

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 117**

**Representatives Manning, Robinson**

**Cosponsors: Representatives Abdullahi, Abrams, Bird, Blackshear, Brennan, Brent, Brown, Dell'Aquila, Denson, Galonski, Grim, Humphrey, Isaacsohn, Jones, Liston, McNally, Miller, J., Miranda, Mohamed, Rogers, Russo, Stein, Thomas, C., Upchurch, Weinstein, Sweeney**

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**A BILL**

To amend sections 3301.07, 3301.0711, 3301.163, 1  
3302.151, and 3313.608 of the Revised Code to 2  
eliminate retention under the Third Grade 3  
Reading Guarantee, to expand the grades for 4  
which intensive reading intervention is 5  
provided, and expand the inclusion of phonics in 6  
learning standards. 7

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

**Section 1.** That sections 3301.07, 3301.0711, 3301.163, 8  
3302.151, and 3313.608 of the Revised Code be amended to read as 9  
follows: 10

**Sec. 3301.07.** The state board of education shall exercise 11  
under the acts of the general assembly general supervision of 12  
the system of public education in the state. In addition to the 13  
powers otherwise imposed on the state board under the provisions 14  
of law, the board shall have the powers described in this 15  
section. 16

(A) The state board shall exercise policy forming, 17  
planning, and evaluative functions for the public schools of the 18  
state except as otherwise provided by law. 19

(B) (1) The state board shall exercise leadership in the 20  
improvement of public education in this state, and administer 21  
the educational policies of this state relating to public 22  
schools, and relating to instruction and instructional material, 23  
building and equipment, transportation of pupils, administrative 24  
responsibilities of school officials and personnel, and finance 25  
and organization of school districts, educational service 26  
centers, and territory. Consultative and advisory services in 27  
such matters shall be provided by the board to school districts 28  
and educational service centers of this state. 29

(2) The state board also shall develop a standard of 30  
financial reporting which shall be used by each school district 31  
board of education and each governing board of an educational 32  
service center, each governing authority of a community school 33  
established under Chapter 3314., each governing body of a STEM 34  
school established under Chapter ~~3328.~~ 3326., and each board of 35  
trustees of a college-preparatory boarding school established 36  
under Chapter 3328. of the Revised Code to make its financial 37  
information and annual budgets for each school building under 38  
its control available to the public in a format understandable 39  
by the average citizen. The format shall show, both at the 40  
district and at the school building level, revenue by source; 41  
expenditures for salaries, wages, and benefits of employees, 42  
showing such amounts separately for classroom teachers, other 43  
employees required to hold licenses issued pursuant to sections 44  
3319.22 to 3319.31 of the Revised Code, and all other employees; 45  
expenditures other than for personnel, by category, including 46  
utilities, textbooks and other educational materials, equipment, 47

permanent improvements, pupil transportation, extracurricular 48  
athletics, and other extracurricular activities; and per pupil 49  
expenditures. The format shall also include information on total 50  
revenue and expenditures, per pupil revenue, and expenditures 51  
for both classroom and nonclassroom purposes, as defined by the 52  
standards adopted under section 3302.20 of the Revised Code in 53  
the aggregate and for each subgroup of students, as defined by 54  
section 3317.40 of the Revised Code, that receives services 55  
provided for by state or federal funding. 56

(3) Each school district board, governing authority, 57  
governing body, or board of trustees, or its respective 58  
designee, shall annually report, to the department of education, 59  
all financial information required by the standards for 60  
financial reporting, as prescribed by division (B) (2) of this 61  
section and adopted by the state board. The department shall 62  
make all reports submitted pursuant to this division available 63  
in such a way that allows for comparison between financial 64  
information included in these reports and financial information 65  
included in reports produced prior to July 1, 2013. The 66  
department shall post these reports in a prominent location on 67  
its web site and shall notify each school when reports are made 68  
available. 69

(C) The state board shall administer and supervise the 70  
allocation and distribution of all state and federal funds for 71  
public school education under the provisions of law, and may 72  
prescribe such systems of accounting as are necessary and proper 73  
to this function. It may require county auditors and treasurers, 74  
boards of education, educational service center governing 75  
boards, treasurers of such boards, teachers, and other school 76  
officers and employees, or other public officers or employees, 77  
to file with it such reports as it may prescribe relating to 78

such funds, or to the management and condition of such funds. 79

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 80  
XLVII, and LI of the Revised Code a reference is made to 81  
standards prescribed under this section or division (D) of this 82  
section, that reference shall be construed to refer to the 83  
standards prescribed under division (D) (2) of this section, 84  
unless the context specifically indicates a different meaning or 85  
intent. 86

(2) The state board shall formulate and prescribe minimum 87  
standards to be applied to all elementary and secondary schools 88  
in this state for the purpose of providing children access to a 89  
general education of high quality according to the learning 90  
needs of each individual, including students with disabilities, 91  
economically disadvantaged students, English learners, and 92  
students identified as gifted. Such standards shall provide 93  
adequately for: the licensing of teachers, administrators, and 94  
other professional personnel and their assignment according to 95  
training and qualifications; efficient and effective 96  
instructional materials and equipment, including library 97  
facilities; the proper organization, administration, and 98  
supervision of each school, including regulations for preparing 99  
all necessary records and reports and the preparation of a 100  
statement of policies and objectives for each school; the 101  
provision of safe buildings, grounds, health and sanitary 102  
facilities and services; admission of pupils, and such 103  
requirements for their promotion from grade to grade as will 104  
assure that they are capable and prepared for the level of study 105  
to which they are certified; requirements for graduation; and 106  
such other factors as the board finds necessary. 107

The state board shall base any standards governing the 108

promotion of students or requirements for graduation on the 109  
ability of students, at any grade level, to earn credits or 110  
advance upon demonstration of mastery of knowledge and skills 111  
through competency-based learning models. Credits of grade level 112  
advancement shall not require a minimum number of days or hours 113  
in a classroom. 114

