that  
section.

(b) If the school does not offer a grade level higher than  
three, a-either of the following:

(i) A grade of "C" or better for making progress in 1157  
improving literacy in grades kindergarten through three under 1158  
division (C) (1) (g) of section 3302.03 of the Revised Code; 1159

(ii) A performance rating of three stars or higher for 1160  
early literacy under division (D) (3) (e) of that section. 1161

**Sec. 3302.01.** As used in this chapter: 1162

(A) "Performance index score" means the average of the 1163  
totals derived from calculations, for each subject area, of the 1164  
weighted proportion of untested students and students scoring at 1165  
each level of skill described in division (A) (2) of section 1166  
3301.0710 of the Revised Code on the state achievement 1167  
assessments, as follows: 1168

(1) For the assessments prescribed by division (A) (1) of 1169  
section 3301.0710 of the Revised Code, the average for each of 1170  
the subject areas of English language arts, mathematics, and 1171  
science. 1172

(2) For the assessments prescribed by division (B) (1) of 1173  
section 3301.0710 and division (B) (2) of section 3301.0712 of 1174  
the Revised Code, the average for each of the subject areas of 1175  
English language arts ~~and, mathematics, science, American~~ 1176  
history, and American government. The average also shall include 1177  
any substitute examinations approved under division (B) (4) of 1178  
section 3301.0712 of the Revised Code in the subject areas of 1179  
science, American history, and American government. 1180

The department of education shall assign weights such that 1181  
students who do not take an assessment receive a weight of zero 1182  
and students who take an assessment receive progressively larger 1183  
weights dependent upon the level of skill attained on the 1184  
assessment. The department shall assign additional weights to 1185

students who have been permitted to pass over a subject in 1186  
accordance with a student acceleration policy adopted under 1187  
section 3324.10 of the Revised Code. If such a student attains 1188  
the proficient score prescribed under division (A) (2) (c) of 1189  
section 3301.0710 of the Revised Code or higher on an 1190  
assessment, the department shall assign the student the weight 1191  
prescribed for the next higher scoring level. If such a student 1192  
attains the advanced score, prescribed under division (A) (2) (a) 1193  
of section 3301.0710 of the Revised Code, on an assessment, the 1194  
department shall assign to the student an additional 1195  
proportional weight, as approved by the state board. For each 1196  
school year that such a student's score is included in the 1197  
performance index score and the student attains the proficient 1198  
score on an assessment, that additional weight shall be assigned 1199  
to the student on a subject-by-subject basis. 1200

Students shall be included in the "performance index 1201  
score" in accordance with division ~~(K) (2)~~ (L) (2) of section 1202  
3302.03 of the Revised Code. 1203

(B) "Subgroup" means a subset of the entire student 1204  
population of the state, a school district, or a school building 1205  
and includes each of the following: 1206

- (1) Major racial and ethnic groups; 1207
- (2) Students with disabilities; 1208
- (3) Economically disadvantaged students; 1209
- (4) English learners; 1210
- (5) Students identified as gifted in superior cognitive 1211  
ability and specific academic ability fields under Chapter 3324. 1212  
of the Revised Code. For students who are gifted in specific 1213  
academic ability fields, the department shall use data for those 1214

students with specific academic ability in math and reading. If 1215  
any other academic field is assessed, the department shall also 1216  
include data for students with specific academic ability in that 1217  
field. 1218

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

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

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

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

(F) "Value-added progress dimension" means a measure of 1236  
academic gain for a student or group of students over a specific 1237  
period of time that is calculated by applying a statistical 1238  
methodology to individual student achievement data derived from 1239  
the achievement assessments prescribed by section 3301.0710 of 1240  
the Revised Code. The "value-added progress dimension" shall be 1241  
developed and implemented in accordance with section 3302.021 of 1242  
the Revised Code. 1243

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

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

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

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

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

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

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

**Sec. 3302.02.** (A) Not later than one year after the 1266  
adoption of rules under division (D) of section 3301.0712 of the 1267  
Revised Code and at least every sixth year thereafter, upon 1268  
recommendations of the superintendent of public instruction, the 1269  
state board of education shall establish ~~a~~ all of the following: 1270

(1) A set of performance indicators that considered as a 1271

unit will be used as one of the performance categories for the  
report cards required by section 3302.03 of the Revised Code. In  
establishing these indicators, the superintendent shall consider  
inclusion of student performance on assessments prescribed under  
section 3301.0710 or 3301.0712 of the Revised Code, rates of  
student improvement on such assessments, the breadth of  
coursework available within the district, and other indicators  
of student success.

~~Beginning with the report card for the 2014-2015 school~~  
~~year, the performance indicators shall include an~~ Beginning with  
the report card issued under section 3302.03 of the Revised Code  
for the 2021-2022 school year, the performance indicators  
prescribed under division (A)(1) of this section regarding  
student performance on state assessments shall not require a  
school district or building to attain a proficiency percentage  
to meet an indicator. Rather, the performance indicators only  
shall report proficiency percentages, trends, and comparisons.

(2) A performance indicator that reflects the level of  
identification and services provided to, and the performance of,  
students identified as gifted under Chapter 3324. of the Revised  
Code. ~~The indicator shall include the performance of students~~  
~~identified as gifted on state assessments and value-added growth~~  
~~measure disaggregated for students identified as gifted.~~ be  
prescribed by rules adopted under Chapter 119. of the Revised  
Code by the state board. The state board shall consult with the  
gifted advisory council regarding all rules adopted under this  
section. Consultation with the state gifted advisory council  
shall occur not less than every three years.

The gifted performance indicator shall include:

(a) The performance of students on state assessments, as

measured by a performance index score, disaggregated for 1302  
students identified as gifted; 1303

(b) Value-added growth measure under section 3302.021 of 1304  
the Revised Code, disaggregated for students identified as 1305  
gifted; 1306

(c) The level of identification as measured by the 1307  
percentage of students in each grade level identified as gifted 1308  
and disaggregated by traditionally underrepresented and 1309  
economically disadvantaged students; 1310

(d) The level of services provided to students as measured 1311  
by the percentage of students provided services in each grade 1312  
level and disaggregated by traditionally underrepresented and 1313  
economically disadvantaged students. 1314

(3) A performance indicator that measures chronic 1315  
absenteeism, as determined by the department of education, in a 1316  
school district or school building. 1317

Beginning with the report card issued under section 1318  
3302.03 of the Revised Code for the 2021-2022 school year, the 1319  
performance indicators prescribed in divisions (A) (2) and (3) of 1320  
this section shall not be part of the performance indicator unit 1321  
under division (A) (1) of this section. 1322

(B) For the 2013-2014 school year, except as otherwise 1323  
provided in this section, for any indicator based on the 1324  
percentage of students attaining a proficient score on the 1325  
assessments prescribed by divisions (A) and (B) (1) of section 1326  
3301.0710 of the Revised Code, a school district or building 1327  
shall be considered to have met the indicator if at least eighty 1328  
per cent of the tested students attain a score of proficient or 1329  
higher on the assessment. A school district or building shall be 1330

considered to have met the indicator for the assessments 1331  
prescribed by division (B) (1) of section 3301.0710 of the 1332  
Revised Code and only as administered to eleventh grade 1333  
students, if at least eighty-five per cent of the tested 1334  
students attain a score of proficient or higher on the 1335  
assessment. 1336

The state board shall adopt rules, under Chapter 119. of 1337  
the Revised Code, to establish proficiency percentages to meet 1338  
each indicator that is based on a state assessment, prescribed 1339  
under section 3301.0710 or 3301.0712 of the Revised Code, for 1340  
the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019- 1341  
2020, and 2020-2021 school ~~year and thereafter years~~ by the 1342  
following dates: 1343

~~(A)-(1)~~ Not later than December 31, 2015, for the 2014- 1344  
2015 school year; 1345

~~(B)-(2)~~ Not later than July 1, 2016, for the 2015-2016 1346  
school year; 1347

~~(C)-(3)~~ Not later than July 1, 2017, for the 2016-2017, 1348  
2017-2018, 2018-2019, 2019-2020, and 2020-2021 school ~~year, and~~ 1349  
~~for each school year thereafter years.~~ 1350

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 1351  
later than July 1, 2007, the department of education shall 1352  
implement a value-added progress dimension for school districts 1353  
and buildings and shall incorporate the value-added progress 1354  
dimension into the report cards and performance ratings issued 1355  
for districts and buildings under section 3302.03 of the Revised 1356  
Code. 1357

The state board of education shall adopt rules, pursuant 1358  
to Chapter 119. of the Revised Code, for the implementation of 1359

the value-added progress dimension. The rules adopted under this  
division shall specify both of the following:

(1) A scale for describing the levels of academic progress  
in reading and mathematics relative to a standard year of  
academic growth in those subjects for each of grades three  
through eight;

(2) That the department shall maintain the confidentiality  
of individual student test scores and individual student reports  
in accordance with sections 3301.0711, 3301.0714, and 3319.321  
of the Revised Code and federal law. The department may require  
school districts to use a unique identifier for each student for  
this purpose. Individual student test scores and individual  
student reports shall be made available only to a student's  
classroom teacher and other appropriate educational personnel  
and to the student's parent or guardian.

(B) The department shall explore the feasibility of using  
the value-added gain index and effect size to improve  
differentiation and interpretation of the measure. If the  
department determines that it is feasible, the state board may  
update the rules adopted under division (A) of this section to  
implement the use of gain index and effect size. If rules are  
adopted under division (A) of this section that use the gain  
index and effect size, any prior method used to calculate letter  
grades or performance ratings under section 3302.03 of the  
Revised Code shall no longer apply. Rather, the state board  
shall update its rules to determine how letter grades or  
performance ratings for each level of performance are calculated  
under section 3302.03 of the Revised Code using gain index and  
effect size.

(C) The department shall use a system designed for

collecting necessary data, calculating the value-added progress 1390  
dimension, analyzing data, and generating reports, which system 1391  
has been used previously by a nonprofit organization led by the 1392  
Ohio business community for at least one year in the operation 1393  
of a pilot program in cooperation with school districts to 1394  
collect and report student achievement data via electronic means 1395  
and to provide information to the districts regarding the 1396  
academic performance of individual students, grade levels, 1397  
school buildings, and the districts as a whole. 1398

~~(C)~~ (D) The department shall not pay more than two dollars 1399  
per student for data analysis and reporting to implement the 1400  
value-added progress dimension in the same manner and with the 1401  
same services as under the pilot program described by division 1402  
(B) of this section. However, nothing in this section shall 1403  
preclude the department or any school district from entering 1404  
into a contract for the provision of more services at a higher 1405  
fee per student. Any data analysis conducted under this section 1406  
by an entity under contract with the department shall be 1407  
completed in accordance with timelines established by the 1408  
superintendent of public instruction. 1409

~~(D)~~ (E) The department shall share any aggregate student 1410  
data and any calculation, analysis, or report utilizing 1411  
aggregate student data that is generated under this section with 1412  
the chancellor of the Ohio board of regents. The department 1413  
shall not share individual student test scores and individual 1414  
student reports with the chancellor. 1415

**Sec. 3302.03.** Not later than the thirty-first day of July 1416  
of each year, the department of education shall submit 1417  
preliminary report card data for overall academic performance 1418  
and for each separate performance measure for each school 1419

district, and each school building, in accordance with this 1420  
section. 1421

Annually, not later than the fifteenth day of September or 1422  
the preceding Friday when that day falls on a Saturday or 1423  
Sunday, the department shall assign a letter grade or 1424  
performance rating for overall academic performance and for each 1425  
separate performance measure for each school district, and each 1426  
school building in a district, in accordance with this section. 1427  
The state board of education shall adopt rules pursuant to 1428  
Chapter 119. of the Revised Code ~~to~~ to implement this section. 1429  
The state board's rules shall establish performance criteria for 1430  
each letter grade or performance rating and prescribe a method 1431  
by which the department assigns each letter grade or performance 1432  
rating. For a school building to which any of the performance 1433  
measures do not apply, due to grade levels served by the 1434  
building, the ~~state board department~~ shall designate the 1435  
performance measures that are applicable to the building and 1436  
that must be calculated separately and used to calculate the 1437  
building's overall grade or performance rating. The department 1438  
shall issue annual report cards reflecting the performance of 1439  
each school district, each building within each district, and 1440  
for the state as a whole using the performance measures and 1441  
letter grade or performance rating system described in this 1442  
section. The department shall include on the report card for 1443  
each district and each building within each district the most 1444  
recent two-year trend data in student achievement for each 1445  
subject and each grade. 1446

(A) (1) For the 2012-2013 school year, the department shall 1447  
issue grades as described in division ~~(E)~~ (F) of this section 1448  
for each of the following performance measures: 1449

(a) Annual measurable objectives; 1450

(b) Performance index score for a school district or 1451  
building. Grades shall be awarded as a percentage of the total 1452  
possible points on the performance index system as adopted by 1453  
the state board. In adopting benchmarks for assigning letter 1454  
grades under division (A) (1) (b) of this section, the state board 1455  
~~of education~~ shall designate ninety per cent or higher for an 1456  
"A," at least seventy per cent but not more than eighty per cent 1457  
for a "C," and less than fifty per cent for an "F." 1458

(c) The extent to which the school district or building 1459  
meets each of the applicable performance indicators established 1460  
by the state board under section 3302.02 of the Revised Code and 1461  
the percentage of applicable performance indicators that have 1462  
been achieved. In adopting benchmarks for assigning letter 1463  
grades under division (A) (1) (c) of this section, the state board 1464  
shall designate ninety per cent or higher for an "A." 1465

(d) The four- and five-year adjusted cohort graduation 1466  
rates. 1467

In adopting benchmarks for assigning letter grades under 1468  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1469  
department shall designate a four-year adjusted cohort 1470  
graduation rate of ninety-three per cent or higher for an "A" 1471  
and a five-year cohort graduation rate of ninety-five per cent 1472  
or higher for an "A." 1473

(e) The overall score under the value-added progress 1474  
dimension of a school district or building, for which the 1475  
department shall use up to three years of value-added data as 1476  
available. The letter grade assigned for this growth measure 1477  
shall be as follows: 1478

- (i) A score that is at least one standard error of measure 1479  
above the mean score shall be designated as an "A." 1480
- (ii) A score that is less than one standard error of 1481  
measure above but greater than one standard error of measure 1482  
below the mean score shall be designated as a "B." 1483
- (iii) A score that is less than or equal to one standard 1484  
error of measure below the mean score but greater than two 1485  
standard errors of measure below the mean score shall be 1486  
designated as a "C." 1487
- (iv) A score that is less than or equal to two standard 1488  
errors of measure below the mean score but is greater than three 1489  
standard errors of measure below the mean score shall be 1490  
designated as a "D." 1491
- (v) A score that is less than or equal to three standard 1492  
errors of measure below the mean score shall be designated as an 1493  
"F." 1494
- Whenever the value-added progress dimension is used as a 1495  
graded performance measure in this division and divisions (B) 1496  
and (C) of this section, whether as an overall measure or as a 1497  
measure of separate subgroups, the grades for the measure shall 1498  
be calculated in the same manner as prescribed in division (A) 1499  
(1) (e) of this section. 1500
- (f) The value-added progress dimension score for a school 1501  
district or building disaggregated for each of the following 1502  
subgroups: students identified as gifted, students with 1503  
disabilities, and students whose performance places them in the 1504  
lowest quintile for achievement on a statewide basis. Each 1505  
subgroup shall be a separate graded measure. 1506
- (2) Not later than April 30, 2013, the state board of 1507

education shall adopt a resolution describing the performance 1508  
measures, benchmarks, and grading system for the 2012-2013 1509  
school year and, not later than June 30, 2013, shall adopt rules 1510  
in accordance with Chapter 119. of the Revised Code that 1511  
prescribe the methods by which the performance measures under 1512  
division (A)(1) of this section shall be assessed and assigned a 1513  
letter grade, including performance benchmarks for each letter 1514  
grade. 1515

At least forty-five days prior to the state board's 1516  
adoption of rules to prescribe the methods by which the 1517  
performance measures under division (A)(1) of this section shall 1518  
be assessed and assigned a letter grade, the department shall 1519  
conduct a public presentation before the standing committees of 1520  
the house of representatives and the senate that consider 1521  
education legislation describing such methods, including 1522  
performance benchmarks. 1523

(3) There shall not be an overall letter grade for a 1524  
school district or building for the 2012-2013 school year. 1525

(B)(1) For the 2013-2014 ~~and 2014-2015~~ school ~~years~~year, 1526  
the department shall issue grades as described in division ~~(E)~~ 1527  
(F) of this section for each of the following performance 1528  
measures: 1529

(a) Annual measurable objectives; 1530

(b) Performance index score for a school district or 1531  
building. Grades shall be awarded as a percentage of the total 1532  
possible points on the performance index system as created by 1533  
the department. In adopting benchmarks for assigning letter 1534  
grades under division (B)(1)(b) of this section, the state board 1535  
shall designate ninety per cent or higher for an "A," at least 1536

seventy per cent but not more than eighty per cent for a "C," 1537  
and less than fifty per cent for an "F." 1538

(c) The extent to which the school district or building 1539  
meets each of the applicable performance indicators established 1540  
by the state board under section 3302.03 of the Revised Code and 1541  
the percentage of applicable performance indicators that have 1542  
been achieved. In adopting benchmarks for assigning letter 1543  
grades under division (B) (1) (c) of this section, the state board 1544  
shall designate ninety per cent or higher for an "A." 1545

(d) The four- and five-year adjusted cohort graduation 1546  
rates; 1547

(e) The overall score under the value-added progress 1548  
dimension of a school district or building, for which the 1549  
department shall use up to three years of value-added data as 1550  
available. 1551

(f) The value-added progress dimension score for a school 1552  
district or building disaggregated for each of the following 1553  
subgroups: students identified as gifted in superior cognitive 1554  
ability and specific academic ability fields under Chapter 3324. 1555  
of the Revised Code, students with disabilities, and students 1556  
whose performance places them in the lowest quintile for 1557  
achievement on a statewide basis. Each subgroup shall be a 1558  
separate graded measure. 1559

(g) Whether a school district or building is making 1560  
progress in improving literacy in grades kindergarten through 1561  
three, as determined using a method prescribed by the state 1562  
board. The state board shall adopt rules to prescribe benchmarks 1563  
and standards for assigning grades to districts and buildings 1564  
for purposes of division (B) (1) (g) of this section. In adopting 1565

benchmarks for assigning letter grades under divisions (B) (1) (g) 1566  
and (C) (1) (g) of this section, the state board shall determine 1567  
progress made based on the reduction in the total percentage of 1568  
students scoring below grade level, or below proficient, 1569  
compared from year to year on the reading and writing diagnostic 1570  
assessments administered under section 3301.0715 of the Revised 1571  
Code and the third grade English language arts assessment under 1572  
section 3301.0710 of the Revised Code, as applicable. The state 1573  
board shall designate for a "C" grade a value that is not lower 1574  
than the statewide average value for this measure. No grade 1575  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1576  
section for a district or building in which less than five per 1577  
cent of students have scored below grade level on the diagnostic 1578  
assessment administered to students in kindergarten under 1579  
division (B) (1) of section 3313.608 of the Revised Code. 1580

(h) For a high mobility school district or building, an 1581  
additional value-added progress dimension score. For this 1582  
measure, the department shall use value-added data from the most 1583  
recent school year available and shall use assessment scores for 1584  
only those students to whom the district or building has 1585  
administered the assessments prescribed by section 3301.0710 of 1586  
the Revised Code for each of the two most recent consecutive 1587  
school years. 1588

As used in this division, "high mobility school district 1589  
or building" means a school district or building where at least 1590  
twenty-five per cent of its total enrollment is made up of 1591  
students who have attended that school district or building for 1592  
less than one year. 1593

(2) In addition to the graded measures in division (B) (1) 1594  
of this section, the department shall include on a school 1595

district's or building's report card all of the following 1596  
without an assigned letter grade: 1597