The state board shall base any standards governing the 115  
assignment of staff on ensuring each school has a sufficient 116  
number of teachers to ensure a student has an appropriate level 117  
of interaction to meet each student's personal learning goals. 118

In the formulation and administration of such standards 119  
for nonpublic schools the board shall also consider the 120  
particular needs, methods and objectives of those schools, 121  
provided they do not conflict with the provision of a general 122  
education of a high quality and provided that regular procedures 123  
shall be followed for promotion from grade to grade of pupils 124  
who have met the educational requirements prescribed. 125

(3) In addition to the minimum standards required by 126  
division (D)(2) of this section, the state board may formulate 127  
and prescribe the following additional minimum operating 128  
standards for school districts: 129

(a) Standards for the effective and efficient 130  
organization, administration, and supervision of each school 131  
district with a commitment to high expectations for every 132  
student based on the learning needs of each individual, 133  
including students with disabilities, economically disadvantaged 134  
students, English learners, and students identified as gifted, 135  
and commitment to closing the achievement gap without 136  
suppressing the achievement levels of higher achieving students 137  
so that all students achieve core knowledge and skills in 138

accordance with the statewide academic standards adopted under	139
section 3301.079 of the Revised Code;	140
(b) Standards for the establishment of business advisory	141
councils under section 3313.82 of the Revised Code;	142
(c) Standards for school district buildings that may	143
require the effective and efficient organization,	144
administration, and supervision of each school district building	145
with a commitment to high expectations for every student based	146
on the learning needs of each individual, including students	147
with disabilities, economically disadvantaged students, English	148
learners, and students identified as gifted, and commitment to	149
closing the achievement gap without suppressing the achievement	150
levels of higher achieving students so that all students achieve	151
core knowledge and skills in accordance with the statewide	152
academic standards adopted under section 3301.079 of the Revised	153
Code.	154
(E) The state board may require as part of the health	155
curriculum information developed under section 2108.34 of the	156
Revised Code promoting the donation of anatomical gifts pursuant	157
to Chapter 2108. of the Revised Code and may provide the	158
information to high schools, educational service centers, and	159
joint vocational school district boards of education;	160
(F) The state board shall prepare and submit annually to	161
the governor and the general assembly a report on the status,	162
needs, and major problems of the public schools of the state,	163
with recommendations for necessary legislative action and a ten-	164
year projection of the state's public and nonpublic school	165
enrollment, by year and by grade level.	166
(G) The state board shall prepare and submit to the	167

director of budget and management the biennial budgetary 168  
requests of the state board of education, for its agencies and 169  
for the public schools of the state. 170

(H) The state board shall cooperate with federal, state, 171  
and local agencies concerned with the health and welfare of 172  
children and youth of the state. 173

(I) The state board shall require such reports from school 174  
districts and educational service centers, school officers, and 175  
employees as are necessary and desirable. The superintendents 176  
and treasurers of school districts and educational service 177  
centers shall certify as to the accuracy of all reports required 178  
by law or state board or state department of education rules to 179  
be submitted by the district or educational service center and 180  
which contain information necessary for calculation of state 181  
funding. Any superintendent who knowingly falsifies such report 182  
shall be subject to license revocation pursuant to section 183  
3319.31 of the Revised Code. 184

(J) In accordance with Chapter 119. of the Revised Code, 185  
the state board shall adopt procedures, standards, and 186  
guidelines for the education of children with disabilities 187  
pursuant to Chapter 3323. of the Revised Code, including 188  
procedures, standards, and guidelines governing programs and 189  
services operated by county boards of developmental disabilities 190  
pursuant to section 3323.09 of the Revised Code. 191

(K) For the purpose of encouraging the development of 192  
special programs of education for academically gifted children, 193  
the state board shall employ competent persons to analyze and 194  
publish data, promote research, advise and counsel with boards 195  
of education, and encourage the training of teachers in the 196  
special instruction of gifted children. The board may provide 197

financial assistance out of any funds appropriated for this 198  
purpose to boards of education and educational service center 199  
governing boards for developing and conducting programs of 200  
education for academically gifted children. 201

(L) The state board shall require that all public schools 202  
emphasize and encourage, within existing units of study, the 203  
teaching of energy and resource conservation as recommended to 204  
each district board of education by leading business persons 205  
involved in energy production and conservation, beginning in the 206  
primary grades. 207

(M) The state board shall formulate and prescribe minimum 208  
standards requiring the use of phonics as a technique in the 209  
teaching of reading in grades kindergarten through ~~three~~five. In 210  
addition, the state board shall provide in-service training 211  
programs for teachers on the use of phonics as a technique in 212  
the teaching of reading in grades kindergarten through 213  
~~three~~five. 214

(N) The state board may adopt rules necessary for carrying 215  
out any function imposed on it by law, and may provide rules as 216  
are necessary for its government and the government of its 217  
employees, and may delegate to the superintendent of public 218  
instruction the management and administration of any function 219  
imposed on it by law. It may provide for the appointment of 220  
board members to serve on temporary committees established by 221  
the board for such purposes as are necessary. Permanent or 222  
standing committees shall not be created. 223

(O) Upon application from the board of education of a 224  
school district, the superintendent of public instruction may 225  
issue a waiver exempting the district from compliance with the 226  
standards adopted under divisions (B) (2) and (D) of this 227



section, as they relate to the operation of a school operated by 228  
the district. The state board shall adopt standards for the 229  
approval or disapproval of waivers under this division. The 230  
state superintendent shall consider every application for a 231  
waiver, and shall determine whether to grant or deny a waiver in 232  
accordance with the state board's standards. For each waiver 233  
granted, the state superintendent shall specify the period of 234  
time during which the waiver is in effect, which shall not 235  
exceed five years. A district board may apply to renew a waiver. 236

**Sec. 3301.0711.** (A) The department of education shall: 237

(1) Annually furnish to, grade, and score all assessments 238  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 239  
the Revised Code to be administered by city, local, exempted 240  
village, and joint vocational school districts, except that each 241  
district shall score any assessment administered pursuant to 242  
division (B) (10) of this section. Each assessment so furnished 243  
shall include the data verification code of the student to whom 244  
the assessment will be administered, as assigned pursuant to 245  
division (D) (2) of section 3301.0714 of the Revised Code. In 246  
furnishing the practice versions of Ohio graduation tests 247  
prescribed by division (D) of section 3301.0710 of the Revised 248  
Code, the department shall make the tests available on its web 249  
site for reproduction by districts. In awarding contracts for 250  
grading assessments, the department shall give preference to 251  
Ohio-based entities employing Ohio residents. 252

(2) Adopt rules for the ethical use of assessments and 253  
prescribing the manner in which the assessments prescribed by 254  
section 3301.0710 of the Revised Code shall be administered to 255  
students. 256

(B) Except as provided in divisions (C) and (J) of this 257

section, the board of education of each city, local, and 258  
exempted village school district shall, in accordance with rules 259  
adopted under division (A) of this section: 260

(1) ~~Administer~~ Until the 2022-2023 school year, administer 261  
the English language arts assessments prescribed under division 262  
(A) (1) (a) of section 3301.0710 of the Revised Code twice 263  
annually to all students in the third grade who have not 264  
attained the score designated for that assessment under division 265  
(A) (2) (c) of section 3301.0710 of the Revised Code. Beginning 266  
with the 2023-2024 school year, the English language arts 267  
assessment shall be administered only once to all students in 268  
the third grade. 269

(2) Administer the mathematics assessment prescribed under 270  
division (A) (1) (a) of section 3301.0710 of the Revised Code at 271  
least once annually to all students in the third grade. 272

(3) Administer the assessments prescribed under division 273  
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 274  
annually to all students in the fourth grade. 275

(4) Administer the assessments prescribed under division 276  
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 277  
annually to all students in the fifth grade. 278

(5) Administer the assessments prescribed under division 279  
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 280  
annually to all students in the sixth grade. 281

(6) Administer the assessments prescribed under division 282  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 283  
annually to all students in the seventh grade. 284

(7) Administer the assessments prescribed under division 285  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 286

annually to all students in the eighth grade.	287
(8) Except as provided in division (B) (9) of this section,	288
administer any assessment prescribed under division (B) (1) of	289
section 3301.0710 of the Revised Code as follows:	290
(a) At least once annually to all tenth grade students and	291
at least twice annually to all students in eleventh or twelfth	292
grade who have not yet attained the score on that assessment	293
designated under that division;	294
(b) To any person who has successfully completed the	295
curriculum in any high school or the individualized education	296
program developed for the person by any high school pursuant to	297
section 3323.08 of the Revised Code but has not received a high	298
school diploma and who requests to take such assessment, at any	299
time such assessment is administered in the district.	300
(9) In lieu of the board of education of any city, local,	301
or exempted village school district in which the student is also	302
enrolled, the board of a joint vocational school district shall	303
administer any assessment prescribed under division (B) (1) of	304
section 3301.0710 of the Revised Code at least twice annually to	305
any student enrolled in the joint vocational school district who	306
has not yet attained the score on that assessment designated	307
under that division. A board of a joint vocational school	308
district may also administer such an assessment to any student	309
described in division (B) (8) (b) of this section.	310
(10) If the district has a three-year average graduation	311
rate of not more than seventy-five per cent, administer each	312
assessment prescribed by division (D) of section 3301.0710 of	313
the Revised Code in September to all ninth grade students who	314
entered ninth grade prior to July 1, 2014.	315

Except as provided in section 3313.614 of the Revised Code 316  
for administration of an assessment to a person who has 317  
fulfilled the curriculum requirement for a high school diploma 318  
but has not passed one or more of the required assessments, the 319  
assessments prescribed under division (B)(1) of section 320  
3301.0710 of the Revised Code shall not be administered after 321  
the date specified in the rules adopted by the state board of 322  
education under division (D)(1) of section 3301.0712 of the 323  
Revised Code. 324

(11) (a) Except as provided in divisions (B)(11)(b) and (c) 325  
of this section, administer the assessments prescribed by 326  
division (B)(2) of section 3301.0710 and section 3301.0712 of 327  
the Revised Code in accordance with the timeline and plan for 328  
implementation of those assessments prescribed by rule of the 329  
state board adopted under division (D)(1) of section 3301.0712 330  
of the Revised Code; 331

(b) A student who has presented evidence to the district 332  
or school of having satisfied the condition prescribed by 333  
division (A)(1) of section 3313.618 of the Revised Code to 334  
qualify for a high school diploma prior to the date of the 335  
administration of the assessment prescribed under division (B) 336  
(1) of section 3301.0712 of the Revised Code shall not be 337  
required to take that assessment. However, no board shall 338  
prohibit a student who is not required to take such assessment 339  
from taking the assessment. 340

(c) A student shall not be required to retake the Algebra 341  
I end-of-course examination or the English language arts II end- 342  
of-course examination prescribed under division (B)(2) of 343  
section 3301.0712 of the Revised Code in grades nine through 344  
twelve if the student demonstrates at least a proficient level 345

of skill, as prescribed under division (B) (5) (a) of that 346  
section, or achieves a competency score, as prescribed under 347  
division (B) (10) of that section, in an administration of the 348  
examination prior to grade nine. 349