(a) The percentage of students enrolled in a district or 1598  
building participating in advanced placement classes and the 1599  
percentage of those students who received a score of three or 1600  
better on advanced placement examinations; 1601

(b) The number of a district's or building's students who 1602  
have earned at least three college credits through dual 1603  
enrollment or advanced standing programs, such as the post- 1604  
secondary enrollment options program under Chapter 3365. of the 1605  
Revised Code and state-approved career-technical courses offered 1606  
through dual enrollment or statewide articulation, that appear 1607  
on a student's transcript or other official document, either of 1608  
which is issued by the institution of higher education from 1609  
which the student earned the college credit. The credits earned 1610  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1611  
this section shall not include any that are remedial or 1612  
developmental and shall include those that count toward the 1613  
curriculum requirements established for completion of a degree. 1614

(c) The percentage of students enrolled in a district or 1615  
building who have taken a national standardized test used for 1616  
college admission determinations and the percentage of those 1617  
students who are determined to be remediation-free in accordance 1618  
with standards adopted under division (F) of section 3345.061 of 1619  
the Revised Code; 1620

(d) The percentage of the district's or the building's 1621  
students who receive industry-recognized credentials as approved 1622  
under section 3313.6113 of the Revised Code. 1623

(e) The percentage of students enrolled in a district or 1624

building who are participating in an international baccalaureate 1625  
program and the percentage of those students who receive a score 1626  
of four or better on the international baccalaureate 1627  
examinations. 1628

(f) The percentage of the district's or building's 1629  
students who receive an honors diploma under division (B) of 1630  
section 3313.61 of the Revised Code. 1631

(3) Not later than December 31, 2013, the state board 1632  
shall adopt rules in accordance with Chapter 119. of the Revised 1633  
Code that prescribe the methods by which the performance 1634  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1635  
will be assessed and assigned a letter grade, including 1636  
performance benchmarks for each grade. 1637

At least forty-five days prior to the state board's 1638  
adoption of rules to prescribe the methods by which the 1639  
performance measures under division (B) (1) of this section shall 1640  
be assessed and assigned a letter grade, the department shall 1641  
conduct a public presentation before the standing committees of 1642  
the house of representatives and the senate that consider 1643  
education legislation describing such methods, including 1644  
performance benchmarks. 1645

(4) There shall not be an overall letter grade for a 1646  
school district or building for the 2013-2014, 2014-2015, 2015- 1647  
2016, and 2016-2017 school years. 1648

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 1649  
2018-2019, 2019-2020, and 2020-2021 school-year and each school- 1650  
year thereafter years, the department shall issue grades as 1651  
described in division ~~(E)~~ (F) of this section for each of the 1652  
performance measures prescribed in division (C) (1) of this 1653

section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

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

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

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

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

dimension, or another measure of student academic progress if 1683  
adopted by the state board, of a school district or building, 1684  
for which the department shall use up to three years of value- 1685  
added data as available. 1686

In adopting benchmarks for assigning letter grades for 1687  
overall score on value-added progress dimension under division 1688  
(C) (1) (e) of this section, the state board shall prohibit the 1689  
assigning of a grade of "A" for that measure unless the 1690  
district's or building's grade assigned for value-added progress 1691  
dimension for all subgroups under division (C) (1) (f) of this 1692  
section is a "C" or higher. 1693

For the metric prescribed by division (C) (1) (e) of this 1694  
section, the state board may adopt a student academic progress 1695  
measure to be used instead of the value-added progress 1696  
dimension. If the state board adopts such a measure, it also 1697  
shall prescribe a method for assigning letter grades for the new 1698  
measure that is comparable to the method prescribed in division 1699  
(A) (1) (e) of this section. 1700

(f) The value-added progress dimension score of a school 1701  
district or building disaggregated for each of the following 1702  
subgroups: students identified as gifted in superior cognitive 1703  
ability and specific academic ability fields under Chapter 3324. 1704  
of the Revised Code, students with disabilities, and students 1705  
whose performance places them in the lowest quintile for 1706  
achievement on a statewide basis, as determined by a method 1707  
prescribed by the state board. Each subgroup shall be a separate 1708  
graded measure. 1709

The state board may adopt student academic progress 1710  
measures to be used instead of the value-added progress 1711  
dimension. If the state board adopts such measures, it also 1712

shall prescribe a method for assigning letter grades for the new 1713  
measures that is comparable to the method prescribed in division 1714  
(A) (1) (e) of this section. 1715

(g) Whether a school district or building is making 1716  
progress in improving literacy in grades kindergarten through 1717  
three, as determined using a method prescribed by the state 1718  
board. The state board shall adopt rules to prescribe benchmarks 1719  
and standards for assigning grades to a district or building for 1720  
purposes of division (C) (1) (g) of this section. The state board 1721  
shall designate for a "C" grade a value that is not lower than 1722  
the statewide average value for this measure. No grade shall be 1723  
issued under division (C) (1) (g) of this section for a district 1724  
or building in which less than five per cent of students have 1725  
scored below grade level on the kindergarten diagnostic 1726  
assessment under division (B) (1) of section 3313.608 of the 1727  
Revised Code. 1728

(h) For a high mobility school district or building, an 1729  
additional value-added progress dimension score. For this 1730  
measure, the department shall use value-added data from the most 1731  
recent school year available and shall use assessment scores for 1732  
only those students to whom the district or building has 1733  
administered the assessments prescribed by section 3301.0710 of 1734  
the Revised Code for each of the two most recent consecutive 1735  
school years. 1736

As used in this division, "high mobility school district 1737  
or building" means a school district or building where at least 1738  
twenty-five per cent of its total enrollment is made up of 1739  
students who have attended that school district or building for 1740  
less than one year. 1741

(2) In addition to the graded measures in division (C) (1) 1742

of this section, the department shall include on a school 1743  
district's or building's report card all of the following 1744  
without an assigned letter grade: 1745

(a) The percentage of students enrolled in a district or 1746  
building who have taken a national standardized test used for 1747  
college admission determinations and the percentage of those 1748  
students who are determined to be remediation-free in accordance 1749  
with the standards adopted under division (F) of section 1750  
3345.061 of the Revised Code; 1751

(b) The percentage of students enrolled in a district or 1752  
building participating in advanced placement classes and the 1753  
percentage of those students who received a score of three or 1754  
better on advanced placement examinations; 1755

(c) The percentage of a district's or building's students 1756  
who have earned at least three college credits through advanced 1757  
standing programs, such as the college credit plus program under 1758  
Chapter 3365. of the Revised Code and state-approved career- 1759  
technical courses offered through dual enrollment or statewide 1760  
articulation, that appear on a student's college transcript 1761  
issued by the institution of higher education from which the 1762  
student earned the college credit. The credits earned that are 1763  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1764  
shall not include any that are remedial or developmental and 1765  
shall include those that count toward the curriculum 1766  
requirements established for completion of a degree. 1767

(d) The percentage of the district's or building's 1768  
students who receive an honor's diploma under division (B) of 1769  
section 3313.61 of the Revised Code; 1770

(e) The percentage of the district's or building's 1771

students who receive industry-recognized credentials as approved 1772  
under section 3313.6113 of the Revised Code; 1773

(f) The percentage of students enrolled in a district or 1774  
building who are participating in an international baccalaureate 1775  
program and the percentage of those students who receive a score 1776  
of four or better on the international baccalaureate 1777  
examinations; 1778

(g) The results of the college and career-ready 1779  
assessments administered under division (B) (1) of section 1780  
3301.0712 of the Revised Code; 1781

(h) Whether the school district or building has 1782  
implemented a positive behavior intervention and supports 1783  
framework in compliance with the requirements of section 3319.46 1784  
of the Revised Code, notated as a "yes" or "no" answer. 1785

(3) The state board shall adopt rules pursuant to Chapter 1786  
119. of the Revised Code that establish a method to assign an 1787  
overall grade for a school district or school building for the 1788  
2017-2018 school year and each school year thereafter. The rules 1789  
shall group the performance measures in divisions (C) (1) and (2) 1790  
of this section into the following components: 1791

(a) Gap closing, which shall include the performance 1792  
measure in division (C) (1) (a) of this section; 1793

(b) Achievement, which shall include the performance 1794  
measures in divisions (C) (1) (b) and (c) of this section; 1795

(c) Progress, which shall include the performance measures 1796  
in divisions (C) (1) (e) and (f) of this section; 1797

(d) Graduation, which shall include the performance 1798  
measure in division (C) (1) (d) of this section; 1799

(e) Kindergarten through third-grade literacy, which shall 1800  
include the performance measure in division (C) (1) (g) of this 1801  
section; 1802

(f) Prepared for success, which shall include the 1803  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1804  
and (f) of this section. The state board shall develop a method 1805  
to determine a grade for the component in division (C) (3) (f) of 1806  
this section using the performance measures in divisions (C) (2) 1807  
(a), (b), (c), (d), (e), and (f) of this section. When 1808  
available, the state board may incorporate the performance 1809  
measure under division (C) (2) (g) of this section into the 1810  
component under division (C) (3) (f) of this section. When 1811  
determining the overall grade for the prepared for success 1812  
component prescribed by division (C) (3) (f) of this section, no 1813  
individual student shall be counted in more than one performance 1814  
measure. However, if a student qualifies for more than one 1815  
performance measure in the component, the state board may, in 1816  
its method to determine a grade for the component, specify an 1817  
additional weight for such a student that is not greater than or 1818  
equal to 1.0. In determining the overall score under division 1819  
(C) (3) (f) of this section, the state board shall ensure that the 1820  
pool of students included in the performance measures aggregated 1821  
under that division are all of the students included in the 1822  
four- and five-year adjusted graduation cohort. 1823

In the rules adopted under division (C) (3) of this 1824  
section, the state board shall adopt a method for determining a 1825  
grade for each component in divisions (C) (3) (a) to (f) of this 1826  
section. The state board also shall establish a method to assign 1827  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1828  
assigned for each component. The method the state board adopts 1829  
for assigning an overall grade shall give equal weight to the 1830

components in divisions (C) (3) (b) and (c) of this section.

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

(D) (1) For the 2021-2022 school year and each school year thereafter, the department shall include on a school district's or building's report card all of the following performance measures without an assigned performance rating:

(a) Whether the district or building meets the gifted performance indicator under division (A) (2) of section 3302.02 of the Revised Code and the extent to which the district or building meets gifted indicator performance benchmarks;

(b) The extent to which the district or building meets the chronic absenteeism indicator under division (A) (3) of section 3302.02 of the Revised Code;

(c) Performance index score for a district or building, according to the performance index system created by the department;

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D) (1) (d) of this section, the

department shall assign a weight of fifty per cent to the most 1860  
recent year's data and a weight of twenty-five per cent to the 1861  
data of each of the other years. However, if three consecutive 1862  
years of value-added data is not available, the department shall 1863  
use prior years of value-added data to calculate the measure, as 1864  
follows: 1865

(i) If two consecutive years of value-added data is not 1866  
available, the department shall use one year of value-added data 1867  
to calculate the measure. 1868

(ii) If two consecutive years of value-added data is 1869  
available, the department shall use two consecutive years of 1870  
value-added data to calculate the measure. In using two years of 1871  
value-added data to calculate the measure, the department shall 1872  
assign a weight of sixty-seven per cent to the most recent 1873  
year's data and a weight of thirty-three per cent to the data of 1874  
the other year. 1875

(e) The four-year adjusted cohort graduation rate. 1876

(f) The five-year adjusted cohort graduation rate. 1877

(g) The percentage of students in the district or building 1878  
who score proficient or higher on the reading segment of the 1879  
third grade English language arts assessment under section 1880  
3301.0710 of the Revised Code. 1881

To the extent possible, the department shall include the 1882  
results of the summer administration of the third grade reading 1883  
assessment under section 3301.0710 of the Revised Code in the 1884  
performance measures prescribed under divisions (D) (1) (g) and 1885  
(h) of this section. 1886

(h) Whether a district or building is making progress in 1887  
improving literacy in grades kindergarten through three, as 1888

determined using a method prescribed by the department. The 1889  
method shall determine progress made based on the reduction in 1890  
the total percentage of students scoring below grade level, or 1891  
below proficient, compared from year to year on the reading 1892  
segments of the diagnostic assessments administered under 1893  
section 3301.0715 of the Revised Code, including the 1894  
kindergarten readiness assessment, and the third grade English 1895  
language arts assessment under section 3301.0710 of the Revised 1896  
Code, as applicable. The method shall not include a deduction 1897  
for students who did not pass the third grade English language 1898  
arts assessment under section 3301.0710 of the Revised Code and 1899  
were not on a reading improvement and monitoring plan. 1900

The performance measure prescribed under division (D) (1) 1901  
(h) of this section shall not be included on the report card of 1902  
a district or building in which less than ten per cent of 1903  
students have scored below grade level on the diagnostic 1904  
assessment administered to students in kindergarten under 1905  
division (B) (1) of section 3313.608 of the Revised Code. 1906

(i) A post-secondary readiness measure. This measure shall 1907  
be calculated by dividing the number of students included in the 1908  
four-year adjusted graduation rate cohort who demonstrate post- 1909  
secondary readiness by the total number of students included in 1910  
the denominator of the four-year adjusted graduation rate 1911  
cohort. Demonstration of post-secondary readiness shall include 1912  
a student doing any of the following: 1913

(i) Attaining a remediation-free score, in accordance with 1914  
standards adopted under division (F) of section 3345.061 of the 1915  
Revised Code, on a nationally standardized assessment prescribed 1916  
under division (B) (1) of section 3301.0712 of the Revised Code; 1917

(ii) Attaining required scores on three or more advanced 1918

placement or international baccalaureate examinations. The 1919  
required score for an advanced placement examination shall be a 1920  
three or better. The required score for an international 1921  
baccalaureate examination shall be a four or better. A student 1922  
may satisfy this condition with any combination of advanced 1923  
placement or international baccalaureate examinations. 1924

(iii) Earning at least twelve college credits through 1925  
advanced standing programs, such as the college credit plus 1926  
program under Chapter 3365. of the Revised Code, an early 1927  
college high school program under section 3313.6013 of the 1928  
Revised Code, and state-approved career-technical courses 1929  
offered through dual enrollment or statewide articulation, that 1930  
appear on a student's college transcript issued by the 1931  
institution of higher education from which the student earned 1932  
the college credit. Earned credits reported under division (D) 1933  
(1)(i)(iii) of this section shall include credits that count 1934  
toward the curriculum requirements established for completion of 1935  
a degree, but shall not include any remedial or developmental 1936  
credits. 1937

(iv) Meeting the additional criteria for an honors diploma 1938  
under division (B) of section 3313.61 of the Revised Code; 1939

(v) Earning an industry-recognized credential or license 1940  
issued by a state agency or board for practice in a vocation 1941  
that requires an examination for issuance of that license 1942  
approved under section 3313.6113 of the Revised Code; 1943

(vi) Satisfying any of the following conditions: 1944

(I) Completing a pre-apprenticeship aligned with options 1945  
established under section 3313.904 of the Revised Code in the 1946  
student's chosen career field; 1947

(II) Completing an apprenticeship registered with the 1948  
apprenticeship council established under section 4139.02 of the 1949  
Revised Code in the student's chosen career field; 1950

(III) Providing evidence of acceptance into an 1951  
apprenticeship program after high school that is restricted to 1952  
participants eighteen years of age or older. 1953

(vii) Earning a cumulative score of proficient or higher 1954  
on three or more state technical assessments aligned with 1955  
section 3313.903 of the Revised Code in a single career pathway; 1956

(viii) Earning an OhioMeansJobs-readiness seal established 1957  
under section 3313.6112 of the Revised Code and completion of 1958  
two hundred fifty hours of an internship or other work-based 1959  
learning experience approved by the business advisory council 1960  
established under section 3313.82 of the Revised Code that 1961  
represents the student's district; 1962

(ix) Providing evidence that the student has enlisted in a 1963  
branch of the armed services of the United States as defined in 1964  
section 5910.01 of the Revised Code. 1965

A student who satisfies more than one of the conditions 1966  
prescribed under this division shall be counted as one student 1967  
for the purposes of calculating the measure prescribed under 1968  
division (D) (1) (i) of this section. 1969

(2) In addition to the performance measures under division 1970  
(D) (1) of this section, the department shall report on a 1971  
district's or building's report card all of the following data 1972  
without an assigned performance rating: 1973

(a) The applicable performance indicators established by 1974  
the state board under division (A) (1) of section 3302.02 of the 1975  
Revised Code; 1976

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year; 1977  
1978  
1979

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years; 1980  
1981  
1982  
1983

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories: 1984  
1985  
1986  
1987  
1988  
1989

(i) Students who are still enrolled in the district or building and receiving general education services; 1990  
1991

(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; 1992  
1993  
1994  
1995  
1996

(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services; 1997  
1998  
1999  
2000

(iv) Students who are no longer enrolled in any district or building. 2001  
2002

The department may disaggregate the data prescribed under division (D) (2) (d) of this section according to other categories that the department determines are appropriate. 2003  
2004  
2005

<u>(e) The results of the kindergarten diagnostic assessment</u>	2006
<u>prescribed under division (D) of section 3301.079 of the Revised</u>	2007
<u>Code;</u>	2008
<u>(f) Post-graduate outcomes for students who were enrolled</u>	2009
<u>in a district or building and received a high school diploma</u>	2010
<u>under section 3313.61 or 3325.08 of the Revised Code in the</u>	2011
<u>school year prior to the school year for which the report card</u>	2012
<u>is issued, including the percentage of students who:</u>	2013
<u>(i) Enrolled in a post-secondary educational institution.</u>	2014
<u>To the extent possible, the department shall disaggregate that</u>	2015
<u>data according to whether the student enrolled in a four-year</u>	2016
<u>institution of higher education, a two-year institution of</u>	2017
<u>higher education, an Ohio technical center that provides adult</u>	2018
<u>technical education services and is recognized by the chancellor</u>	2019
<u>of higher education, or another type of post-secondary</u>	2020
<u>educational institution.</u>	2021
<u>(ii) Entered an apprenticeship program registered with the</u>	2022
<u>apprenticeship council established under Chapter 4139. of the</u>	2023
<u>Revised Code. The department may include other job training</u>	2024
<u>programs with similar rigor and outcomes.</u>	2025
<u>(iii) Attained gainful employment, as determined by the</u>	2026
<u>department;</u>	2027
<u>(iv) Enlisted in a branch of the armed forces of the</u>	2028
<u>United States, as defined in section 5910.01 of the Revised</u>	2029
<u>Code.</u>	2030
<u>(g) Whether the school district or building has</u>	2031
<u>implemented a positive behavior intervention and supports</u>	2032
<u>framework in compliance with the requirements of section 3319.46</u>	2033
<u>of the Revised Code, notated with a "yes" or "no";</u>	2034

(h) The number and percentage of high school seniors in 2035  
each school year who completed the free application for federal 2036  
student aid. 2037

(3) The department shall use the state board's method 2038  
prescribed under rules adopted under division (D) (4) of this 2039  
section to assign performance ratings of "one star," "two 2040  
stars," "three stars," "four stars," or "five stars," as 2041  
described in division (F) of this section, for a district or 2042  
building for the individual components prescribed under division 2043  
(D) (3) of this section. The method shall use the performance 2044  
measures prescribed under division (D) (1) of this section to 2045  
calculate performance ratings for components. The method may 2046  
report data under division (D) (2) of this section with 2047  
corresponding components, but shall not use the data to 2048  
calculate performance ratings for that component. The 2049  
performance measures and reported data shall be grouped together 2050  
into components as follows: 2051

(a) Equity, which shall include the performance measures 2052  
in divisions (D) (1) (a) and (b) of this section. The department 2053  
shall not include any subgroup data in this measure that 2054  
includes data from fewer than fifteen students. Any penalty for 2055  
failing to meet the required assessment participation rate must 2056  
be partially in proportion to how close the school or district 2057  
was to meeting the rate requirement. In addition to other 2058  
criteria determined appropriate by the department, performance 2059  
ratings for the equity component shall reflect all of the 2060  
following: 2061