(C) (1) (a) In the case of a student receiving special 350  
education services under Chapter 3323. of the Revised Code, the 351  
individualized education program developed for the student under 352  
that chapter shall specify the manner in which the student will 353  
participate in the assessments administered under this section, 354  
except that a student with significant cognitive disabilities to 355  
whom an alternate assessment is administered in accordance with 356  
division (C) (1) of this section and a student determined to have 357  
a disability that includes an intellectual disability as 358  
outlined in guidance issued by the department shall not be 359  
required to take the assessment prescribed under division (B) (1) 360  
of section 3301.0712 of the Revised Code. The individualized 361  
education program may excuse the student from taking any 362  
particular assessment required to be administered under this 363  
section if it instead specifies an alternate assessment method 364  
approved by the department of education as conforming to 365  
requirements of federal law for receipt of federal funds for 366  
disadvantaged pupils. To the extent possible, the individualized 367  
education program shall not excuse the student from taking an 368  
assessment unless no reasonable accommodation can be made to 369  
enable the student to take the assessment. No board shall 370  
prohibit a student who is not required to take an assessment 371  
under division (C) (1) of this section from taking the 372  
assessment. 373

(b) Any alternate assessment approved by the department 374  
for a student under this division shall produce measurable 375  
results comparable to those produced by the assessment it 376

replaces in order to allow for the student's results to be 377  
included in the data compiled for a school district or building 378  
under section 3302.03 of the Revised Code. 379

(c) (i) Any student enrolled in a chartered nonpublic 380  
school who has been identified, based on an evaluation conducted 381  
in accordance with section 3323.03 of the Revised Code or 382  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 383  
29 U.S.C.A. 794, as amended, as a child with a disability shall 384  
be excused from taking any particular assessment required to be 385  
administered under this section if either of the following 386  
apply: 387

(I) A plan developed for the student pursuant to rules 388  
adopted by the state board excuses the student from taking that 389  
assessment. 390

(II) The chartered nonpublic school develops a written 391  
plan in which the school, in consultation with the student's 392  
parents, determines that an assessment or alternative assessment 393  
with accommodations does not accurately assess the student's 394  
academic performance. The plan shall include an academic profile 395  
of the student's academic performance and shall be reviewed 396  
annually to determine if the student's needs continue to require 397  
excusal from taking the assessment. 398

(ii) A student with significant cognitive disabilities to 399  
whom an alternate assessment is administered in accordance with 400  
division (C) (1) of this section and a student determined to have 401  
a disability that includes an intellectual disability as 402  
outlined in guidance issued by the department shall not be 403  
required to take the assessment prescribed under division (B) (1) 404  
of section 3301.0712 of the Revised Code. 405

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

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

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

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

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

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

However, no board shall prohibit an English learner who is not required to take an assessment under division (C) (3) of this

section from taking the assessment. A board may permit any 435  
English learner to take an assessment required to be 436  
administered under this section with appropriate accommodations, 437  
as determined by the department. For each English learner, each 438  
school district shall annually assess that student's progress in 439  
learning English, in accordance with procedures approved by the 440  
department. 441

(4) (a) The governing authority of a chartered nonpublic 442  
school may excuse an English learner from taking any assessment 443  
administered under this section. 444

(b) No governing authority shall require an English 445  
learner who has been enrolled in United States schools for less 446  
than two years and for whom no appropriate accommodations are 447  
available based on guidance issued by the department to take the 448  
assessment prescribed under division (B) (1) of section 3301.0712 449  
of the Revised Code. 450

(c) No governing authority shall prohibit an English 451  
learner from taking an assessment from which the student was 452  
excused under division (C) (4) of this section. 453

(D) (1) In the school year next succeeding the school year 454  
in which the assessments prescribed by division (A) (1) or (B) (1) 455  
of section 3301.0710 of the Revised Code or former division (A) 456  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 457  
it existed prior to September 11, 2001, are administered to any 458  
student, the board of education of any school district in which 459  
the student is enrolled in that year shall provide to the 460  
student intervention services commensurate with the student's 461  
performance, including any intensive intervention required under 462  
section 3313.608 of the Revised Code, in any skill in which the 463  
student failed to demonstrate at least a score at the proficient 464



level on the assessment. 465

(2) Following any administration of the assessments 466  
prescribed by division (D) of section 3301.0710 of the Revised 467  
Code to ninth grade students, each school district that has a 468  
three-year average graduation rate of not more than seventy-five 469  
per cent shall determine for each high school in the district 470  
whether the school shall be required to provide intervention 471  
services to any students who took the assessments. In 472  
determining which high schools shall provide intervention 473  
services based on the resources available, the district shall 474  
consider each school's graduation rate and scores on the 475  
practice assessments. The district also shall consider the 476  
scores received by ninth grade students on the English language 477  
arts and mathematics assessments prescribed under division (A) 478  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 479  
grade in determining which high schools shall provide 480  
intervention services. 481

Each high school selected to provide intervention services 482  
under this division shall provide intervention services to any 483  
student whose results indicate that the student is failing to 484  
make satisfactory progress toward being able to attain scores at 485  
the proficient level on the Ohio graduation tests. Intervention 486  
services shall be provided in any skill in which a student 487  
demonstrates unsatisfactory progress and shall be commensurate 488  
with the student's performance. Schools shall provide the 489  
intervention services prior to the end of the school year, 490  
during the summer following the ninth grade, in the next 491  
succeeding school year, or at any combination of those times. 492

(E) Except as provided in section 3313.608 of the Revised 493  
Code and division (N) of this section, no school district board 494

of education shall utilize any student's failure to attain a 495  
specified score on an assessment administered under this section 496  
as a factor in any decision to deny the student promotion to a 497  
higher grade level. However, a district board may choose not to 498  
promote to the next grade level any student who does not take an 499  
assessment administered under this section or make up an 500  
assessment as provided by division (C) (2) of this section and 501  
who is not exempt from the requirement to take the assessment 502  
under division (C) (3) of this section. 503

(F) No person shall be charged a fee for taking any 504  
assessment administered under this section. 505

(G) (1) Each school district board shall designate one 506  
location for the collection of assessments administered in the 507  
spring under division (B) (1) of this section and those 508  
administered under divisions (B) (2) to (7) of this section. Each 509  
district board shall submit the assessments to the entity with 510  
which the department contracts for the scoring of the 511  
assessments as follows: 512

(a) If the district's total enrollment in grades 513  
kindergarten through twelve during the first full school week of 514  
October was less than two thousand five hundred, not later than 515  
the Friday after all of the assessments have been administered; 516

(b) If the district's total enrollment in grades 517  
kindergarten through twelve during the first full school week of 518  
October was two thousand five hundred or more, but less than 519  
seven thousand, not later than the Monday after all of the 520  
assessments have been administered; 521

(c) If the district's total enrollment in grades 522  
kindergarten through twelve during the first full school week of 523

October was seven thousand or more, not later than the Tuesday 524  
after all of the assessments have been administered. 525

However, any assessment that a student takes during the 526  
make-up period described in division (C) (2) of this section 527  
shall be submitted not later than the Friday following the day 528  
the student takes the assessment. 529

(2) The department or an entity with which the department 530  
contracts for the scoring of the assessment shall send to each 531  
school district board a list of the individual scores of all 532  
persons taking a state achievement assessment as follows: 533

(a) Except as provided in division (G) (2) (b) or (c) of 534  
this section, within forty-five days after the administration of 535  
the assessments prescribed by sections 3301.0710 and 3301.0712 536  
of the Revised Code, but in no case shall the scores be returned 537  
later than the thirtieth day of June following the 538  
administration; 539

(b) In the case of the third-grade English language arts 540  
assessment, within forty-five days after the administration of 541  
that assessment, but in no case shall the scores be returned 542  
later than the fifteenth day of June following the 543  
administration; 544

(c) In the case of the writing component of an assessment 545  
or end-of-course examination in the area of English language 546  
arts, except for the third-grade English language arts 547  
assessment, the results may be sent after forty-five days of the 548  
administration of the writing component, but in no case shall 549  
the scores be returned later than the thirtieth day of June 550  
following the administration. 551

(3) For assessments administered under this section by a 552

joint vocational school district, the department or entity shall 553  
also send to each city, local, or exempted village school 554  
district a list of the individual scores of any students of such 555  
city, local, or exempted village school district who are 556  
attending school in the joint vocational school district. 557

(4) Beginning with the 2019-2020 school year, a school 558  
district, other public school, or chartered nonpublic school may 559  
administer the third-grade English language arts or mathematics 560  
assessment, or both, in a paper format in any school year for 561  
which the district board of education or school governing body 562  
adopts a resolution indicating that the district or school 563  
chooses to administer the assessment in a paper format. The 564  
board or governing body shall submit a copy of the resolution to 565  
the department of education not later than the first day of May 566  
prior to the school year for which it will apply. If the 567  
resolution is submitted, the district or school shall administer 568  
the assessment in a paper format to all students in the third 569  
grade, except that any student whose individualized education 570  
program or plan developed under section 504 of the 571  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 572  
amended, specifies that taking the assessment in an online 573  
format is an appropriate accommodation for the student may take 574  
the assessment in an online format. 575

(H) Individual scores on any assessments administered 576  
under this section shall be released by a district board only in 577  
accordance with section 3319.321 of the Revised Code and the 578  
rules adopted under division (A) of this section. No district 579  
board or its employees shall utilize individual or aggregate 580  
results in any manner that conflicts with rules for the ethical 581  
use of assessments adopted pursuant to division (A) of this 582  
section. 583

(I) Except as provided in division (G) of this section, 584  
the department or an entity with which the department contracts 585  
for the scoring of the assessment shall not release any 586  
individual scores on any assessment administered under this 587  
section. The state board shall adopt rules to ensure the 588  
protection of student confidentiality at all times. The rules 589  
may require the use of the data verification codes assigned to 590  
students pursuant to division (D)(2) of section 3301.0714 of the 591  
Revised Code to protect the confidentiality of student scores. 592

(J) Notwithstanding division (D) of section 3311.52 of the 593  
Revised Code, this section does not apply to the board of 594  
education of any cooperative education school district except as 595  
provided under rules adopted pursuant to this division. 596

(1) In accordance with rules that the state board shall 597  
adopt, the board of education of any city, exempted village, or 598  
local school district with territory in a cooperative education 599  
school district established pursuant to divisions (A) to (C) of 600  
section 3311.52 of the Revised Code may enter into an agreement 601  
with the board of education of the cooperative education school 602  
district for administering any assessment prescribed under this 603  
section to students of the city, exempted village, or local 604  
school district who are attending school in the cooperative 605  
education school district. 606

(2) In accordance with rules that the state board shall 607  
adopt, the board of education of any city, exempted village, or 608  
local school district with territory in a cooperative education 609  
school district established pursuant to section 3311.521 of the 610  
Revised Code shall enter into an agreement with the cooperative 611  
district that provides for the administration of any assessment 612  
prescribed under this section to both of the following: 613

(a) Students who are attending school in the cooperative 614  
district and who, if the cooperative district were not 615  
established, would be entitled to attend school in the city, 616  
local, or exempted village school district pursuant to section 617  
3313.64 or 3313.65 of the Revised Code; 618

(b) Persons described in division (B) (8) (b) of this 619  
section. 620

Any assessment of students pursuant to such an agreement 621  
shall be in lieu of any assessment of such students or persons 622  
pursuant to this section. 623