(i) The extent to which English learners develop English 2062  
language proficiency; 2063

(ii) The extent to which subgroups are meeting graduation 2064

targets; 2065

(iii) The extent to which subgroups are meeting 2066  
achievement targets in both mathematics and English language 2067  
arts; 2068

(iv) The extent to which subgroups are meeting progress 2069  
targets in both mathematics and English language arts. 2070

(b) Achievement, which shall include the performance 2071  
measure in division (D) (1) (c) of this section and the reported 2072  
data in division (D) (2) (a) of this section. Performance ratings 2073  
for the achievement component shall be awarded as a percentage 2074  
of the total possible points on the performance index system as 2075  
created by the department. 2076

(c) Progress, which shall include the performance measure 2077  
in division (D) (1) (d) of this section and the reported data in 2078  
divisions (D) (2) (b) and (c) of this amendment; 2079

(d) Graduation, which shall include the performance 2080  
measures in divisions (D) (1) (e) and (f) of this section and the 2081  
reported data in division (D) (2) (d) of this section. The four- 2082  
year adjusted cohort graduation rate shall be assigned a weight 2083  
of sixty per cent and the five-year adjusted cohort graduation 2084  
rate shall be assigned a weight of forty per cent; 2085

(e) Early literacy, which shall include the performance 2086  
measures in divisions (D) (1) (g) and (h) of this section and the 2087  
reported data in division (D) (2) (e) of this section. If the 2088  
measure prescribed under division (D) (1) (h) of this section is 2089  
included in a report card, performance ratings for the early 2090  
literacy component shall give equal weight to the measure 2091  
prescribed under divisions (D) (1) (g) and (h) of this section. 2092

(f) Prepared for success, which shall include the 2093

performance measure in division (D) (1) (i) of this section and 2094  
the reported data in division (D) (2) (f) of this section. A 2095  
district or building shall not receive lower than a performance 2096  
rating of three stars for the prepared for success component if 2097  
the district's or building's performance on the component meets 2098  
or exceeds a level of improvement set by the department. 2099  
Notwithstanding division (D) (4) (b) of this section, more than 2100  
half of districts and buildings may earn a performance rating of 2101  
three stars on this component to account for the districts and 2102  
buildings that earned a performance rating of three stars 2103  
because they met or exceeded the level of improvement set by the 2104  
department. 2105

(g) Under the state board's method prescribed under rules 2106  
adopted in division (D) (4) of this section, the department shall 2107  
use the performance ratings assigned for the components 2108  
prescribed in divisions (D) (3) (a) to (f) of this section to 2109  
determine and assign an overall performance rating of "one 2110  
star," "one and one-half stars," "two stars," "two and one-half 2111  
stars," "three stars," "three and one-half stars," "four stars," 2112  
"four and one-half stars," or "five stars" for a district or 2113  
building. 2114

For the 2021-2022 and 2022-2023 school years, the state 2115  
board's method shall use the components in divisions (D) (3) (a), 2116  
(b), (c), (d), and (e) of this section to calculate the overall 2117  
performance rating. The method shall give equal weight to the 2118  
components in divisions (D) (3) (b) and (c) of this section. The 2119  
method shall give equal weight to the components in divisions 2120  
(D) (3) (a), (d), and (e) of this section. The individual weights 2121  
of each of the components prescribed in divisions (D) (3) (a), 2122  
(d), and (e) of this section shall be equal to one-half of the 2123  
weight given to the component prescribed in division (D) (3) (b) 2124

of this section.

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For the 2023-2024 school year and each school year  
thereafter, the state board's method shall use the components in  
divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section  
to calculate the overall performance rating. The method shall  
give equal weight to the components in divisions (D) (3) (b) and  
(c) of this section. The method shall give equal weight to the  
components prescribed in divisions (D) (3) (a), (d), (e), and (f)  
of this section. The individual weights of each of the  
components prescribed in divisions (D) (3) (a), (d), (e), and (f)  
of this section shall be equal to one-half the weight given to  
the component prescribed in division (D) (3) (b) of this section.

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(4) (a) The state board shall adopt rules in accordance  
with Chapter 119. of the Revised Code to establish the  
performance criteria, benchmarks, and rating system necessary to  
implement divisions (D) and (F) of this section, including the  
method for the department to assign performance ratings under  
division (D) (3) of this section.

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(b) In establishing the performance criteria, benchmarks,  
and rating system, the state board shall consult with  
stakeholder groups and advocates that represent parents,  
community members, students, business leaders and educators from  
different school typology regions. The state board shall use  
data from prior school years and simulations to ensure that  
there is meaningful differentiation among districts and  
buildings across all performance ratings and that, except as  
permitted in division (D) (3) (f) of this section, more than half  
of all districts or buildings do not earn the same performance  
rating in any component or overall performance rating.

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(c) The state board shall adopt the rules prescribed by

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division (D) (4) of this section not later than March 31, 2022. 2155  
However, the department shall notify districts and buildings of 2156  
the changes to the report card prescribed in law not later than 2157  
one week after the effective date of this amendment. 2158

(d) Prior to adopting or updating rules under division (D) 2159  
(4) of this section, the president of the state board and the 2160  
department shall conduct a public presentation before the 2161  
standing committees of the house of representatives and the 2162  
senate that consider primary and secondary education legislation 2163  
describing the format for the report card and the performance 2164  
criteria, benchmarks, and rating system, including the method to 2165  
assign performance ratings under division (D) (3) of this 2166  
section. 2167

(E) On or after July 1, 2015, the state board may develop 2168  
a measure of student academic progress for high school students 2169  
using only data from assessments in English language arts and 2170  
mathematics. If the state board develops this measure, each 2171  
school district and applicable school building shall be assigned 2172  
a separate letter grade for it not sooner than the 2017-2018 2173  
school year. The district's or building's grade for that measure 2174  
shall not be included in determining the district's or 2175  
building's overall letter grade. 2176

~~(E)~~ (F) (1) The letter grades assigned to a school district 2177  
or building under this section shall be as follows: 2178

~~(1)~~ (a) "A" for a district or school making excellent 2179  
progress; 2180

~~(2)~~ (b) "B" for a district or school making above average 2181  
progress; 2182

~~(3)~~ (c) "C" for a district or school making average 2183

progress; 2184

~~(4)~~ (d) "D" for a district or school making below average 2185  
progress; 2186

~~(5)~~ (e) "F" for a district or school failing to meet 2187  
minimum progress. 2188

(2) The performance ratings assigned to a school district 2189  
or building under this section shall be as follows: 2190

(a) "Five stars" for a district or school making excellent 2191  
progress; 2192

(b) "Four stars" for a district or school making above 2193  
average progress; 2194

(c) "Three stars" for a district or school making average 2195  
progress; 2196

(d) "Two stars" for a district or school making below 2197  
average progress; 2198

(e) "One star" for a district or school failing to meet 2199  
minimum progress. 2200

(3) For the overall performance rating under division (D) 2201  
(3) of this section, the department shall include a descriptor 2202  
for each performance rating as follows: 2203

(a) "Significantly exceeds state targets" for a 2204  
performance rating of five stars; 2205

(b) "Exceeds state targets" for a performance rating of 2206  
four stars or four and one-half stars; 2207

(c) "Meets state targets" for a performance rating of 2208  
three stars or three and one-half stars; 2209

(d) "Meets few state targets" for a performance rating of 2210  
two stars or two and one-half stars; 2211

(e) "Does not meet state targets" for a performance rating 2212  
of one star or one and one-half stars. 2213

(4) For performance ratings for each component under 2214  
divisions (D) (3) (a) to (f) of this section, the state board 2215  
shall include a description of each component and performance 2216  
rating. The description shall include component-specific context 2217  
to each performance rating earned, estimated comparisons to 2218  
other school districts and buildings if appropriate, and any 2219  
other information determined by the state board. The 2220  
descriptions shall be not longer than twenty-five words in 2221  
length when possible. The state board may use the descriptors in 2222  
division (F) (3) of this section for component performance 2223  
ratings. 2224

(5) Each report card issued under this section shall 2225  
include both of the following: 2226

(a) A graphic that depicts the performance ratings of a 2227  
district or school on a color scale. The color associated with a 2228  
performance rating of three stars shall be green and the color 2229  
associated with a performance rating of one star shall be red. 2230

(b) An arrow graphic that shows data trends for 2231  
performance ratings for school districts or buildings. The state 2232  
board shall determine the data to be used for this graphic, 2233  
including the number of years of data to be used. 2234

~~(F)~~ (G) When reporting data on student achievement and 2235  
progress, the department shall disaggregate that data according 2236  
to the following categories: 2237

(1) Performance of students by grade-level; 2238

(2) Performance of students by race and ethnic group;	2239
(3) Performance of students by gender;	2240
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2241 2242
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2243 2244 2245
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2246 2247
(7) Performance of students grouped by those who are economically disadvantaged;	2248 2249
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2250 2251 2252
(9) Performance of students grouped by those who are classified as English learners;	2253 2254
(10) Performance of students grouped by those who have disabilities;	2255 2256
(11) Performance of students grouped by those who are classified as migrants;	2257 2258
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed,	2259 2260 2261 2262 2263 2264 2265

the department shall also include data for students with 2266  
specific academic ability in that field as well. 2267

(13) Performance of students grouped by those who perform 2268  
in the lowest quintile for achievement on a statewide basis, as 2269  
determined by a method prescribed by the state board. 2270

The department may disaggregate data on student 2271  
performance according to other categories that the department 2272  
determines are appropriate. To the extent possible, the 2273  
department shall disaggregate data on student performance 2274  
according to any combinations of two or more of the categories 2275  
listed in divisions ~~(F)(1)~~ (G)(1) to (13) of this section that 2276  
it deems relevant. 2277

In reporting data pursuant to division ~~(F)~~ (G) of this 2278  
section, the department shall not include in the report cards 2279  
any data statistical in nature that is statistically unreliable 2280  
or that could result in the identification of individual 2281  
students. For this purpose, the department shall not report 2282  
student performance data for any group identified in division 2283  
~~(F)~~ (G) of this section that contains less than ten students. If 2284  
the department does not report student performance data for a 2285  
group because it contains less than ten students, the department 2286  
shall indicate on the report card that is why data was not 2287  
reported. 2288

~~(G)~~ (H) The department may include with the report cards 2289  
any additional education and fiscal performance data it deems 2290  
valuable. 2291

~~(H)~~ (I) The department shall include on each report card a 2292  
list of additional information collected by the department that 2293  
is available regarding the district or building for which the 2294

report card is issued. When available, such additional 2295  
information shall include student mobility data disaggregated by 2296  
race and socioeconomic status, college enrollment data, and the 2297  
reports prepared under section 3302.031 of the Revised Code. 2298

The department shall maintain a site on the world wide 2299  
web. The report card shall include the address of the site and 2300  
shall specify that such additional information is available to 2301  
the public at that site. The department shall also provide a 2302  
copy of each item on the list to the superintendent of each 2303  
school district. The district superintendent shall provide a 2304  
copy of any item on the list to anyone who requests it. 2305

~~(I) (1) (a)~~ (J) (1) (a) Except as provided in division ~~(I) (1)~~ 2306  
~~(b)~~ (J) (1) (b) of this section, for any district that sponsors a 2307  
conversion community school under Chapter 3314. of the Revised 2308  
Code, the department shall combine data regarding the academic 2309  
performance of students enrolled in the community school with 2310  
comparable data from the schools of the district for the purpose 2311  
of determining the performance of the district as a whole on the 2312  
report card issued for the district under this section or 2313  
section 3302.033 of the Revised Code. 2314

(b) The department shall not combine data from any 2315  
conversion community school that a district sponsors if a 2316  
majority of the students enrolled in the conversion community 2317  
school are enrolled in a dropout prevention and recovery program 2318  
that is operated by the school, as described in division (A) (4) 2319  
(a) of section 3314.35 of the Revised Code. The department shall 2320  
include as an addendum to the district's report card the ratings 2321  
and performance measures that are required under section 2322  
3314.017 of the Revised Code for any community school to which 2323  
division ~~(I) (1) (b)~~ (J) (1) (b) of this section applies. This 2324

addendum shall include, at a minimum, the data specified in 2325  
divisions (C) (1) (a), (C) (2), and (C) (3) of section 3314.017 of 2326  
the Revised Code. 2327

(2) Any district that leases a building to a community 2328  
school located in the district or that enters into an agreement 2329  
with a community school located in the district whereby the 2330  
district and the school endorse each other's programs may elect 2331  
to have data regarding the academic performance of students 2332  
enrolled in the community school combined with comparable data 2333  
from the schools of the district for the purpose of determining 2334  
the performance of the district as a whole on the district 2335  
report card. Any district that so elects shall annually file a 2336  
copy of the lease or agreement with the department. 2337

(3) Any municipal school district, as defined in section 2338  
3311.71 of the Revised Code, that sponsors a community school 2339  
located within the district's territory, or that enters into an 2340  
agreement with a community school located within the district's 2341  
territory whereby the district and the community school endorse 2342  
each other's programs, may exercise either or both of the 2343  
following elections: 2344

(a) To have data regarding the academic performance of 2345  
students enrolled in that community school combined with 2346  
comparable data from the schools of the district for the purpose 2347  
of determining the performance of the district as a whole on the 2348  
district's report card; 2349

(b) To have the number of students attending that 2350  
community school noted separately on the district's report card. 2351

The election authorized under division ~~(I) (3) (a)~~ (J) (3) (a) 2352  
of this section is subject to approval by the governing 2353

authority of the community school. 2354

Any municipal school district that exercises an election 2355  
to combine or include data under division ~~(I) (3)~~ (J) (3) of this 2356  
section, by the first day of October of each year, shall file 2357  
with the department documentation indicating eligibility for 2358  
that election, as required by the department. 2359

~~(J)~~ (K) The department shall include on each report card 2360  
the percentage of teachers in the district or building who are 2361  
properly certified or licensed teachers, as defined in section 2362  
3319.074 of the Revised Code, and a comparison of that 2363  
percentage with the percentages of such teachers in similar 2364  
districts and buildings. 2365

~~(K) (1)~~ (L) (1) In calculating English language arts, 2366  
mathematics, ~~or~~ science, American history, or American 2367  
government assessment passage rates used to determine school 2368  
district or building performance under this section, the 2369  
department shall include all students taking an assessment with 2370  
accommodation or to whom an alternate assessment is administered 2371  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2372  
Revised Code and all students who take substitute examinations 2373  
approved under division (B) (4) of section 3301.0712 of the 2374  
Revised Code in the subject areas of science, American history 2375  
and American government. 2376

(2) In calculating performance index scores, rates of 2377  
achievement on the performance indicators established by the 2378  
state board under section 3302.02 of the Revised Code, and 2379  
annual measurable objectives for determining adequate yearly 2380  
progress for school districts and buildings under this section, 2381  
the department shall do all of the following: 2382

(a) Include for each district or building only those 2383  
students who are included in the ADM certified for the first 2384  
full school week of October and are continuously enrolled in the 2385  
district or building through the time of the spring 2386  
administration of any assessment prescribed by division (A) (1) 2387  
or (B) (1) of section 3301.0710 or division (B) of section 2388  
3301.0712 of the Revised Code that is administered to the 2389  
student's grade level; 2390

(b) Include cumulative totals from both the fall and 2391  
spring administrations of the third grade English language arts 2392  
achievement assessment and, to the extent possible, the summer 2393  
administration of that assessment; 2394

(c) Except as required by the No Child Left Behind Act of 2395  
2001, exclude for each district or building any English learner 2396  
who has been enrolled in United States schools for less than one 2397  
full school year. 2398

~~(I)~~ (M) Beginning with the 2015-2016 school year and at 2399  
least once every three years thereafter, the state board of 2400  
education shall review and may adjust the benchmarks for 2401  
assigning letter grades to the performance measures and 2402  
components prescribed under divisions (C) (3) and ~~(D)~~ (E) of this 2403  
section. 2404

**Sec. 3302.035.** (A) Not later than October 1, 2015, and not 2405  
later than the first day of October each year thereafter, the 2406  
department of education shall report for each school district, 2407  
each community school established under Chapter 3314., each STEM 2408  
school established under Chapter 3326., and each college- 2409  
preparatory boarding school established under Chapter 3328. of 2410  
the Revised Code, the following measures for students with 2411  
disabilities enrolled in that school district or community, 2412

STEM, or college-preparatory boarding school: 2413

(1) The value-added progress dimension score, ~~as~~ 2414  
disaggregated for that subgroup ~~under division (C) (1) (f) of~~ 2415  
~~section 3302.03 of the Revised Code, as determined by the~~ 2416  
department; 2417

(2) The performance index score for that subgroup, as 2418  
defined under division (A) of section 3302.01 of the Revised 2419  
Code; 2420

(3) The four- and five-year adjusted cohort graduation 2421  
rates, as defined under divisions (G) (1) and (2) of section 2422  
3302.01 of the Revised Code, for that subgroup. 2423

(B) The department shall make each report completed 2424  
pursuant to division (A) of this section available on its web 2425  
site for comparison purposes. 2426

Sec. 3302.037. (A) Not more than thirty days after the 2427  
department of education issues report cards under section 2428  
3302.03 of the Revised Code, each school district and school 2429  
building shall do the following: 2430

(1) Notify parents that the report card has been released 2431  
and how parents can access the report card. Notification may 2432  
include mailed letters, emails, newsletters, or any other 2433  
proactive notification method used by districts and buildings to 2434  
contact parents. 2435

(2) Include a link to the report card on the district's or 2436  
school's web site. 2437

(B) Each superintendent of a school district shall present 2438  
the results of the district's report card to the school district 2439  
board of education not later than thirty days after the report 2440

cards are issued under section 3302.03 of the Revised Code. 2441

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of 2442  
this section, for the 2014-2015 school year, and for each school 2443  
year thereafter, when a provision refers to a school district or 2444  
school building in a state of academic emergency, it shall mean 2445  
a district or building rated "F"; when a provision refers to a 2446  
school district or school building under an academic watch, it 2447  
shall mean a district or building rated "D"; and when a 2448  
provision refers to a school district or school building in need 2449  
of continuous improvement, it shall mean a district or building 2450  
rated "C" as those letter grade ratings for overall performance 2451  
are assigned under division (C)(3) of section 3302.03 of the 2452  
Revised Code, as it exists on or after March 22, 2013. 2453

(A) The department of education shall establish a system 2454  
of intensive, ongoing support for the improvement of school 2455  
districts and school buildings. In accordance with the model of 2456  
differentiated accountability described in section 3302.041 of 2457  
the Revised Code, the system shall give priority to the 2458  
following: 2459

(1) For any school year prior to the 2012-2013 school 2460  
year, districts and buildings that have been declared to be 2461  
under an academic watch or in a state of academic emergency 2462  
under section 3302.03 of the Revised Code; 2463

(2) For the 2012-2013 school year, and for each school 2464  
year thereafter, districts and buildings in the manner 2465  
prescribed by any agreement currently in force between the 2466  
department and the United States department of education. The 2467  
department shall endeavor to include schools and buildings that 2468  
receive grades or performance ratings under section 3302.03 of 2469  
the Revised Code that the department considers to be low 2470

performing. 2471

The system shall include services provided to districts 2472  
and buildings through regional service providers, such as 2473  
educational service centers. The system may include the 2474  
appointment of an improvement coordinator for any of the lowest 2475  
performing districts, as determined by the department, to 2476  
coordinate the district's academic improvement efforts and to 2477  
build support among the community for those efforts. 2478

(B) This division does not apply to any school district 2479  
after June 30, 2008. 2480

When a school district has been notified by the department 2481  
pursuant to section 3302.03 of the Revised Code that the 2482  
district or a building within the district has failed to make 2483  
adequate yearly progress for two consecutive school years, the 2484  
district shall develop a three-year continuous improvement plan 2485  
for the district or building containing each of the following: 2486

(1) An analysis of the reasons for the failure of the 2487  
district or building to meet any of the applicable performance 2488  
indicators established under section 3302.02 of the Revised Code 2489  
that it did not meet and an analysis of the reasons for its 2490  
failure to make adequate yearly progress; 2491

(2) Specific strategies that the district or building will 2492  
use to address the problems in academic achievement identified 2493  
in division (B) (1) of this section; 2494

(3) Identification of the resources that the district will 2495  
allocate toward improving the academic achievement of the 2496  
district or building; 2497

(4) A description of any progress that the district or 2498  
building made in the preceding year toward improving its 2499

academic achievement; 2500

(5) An analysis of how the district is utilizing the 2501  
professional development standards adopted by the state board 2502  
pursuant to section 3319.61 of the Revised Code; 2503

(6) Strategies that the district or building will use to 2504  
improve the cultural competency, as defined pursuant to section 2505  
3319.61 of the Revised Code, of teachers and other educators. 2506

No three-year continuous improvement plan shall be 2507  
developed or adopted pursuant to this division unless at least 2508  
one public hearing is held within the affected school district 2509  
or building concerning the final draft of the plan. Notice of 2510  
the hearing shall be given two weeks prior to the hearing by 2511  
publication in one newspaper of general circulation within the 2512  
territory of the affected school district or building. Copies of 2513  
the plan shall be made available to the public. 2514

(C) (1) For any school year prior to the school year that 2515  
begins on July 1, 2012, when a school district or building has 2516  
been notified by the department pursuant to section 3302.03 of 2517  
the Revised Code that the district or building is under an 2518  
academic watch or in a state of academic emergency, the district 2519  
or building shall be subject to any rules establishing 2520  
intervention in academic watch or emergency school districts or 2521  
buildings. 2522

(2) For the 2012-2013 school year, and for each school 2523  
year thereafter, a district or building that meets the 2524  
conditions for intervention prescribed by the agreement 2525  
described in division (A) (2) of this section shall be subject to 2526  
any rules establishing such intervention. 2527

(D) (1) For any school year prior to the 2012-2013 school 2528

year, within one hundred twenty days after any school district 2529  
or building is declared to be in a state of academic emergency 2530  
under section 3302.03 of the Revised Code, the department may 2531  
initiate a site evaluation of the building or school district. 2532

(2) For the 2012-2013 school year, and for each school 2533  
year thereafter, the department may initiate a site evaluation 2534  
of a building or school district that meets the conditions for a 2535  
site evaluation prescribed by the agreement described in 2536  
division (A) (2) of this section. 2537

(3) Division (D) (3) of this section does not apply to any 2538  
school district after June 30, 2008. 2539

If any school district that is declared to be in a state 2540  
of academic emergency or in a state of academic watch under 2541  
section 3302.03 of the Revised Code or encompasses a building 2542  
that is declared to be in a state of academic emergency or in a 2543  
state of academic watch fails to demonstrate to the department 2544  
satisfactory improvement of the district or applicable buildings 2545  
or fails to submit to the department any information required 2546  
under rules established by the state board of education, prior 2547  
to approving a three-year continuous improvement plan under 2548  
rules established by the state board of education, the 2549  
department shall conduct a site evaluation of the school 2550  
district or applicable buildings to determine whether the school 2551  
district is in compliance with minimum standards established by 2552  
law or rule. 2553

(4) Division (D) (4) of this section does not apply to any 2554  
school district after June 30, 2008. Site evaluations conducted 2555  
under divisions (D) (1), (2), and (3) of this section shall 2556  
include, but not be limited to, the following: 2557

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;	2558 2559
(b) Determining pupil-teacher ratios;	2560
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	2561 2562
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	2563 2564 2565
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;	2566 2567 2568
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2569 2570 2571
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D) (2) of section 3313.97 of the Revised Code.	2572 2573 2574 2575 2576 2577
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	2578 2579 2580
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic	2581 2582 2583 2584 2585

performance of the building and any progress achieved toward 2586  
that goal in the immediately preceding school year. 2587

(b) If the building receives funds under Title I, Part A 2588  
of the "Elementary and Secondary Education Act of 1965," 20 2589  
U.S.C. 6311 to 6339, from the district, in accordance with 2590  
section 3313.97 of the Revised Code, offer all students enrolled 2591  
in the building the opportunity to enroll in an alternative 2592  
building within the district that is not in school improvement 2593  
status as defined by the "No Child Left Behind Act of 2001." 2594  
Notwithstanding Chapter 3327. of the Revised Code, the district 2595  
shall spend an amount equal to twenty per cent of the funds it 2596  
receives under Title I, Part A of the "Elementary and Secondary 2597  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2598  
transportation for students who enroll in alternative buildings 2599  
under this division, unless the district can satisfy all demand 2600  
for transportation with a lesser amount. If an amount equal to 2601  
twenty per cent of the funds the district receives under Title 2602  
I, Part A of the "Elementary and Secondary Education Act of 2603  
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2604  
demand for transportation, the district shall grant priority 2605  
over all other students to the lowest achieving students among 2606  
the subgroup described in division (B) (3) of section 3302.01 of 2607  
the Revised Code in providing transportation. Any district that 2608  
does not receive funds under Title I, Part A of the "Elementary 2609  
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2610  
shall not be required to provide transportation to any student 2611  
who enrolls in an alternative building under this division. 2612

(2) For any school building that fails to make adequate 2613  
yearly progress for three consecutive school years, the district 2614  
shall do both of the following: 2615

(a) If the building receives funds under Title I, Part A 2616  
of the "Elementary and Secondary Education Act of 1965," 20 2617  
U.S.C. 6311 to 6339, from the district, in accordance with 2618  
section 3313.97 of the Revised Code, provide all students 2619  
enrolled in the building the opportunity to enroll in an 2620  
alternative building within the district that is not in school 2621  
improvement status as defined by the "No Child Left Behind Act 2622  
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2623  
district shall provide transportation for students who enroll in 2624  
alternative buildings under this division to the extent required 2625  
under division (E) (2) of this section. 2626

(b) If the building receives funds under Title I, Part A 2627  
of the "Elementary and Secondary Education Act of 1965," 20 2628  
U.S.C. 6311 to 6339, from the district, offer supplemental 2629  
educational services to students who are enrolled in the 2630  
building and who are in the subgroup described in division (B) 2631  
(3) of section 3302.01 of the Revised Code. 2632

The district shall spend a combined total of an amount 2633  
equal to twenty per cent of the funds it receives under Title I, 2634  
Part A of the "Elementary and Secondary Education Act of 1965," 2635  
20 U.S.C. 6311 to 6339, to provide transportation for students 2636  
who enroll in alternative buildings under division (E) (1) (b) or 2637  
(E) (2) (a) of this section and to pay the costs of the 2638  
supplemental educational services provided to students under 2639  
division (E) (2) (b) of this section, unless the district can 2640  
satisfy all demand for transportation and pay the costs of 2641  
supplemental educational services for those students who request 2642  
them with a lesser amount. In allocating funds between the 2643  
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2644  
this section, the district shall spend at least an amount equal 2645  
to five per cent of the funds it receives under Title I, Part A 2646

of the "Elementary and Secondary Education Act of 1965," 20 2647  
U.S.C. 6311 to 6339, to provide transportation for students who 2648  
enroll in alternative buildings under division (E) (1) (b) or (E) 2649  
(2) (a) of this section, unless the district can satisfy all 2650  
demand for transportation with a lesser amount, and at least an 2651  
amount equal to five per cent of the funds it receives under 2652  
Title I, Part A of the "Elementary and Secondary Education Act 2653  
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2654  
supplemental educational services provided to students under 2655  
division (E) (2) (b) of this section, unless the district can pay 2656  
the costs of such services for all students requesting them with 2657  
a lesser amount. If an amount equal to twenty per cent of the 2658  
funds the district receives under Title I, Part A of the 2659  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2660  
to 6339, is insufficient to satisfy all demand for 2661  
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2662  
section and to pay the costs of all of the supplemental 2663  
educational services provided to students under division (E) (2) 2664  
(b) of this section, the district shall grant priority over all 2665  
other students in providing transportation and in paying the 2666  
costs of supplemental educational services to the lowest 2667  
achieving students among the subgroup described in division (B) 2668  
(3) of section 3302.01 of the Revised Code. 2669

Any district that does not receive funds under Title I, 2670  
Part A of the "Elementary and Secondary Education Act of 1965," 2671  
20 U.S.C. 6311 to 6339, shall not be required to provide 2672  
transportation to any student who enrolls in an alternative 2673  
building under division (E) (2) (a) of this section or to pay the 2674  
costs of supplemental educational services provided to any 2675  
student under division (E) (2) (b) of this section. 2676

No student who enrolls in an alternative building under 2677

division (E) (2) (a) of this section shall be eligible for 2678  
supplemental educational services under division (E) (2) (b) of 2679  
this section. 2680

(3) For any school building that fails to make adequate 2681  
yearly progress for four consecutive school years, the district 2682  
shall continue to comply with division (E) (2) of this section 2683  
and shall implement at least one of the following options with 2684  
respect to the building: 2685

(a) Institute a new curriculum that is consistent with the 2686  
statewide academic standards adopted pursuant to division (A) of 2687  
section 3301.079 of the Revised Code; 2688

(b) Decrease the degree of authority the building has to 2689  
manage its internal operations; 2690

(c) Appoint an outside expert to make recommendations for 2691  
improving the academic performance of the building. The district 2692  
may request the department to establish a state intervention 2693  
team for this purpose pursuant to division (G) of this section. 2694

(d) Extend the length of the school day or year; 2695

(e) Replace the building principal or other key personnel; 2696

(f) Reorganize the administrative structure of the 2697  
building. 2698

(4) For any school building that fails to make adequate 2699  
yearly progress for five consecutive school years, the district 2700  
shall continue to comply with division (E) (2) of this section 2701  
and shall develop a plan during the next succeeding school year 2702  
to improve the academic performance of the building, which shall 2703  
include at least one of the following options: 2704

(a) Reopen the school as a community school under Chapter 2705

3314. of the Revised Code; 2706

(b) Replace personnel; 2707

(c) Contract with a nonprofit or for-profit entity to 2708  
operate the building; 2709

(d) Turn operation of the building over to the department; 2710

(e) Other significant restructuring of the building's 2711  
governance. 2712

(5) For any school building that fails to make adequate 2713  
yearly progress for six consecutive school years, the district 2714  
shall continue to comply with division (E)(2) of this section 2715  
and shall implement the plan developed pursuant to division (E) 2716  
(4) of this section. 2717

(6) A district shall continue to comply with division (E) 2718  
(1)(b) or (E)(2) of this section, whichever was most recently 2719  
applicable, with respect to any building formerly subject to one 2720  
of those divisions until the building makes adequate yearly 2721  
progress for two consecutive school years. 2722

(F) This division applies only to school districts that 2723  
have been identified for improvement by the department pursuant 2724  
to the "No Child Left Behind Act of 2001." It does not apply to 2725  
any such district after June 30, 2008. 2726

(1) If a school district has been identified for 2727  
improvement for one school year, the district shall provide a 2728  
written description of the continuous improvement plan developed 2729  
by the district pursuant to division (B) of this section to the 2730  
parent or guardian of each student enrolled in the district. If 2731  
the district does not have a continuous improvement plan, the 2732  
district shall develop such a plan in accordance with division 2733

(B) of this section and provide a written description of the 2734  
plan to the parent or guardian of each student enrolled in the 2735  
district. 2736

(2) If a school district has been identified for 2737  
improvement for two consecutive school years, the district shall 2738  
continue to implement the continuous improvement plan developed 2739  
by the district pursuant to division (B) or (F)(1) of this 2740  
section. 2741

(3) If a school district has been identified for 2742  
improvement for three consecutive school years, the department 2743  
shall take at least one of the following corrective actions with 2744  
respect to the district: 2745

(a) Withhold a portion of the funds the district is 2746  
entitled to receive under Title I, Part A of the "Elementary and 2747  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2748

(b) Direct the district to replace key district personnel; 2749

(c) Institute a new curriculum that is consistent with the 2750  
statewide academic standards adopted pursuant to division (A) of 2751  
section 3301.079 of the Revised Code; 2752

(d) Establish alternative forms of governance for 2753  
individual school buildings within the district; 2754

(e) Appoint a trustee to manage the district in place of 2755  
the district superintendent and board of education. 2756

The department shall conduct individual audits of a 2757  
sampling of districts subject to this division to determine 2758  
compliance with the corrective actions taken by the department. 2759

(4) If a school district has been identified for 2760  
improvement for four consecutive school years, the department 2761

shall continue to monitor implementation of the corrective 2762  
action taken under division (F)(3) of this section with respect 2763  
to the district. 2764

(5) If a school district has been identified for 2765  
improvement for five consecutive school years, the department 2766  
shall take at least one of the corrective actions identified in 2767  
division (F)(3) of this section with respect to the district, 2768  
provided that the corrective action the department takes is 2769  
different from the corrective action previously taken under 2770  
division (F)(3) of this section with respect to the district. 2771

(G) The department may establish a state intervention team 2772  
to evaluate all aspects of a school district or building, 2773  
including management, curriculum, instructional methods, 2774  
resource allocation, and scheduling. Any such intervention team 2775  
shall be appointed by the department and shall include teachers 2776  
and administrators recognized as outstanding in their fields. 2777  
The intervention team shall make recommendations regarding 2778  
methods for improving the performance of the district or 2779  
building. 2780

The department shall not approve a district's request for 2781  
an intervention team under division (E)(3) of this section if 2782  
the department cannot adequately fund the work of the team, 2783  
unless the district agrees to pay for the expenses of the team. 2784

(H) The department shall conduct individual audits of a 2785  
sampling of community schools established under Chapter 3314. of 2786  
the Revised Code to determine compliance with this section. 2787

(I) The state board shall adopt rules for implementing 2788  
this section. 2789

**Sec. 3302.05.** The state board of education shall adopt 2790

rules freeing school districts from specified state mandates if 2791  
one of the following applies: 2792

(A) For the 2011-2012 school year, the school district was 2793  
declared to be excellent under section 3302.03 of the Revised 2794  
Code, as that section existed prior to March 22, 2013, and had 2795  
above expected growth in the overall value-added measure. 2796

(B) For the 2012-2013 school year, the school district 2797  
received a grade of "A" for the number of performance indicators 2798  
met under division (A)(1)(c) of section 3302.03 of the Revised 2799  
Code and for the value-added dimension under division (A)(1)(e) 2800  
of section 3302.03 of the Revised Code. 2801

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 2802  
year, the school district received a grade of "A" for the number 2803  
of performance indicators met under division (B)(1)(c) of 2804  
section 3302.03 of the Revised Code and for the value-added 2805  
dimension under division (B)(1)(e) of section 3302.03 of the 2806  
Revised Code. 2807

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 2808  
2020-2021 school year ~~and for each school year thereafter~~, the 2809  
school district received an overall grade of "A" under division 2810  
(C)(3) of section 3302.03 of the Revised Code. 2811

(F) For the 2021-2022 school year and for each school year 2812  
thereafter, the school district received an overall performance 2813  
rating of five stars under division (D)(3) of section 3302.03 of 2814  
the Revised Code. 2815

Any mandates included in the rules shall be only those 2816  
statutes or rules pertaining to state education requirements. 2817  
The rules shall not exempt districts from any operating standard 2818  
adopted under division (D)(3) of section 3301.07 of the Revised 2819

Code. 2820

**Sec. 3302.10.** (A) The superintendent of public instruction 2821  
shall establish an academic distress commission for any school 2822  
district that meets one of the following conditions: 2823

(1) The district has ~~received an overall grade of "F"~~ 2824  
~~under division (C) (3) of section 3302.03 of the Revised Code~~ for 2825  
three consecutive years received either of the following: 2826

(a) An overall grade of "F" under division (C) (3) of 2827  
section 3302.03 of the Revised Code; 2828

(b) An overall performance rating of less than two stars 2829  
under division (D) (3) of section 3302.03 of the Revised Code. 2830

(2) An academic distress commission established for the 2831  
district under former section 3302.10 of the Revised Code was 2832  
still in existence ~~on the effective date of this section~~ October 2833  
15, 2015, and has been in existence for at least four years. 2834

(B) (1) The academic distress commission shall consist of 2835  
five members as follows: 2836

(a) Three members appointed by the state superintendent, 2837  
one of whom is a resident in the county in which a majority of 2838  
the district's territory is located; 2839

(b) One member appointed by the president of the district 2840  
board of education, who shall be a teacher employed by the 2841  
district; 2842

(c) One member appointed by the mayor of the municipality 2843  
in which a majority of the district's territory is located or, 2844  
if no such municipality exists, by the mayor of a municipality 2845  
selected by the state superintendent in which the district has 2846  
territory. 2847

Appointments to the commission shall be made within thirty 2848  
days after the district is notified that it is subject to this 2849  
section. Members of the commission shall serve at the pleasure 2850  
of their appointing authority. The state superintendent shall 2851  
designate a chairperson for the commission from among the 2852  
members appointed by the state superintendent. The chairperson 2853  
shall call and conduct meetings, set meeting agendas, and serve 2854  
as a liaison between the commission and the chief executive 2855  
officer appointed under division (C)(1) of this section. 2856

(2) In the case of a school district that meets the 2857  
condition in division (A)(2) of this section, the academic 2858  
distress commission established for the district under former 2859  
section 3302.10 of the Revised Code shall be abolished and a new 2860  
academic distress commission shall be appointed for the district 2861  
pursuant to division (B)(1) of this section. 2862

(C)(1) Within sixty days after the state superintendent 2863  
has designated a chairperson for the academic distress 2864  
commission, the commission shall appoint a chief executive 2865  
officer for the district, who shall be paid by the department of 2866  
education and shall serve at the pleasure of the commission. The 2867  
individual appointed as chief executive officer shall have high- 2868  
level management experience in the public or private sector. The 2869  
chief executive officer shall exercise complete operational, 2870  
managerial, and instructional control of the district, which 2871  
shall include, but shall not be limited to, the following powers 2872  
and duties, but the chief executive officer may delegate, in 2873  
writing, specific powers or duties to the district board or 2874  
district superintendent: 2875

(a) Replacing school administrators and central office 2876  
staff; 2877

(b) Assigning employees to schools and approving transfers;	2878 2879
(c) Hiring new employees;	2880
(d) Defining employee responsibilities and job descriptions;	2881 2882
(e) Establishing employee compensation;	2883
(f) Allocating teacher class loads;	2884
(g) Conducting employee evaluations;	2885
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	2886 2887
(i) Setting the school calendar;	2888
(j) Creating a budget for the district;	2889
(k) Contracting for services for the district;	2890
(l) Modifying policies and procedures established by the district board;	2891 2892
(m) Establishing grade configurations of schools;	2893
(n) Determining the school curriculum;	2894
(o) Selecting instructional materials and assessments;	2895
(p) Setting class sizes;	2896
(q) Providing for staff professional development.	2897
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to	2898 2899 2900 2901 2902

perform duties or functions previously performed by the 2903  
improvement coordinator. 2904

(D) The academic distress commission, in consultation with 2905  
the state superintendent and the chief executive officer, shall 2906  
be responsible for expanding high-quality school choice options 2907  
in the district. The commission, in consultation with the state 2908  
superintendent, may create an entity to act as a high-quality 2909  
school accelerator for schools not operated by the district. The 2910  
accelerator shall promote high-quality schools in the district, 2911  
lead improvement efforts for underperforming schools, recruit 2912  
high-quality sponsors for community schools, attract new high- 2913  
quality schools to the district, and increase the overall 2914  
capacity of schools to deliver a high-quality education for 2915  
students. Any accelerator shall be an independent entity and the 2916  
chief executive officer shall have no authority over the 2917  
accelerator. 2918