(K) (1) (a) Except as otherwise provided in division (K) (1) 624  
or (2) of this section, each chartered nonpublic school for 625  
which at least sixty-five per cent of its total enrollment is 626  
made up of students who are participating in state scholarship 627  
programs shall administer the assessments prescribed by division 628  
(A) of section 3301.0710 of the Revised Code or an alternative 629  
standardized assessment determined by the department. In 630  
accordance with procedures and deadlines prescribed by the 631  
department, the parent or guardian of a student enrolled in the 632  
school who is not participating in a state scholarship program 633  
may submit notice to the chief administrative officer of the 634  
school that the parent or guardian does not wish to have the 635  
student take the assessments prescribed for the student's grade 636  
level under division (A) of section 3301.0710 of the Revised 637  
Code. If a parent or guardian submits an opt-out notice, the 638  
school shall not administer the assessments to that student. 639  
This option does not apply to any assessment required for a high 640  
school diploma under section 3313.612 of the Revised Code. 641

(b) Any chartered nonpublic school that enrolls students 642  
who are participating in state scholarship programs may 643

administer an alternative standardized assessment determined by 644  
the department instead of the assessments prescribed by division 645  
(A) of section 3301.0710 of the Revised Code. 646

Each chartered nonpublic school subject to division (K) (1) 647  
(a) or (b) of this section shall report the results of each 648  
assessment administered under those divisions to the department. 649

(2) A chartered nonpublic school may submit to the 650  
superintendent of public instruction a request for a waiver from 651  
administering the elementary assessments prescribed by division 652  
(A) of section 3301.0710 of the Revised Code. The state 653  
superintendent shall approve or disapprove a request for a 654  
waiver submitted under division (K) (2) of this section. No 655  
waiver shall be approved for any school year prior to the 2015- 656  
2016 school year. 657

To be eligible to submit a request for a waiver, a 658  
chartered nonpublic school shall meet the following conditions: 659

(a) At least ninety-five per cent of the students enrolled 660  
in the school are children with disabilities, as defined under 661  
section 3323.01 of the Revised Code, or have received a 662  
diagnosis by a school district or from a physician, including a 663  
neuropsychiatrist or psychiatrist, or a psychologist who is 664  
authorized to practice in this or another state as having a 665  
condition that impairs academic performance, such as dyslexia, 666  
dyscalculia, attention deficit hyperactivity disorder, or 667  
Asperger's syndrome. 668

(b) The school has solely served a student population 669  
described in division (K) (1) (a) of this section for at least ten 670  
years. 671

(c) The school provides to the department at least five 672

years of records of internal testing conducted by the school 673  
that affords the department data required for accountability 674  
purposes, including diagnostic assessments and nationally 675  
standardized norm-referenced achievement assessments that 676  
measure reading and math skills. 677

(3) Any chartered nonpublic school that is not subject to 678  
division (K) (1) of this section may participate in the 679  
assessment program by administering any of the assessments 680  
prescribed by division (A) of section 3301.0710 of the Revised 681  
Code. The chief administrator of the school shall specify which 682  
assessments the school will administer. Such specification shall 683  
be made in writing to the superintendent of public instruction 684  
prior to the first day of August of any school year in which 685  
assessments are administered and shall include a pledge that the 686  
nonpublic school will administer the specified assessments in 687  
the same manner as public schools are required to do under this 688  
section and rules adopted by the department. 689

(4) The department of education shall furnish the 690  
assessments prescribed by section 3301.0710 of the Revised Code 691  
to each chartered nonpublic school that is subject to division 692  
(K) (1) of this section or participates under division (K) (3) of 693  
this section. 694

(L) If a chartered nonpublic school is educating students 695  
in grades nine through twelve, the following shall apply: 696

(1) Except as provided in division (L) (4) of this section, 697  
for a student who is enrolled in a chartered nonpublic school 698  
that is accredited through the independent schools association 699  
of the central states and who is attending the school under a 700  
state scholarship program, the student shall either take all of 701  
the assessments prescribed by division (B) of section 3301.0712 702



of the Revised Code or take an alternative assessment approved 703  
by the department under section 3313.619 of the Revised Code. 704  
However, a student who is excused from taking an assessment 705  
under division (C) of this section or has presented evidence to 706  
the chartered nonpublic school of having satisfied the condition 707  
prescribed by division (A) (1) of section 3313.618 of the Revised 708  
Code to qualify for a high school diploma prior to the date of 709  
the administration of the assessment prescribed under division 710  
(B) (1) of section 3301.0712 of the Revised Code shall not be 711  
required to take that assessment. No governing authority of a 712  
chartered nonpublic school shall prohibit a student who is not 713  
required to take such assessment from taking the assessment. 714

(2) For a student who is enrolled in a chartered nonpublic 715  
school that is accredited through the independent schools 716  
association of the central states, and who is not attending the 717  
school under a state scholarship program, the student shall not 718  
be required to take any assessment prescribed under section 719  
3301.0712 or 3313.619 of the Revised Code. 720

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 721  
of this section, for a student who is enrolled in a chartered 722  
nonpublic school that is not accredited through the independent 723  
schools association of the central states, regardless of whether 724  
the student is attending or is not attending the school under a 725  
state scholarship program, the student shall do one of the 726  
following: 727

(i) Take all of the assessments prescribed by division (B) 728  
of section 3301.0712 of the Revised Code; 729

(ii) Take only the assessment prescribed by division (B) 730  
(1) of section 3301.0712 of the Revised Code, provided that the 731  
student's school publishes the results of that assessment for 732

each graduating class. The published results of that assessment 733  
shall include the overall composite scores, mean scores, twenty- 734  
fifth percentile scores, and seventy-fifth percentile scores for 735  
each subject area of the assessment. 736

(iii) Take an alternative assessment approved by the 737  
department under section 3313.619 of the Revised Code. 738

(b) A student who is excused from taking an assessment 739  
under division (C) of this section or has presented evidence to 740  
the chartered nonpublic school of having satisfied the condition 741  
prescribed by division (A) (1) of section 3313.618 of the Revised 742  
Code to qualify for a high school diploma prior to the date of 743  
the administration of the assessment prescribed under division 744  
(B) (1) of section 3301.0712 of the Revised Code shall not be 745  
required to take that assessment. No governing authority of a 746  
chartered nonpublic school shall prohibit a student who is not 747  
required to take such assessment from taking the assessment. 748

(4) The assessments prescribed by sections 3301.0712 and 749  
3313.619 of the Revised Code shall not be administered to any 750  
student attending the school, if the school meets all of the 751  
following conditions: 752

(a) At least ninety-five per cent of the students enrolled 753  
in the school are children with disabilities, as defined under 754  
section 3323.01 of the Revised Code, or have received a 755  
diagnosis by a school district or from a physician, including a 756  
neuropsychologist or psychiatrist, or a psychologist who is 757  
authorized to practice in this or another state as having a 758  
condition that impairs academic performance, such as dyslexia, 759  
dyscalculia, attention deficit hyperactivity disorder, or 760  
Asperger's syndrome. 761

(b) The school has solely served a student population 762  
described in division (L) (4) (a) of this section for at least ten 763  
years. 764

(c) The school makes available to the department at least 765  
five years of records of internal testing conducted by the 766  
school that affords the department data required for 767  
accountability purposes, including growth in student achievement 768  
in reading or mathematics, or both, as measured by nationally 769  
norm-referenced assessments that have developed appropriate 770  
standards for students. 771

Division (L) (4) of this section applies to any student 772  
attending such school regardless of whether the student receives 773  
special education or related services and regardless of whether 774  
the student is attending the school under a state scholarship 775  
program. 776

(M) (1) The superintendent of the state school for the 777  
blind and the superintendent of the state school for the deaf 778  
shall administer the assessments described by sections 3301.0710 779  
and 3301.0712 of the Revised Code. Each superintendent shall 780  
administer the assessments in the same manner as district boards 781  
are required to do under this section and rules adopted by the 782  
department of education and in conformity with division (C) (1) 783  
(a) of this section. 784

(2) The department of education shall furnish the 785  
assessments described by sections 3301.0710 and 3301.0712 of the 786  
Revised Code to each superintendent. 787

(N) Notwithstanding division (E) of this section, a school 788  
district may use a student's failure to attain a score in at 789  
least the proficient range on the mathematics assessment 790

described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

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

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

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

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

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 820

(a) The first administration of each assessment, as 821  
specified in former section 3301.0712 of the Revised Code, shall 822  
be a public record. 823

(b) For subsequent administrations of each assessment 824  
prior to the 2011-2012 school year, not less than forty per cent 825  
of the questions on the assessment that are used to compute a 826  
student's score shall be a public record. The department shall 827  
determine which questions will be needed for reuse on a future 828  
assessment and those questions shall not be public records and 829  
shall be redacted from the assessment prior to its release as a 830  
public record. However, for each redacted question, the 831  
department shall inform each city, local, and exempted village 832  
school district of the statewide academic standard adopted by 833  
the state board under section 3301.079 of the Revised Code and 834  
the corresponding benchmark to which the question relates. The 835  
preceding sentence does not apply to field test questions that 836  
are redacted under division (O) (3) of this section. 837

(c) The administrations of each assessment in the 2011- 838  
2012, 2012-2013, and 2013-2014 school years shall not be a 839  
public record. 840

(5) Each assessment prescribed by division (B) (1) of 841  
section 3301.0710 of the Revised Code shall not be a public 842  
record. 843

(6) (a) Except as provided in division (O) (6) (b) of this 844  
section, for the administrations in the 2014-2015, 2015-2016, 845  
and 2016-2017 school years, questions on the assessments 846  
prescribed under division (A) of section 3301.0710 and division 847  
(B) (2) of section 3301.0712 of the Revised Code and the 848

corresponding preferred answers that are used to compute a 849  
student's score shall become a public record as follows: 850

(i) Forty per cent of the questions and preferred answers 851  
on the assessments on the thirty-first day of July following the 852  
administration of the assessment; 853

(ii) Twenty per cent of the questions and preferred 854  
answers on the assessment on the thirty-first day of July one 855  
year after the administration of the assessment; 856

(iii) The remaining forty per cent of the questions and 857  
preferred answers on the assessment on the thirty-first day of 858  
July two years after the administration of the assessment. 859

The entire content of an assessment shall become a public 860  
record within three years of its administration. 861

The department shall make the questions that become a 862  
public record under this division readily accessible to the 863  
public on the department's web site. Questions on the spring 864  
administration of each assessment shall be released on an annual 865  
basis, in accordance with this division. 866

(b) No questions and corresponding preferred answers shall 867  
become a public record under division (O) (6) of this section 868  
after July 31, 2017. 869

(7) Division (O) (7) of this section applies to the 870  
assessments prescribed by division (A) of section 3301.0710 and 871  
division (B) (2) of section 3301.0712 of the Revised Code. 872

Beginning with the assessments administered in the spring 873  
of the 2017-2018 school year, not less than forty per cent of 874  
the questions on each assessment that are used to compute a 875  
student's score shall be a public record. The department shall 876

determine which questions will be needed for reuse on a future 877  
assessment and those questions shall not be public records and 878  
shall be redacted from the assessment prior to its release as a 879  
public record. However, for each redacted question, the 880  
department shall inform each city, local, and exempted village 881  
school district of the corresponding statewide academic standard 882  
adopted by the state board under section 3301.079 of the Revised 883  
Code and the corresponding benchmark to which the question 884  
relates. The department is not required to provide corresponding 885  
standards and benchmarks to field test questions that are 886  
redacted under division (O) (3) of this section. 887

(P) As used in this section: 888

(1) "Three-year average" means the average of the most 889  
recent consecutive three school years of data. 890