(E) (1) Within thirty days after the chief executive 2919  
officer is appointed, the chief executive officer shall convene 2920  
a group of community stakeholders. The purpose of the group 2921  
shall be to develop expectations for academic improvement in the 2922  
district and to assist the district in building relationships 2923  
with organizations in the community that can provide needed 2924  
services to students. Members of the group shall include, but 2925  
shall not be limited to, educators, civic and business leaders, 2926  
and representatives of institutions of higher education and 2927  
government service agencies. Within ninety days after the chief 2928  
executive officer is appointed, the chief executive officer also 2929  
shall convene a smaller group of community stakeholders for each 2930  
school operated by the district to develop expectations for 2931  
academic improvement in that school. The group convened for each 2932  
school shall have teachers employed in the school and parents of 2933

students enrolled in the school among its members. 2934

(2) The chief executive officer shall create a plan to 2935  
improve the district's academic performance. In creating the 2936  
plan, the chief executive officer shall consult with the groups 2937  
convened under division (E)(1) of this section. The chief 2938  
executive officer also shall consider the availability of 2939  
funding to ensure sustainability of the plan. The plan shall 2940  
establish clear, measurable performance goals for the district 2941  
and for each school operated by the district. The performance 2942  
goals shall include, but not be limited to, the performance 2943  
measures prescribed for report cards issued under section 2944  
3302.03 of the Revised Code. Within ninety days after the chief 2945  
executive officer is appointed, the chief executive officer 2946  
shall submit the plan to the academic distress commission for 2947  
approval. Within thirty days after the submission of the plan, 2948  
the commission shall approve the plan or suggest modifications 2949  
to the plan that will render it acceptable. If the commission 2950  
suggests modifications, the chief executive officer may revise 2951  
the plan before resubmitting it to the commission. The chief 2952  
executive officer shall resubmit the plan, whether revised or 2953  
not, within fifteen days after the commission suggests 2954  
modifications. The commission shall approve the plan within 2955  
thirty days after the plan is resubmitted. Upon approval of the 2956  
plan by the commission, the chief executive officer shall 2957  
implement the plan. 2958

(F) Notwithstanding any provision to the contrary in 2959  
Chapter 4117. of the Revised Code, if the district board has 2960  
entered into, modified, renewed, or extended a collective 2961  
bargaining agreement on or after ~~the effective date of this~~ 2962  
~~section~~ October 15, 2015, that contains provisions relinquishing 2963  
one or more of the rights or responsibilities listed in division 2964

(C) of section 4117.08 of the Revised Code, those provisions are 2965  
not enforceable and the chief executive officer and the district 2966  
board shall resume holding those rights or responsibilities as 2967  
if the district board had not relinquished them in that 2968  
agreement until such time as both the academic distress 2969  
commission ceases to exist and the district board agrees to 2970  
relinquish those rights or responsibilities in a new collective 2971  
bargaining agreement. For purposes of this section, "collective 2972  
bargaining agreement" shall include any labor contract or 2973  
agreement in effect with any applicable bargaining 2974  
representative. The chief executive officer and the district 2975  
board are not required to bargain on subjects reserved to the 2976  
management and direction of the school district, including, but 2977  
not limited to, the rights or responsibilities listed in 2978  
division (C) of section 4117.08 of the Revised Code. The way in 2979  
which these subjects and these rights or responsibilities may 2980  
affect the wages, hours, terms and conditions of employment, or 2981  
the continuation, modification, or deletion of an existing 2982  
provision of a collective bargaining agreement is not subject to 2983  
collective bargaining or effects bargaining under Chapter 4117. 2984  
of the Revised Code. The provisions of this paragraph apply to a 2985  
collective bargaining agreement entered into, modified, renewed, 2986  
or extended on or after ~~the effective date of this section~~ 2987  
October 15, 2015, and those provisions are deemed to be part of 2988  
that agreement regardless of whether the district satisfied the 2989  
conditions prescribed in division (A) of this section at the 2990  
time the district entered into that agreement. If the district 2991  
board relinquished one or more of the rights or responsibilities 2992  
listed in division (C) of section 4117.08 of the Revised Code in 2993  
a collective bargaining agreement entered into prior to ~~the~~ 2994  
~~effective date of this section~~ October 15, 2015, and had resumed 2995  
holding those rights or responsibilities pursuant to division 2996

(K) of former section 3302.10 of the Revised Code, as it existed 2997  
prior to that date, the district board shall continue to hold 2998  
those rights or responsibilities until such time as both the new 2999  
academic distress commission appointed under this section ceases 3000  
to exist upon completion of the transition period specified in 3001  
division (N)(1) of this section and the district board agrees to 3002  
relinquish those rights or responsibilities in a new collective 3003  
bargaining agreement. 3004

(G) In each school year that the district is subject to 3005  
this section, the following shall apply: 3006

(1) The chief executive officer shall implement the 3007  
improvement plan approved under division (E)(2) of this section 3008  
and shall review the plan annually to determine if changes are 3009  
needed. The chief executive officer may modify the plan upon the 3010  
approval of the modifications by the academic distress 3011  
commission. 3012

(2) The chief executive officer may implement innovative 3013  
education programs to do any of the following: 3014

(a) Address the physical and mental well-being of students 3015  
and their families; 3016

(b) Provide mentoring; 3017

(c) Provide job resources; 3018

(d) Disseminate higher education information; 3019

(e) Offer recreational or cultural activities; 3020

(f) Provide any other services that will contribute to a 3021  
successful learning environment. 3022

The chief executive officer shall establish a separate 3023

fund to support innovative education programs and shall deposit 3024  
any moneys appropriated by the general assembly for the purposes 3025  
of division (G) (2) of this section in the fund. The chief 3026  
executive officer shall have sole authority to disburse moneys 3027  
from the fund until the district is no longer subject to this 3028  
section. All disbursements shall support the improvement plan 3029  
approved under division (E) (2) of this section. 3030

(3) If the district is not a school district in which the 3031  
pilot project scholarship program is operating under sections 3032  
3313.974 to 3313.979 of the Revised Code, each student who is 3033  
entitled to attend school in the district under section 3313.64 3034  
or 3313.65 of the Revised Code and is enrolled in a school 3035  
operated by the district or in a community school, or will be 3036  
both enrolling in any of grades kindergarten through twelve in 3037  
this state for the first time and at least five years of age by 3038  
the first day of January of the following school year, shall be 3039  
eligible to participate in the educational choice scholarship 3040  
pilot program established under sections 3310.01 to 3310.17 of 3041  
the Revised Code and an application for the student may be 3042  
submitted during the next application period. 3043

(4) Notwithstanding anything to the contrary in the 3044  
Revised Code, the chief executive officer may limit, suspend, or 3045  
alter any contract with an administrator that is entered into, 3046  
modified, renewed, or extended by the district board on or after 3047  
~~the effective date of this section~~ October 15, 2015, provided 3048  
that the chief executive officer shall not reduce any salary or 3049  
base hourly rate of pay unless such salary or base hourly rate 3050  
reductions are part of a uniform plan affecting all district 3051  
employees and shall not reduce any insurance benefits unless 3052  
such insurance benefit reductions are also applicable generally 3053  
to other employees of the district. 3054

(5) The chief executive officer shall represent the 3055  
district board during any negotiations to modify, renew, or 3056  
extend a collective bargaining agreement entered into by the 3057  
board under Chapter 4117. of the Revised Code. 3058

(H) If the report card for the district has been issued 3059  
under section 3302.03 of the Revised Code for the first school 3060  
year that the district is subject to this section and the 3061  
district does not meet the qualification in division (N)(1) of 3062  
this section, the following shall apply: 3063

(1) The chief executive officer may reconstitute any 3064  
school operated by the district. The chief executive officer 3065  
shall present to the academic distress commission a plan that 3066  
lists each school designated for reconstitution and explains how 3067  
the chief executive officer plans to reconstitute the school. 3068  
The chief executive officer may take any of the following 3069  
actions to reconstitute a school: 3070

(a) Change the mission of the school or the focus of its 3071  
curriculum; 3072

(b) Replace the school's principal and/or administrative 3073  
staff; 3074

(c) Replace a majority of the school's staff, including 3075  
teaching and nonteaching employees; 3076

(d) Contract with a nonprofit or for-profit entity to 3077  
manage the operations of the school. The contract may provide 3078  
for the entity to supply all or some of the staff for the 3079  
school. 3080

(e) Reopen the school as a community school under Chapter 3081  
3314. of the Revised Code or a science, technology, engineering, 3082  
and mathematics school under Chapter 3326. of the Revised Code; 3083

(f) Permanently close the school.

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

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

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(I) If the report card for the district has been issued under section 3302.03 of the Revised Code for the second school year that the district is subject to this section and the

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district does not meet the qualification in division (N)(1) of 3114  
this section, the following shall apply: 3115

(1) The chief executive officer may exercise any of the 3116  
powers authorized under division (H) of this section. 3117

(2) Notwithstanding any provision to the contrary in 3118  
Chapter 4117. of the Revised Code, the chief executive officer 3119  
may limit, suspend, or alter any provision of a collective 3120  
bargaining agreement entered into, modified, renewed, or 3121  
extended on or after ~~the effective date of this section~~ October 3122  
15, 2015, provided that the chief executive officer shall not 3123  
reduce any base hourly rate of pay and shall not reduce any 3124  
insurance benefits. The decision to limit, suspend, or alter any 3125  
provision of a collective bargaining agreement under this 3126  
division is not subject to bargaining under Chapter 4117. of the 3127  
Revised Code; however, the chief executive officer shall have 3128  
the discretion to engage in effects bargaining on the way any 3129  
such decision may affect wages, hours, or terms and conditions 3130  
of employment. The chief executive officer may limit, suspend, 3131  
or alter a provision of a collective bargaining agreement under 3132  
division (I)(2) of this section as necessary to reconstitute a 3133  
school under division (H)(1) of this section. 3134

(J) If the report card for the district has been issued 3135  
under section 3302.03 of the Revised Code for the third school 3136  
year that the district is subject to this section and the 3137  
district does not meet the qualification in division (N)(1) of 3138  
this section, the following shall apply: 3139

(1) The chief executive officer may exercise any of the 3140  
powers authorized under division (H) or (I) of this section. 3141

(2) The chief executive officer may continue in effect a 3142

limitation, suspension, or alteration of a provision of a 3143  
collective bargaining agreement issued under division (I)(2) of 3144  
this section. Any such continuation shall be subject to the 3145  
requirements and restrictions of that division. 3146

(K) If the report card for the district has been issued 3147  
under section 3302.03 of the Revised Code for the fourth school 3148  
year that the district is subject to this section and the 3149  
district does not meet the qualification in division (N)(1) of 3150  
this section, the following shall apply: 3151

(1) The chief executive officer may exercise any of the 3152  
powers authorized under division (H), (I), or (J) of this 3153  
section. 3154

(2) A new board of education shall be appointed for the 3155  
district in accordance with section 3302.11 of the Revised Code. 3156  
However, the chief executive officer shall retain complete 3157  
operational, managerial, and instructional control of the 3158  
district until the chief executive officer relinquishes that 3159  
control to the district board under division (N)(1) of this 3160  
section. 3161

(L) If the report card for the district has been issued 3162  
under section 3302.03 of the Revised Code for the fifth school 3163  
year, or any subsequent school year, that the district is 3164  
subject to this section and the district does not meet the 3165  
qualification in division (N)(1) of this section, the chief 3166  
executive officer may exercise any of the powers authorized 3167  
under division (H), (I), (J), or (K)(1) of this section. 3168

(M) If division (I), (J), (K), or (L) of this section 3169  
applies to a district, community schools, STEM schools, 3170  
chartered nonpublic schools, and other school districts that 3171

enroll students residing in the district and meet academic 3172  
accountability standards shall be eligible to be paid an 3173  
academic performance bonus in each fiscal year for which the 3174  
general assembly appropriates funds for that purpose. The 3175  
academic performance bonus is intended to give students residing 3176  
in the district access to a high-quality education by 3177  
encouraging high-quality schools to enroll those students. 3178

(N) (1) When a district subject to this section receives 3179  
either an overall grade of "C" or higher under division (C) (3) 3180  
of section 3302.03 of the Revised Code or an overall performance 3181  
rating of three stars or higher under division (D) (3) of section 3182  
3302.03 of the Revised Code, the district shall begin its 3183  
transition out of being subject to this section. Except as 3184  
provided in division (N) (2) of this section, the transition 3185  
period shall last until the district has received either an 3186  
overall grade higher than "F" under division (C) (3) of section 3187  
3302.03 of the Revised Code or an overall performance rating of 3188  
two stars or higher under division (D) (3) of section 3302.03 of 3189  
the Revised Code for two consecutive school years after the 3190  
transition period begins. The overall grade of "C" or higher or 3191  
overall performance rating of three stars or higher that 3192  
~~qualifies~~ qualify the district to begin the transition period 3193  
shall not count as one of the two consecutive school years. 3194  
During the transition period, the conditions described in 3195  
divisions (F) to (L) of this section for the school year prior 3196  
to the school year in which the transition period begins shall 3197  
continue to apply and the chief executive officer shall work 3198  
closely with the district board and district superintendent to 3199  
increase their ability to resume control of the district and 3200  
sustain the district's academic improvement over time. Upon 3201  
completion of the transition period, the chief executive officer 3202

shall relinquish all operational, managerial, and instructional 3203  
control of the district to the district board and district 3204  
superintendent and the academic distress commission shall cease 3205  
to exist. 3206

(2) If the district receives either an overall grade of 3207  
"F" under division (C) (3) of section 3302.03 of the Revised Code 3208  
or an overall performance rating of less than two stars under 3209  
division (D) (3) of section 3302.03 of the Revised Code at any 3210  
time during the transition period, the transition period shall 3211  
end and the district shall be fully subject to this section 3212  
again. The district shall resume being fully subject to this 3213  
section at the point it began its transition out of being 3214  
subject to this section and the division in divisions (H) to (L) 3215  
of this section that would have applied to the district had the 3216  
district not qualified to begin its transition under division 3217  
(N) (1) of this section shall apply to the district. 3218

(O) If at any time there are no longer any schools 3219  
operated by the district due to reconstitution or other closure 3220  
of the district's schools under this section, the academic 3221  
distress commission shall cease to exist and the chief executive 3222  
officer shall cease to exercise any powers with respect to the 3223  
district. 3224

(P) Beginning on ~~the effective date of this section~~ 3225  
October 15, 2015, each collective bargaining agreement entered 3226  
into by a school district board of education under Chapter 4117. 3227  
of the Revised Code shall incorporate the provisions of this 3228  
section. 3229

(Q) The chief executive officer, the members of the 3230  
academic distress commission, the state superintendent, and any 3231  
person authorized to act on behalf of or assist them shall not 3232

be personally liable or subject to any suit, judgment, or claim 3233  
for damages resulting from the exercise of or failure to 3234  
exercise the powers, duties, and functions granted to them in 3235  
regard to their functioning under this section, but the chief 3236  
executive officer, commission, state superintendent, and such 3237  
other persons shall be subject to mandamus proceedings to compel 3238  
performance of their duties under this section. 3239

(R) The state superintendent shall not exempt any district 3240  
from this section by approving an application for an innovative 3241  
education pilot program submitted by the district under section 3242  
3302.07 of the Revised Code. 3243

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 3244  
and (D) of this section, this section applies to a school 3245  
building that is ranked according to performance index score 3246  
under section 3302.21 of the Revised Code in the lowest five per 3247  
cent of public school buildings statewide for three consecutive 3248  
years and that meets any combination of the following for three 3249  
consecutive years: 3250

(a) The school building is declared to be under an 3251  
academic watch or in a state of academic emergency under section 3252  
3302.03 of the Revised Code; 3253

(b) The school building ~~that~~ has received a grade of "F" 3254  
for the value-added progress dimension under division (A) (1) (e), 3255  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 3256

(c) The school building ~~that~~ has received an overall grade 3257  
of "F" under section 3302.03 of the Revised Code; 3258

(d) The school building has received a performance rating 3259  
of one star for progress under division (D) (3) (c) of section 3260  
3302.03 of the Revised Code; 3261

(e) The school building has received an overall 3262  
performance rating of less than two stars under section 3302.03 3263  
of the Revised Code. 3264

(2) In the case of a building to which this section 3265  
applies, the district board of education in control of that 3266  
building shall do one of the following at the conclusion of the 3267  
school year in which the building first becomes subject to this 3268  
section: 3269

(a) Close the school and direct the district 3270  
superintendent to reassign the students enrolled in the school 3271  
to other school buildings that demonstrate higher academic 3272  
achievement; 3273

(b) Contract with another school district or a nonprofit 3274  
or for-profit entity with a demonstrated record of effectiveness 3275  
to operate the school; 3276

(c) Replace the principal and all teaching staff of the 3277  
school and, upon request from the new principal, exempt the 3278  
school from all requested policies and regulations of the board 3279  
regarding curriculum and instruction. The board also shall 3280  
distribute funding to the school in an amount that is at least 3281  
equal to the product of the per pupil amount of state and local 3282  
revenues received by the district multiplied by the student 3283  
population of the school. 3284

(d) Reopen the school as a conversion community school 3285  
under Chapter 3314. of the Revised Code. 3286

(B) If an action taken by the board under division (A) (2) 3287  
of this section causes the district to no longer maintain all 3288  
grades kindergarten through twelve, as required by section 3289  
3311.29 of the Revised Code, the board shall enter into a 3290

contract with another school district pursuant to section 3291  
3327.04 of the Revised Code for enrollment of students in the 3292  
schools of that other district to the extent necessary to comply 3293  
with the requirement of section 3311.29 of the Revised Code. 3294  
Notwithstanding any provision of the Revised Code to the 3295  
contrary, if the board enters into and maintains a contract 3296  
under section 3327.04 of the Revised Code, the district shall 3297  
not be considered to have failed to comply with the requirement 3298  
of section 3311.29 of the Revised Code. If, however, the 3299  
district board fails to or is unable to enter into or maintain 3300  
such a contract, the state board of education shall take all 3301  
necessary actions to dissolve the district as provided in 3302  
division (A) of section 3311.29 of the Revised Code. 3303

(C) If a particular school is required to restructure 3304  
under this section and a petition with respect to that same 3305  
school has been filed and verified under divisions (B) and (C) 3306  
of section 3302.042 of the Revised Code, the provisions of that 3307  
section and the petition filed and verified under it shall 3308  
prevail over the provisions of this section and the school shall 3309  
be restructured under that section. However, if division (D)(1), 3310  
(2), or (3) of section 3302.042 of the Revised Code also applies 3311  
to the school, the school shall be subject to restructuring 3312  
under this section and not section 3302.042 of the Revised Code. 3313

If the provisions of this section conflict in any way with 3314  
the requirements of federal law, federal law shall prevail over 3315  
the provisions of this section. 3316

(D) If a school is restructured under this section, 3317  
section 3302.042 or 3302.10 of the Revised Code, or federal law, 3318  
the school shall not be required to restructure again under 3319  
state law for three consecutive years after the implementation 3320

of that prior restructuring. 3321

**Sec. 3302.13.** (A) This section applies to any school 3322  
district or community school that meets both of the following 3323  
criteria, as reported on the past two consecutive report cards 3324  
issued for that district or school under section 3302.03 of the 3325  
Revised Code: 3326

(1) The district or school received ~~a~~either of the 3327  
following: 3328

(a) A grade of "D" or "F" on the kindergarten through 3329  
third-grade literacy progress measure under division (C) (3) (e) 3330  
of section 3302.03 of the Revised Code; 3331

(b) A performance rating of less than three stars for 3332  
early literacy under division (D) (3) (e) of section 3302.03 of 3333  
the Revised Code. 3334

(2) Less than sixty per cent of the district's students 3335  
who took the third grade English language arts assessment 3336  
prescribed under section 3301.0710 of the Revised Code for that 3337  
school year attained at least a proficient score on that 3338  
assessment. 3339

(B) By December 31, 2016, and by the thirty-first day of 3340  
each December thereafter, any school district or community 3341  
school that meets the criteria set forth in division (A) of this 3342  
section shall submit to the department of education a school or 3343  
district reading achievement improvement plan, which shall 3344  
include all requirements prescribed by the state board of 3345  
education pursuant to division (C) of this section. 3346

(C) Not later than December 31, 2014, the state board 3347  
shall adopt rules in accordance with Chapter 119. of the Revised 3348  
Code prescribing the content of and deadlines for the reading 3349

achievement improvement plans required under division (B) of 3350  
this section. The rules shall prescribe that each plan include, 3351  
at a minimum, an analysis of relevant student performance data, 3352  
measurable student performance goals, strategies to meet 3353  
specific student needs, a staffing and professional development 3354  
plan, and instructional strategies for improving literacy. 3355

(D) Any school district or community school to which this 3356  
section applies shall no longer be required to submit an 3357  
improvement plan pursuant to division (B) of this section when 3358  
that district or school meets either of the following criteria, 3359  
as reported on the most recent report card issued for that 3360  
district or school under section 3302.03 of the Revised Code: 3361

(1) The district or school received ~~a~~either of the 3362  
following: 3363

(a) A grade of "C" or higher on the kindergarten through 3364  
third-grade literacy progress measure under division (C) (3) (e) 3365  
of section 3302.03 of the Revised Code; 3366

(b) A performance rating of three stars or higher for 3367  
early literacy under division (D) (3) (e) of section 3302.03 of 3368  
the Revised Code. 3369

(2) Not less than sixty per cent of the district's 3370  
students who took the third grade English language arts 3371  
assessment prescribed under section 3301.0710 of the Revised 3372  
Code for that school year attained at least a proficient score 3373  
on that assessment. 3374

(E) The department of education shall post in a prominent 3375  
location on its web site all plans submitted pursuant to this 3376  
section. 3377

**Sec. 3302.151.** (A) Notwithstanding anything to the 3378

contrary in the Revised Code, a school district that qualifies 3379  
under division (D) of this section shall be exempt from all of 3380  
the following: 3381

(1) The teacher qualification requirements under the 3382  
third-grade reading guarantee, as prescribed under divisions (B) 3383  
(3) (c) and (H) of section 3313.608 of the Revised Code. This 3384  
exemption does not relieve a teacher from holding a valid Ohio 3385  
license in a subject area and grade level determined appropriate 3386  
by the board of education of that district. 3387

(2) The mentoring component of the Ohio teacher residency 3388  
program established under division (A) (1) of section 3319.223 of 3389  
the Revised Code, so long as the district utilizes a local 3390  
approach to train and support new teachers; 3391

(3) Any provision of the Revised Code or rule or standard 3392  
of the state board of education prescribing a minimum or maximum 3393  
class size; 3394

(4) Any provision of the Revised Code or rule or standard 3395  
of the state board requiring teachers to be licensed 3396  
specifically in the grade level in which they are teaching, 3397  
except unless otherwise prescribed by federal law. This 3398  
exemption does not apply to special education teachers. Nor does 3399  
this exemption relieve a teacher from holding a valid Ohio 3400  
license in the subject area in which that teacher is teaching 3401  
and at least some grade level determined appropriate by the 3402  
district board. 3403

(B) (1) Notwithstanding anything to the contrary in the 3404  
Revised Code, including sections 3319.30 and 3319.36 of the 3405  
Revised Code, the superintendent of a school district that 3406  
qualifies under division (D) of this section may employ an 3407

individual who is not licensed as required by sections 3319.22 3408  
to 3319.30 of the Revised Code, but who is otherwise qualified 3409  
based on experience, to teach classes in the district, so long 3410  
as the board of education of the school district approves the 3411  
individual's employment and provides mentoring and professional 3412  
development opportunities to that individual, as determined 3413  
necessary by the board. 3414

(2) As a condition of employment under this section, an 3415  
individual shall be subject to a criminal records check as 3416  
prescribed by section 3319.391 of the Revised Code. In the 3417  
manner prescribed by the department of education, the individual 3418  
shall submit the criminal records check to the department and 3419  
shall register with the department during the period in which 3420  
the individual is employed by the district. The department shall 3421  
use the information submitted to enroll the individual in the 3422  
retained applicant fingerprint database, established under 3423  
section 109.5721 of the Revised Code, in the same manner as any 3424  
teacher licensed under sections 3319.22 to 3319.31 of the 3425  
Revised Code. 3426

(3) An individual employed pursuant to this division is 3427  
subject to Chapter 3307. of the Revised Code. 3428

If the department receives notification of the arrest or 3429  
conviction of an individual employed under division (B) of this 3430  
section, the department shall promptly notify the employing 3431  
district and may take any action authorized under sections 3432  
3319.31 and 3319.311 of the Revised Code that it considers 3433  
appropriate. No district shall employ any individual under 3434  
division (B) of this section if the district learns that the 3435  
individual has plead guilty to, has been found guilty by a jury 3436  
or court of, or has been convicted of any of the offenses listed 3437

in division (C) of section 3319.31 of the Revised Code. 3438

(C) Notwithstanding anything to the contrary in the 3439  
Revised Code, noncompliance with any of the requirements listed 3440  
in divisions (A) or (B) of this section shall not disqualify a 3441  
school district that qualifies under division (D) of this 3442  
section from receiving funds under Chapter 3317. of the Revised 3443  
Code. 3444

(D) In order for a city, local, or exempted village school 3445  
district to qualify for the exemptions described in this 3446  
section, the school district shall meet all of the following 3447  
benchmarks on the most recent report card issued for that 3448  
district under section 3302.03 of the Revised Code: 3449

(1) The district received at least eighty-five per cent of 3450  
the total possible points for the performance index score 3451  
calculated under division (C) (1) (b) or (D) (1) (c) of that 3452  
section; 3453

(2) The district received a grade of an "A" for 3454  
performance indicators met under division (C) (1) (c) of that 3455  
section~~7~~. However, division (D) (2) of this section shall not 3456  
apply for the 2021-2022 school year or any school year 3457  
thereafter. 3458

(3) The district has a four-year adjusted cohort 3459  
graduation rate of at least ninety-three per cent and a five- 3460  
year adjusted cohort graduation rate of at least ninety-five per 3461  
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 3462  
(e) and (D) (1) (f) of that section. 3463

(E) A school district that meets the requirements 3464  
prescribed by division (D) of this section shall be qualified 3465  
for the exemptions prescribed by this section for three school 3466

years, beginning with the school year in which the qualifying 3467  
report card is issued. 3468

(F) As used in this section, "license" has the same 3469  
meaning as in section 3319.31 of the Revised Code. 3470

**Sec. 3311.741.** (A) This section applies only to a 3471  
municipal school district in existence on July 1, 2012. 3472

(B) Not later than December 1, 2012, the board of 3473  
education of each municipal school district to which this 3474  
section applies shall submit to the superintendent of public 3475  
instruction an array of measures to be used in evaluating the 3476  
performance of the district. The measures shall assess at least 3477  
overall student achievement, student progress over time, the 3478  
achievement and progress over time of each of the applicable 3479  
categories of students described in division ~~(F)~~ (G) of section 3480  
3302.03 of the Revised Code, and college and career readiness. 3481  
The state superintendent shall approve or disapprove the 3482  
measures by January 15, 2013. If the measures are disapproved, 3483  
the state superintendent shall recommend modifications that will 3484  
make the measures acceptable. 3485

(C) Beginning with the 2012-2013 school year, the board 3486  
annually shall establish goals for improvement on each of the 3487  
measures approved under division (B) of this section. The school 3488  
district's performance data for the 2011-2012 school year shall 3489  
be used as a baseline for determining improvement. 3490

(D) Not later than October 1, 2013, and by the first day 3491  
of October each year thereafter, the board shall issue a report 3492  
describing the school district's performance for the previous 3493  
school year on each of the measures approved under division (B) 3494  
of this section and whether the district has met each of the 3495

improvement goals established for that year under division (C) 3496  
of this section. The board shall provide the report to the 3497  
governor, the superintendent of public instruction, and, in 3498  
accordance with section 101.68 of the Revised Code, the general 3499  
assembly. 3500

(E) Not later than November 15, 2017, the superintendent 3501  
of public instruction shall evaluate the school district's 3502  
performance based on the measures approved under division (B) of 3503  
this section and shall issue a report to the governor and 3504  
general assembly. 3505

**Sec. 3313.413.** (A) As used in this section, "high- 3506  
performing community school" means either of the following: 3507

(1) A community school established under Chapter 3314. of 3508  
the Revised Code that meets the following conditions: 3509

(a) Except as provided in division (A)(1)(b) or (c) of 3510  
this section, the school both: 3511

(i) Has received either a grade of "A," "B," or "C" for 3512  
the performance index score under division (C)(1)(b) of section 3513  
3302.03 of the Revised Code or a performance rating of three 3514  
stars or higher for achievement under division (D)(3)(b) of that 3515  
section; or has increased its performance index score under 3516  
division (C)(1)(b) or (D)(1)(d) of section 3302.03 of the 3517  
Revised Code in each of the previous three years of operation; 3518  
and 3519

(ii) Has received either a grade of "A" or "B" for the 3520  
value-added progress dimension under division (C)(1)(e) of 3521  
section 3302.03 of the Revised Code or a performance rating of 3522  
four stars or higher for progress under division (D)(3)(c) of 3523  
that section on its most recent report card rating issued under 3524

that section. 3525

(b) If the school serves only grades kindergarten through 3526  
three, the school received either a grade of "A" or "B" for 3527  
making progress in improving literacy in grades kindergarten 3528  
through three under division (C) (1) (g) of section 3302.03 of the 3529  
Revised Code or a performance rating of four stars or higher for 3530  
early literacy under division (D) (3) (e) of that section on its 3531  
most recent report card issued under that section. 3532

(c) If the school primarily serves students enrolled in a 3533  
dropout prevention and recovery program as described in division 3534  
(A) (4) (a) of section 3314.35 of the Revised Code, the school 3535  
received a rating of "exceeds standards" on its most recent 3536  
report card issued under section 3314.017 of the Revised Code. 3537

(2) A newly established community school that is 3538  
implementing a community school model that has a track record of 3539  
high-quality academic performance, as determined by the 3540  
department of education. 3541

(B) When a school district board of education decides to 3542  
dispose of real property it owns in its corporate capacity under 3543  
section 3313.41 of the Revised Code, the board shall first offer 3544  
that property to the governing authorities of all start-up 3545  
community schools, the boards of trustees of any college- 3546  
preparatory boarding schools, and the governing bodies of any 3547  
STEM schools that are located within the territory of the 3548  
district. Not later than sixty days after the district board 3549  
makes the offer, interested governing authorities, boards of 3550  
trustees, and governing bodies shall notify the district 3551  
treasurer in writing of the intention to purchase the property. 3552

The district board shall give priority to the governing 3553

authorities of high-performing community schools that are 3554  
located within the territory of the district. 3555

(1) If more than one governing authority of a high- 3556  
performing community school notifies the district treasurer of 3557  
its intention to purchase the property pursuant to division (B) 3558  
of this section, the board shall conduct a public auction in the 3559  
manner required for auctions of district property under division 3560  
(A) of section 3313.41 of the Revised Code. Only the governing 3561  
authorities of high-performing community schools that notified 3562  
the district treasurer pursuant to division (B) of this section 3563  
are eligible to bid at the auction. 3564

(2) If no governing authority of a high-performing 3565  
community school notifies the district treasurer of its 3566  
intention to purchase the property pursuant to division (B) of 3567  
this section, the board shall then proceed with the offers from 3568  
all other start-up community schools, college-preparatory 3569  
boarding schools, and STEM schools made pursuant to that 3570  
division. If more than one such entity notifies the district 3571  
treasurer of its intention to purchase the property pursuant to 3572  
division (B) of this section, the board shall conduct a public 3573  
auction in the manner required for auctions of district property 3574  
under division (A) of section 3313.41 of the Revised Code. Only 3575  
the entities that notified the district treasurer pursuant to 3576  
division (B) of this section are eligible to bid at the auction. 3577

(3) If no governing authority, board of trustees, or 3578  
governing body notifies the district treasurer of its intention 3579  
to purchase the property pursuant to division (B) of this 3580  
section, the district may then offer the property for sale in 3581  
the manner prescribed under divisions (A) to (F) of section 3582  
3313.41 of the Revised Code. 3583

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

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

**Sec. 3313.618.** (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B) (5) (c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills

assessment selected by the state board of education under 3613  
division (G) of section 3301.0712 of the Revised Code and obtain 3614  
either an industry-recognized credential or a license issued by 3615  
a state agency or board for practice in a vocation that requires 3616  
an examination for issuance of that license. 3617

For the purposes of this division, the industry-recognized 3618  
credentials and licenses shall be as approved under section 3619  
3313.6113 of the Revised Code. 3620

A student may choose to qualify for a high school diploma 3621  
by satisfying any of the separate requirements prescribed by 3622  
divisions (A) (1) to (3) of this section. If the student's school 3623  
district or school does not administer the examination 3624  
prescribed by one of those divisions that the student chooses to 3625  
take to satisfy the requirements of this section, the school 3626  
district or school may require that student to arrange for the 3627  
applicable scores to be sent directly to the district or school 3628  
by the company or organization that administers the examination. 3629

(B) In addition to the curriculum requirements specified 3630  
by the district board or school governing authority, each 3631  
student entering ninth grade for the first time on or after July 3632  
1, 2019, shall satisfy the following conditions in order to 3633  
qualify for a high school diploma: 3634

(1) Attain a competency score as determined under division 3635  
(B) (10) of section 3301.0712 of the Revised Code on each of the 3636  
Algebra I and English language arts II end-of-course 3637  
examinations prescribed under division (B) (2) of section 3638  
3301.0712 of the Revised Code. 3639

School districts shall offer remedial support to any 3640  
student who fails to attain a competency score on one or both of 3641

the Algebra I and English language arts II end-of-course 3642  
examinations. 3643

Following the first administration of the exam, if a 3644  
student fails to attain a competency score on one or both of the 3645  
Algebra I and English language arts II end-of-course 3646  
examinations that student must retake the respective examination 3647  
at least once. 3648

If a student fails to attain a competency score on a 3649  
retake examination, the student may demonstrate competency in 3650  
the failed subject area through one of the following options: 3651

(a) Earn course credit taken through the college credit 3652  
plus program established under Chapter 3365. of the Revised Code 3653  
in the failed subject area; 3654

(b) Complete two of the following options, one of which 3655  
must be foundational: 3656

(i) Foundational options to demonstrate competency, which 3657  
include earning a score of proficient or higher on three or more 3658  
state technical assessments aligned with section 3313.903 of the 3659  
Revised Code in a single career pathway, obtaining an industry- 3660  
recognized credential approved under section 3313.6113 of the 3661  
Revised Code or a license issued by a state agency or board for 3662  
practice in a vocation that requires an examination for issuance 3663  
of that license approved under that section, completing a pre- 3664  
apprenticeship or apprenticeship in the student's chosen career 3665  
field, or providing evidence of acceptance into an 3666  
apprenticeship program after high school that is restricted to 3667  
participants eighteen years of age or older; 3668

(ii) Supporting options to demonstrate competency, which 3669  
include completing two hundred fifty hours of a work-based 3670

learning experience with evidence of positive evaluations, 3671  
obtaining an OhioMeansJobs-readiness seal under section 3672  
3313.6112 of the Revised Code, or attaining a workforce 3673  
readiness score, as determined by the department of education, 3674  
on the nationally recognized job skills assessment selected by 3675  
the state board under division (G) of section 3301.0712 of the 3676  
Revised Code. 3677

(c) Provide evidence that the student has enlisted in a 3678  
branch of the armed services of the United States as defined in 3679  
section 5910.01 of the Revised Code. 3680

For any students receiving special education and related 3681  
services under Chapter 3323. of the Revised Code, the 3682  
individualized education program developed for the student under 3683  
that chapter shall specify the manner in which the student will 3684  
participate in the assessments administered under this division. 3685

(2) Earn at least two of the state diploma seals 3686  
prescribed under division (A) of section 3313.6114 of the 3687  
Revised Code, at least one of which shall be any of the 3688  
following: 3689

(a) The state seal of biliteracy established under section 3690  
3313.6111 of the Revised Code; 3691

(b) The OhioMeansJobs-readiness seal established under 3692  
section 3313.6112 of the Revised Code; 3693

(c) One of the state diploma seals established under 3694  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 3695  
Code. 3696

(C) The state board of education shall not create or 3697  
require any additional assessment for the granting of any type 3698  
of high school diploma other than as prescribed by this section. 3699

Except as provided in sections 3313.6111, 3313.6112, and 3700  
3313.6114 of the Revised Code, the state board or the 3701  
superintendent of public instruction shall not create any 3702  
endorsement or designation that may be affiliated with a high 3703  
school diploma. 3704

**Sec. 3313.6113.** (A) The superintendent of public 3705  
instruction, in collaboration with the governor's office of 3706  
workforce transformation and representatives of business 3707  
organizations, shall establish a committee to develop a list of 3708  
industry-recognized credentials and licenses that may be used to 3709  
qualify for a high school diploma under ~~division (A) (3) of~~ 3710  
section 3313.618 of the Revised Code and shall be used for state 3711  
report card purposes under section 3302.03 of the Revised Code. 3712  
The state superintendent shall appoint the members of the 3713  
committee not later than January 1, 2018. 3714

(B) The committee shall do the following: 3715

(1) Establish criteria for acceptable industry-recognized 3716  
credentials and licenses aligned with the in-demand jobs list 3717  
published by the department of job and family services; 3718

(2) Review the list of industry-recognized credentials and 3719  
licenses that was in existence on January 1, 2018, and update 3720  
the list as it considers necessary; 3721

(3) Review and update the list of industry-recognized 3722  
credentials and licenses at least biennially; 3723

(4) Assign a point value for each industry-recognized 3724  
credential and establish the total number of points for 3725  
industry-recognized credentials that a student must earn to 3726  
qualify for a high school diploma under sections 3313.618 and 3727  
3313.6114 of the Revised Code. 3728

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 3729  
(D) (1) (i) (v) of section 3302.03 of the Revised Code, the 3730  
department of education shall include only those students who 3731  
earn an industry-recognized credential, or group of credentials, 3732  
at least equal to the total number of points established by the 3733  
committee under this section to qualify for a high school 3734  
diploma. 3735

**Sec. 3313.6114.** (A) The state board of education shall 3736  
establish a system of state diploma seals for the purposes of 3737  
allowing a student to qualify for graduation under section 3738  
3313.618 of the Revised Code. State diploma seals may be 3739  
attached or affixed to the high school diploma of a student 3740  
enrolled in a public or chartered nonpublic school. The system 3741  
of state diploma seals shall consist of all of the following: 3742

(1) The state seal of biliteracy established under section 3743  
3313.6111 of the Revised Code; 3744

(2) The OhioMeansJobs-readiness seal established under 3745  
section 3313.6112 of the Revised Code; 3746

(3) The state diploma seals prescribed under division (C) 3747  
of this section. 3748

(B) A school district, community school established under 3749  
Chapter 3314. of the Revised Code, STEM school established under 3750  
Chapter 3326. of the Revised Code, college-preparatory boarding 3751  
school established under Chapter 3328. of the Revised Code, or 3752  
chartered nonpublic school shall attach or affix the state seals 3753  
prescribed under division (C) of this section to the diploma and 3754  
transcript of a student enrolled in the district or school who 3755  
meets the requirements established under that division. 3756

(C) The state board shall establish all of the following 3757

state diploma seals: 3758

(1) An industry-recognized credential seal. A student 3759  
shall meet the requirement for this seal by ~~earning~~ doing any of 3760  
the following: 3761

(a) Earning an industry-recognized credential approved 3762  
under section 3313.6113 of the Revised Code that is aligned to a 3763  
job that is determined to be in demand in this state and its 3764  
regions under section 6301.11 of the Revised Code; 3765

(b) Obtaining a license issued by a state agency or board 3766  
for practice in a vocation that requires an examination for 3767  
issuance of that license approved under section 3313.6113 of the 3768  
Revised Code. 3769

(2) A college-ready seal. A student shall meet the 3770  
requirement for this seal by attaining a score that is 3771  
remediation-free, in accordance with standards adopted under 3772  
division (F) of section 3345.061 of the Revised Code, on a 3773  
nationally standardized assessment prescribed under division (B) 3774  
(1) of section 3301.0712 of the Revised Code. 3775

(3) A military enlistment seal. A student shall meet the 3776  
requirement for this seal by doing either of the following: 3777

(a) Providing evidence that the student has enlisted in a 3778  
branch of the armed services of the United States as defined in 3779  
section 5910.01 of the Revised Code; 3780

(b) Participating in a junior reserve officer training 3781  
program approved by the congress of the United States under 3782  
title 10 of the United States Code. 3783

(4) A citizenship seal. A student shall meet the 3784  
requirement for this seal by doing any of the following: 3785

(a) Demonstrating at least a proficient level of skill as 3786  
prescribed under division (B) (5) (a) of section 3301.0712 of the 3787  
Revised Code on both the American history and American 3788  
government end-of-course examinations prescribed under division 3789  
(B) (2) of section 3301.0712 of the Revised Code; 3790

(b) Attaining a score level prescribed under division (B) 3791  
(5) (d) of section 3301.0712 of the Revised Code that is at least 3792  
the equivalent of a proficient level of skill in appropriate 3793  
advanced placement or international baccalaureate examinations 3794  
in lieu of the American history and American government end-of- 3795  
course examinations; 3796

(c) Attaining a final course grade that is the equivalent 3797  
of a "B" or higher in appropriate courses taken through the 3798  
college credit plus program established under Chapter 3365. of 3799  
the Revised Code in lieu of the American history and American 3800  
government end-of-course examinations. 3801

(5) A science seal. A student shall meet the requirement 3802  
for this seal by doing any of the following: 3803

(a) Demonstrating at least a proficient level of skill as 3804  
prescribed under division (B) (5) (a) of section 3301.0712 of the 3805  
Revised Code on the science end-of-course examination prescribed 3806  
under division (B) (2) of section 3301.0712 of the Revised Code; 3807

(b) Attaining a score level prescribed under division (B) 3808  
(5) (d) of section 3301.0712 of the Revised Code that is at least 3809  
the equivalent of a proficient level of skill in an appropriate 3810  
advanced placement or international baccalaureate examination in 3811  
lieu of the science end-of-course examination; 3812

(c) Attaining a final course grade that is the equivalent 3813  
of a "B" or higher in an appropriate course taken through the 3814

college credit plus program established under Chapter 3365. of 3815  
the Revised Code in lieu of the science end-of-course 3816  
examination. 3817

(6) An honors diploma seal. A student shall meet the 3818  
requirement for this seal by meeting the additional criteria for 3819  
an honors diploma under division (B) of section 3313.61 of the 3820  
Revised Code. 3821

(7) A technology seal. A student shall meet the 3822  
requirement for this seal by doing any of the following: 3823

(a) Subject to division (B) (5) (d) of section 3301.0712 of 3824  
the Revised Code, attaining a score level that is at least the 3825  
equivalent of a proficient level of skill in an appropriate 3826  
advanced placement or international baccalaureate examination; 3827

(b) Attaining a final course grade that is the equivalent 3828  
of a "B" or higher in an appropriate course taken through the 3829  
college credit plus program established under Chapter 3365. of 3830  
the Revised Code; 3831

(c) Completing a course offered through the student's 3832  
district or school that meets guidelines developed by the 3833  
department of education. However, a district or school shall not 3834  
be required to offer a course that meets guidelines developed by 3835  
the department. 3836

(8) A community service seal. A student shall meet the 3837  
requirement for this seal by completing a community service 3838  
project that is aligned with guidelines adopted by the student's 3839  
district board or school governing authority. 3840

(9) A fine and performing arts seal. A student shall meet 3841  
the requirement for this seal by demonstrating skill in the fine 3842  
or performing arts according to an evaluation that is aligned 3843

with guidelines adopted by the student's district board or 3844  
school governing authority. 3845

(10) A student engagement seal. A student shall meet the 3846  
requirement for this seal by participating in extracurricular 3847  
activities such as athletics, clubs, or student government to a 3848  
meaningful extent, as determined by guidelines adopted by the 3849  
student's district board or school governing authority. 3850

(D) Each district or school shall develop guidelines for 3851  
at least one of the state seals prescribed under divisions (C) 3852  
(8) to (10) of this section. 3853

(E) Each district or school shall maintain appropriate 3854  
records to identify students who have met the requirements 3855  
prescribed under division (C) of this section for earning the 3856  
state seals established under that division. 3857

(F) The department shall prepare and deliver to each 3858  
district or school an appropriate mechanism for assigning a 3859  
state diploma seal established under division (C) of this 3860  
section. 3861

(G) A student shall not be charged a fee to be assigned a 3862  
state seal prescribed under division (C) of this section on the 3863  
student's diploma and transcript. 3864

**Sec. 3314.012.** (A) Within ninety days of September 28, 3865  
1999, the superintendent of public instruction shall appoint 3866  
representatives of the department of education, including 3867  
employees who work with the education management information 3868  
system, to a committee to develop report card models for 3869  
community schools. The committee shall design model report cards 3870  
appropriate for the various types of community schools approved 3871  
to operate in the state. Sufficient models shall be developed to 3872

reflect the variety of grade levels served and the missions of 3873  
the state's community schools. All models shall include both 3874  
financial and academic data. The initial models shall be 3875  
developed by March 31, 2000. 3876

(B) Except as provided in section 3314.017 of the Revised 3877  
Code, the department of education shall issue an annual report 3878  
card for each community school, regardless of how long the 3879  
school has been in operation. The report card shall report the 3880  
academic and financial performance of the school utilizing one 3881  
of the models developed under division (A) of this section. The 3882  
report card shall include all information applicable to school 3883  
buildings under ~~divisions (A), (B), (C), and (D) of~~ section 3884  
3302.03 of the Revised Code. The ratings a community school 3885  
receives under section 3302.03 of the Revised Code for its first 3886  
two full school years shall not be considered toward automatic 3887  
closure of the school under section 3314.35 of the Revised Code 3888  
or any other matter that is based on report card ratings. 3889

(C) Upon receipt of a copy of a contract between a sponsor 3890  
and a community school entered into under this chapter, the 3891  
department of education shall notify the community school of the 3892  
specific model report card that will be used for that school. 3893

(D) Report cards shall be distributed to the parents of 3894  
all students in the community school, to the members of the 3895  
board of education of the school district in which the community 3896  
school is located, and to any person who requests one from the 3897  
department. 3898

**Sec. 3314.02.** (A) As used in this chapter: 3899

(1) "Sponsor" means the board of education of a school 3900  
district or the governing board of an educational service center 3901

that agrees to the conversion of all or part of a school or 3902  
building under division (B) of this section, or an entity listed 3903  
in division (C) (1) of this section, which has been approved by 3904  
the department of education to sponsor community schools or is 3905  
exempted by section 3314.021 or 3314.027 of the Revised Code 3906  
from obtaining approval, and with which the governing authority 3907  
of a community school enters into a contract under section 3908  
3314.03 of the Revised Code. 3909

(2) "Pilot project area" means the school districts 3910  
included in the territory of the former community school pilot 3911  
project established by former Section 50.52 of Am. Sub. H.B. No. 3912  
215 of the 122nd general assembly. 3913

(3) "Challenged school district" means any of the 3914  
following: 3915

(a) A school district that is part of the pilot project 3916  
area; 3917

(b) A school district that meets one of the following 3918  
conditions: 3919

(i) On March 22, 2013, the district was in a state of 3920  
academic emergency or in a state of academic watch under section 3921  
3302.03 of the Revised Code, as that section existed prior to 3922  
March 22, 2013; 3923

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 3924  
2015-2016 school years, the district received a grade of "D" or 3925  
"F" for the performance index score and a grade of "F" for the 3926  
value-added progress dimension under section 3302.03 of the 3927  
Revised Code; 3928

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 3929  
and 2020-2021 ~~school year and for any school year thereafter~~ 3930

years, the district has received an overall grade of "D" or "F" 3931  
under division (C) (3) of section 3302.03 of the Revised Code, 3932  
or, for at least two of the three most recent school years, the 3933  
district received a grade of "F" for the value-added progress 3934  
dimension under division (C) (1) (e) of that section; 3935

(iv) For the 2021-2022 school year and for any school year 3936  
thereafter, the district has received an overall performance 3937  
rating of less than three stars under division (D) (3) of section 3938  
3302.03 of the Revised Code, or, for at least two of the three 3939  
most recent school years, the district received one star for 3940  
progress under division (D) (3) (c) of that section. 3941

(c) A big eight school district; 3942

(d) A school district ranked in the lowest five per cent 3943  
of school districts according to performance index score under 3944  
section 3302.21 of the Revised Code. 3945

(4) "Big eight school district" means a school district 3946  
that for fiscal year 1997 had both of the following: 3947

(a) A percentage of children residing in the district and 3948  
participating in the predecessor of Ohio works first greater 3949  
than thirty per cent, as reported pursuant to section 3317.10 of 3950  
the Revised Code; 3951

(b) An average daily membership greater than twelve 3952  
thousand, as reported pursuant to former division (A) of section 3953  
3317.03 of the Revised Code. 3954

(5) "New start-up school" means a community school other 3955  
than one created by converting all or part of an existing public 3956  
school or educational service center building, as designated in 3957  
the school's contract pursuant to division (A) (17) of section 3958  
3314.03 of the Revised Code. 3959

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

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

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

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

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

(b) A nonprofit organization that provides programmatic  
oversight and support to a community school under a contract  
with the school's governing authority and that retains the right

to terminate its affiliation with the school if the school fails 3989  
to meet the organization's quality standards. 3990

(9) "Alliance municipal school district" has the same 3991  
meaning as in section 3311.86 of the Revised Code. 3992

(B) (1) Any person or group of individuals may initially 3993  
propose under this division the conversion of all or a portion 3994  
of a public school to a community school. The proposal shall be 3995  
made to the board of education of the city, local, exempted 3996  
village, or joint vocational school district in which the public 3997  
school is proposed to be converted. 3998

(2) Any person or group of individuals may initially 3999  
propose under this division the conversion of all or a portion 4000  
of a building operated by an educational service center to a 4001  
community school. The proposal shall be made to the governing 4002  
board of the service center. 4003

On or after July 1, 2017, except as provided in section 4004  
3314.027 of the Revised Code, any educational service center 4005  
that sponsors a community school shall be approved by and enter 4006  
into a written agreement with the department as described in 4007  
section 3314.015 of the Revised Code. 4008

(3) Upon receipt of a proposal, and after an agreement has 4009  
been entered into pursuant to section 3314.015 of the Revised 4010  
Code, a board may enter into a preliminary agreement with the 4011  
person or group proposing the conversion of the public school or 4012  
service center building, indicating the intention of the board 4013  
to support the conversion to a community school. A proposing 4014  
person or group that has a preliminary agreement under this 4015  
division may proceed to finalize plans for the school, establish 4016  
a governing authority for the school, and negotiate a contract 4017

with the board. Provided the proposing person or group adheres 4018  
to the preliminary agreement and all provisions of this chapter, 4019  
the board shall negotiate in good faith to enter into a contract 4020  
in accordance with section 3314.03 of the Revised Code and 4021  
division (C) of this section. 4022

(4) The sponsor of a conversion community school proposed 4023  
to open in an alliance municipal school district shall be 4024  
subject to approval by the department of education for 4025  
sponsorship of that school using the criteria established under 4026  
division (A) of section 3311.87 of the Revised Code. 4027

Division (B) (4) of this section does not apply to a 4028  
sponsor that, on or before September 29, 2015, was exempted 4029  
under section 3314.021 or 3314.027 of the Revised Code from the 4030  
requirement to be approved for sponsorship under divisions (A) 4031  
(2) and (B) (1) of section 3314.015 of the Revised Code. 4032

(5) A school established in accordance with division (B) 4033  
of this section that later enters into a sponsorship contract 4034  
with an entity that is not a school district or educational 4035  
service center shall, at the time of entering into the new 4036  
contract, be deemed a community school established in accordance 4037  
with division (C) of this section. 4038

(C) (1) Any person or group of individuals may propose 4039  
under this division the establishment of a new start-up school 4040  
to be located in a challenged school district. The proposal may 4041  
be made to any of the following entities: 4042

(a) The board of education of the district in which the 4043  
school is proposed to be located; 4044

(b) The board of education of any joint vocational school 4045  
district with territory in the county in which is located the 4046

majority of the territory of the district in which the school is 4047  
proposed to be located; 4048

(c) The board of education of any other city, local, or 4049  
exempted village school district having territory in the same 4050  
county where the district in which the school is proposed to be 4051  
located has the major portion of its territory; 4052

(d) The governing board of any educational service center, 4053  
regardless of the location of the proposed school, may sponsor a 4054  
new start-up school in any challenged school district in the 4055  
state if all of the following are satisfied: 4056

(i) If applicable, it satisfies the requirements of 4057  
division (E) of section 3311.86 of the Revised Code; 4058

(ii) It is approved to do so by the department; 4059

(iii) It enters into an agreement with the department 4060  
under section 3314.015 of the Revised Code. 4061

(e) A sponsoring authority designated by the board of 4062  
trustees of any of the thirteen state universities listed in 4063  
section 3345.011 of the Revised Code or the board of trustees 4064  
itself as long as a mission of the proposed school to be 4065  
specified in the contract under division (A) (2) of section 4066  
3314.03 of the Revised Code and as approved by the department 4067  
under division (B) (3) of section 3314.015 of the Revised Code 4068  
will be the practical demonstration of teaching methods, 4069  
educational technology, or other teaching practices that are 4070  
included in the curriculum of the university's teacher 4071  
preparation program approved by the state board of education; 4072

(f) Any qualified tax-exempt entity under section 501(c) 4073  
(3) of the Internal Revenue Code as long as all of the following 4074  
conditions are satisfied: 4075

(i) The entity has been in operation for at least five 4076  
years prior to applying to be a community school sponsor. 4077

(ii) The entity has assets of at least five hundred 4078  
thousand dollars and a demonstrated record of financial 4079  
responsibility. 4080

(iii) The department has determined that the entity is an 4081  
education-oriented entity under division (B) (4) of section 4082  
3314.015 of the Revised Code and the entity has a demonstrated 4083  
record of successful implementation of educational programs. 4084

(iv) The entity is not a community school. 4085

(g) The mayor of a city in which the majority of the 4086  
territory of a school district to which section 3311.60 of the 4087  
Revised Code applies is located, regardless of whether that 4088  
district has created the position of independent auditor as 4089  
prescribed by that section. The mayor's sponsorship authority 4090  
under this division is limited to community schools that are 4091  
located in that school district. Such mayor may sponsor 4092  
community schools only with the approval of the city council of 4093  
that city, after establishing standards with which community 4094  
schools sponsored by the mayor must comply, and after entering 4095  
into a sponsor agreement with the department as prescribed under 4096  
section 3314.015 of the Revised Code. The mayor shall establish 4097  
the standards for community schools sponsored by the mayor not 4098  
later than one hundred eighty days after July 15, 2013, and 4099  
shall submit them to the department upon their establishment. 4100  
The department shall approve the mayor to sponsor community 4101  
schools in the district, upon receipt of an application by the 4102  
mayor to do so. Not later than ninety days after the 4103  
department's approval of the mayor as a community school 4104  
sponsor, the department shall enter into the sponsor agreement 4105

with the mayor. 4106

Any entity described in division (C) (1) of this section 4107  
may enter into a preliminary agreement pursuant to division (C) 4108  
(2) of this section with the proposing person or group, provided 4109  
that entity has been approved by and entered into a written 4110  
agreement with the department pursuant to section 3314.015 of 4111  
the Revised Code. 4112

(2) A preliminary agreement indicates the intention of an 4113  
entity described in division (C) (1) of this section to sponsor 4114  
the community school. A proposing person or group that has such 4115  
a preliminary agreement may proceed to finalize plans for the 4116  
school, establish a governing authority as described in division 4117  
(E) of this section for the school, and negotiate a contract 4118  
with the entity. Provided the proposing person or group adheres 4119  
to the preliminary agreement and all provisions of this chapter, 4120  
the entity shall negotiate in good faith to enter into a 4121  
contract in accordance with section 3314.03 of the Revised Code. 4122

(3) A new start-up school that is established in a school 4123  
district described in either division (A) (3) (b) or (d) of this 4124  
section may continue in existence once the school district no 4125  
longer meets the conditions described in either division, 4126  
provided there is a valid contract between the school and a 4127  
sponsor. 4128

(4) A copy of every preliminary agreement entered into 4129  
under this division shall be filed with the superintendent of 4130  
public instruction. 4131

(D) A majority vote of the board of a sponsoring entity 4132  
and a majority vote of the members of the governing authority of 4133  
a community school shall be required to adopt a contract and 4134

convert the public school or educational service center building 4135  
to a community school or establish the new start-up school. 4136  
Beginning September 29, 2005, adoption of the contract shall 4137  
occur not later than the fifteenth day of March, and signing of 4138  
the contract shall occur not later than the fifteenth day of 4139  
May, prior to the school year in which the school will open. The 4140  
governing authority shall notify the department of education 4141  
when the contract has been signed. Subject to sections 3314.013 4142  
and 3314.016 of the Revised Code, an unlimited number of 4143  
community schools may be established in any school district 4144  
provided that a contract is entered into for each community 4145  
school pursuant to this chapter. 4146

(E) (1) As used in this division, "immediate relatives" are 4147  
limited to spouses, children, parents, grandparents, and 4148  
siblings, as well as in-laws residing in the same household as 4149  
the person serving on the governing authority. 4150

Each new start-up community school established under this 4151  
chapter shall be under the direction of a governing authority 4152  
which shall consist of a board of not less than five 4153  
individuals. 4154

(2) (a) No person shall serve on the governing authority or 4155  
operate the community school under contract with the governing 4156  
authority under any of the following circumstances: 4157

(i) The person owes the state any money or is in a dispute 4158  
over whether the person owes the state any money concerning the 4159  
operation of a community school that has closed. 4160

(ii) The person would otherwise be subject to division (B) 4161  
of section 3319.31 of the Revised Code with respect to refusal, 4162  
limitation, or revocation of a license to teach, if the person 4163

were a licensed educator. 4164

(iii) The person has pleaded guilty to or been convicted 4165  
of theft in office under section 2921.41 of the Revised Code, or 4166  
has pleaded guilty to or been convicted of a substantially 4167  
similar offense in another state. 4168

(b) No person shall serve on the governing authority or 4169  
engage in the financial day-to-day management of the community 4170  
school under contract with the governing authority unless and 4171  
until that person has submitted to a criminal records check in 4172  
the manner prescribed by section 3319.39 of the Revised Code. 4173

(c) Each sponsor of a community school shall annually 4174  
verify that a finding for recovery has not been issued by the 4175  
auditor of state against any individual or individuals who 4176  
propose to create a community school or any member of the 4177  
governing authority, the operator, or any employee of each 4178  
community school with responsibility for fiscal operations or 4179  
authorization to expend money on behalf of the school. 4180

(3) No person shall serve on the governing authorities of 4181  
more than five start-up community schools at the same time 4182  
unless both of the following apply: 4183

(a) The person serves in a volunteer capacity and receives 4184  
no compensation under division (E)(5) of this section from any 4185  
governing authority on which the person serves. 4186

(b) For any school that has an operator, the operator is a 4187  
nonprofit organization. 4188

(4) (a) For a community school established under this 4189  
chapter that is not sponsored by a school district or an 4190  
educational service center, no present or former member, or 4191  
immediate relative of a present or former member, of the 4192

governing authority shall be an owner, employee, or consultant 4193  
of the community school's sponsor or operator, unless at least 4194  
one year has elapsed since the conclusion of the person's 4195  
membership on the governing authority. 4196

(b) For a community school established under this chapter 4197  
that is sponsored by a school district or an educational service 4198  
center, no present or former member, or immediate relative of a 4199  
present or former member, of the governing authority shall: 4200

(i) Be an officer of the district board or service center 4201  
governing board that serves as the community school's sponsor, 4202  
unless at least one year has elapsed since the conclusion of the 4203  
person's membership on the governing authority; 4204

(ii) Serve as an employee of, or a consultant for, the 4205  
department, division, or section of the sponsoring district or 4206  
service center that is directly responsible for sponsoring 4207  
community schools, or have supervisory authority over such a 4208  
department, division, or section, unless at least one year has 4209  
elapsed since the conclusion of the person's membership on the 4210  
governing authority. 4211

(5) The governing authority of a start-up or conversion 4212  
community school may provide by resolution for the compensation 4213  
of its members. However, no individual who serves on the 4214  
governing authority of a start-up or conversion community school 4215  
shall be compensated more than one hundred twenty-five dollars 4216  
per meeting of that governing authority and no such individual 4217  
shall be compensated more than a total amount of five thousand 4218  
dollars per year for all governing authorities upon which the 4219  
individual serves. Each member of the governing authority may be 4220  
paid compensation for attendance at an approved training 4221  
program, provided that such compensation shall not exceed sixty 4222

dollars a day for attendance at a training program three hours 4223  
or less in length and one hundred twenty-five dollars a day for 4224  
attendance at a training program longer than three hours in 4225  
length. 4226

(6) No person who is the employee of a school district or 4227  
educational service center shall serve on the governing 4228  
authority of any community school sponsored by that school 4229  
district or service center. 4230

(7) Each member of the governing authority of a community 4231  
school shall annually file a disclosure statement setting forth 4232  
the names of any immediate relatives or business associates 4233  
employed by any of the following within the previous three 4234  
years: 4235

(a) The sponsor or operator of that community school; 4236

(b) A school district or educational service center that 4237  
has contracted with that community school; 4238

(c) A vendor that is or has engaged in business with that 4239  
community school. 4240

(8) No person who is a member of a school district board 4241  
of education shall serve on the governing authority of any 4242  
community school. 4243

(F) (1) A new start-up school that is established prior to 4244  
August 15, 2003, in an urban school district that is not also a 4245  
big-eight school district may continue to operate after that 4246  
date and the contract between the school's governing authority 4247  
and the school's sponsor may be renewed, as provided under this 4248  
chapter, after that date, but no additional new start-up schools 4249  
may be established in such a district unless the district is a 4250  
challenged school district as defined in this section as it 4251

exists on and after that date.

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

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

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

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(1) The community school has received ~~a~~, on the most recent report card issued for that school under section 3302.03 of the Revised Code, either of the following:

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(a) A grade of "D" or "F" for the performance index score,

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under division (C) (1) (b) of section 3302.03 of the Revised Code, 4281  
and an overall grade of "D" or "F" for the value-added progress 4282  
dimension or another measure of student academic progress if 4283  
adopted by the state board of education, under division (C) (1) 4284  
(e) of that section, ~~on the most recent report card issued for~~ 4285  
~~the school pursuant to that section;~~ 4286

(b) A performance rating of less than three stars for 4287  
achievement under division (D) (3) (b) of section 3302.03 of the 4288  
Revised Code and a performance rating of less than three stars 4289  
for progress under division (D) (3) (c) of that section. 4290

(2) The community school is one in which a majority of the 4291  
students are enrolled in a dropout prevention and recovery 4292  
program, and it has received a rating of "does not meet 4293  
standards" for the annual student growth measure and combined 4294  
graduation rates on the most recent report card issued for the 4295  
school under section 3314.017 of the Revised Code. 4296

(B) A community school to which division (A) of this 4297  
section applies may enter into a contract with a new sponsor if 4298  
all of the following conditions are satisfied: 4299

(1) The proposed sponsor received a rating of "effective" 4300  
or higher pursuant to division (B) (6) of section 3314.016 of the 4301  
Revised Code on its most recent evaluation conducted according 4302  
to that section, or the proposed sponsor is the office of Ohio 4303  
school sponsorship established in section 3314.029 of the 4304  
Revised Code. 4305

(2) The community school submits a request to enter into a 4306  
new contract with a sponsor. 4307

(3) The community school has not submitted a prior request 4308  
that was granted. 4309

(4) The department grants the school's request pursuant to 4310  
division (C) of this section. 4311

(C) A school shall submit a request to change sponsors 4312  
under this section not later than on the fifteenth day of 4313  
February of the year in which the school wishes to do so. The 4314  
department shall grant or deny the request not later than thirty 4315  
days after the department receives it. If the department denies 4316  
the request, the community school may submit an appeal to the 4317  
state board of education, which shall hold a hearing in 4318  
accordance with Chapter 119. of the Revised Code. The community 4319  
school shall file its notice of appeal to the state board not 4320  
later than ten days after receiving the decision from the 4321  
department. The state board shall conduct the hearing not later 4322  
than thirty days after receiving the school's notice of appeal 4323  
and act upon the determination of the hearing officer not later 4324  
than the twenty-fifth day of June of the year in which the 4325  
school wishes to change sponsors. 4326

(D) Factors to be considered during a hearing held 4327  
pursuant to division (C) of this section include, but are not 4328  
limited to, the following: 4329

(1) The school's impact on the students and the community 4330  
or communities it serves; 4331

(2) The quality and quantity of academic and 4332  
administrative support the school receives from its current 4333  
sponsor to help the school to improve; 4334

(3) The sponsor's annual evaluations of the community 4335  
school under division (D) (2) of section 3314.03 of the Revised 4336  
Code for the previous three years; 4337

(4) The academic performance of the school, taking into 4338

account the demographic information of the students enrolled in 4339  
the school; 4340

(5) The academic performance of alternative schools that 4341  
serve comparable populations of students as those served by the 4342  
community school; 4343

(6) The fiscal stability of the school; 4344

(7) The results of any audits of the school by the auditor 4345  
of state; 4346

(8) The length of time the school has been under the 4347  
oversight of its current sponsor; 4348

(9) The number of times the school has changed sponsors 4349  
prior to the current request; 4350

(10) Parent and student satisfaction rates as demonstrated 4351  
by surveys, if available. 4352

**Sec. 3314.05.** (A) The contract between the community 4353  
school and the sponsor shall specify the facilities to be used 4354  
for the community school and the method of acquisition. Except 4355  
as provided in divisions (B) (3) and (4) of this section, no 4356  
community school shall be established in more than one school 4357  
district under the same contract. 4358

(B) Division (B) of this section shall not apply to 4359  
internet- or computer-based community schools. 4360

(1) A community school may be located in multiple 4361  
facilities under the same contract only if the limitations on 4362  
availability of space prohibit serving all the grade levels 4363  
specified in the contract in a single facility or division (B) 4364  
(2), (3), or (4) of this section applies to the school. The 4365  
school shall not offer the same grade level classrooms in more 4366

than one facility. 4367

(2) A community school may be located in multiple 4368  
facilities under the same contract and, notwithstanding division 4369  
(B) (1) of this section, may assign students in the same grade 4370  
level to multiple facilities, as long as all of the following 4371  
apply: 4372

(a) The governing authority has entered into and maintains 4373  
a contract with an operator of the type described in division 4374  
(A) (8) (b) of section 3314.02 of the Revised Code. 4375

(b) The contract with that operator qualified the school 4376  
to be established pursuant to division (A) of former section 4377  
3314.016 of the Revised Code. 4378

(c) The school's rating under section 3302.03 of the 4379  
Revised Code does not fall below a combination of any of the 4380  
following for two or more consecutive years: 4381

(i) A rating of "in need of continuous improvement" under 4382  
section 3302.03 of the Revised Code, as that section existed 4383  
prior to March 22, 2013; 4384

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 4385  
2016 school years, a rating of "C" for both the performance 4386  
index score under division (A) (1) (b) or (B) (1) (b) and the value- 4387  
added dimension under division (A) (1) (e) or (B) (1) (e) of section 4388  
3302.03 of the Revised Code; or if the building serves only 4389  
grades ten through twelve, the building received a grade of "C" 4390  
for the performance index score under division (A) (1) (b) or (B) 4391  
(1) (b) of section 3302.03 of the Revised Code; 4392

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 4393  
2020-2021 school ~~year and for any school year thereafter~~ years, 4394  
an overall grade of "C" under division (C) (3) of section 3302.03 4395

of the Revised Code or an overall performance designation of 4396  
"meets standards" under division (E) (3) (e) of section 3314.017 4397  
of the Revised Code; 4398

(iv) For the 2021-2022 school year and any school year 4399  
thereafter, an overall performance rating of three stars under 4400  
division (D) (3) of section 3302.03 of the Revised Code or an 4401  
overall performance designation of "meets standards" under 4402  
division (E) (3) (e) of section 3314.017 of the Revised Code. 4403

(3) A new start-up community school may be established in 4404  
two school districts under the same contract if all of the 4405  
following apply: 4406

(a) At least one of the school districts in which the 4407  
school is established is a challenged school district; 4408

(b) The school operates not more than one facility in each 4409  
school district and, in accordance with division (B) (1) of this 4410  
section, the school does not offer the same grade level 4411  
classrooms in both facilities; and 4412

(c) Transportation between the two facilities does not 4413  
require more than thirty minutes of direct travel time as 4414  
measured by school bus. 4415

In the case of a community school to which division (B) (3) 4416  
of this section applies, if only one of the school districts in 4417  
which the school is established is a challenged school district, 4418  
that district shall be considered the school's primary location 4419  
and the district in which the school is located for the purposes 4420  
of division (A) (19) of section 3314.03 and divisions (C) and (H) 4421  
of section 3314.06 of the Revised Code and for all other 4422  
purposes of this chapter. If both of the school districts in 4423  
which the school is established are challenged school districts, 4424

the school's governing authority shall designate one of those 4425  
districts to be considered the school's primary location and the 4426  
district in which the school is located for the purposes of 4427  
those divisions and all other purposes of this chapter and shall 4428  
notify the department of education of that designation. 4429

(4) A community school may be located in multiple 4430  
facilities under the same contract and, notwithstanding division 4431  
(B) (1) of this section, may assign students in the same grade 4432  
level to multiple facilities, as long as both of the following 4433  
apply: 4434

(a) The facilities are all located in the same county. 4435

(b) Either of the following conditions are satisfied: 4436

(i) The community school is sponsored by a board of 4437  
education of a city, local, or exempted village school district 4438  
having territory in the same county where the facilities of the 4439  
community school are located; 4440

(ii) The community school is managed by an operator. 4441

In the case of a community school to which division (B) (4) 4442  
of this section applies and that maintains facilities in more 4443  
than one school district, the school's governing authority shall 4444  
designate one of those districts to be considered the school's 4445  
primary location and the district in which the school is located 4446  
for the purposes of division (A) (19) of section 3314.03 and 4447  
divisions (C) and (H) of section 3314.06 of the Revised Code and 4448  
for all other purposes of this chapter and shall notify the 4449  
department of that designation. 4450

(5) Any facility used for a community school shall meet 4451  
all health and safety standards established by law for school 4452  
buildings. 4453

(C) In the case where a community school is proposed to be 4454  
located in a facility owned by a school district or educational 4455  
service center, the facility may not be used for such community 4456  
school unless the district or service center board owning the 4457  
facility enters into an agreement for the community school to 4458  
utilize the facility. Use of the facility may be under any terms 4459  
and conditions agreed to by the district or service center board 4460  
and the school. 4461

(D) Two or more separate community schools may be located 4462  
in the same facility. 4463

(E) In the case of a community school that is located in 4464  
multiple facilities, beginning July 1, 2012, the department 4465  
shall assign a unique identification number to the school and to 4466  
each facility maintained by the school. Each number shall be 4467  
used for identification purposes only. Nothing in this division 4468  
shall be construed to require the department to calculate the 4469  
amount of funds paid under this chapter, or to compute any data 4470  
required for the report cards issued under section 3314.012 of 4471  
the Revised Code, for each facility separately. The department 4472  
shall make all such calculations or computations for the school 4473  
as a whole. 4474

**Sec. 3314.35.** (A) (1) Except as provided in division (A) (4) 4475  
of this section, this section applies to any community school 4476  
that meets one of the following criteria after July 1, 2009, but 4477  
before July 1, 2011: 4478

(a) The school does not offer a grade level higher than 4479  
three and has been declared to be in a state of academic 4480  
emergency under section 3302.03 of the Revised Code for three of 4481  
the four most recent school years. 4482

(b) The school satisfies all of the following conditions:	4483
(i) The school offers any of grade levels four to eight	4484
but does not offer a grade level higher than nine.	4485
(ii) The school has been declared to be in a state of	4486
academic emergency under section 3302.03 of the Revised Code for	4487
two of the three most recent school years.	4488
(iii) In at least two of the three most recent school	4489
years, the school showed less than one standard year of academic	4490
growth in either reading or mathematics, as determined by the	4491
department of education in accordance with rules adopted under	4492
division (A) of section 3302.021 of the Revised Code.	4493
(c) The school offers any of grade levels ten to twelve	4494
and has been declared to be in a state of academic emergency	4495
under section 3302.03 of the Revised Code for three of the four	4496
most recent school years.	4497
(2) Except as provided in division (A) (4) of this section,	4498
this section applies to any community school that meets one of	4499
the following criteria after July 1, 2011, but before July 1,	4500
2013:	4501
(a) The school does not offer a grade level higher than	4502
three and has been declared to be in a state of academic	4503
emergency under section 3302.03 of the Revised Code for two of	4504
the three most recent school years.	4505
(b) The school satisfies all of the following conditions:	4506
(i) The school offers any of grade levels four to eight	4507
but does not offer a grade level higher than nine.	4508
(ii) The school has been declared to be in a state of	4509
academic emergency under section 3302.03 of the Revised Code for	4510

two of the three most recent school years. 4511

(iii) In at least two of the three most recent school 4512  
years, the school showed less than one standard year of academic 4513  
growth in either reading or mathematics, as determined by the 4514  
department in accordance with rules adopted under division (A) 4515  
of section 3302.021 of the Revised Code. 4516

(c) The school offers any of grade levels ten to twelve 4517  
and has been declared to be in a state of academic emergency 4518  
under section 3302.03 of the Revised Code for two of the three 4519  
most recent school years. 4520

(3) Except as provided in division (A) (4) of this section, 4521  
this section applies to any community school that meets one of 4522  
the following criteria on or after July 1, 2013: 4523

(a) The school does not offer a grade level higher than 4524  
three and, for the three most recent school years, satisfies any 4525  
of the following criteria: 4526

(i) The school has been declared to be in a state of 4527  
academic emergency under section 3302.03 of the Revised Code, as 4528  
it existed prior to March 22, 2013; 4529

(ii) The school has received a grade of "F" in improving 4530  
literacy in grades kindergarten through three under division (B) 4531  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 4532

(iii) The school has received a performance rating of one 4533  
star for early literacy under division (D) (3) (e) of section 4534  
3302.03 of the Revised Code; 4535

(iv) The school has received an overall performance rating 4536  
of less than two stars under division (D) (3) of section 3302.03 4537  
of the Revised Code; 4538

~~(iii)~~-(v) The school has received an overall grade of "F" 4539  
under division (C) of section 3302.03 of the Revised Code. 4540

(b) The school offers any of grade levels four to eight 4541  
but does not offer a grade level higher than nine and, for the 4542  
three most recent school years, satisfies any of the following 4543  
criteria: 4544

(i) The school has been declared to be in a state of 4545  
academic emergency under section 3302.03 of the Revised Code, as 4546  
it existed prior to March 22, 2013, and the school showed less 4547  
than one standard year of academic growth in either reading or 4548  
mathematics, as determined by the department in accordance with 4549  
rules adopted under division (A) of section 3302.021 of the 4550  
Revised Code; 4551

(ii) The school has received a grade of "F" for the 4552  
performance index score under division (A) (1) (b), (B) (1) (b), or 4553  
(C) (1) (b) and a grade of "F" for the value-added progress 4554  
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 4555  
section 3302.03 of the Revised Code; 4556

(iii) The school has received a performance rating of one 4557  
star for both achievement under division (D) (3) (b) of section 4558  
3302.03 of the Revised Code and progress under division (D) (3) 4559  
(c) of that section; 4560

~~(iii)~~-(iv) The school has received an overall grade of "F" 4561  
under division (C) and a grade of "F" for the value-added 4562  
progress dimension under division (C) (1) (e) of section 3302.03 4563  
of the Revised Code; 4564

(v) The school has received an overall performance rating 4565  
of less than two stars under division (D) of section 3302.03 of 4566  
the Revised Code and a performance rating of one star for 4567

progress under division (D) (3) (c) of that section. 4568

(c) The school offers any of grade levels ten to twelve 4569  
and, for the three most recent school years, satisfies any of 4570  
the following criteria: 4571

(i) The school has been declared to be in a state of 4572  
academic emergency under section 3302.03 of the Revised Code, as 4573  
it existed prior to March 22, 2013; 4574

(ii) The school has received a grade of "F" for the 4575  
performance index score under division (A) (1) (b), (B) (1) (b), or 4576  
(C) (1) (b) and has not met annual measurable objectives under 4577  
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 4578  
of the Revised Code; 4579

(iii) The school has received a performance rating of "one 4580  
star" for achievement under division (D) (3) (b) of section 4581  
3302.03 of the Revised Code and has not met annual measurable 4582  
objectives for equity under division (D) (3) (a) of that section, 4583  
as determined by the department; 4584

~~(iii)~~ (iv) The school has received an overall grade of "F" 4585  
under division (C) and a grade of "F" for the value-added 4586  
progress dimension under division (C) (1) (e) of section 3302.03 4587  
of the Revised Code; 4588

(v) The school has received an overall performance rating 4589  
of less than two stars under division (D) of section 3302.03 of 4590  
the Revised Code and a performance rating of one star for 4591  
progress under division (D) (1) (b) of that section. 4592

For purposes of division (A) (3) of this section only, the 4593  
department of education shall calculate the value-added progress 4594  
dimension for a community school using assessment scores for 4595  
only those students to whom the school has administered the 4596

achievement assessments prescribed by section 3301.0710 of the 4597  
Revised Code for at least the two most recent school years but 4598  
using value-added data from only the most recent school year. 4599

(4) This section does not apply to either of the 4600  
following: 4601

(a) Any community school in which a majority of the 4602  
students are enrolled in a dropout prevention and recovery 4603  
program that is operated by the school. Rather, such schools 4604  
shall be subject to closure only as provided in section 3314.351 4605  
of the Revised Code. However, prior to July 1, 2014, a community 4606  
school in which a majority of the students are enrolled in a 4607  
dropout prevention and recovery program shall be exempt from 4608  
this section only if it has been granted a waiver under section 4609  
3314.36 of the Revised Code. 4610

(b) Any community school in which a majority of the 4611  
enrolled students are children with disabilities receiving 4612  
special education and related services in accordance with 4613  
Chapter 3323. of the Revised Code. 4614

(B) Any community school to which this section applies 4615  
shall permanently close at the conclusion of the school year in 4616  
which the school first becomes subject to this section. The 4617  
sponsor and governing authority of the school shall comply with 4618  
all procedures for closing a community school adopted by the 4619  
department under division (E) of section 3314.015 of the Revised 4620  
Code. The governing authority of the school shall not enter into 4621  
a contract with any other sponsor under section 3314.03 of the 4622  
Revised Code after the school closes. 4623

(C) In accordance with division (B) of section 3314.012 of 4624  
the Revised Code, the department shall not consider the 4625

performance ratings assigned to a community school for its first 4626  
two years of operation when determining whether the school meets 4627  
the criteria prescribed by division (A) (1) or (2) of this 4628  
section. 4629

(D) Nothing in this section or in any other provision of 4630  
the Revised Code prohibits the sponsor of a community school 4631  
from exercising its option not to renew a contract for any 4632  
reason or from terminating a contract prior to its expiration 4633  
for any of the reasons set forth in section 3314.07 of the 4634  
Revised Code. 4635

**Section 2.** That existing sections 3301.0710, 3301.0712, 4636  
3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 4637  
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 4638  
3302.151, 3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 4639  
3314.012, 3314.02, 3314.034, 3314.05, and 3314.35 of the Revised 4640  
Code are hereby repealed. 4641