(2) "Dropout" means a student who withdraws from school 891  
before completing course requirements for graduation and who is 892  
not enrolled in an education program approved by the state board 893  
of education or an education program outside the state. 894  
"Dropout" does not include a student who has departed the 895  
country. 896

(3) "Graduation rate" means the ratio of students 897  
receiving a diploma to the number of students who entered ninth 898  
grade four years earlier. Students who transfer into the 899  
district are added to the calculation. Students who transfer out 900  
of the district for reasons other than dropout are subtracted 901  
from the calculation. If a student who was a dropout in any 902  
previous year returns to the same school district, that student 903  
shall be entered into the calculation as if the student had 904  
entered ninth grade four years before the graduation year of the 905  
graduating class that the student joins. 906

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

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

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015~~Until the 2022-2023 school year, any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A) (2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A) (2) of



section 3313.608 of the Revised Code.	938
As used in this section, "child with a disability" and	939
"school district of residence" have the same meanings as in	940
section 3323.01 of the Revised Code.	941
(B) (1) Each chartered nonpublic school that enrolls	942
students in any of grades kindergarten through three and that	943
accepts students under the educational choice scholarship pilot	944
program or the pilot project scholarship program shall adopt	945
policies and procedures for the annual assessment of the reading	946
skills of those students. Each school may use the diagnostic	947
assessment to measure reading ability for the appropriate grade	948
level prescribed in division (D) of section 3301.079 of the	949
Revised Code. If the school uses such assessments, the	950
department of education shall furnish them to the chartered	951
nonpublic school.	952
(2) For each student identified as having reading skills	953
below grade level, the school shall do both of the following:	954
(a) Provide to the student's parent or guardian, in	955
writing, all of the following:	956
(i) Notification that the student has been identified as	957
having a substantial deficiency in reading;	958
(ii) <del>Notification</del> <u>Through the 2022-2023 school year,</u>	959
<u>notification</u> that if the student attains a score in the range	960
designated under division (A) (3) of section 3301.0710 of the	961
Revised Code on the assessment prescribed under that section to	962
measure skill in English language arts expected at the end of	963
third grade, the student shall be retained unless the student is	964
exempt under division (A) (1) of section 3313.608 of the Revised	965
Code.	966

(b) Provide intensive reading instruction services, as 967  
determined appropriate by the school, to each student identified 968  
under this section. 969

(C) Each chartered nonpublic school subject to this 970  
section annually shall report to the department the number of 971  
students identified as reading at grade level and the number of 972  
students identified as reading below grade level. 973

(D) Each chartered nonpublic school shall provide reading 974  
intervention services required under division (B)(2) of this 975  
section to either of the following: 976

(1) A student in grade four or five who has been 977  
identified as having reading skills below grade level; 978

(2) A student who has been retained in any of grades 979  
kindergarten through three and has received remediation in 980  
reading for two school years but continues to read below grade 981  
level. 982

**Sec. 3302.151.** (A) Notwithstanding anything to the 983  
contrary in the Revised Code, a school district that qualifies 984  
under division (D) of this section shall be exempt from all of 985  
the following: 986

(1) The teacher qualification requirements under the 987  
third-grade reading guarantee, as prescribed under divisions (B) 988  
(3) (c) and ~~(H)~~ (I) of section 3313.608 of the Revised Code. This 989  
exemption does not relieve a teacher from holding a valid Ohio 990  
license in a subject area and grade level determined appropriate 991  
by the board of education of that district. 992

(2) The mentoring component of the Ohio teacher residency 993  
program established under division (A) (1) of section 3319.223 of 994  
the Revised Code, so long as the district utilizes a local 995

approach to train and support new teachers;	996
(3) Any provision of the Revised Code or rule or standard	997
of the state board of education prescribing a minimum or maximum	998
class size;	999
(4) Any provision of the Revised Code or rule or standard	1000
of the state board requiring teachers to be licensed	1001
specifically in the grade level in which they are teaching,	1002
except unless otherwise prescribed by federal law. This	1003
exemption does not apply to special education teachers. Nor does	1004
this exemption relieve a teacher from holding a valid Ohio	1005
license in the subject area in which that teacher is teaching	1006
and at least some grade level determined appropriate by the	1007
district board.	1008
(B) (1) Notwithstanding anything to the contrary in the	1009
Revised Code, including sections 3319.30 and 3319.36 of the	1010
Revised Code, the superintendent of a school district that	1011
qualifies under division (D) of this section may employ an	1012
individual who is not licensed as required by sections 3319.22	1013
to 3319.30 of the Revised Code, but who is otherwise qualified	1014
based on experience, to teach classes in the district, so long	1015
as the board of education of the school district approves the	1016
individual's employment and provides mentoring and professional	1017
development opportunities to that individual, as determined	1018
necessary by the board.	1019
(2) As a condition of employment under this section, an	1020
individual shall be subject to a criminal records check as	1021
prescribed by section 3319.391 of the Revised Code. In the	1022
manner prescribed by the department of education, the individual	1023
shall submit the criminal records check to the department and	1024
shall register with the department during the period in which	1025

the individual is employed by the district. The department shall 1026  
use the information submitted to enroll the individual in the 1027  
retained applicant fingerprint database, established under 1028  
section 109.5721 of the Revised Code, in the same manner as any 1029  
teacher licensed under sections 3319.22 to 3319.31 of the 1030  
Revised Code. 1031

(3) An individual employed pursuant to this division is 1032  
subject to Chapter 3307. of the Revised Code. 1033

If the department receives notification of the arrest or 1034  
conviction of an individual employed under division (B) of this 1035  
section, the department shall promptly notify the employing 1036  
district and may take any action authorized under sections 1037  
3319.31 and 3319.311 of the Revised Code that it considers 1038  
appropriate. No district shall employ any individual under 1039  
division (B) of this section if the district learns that the 1040  
individual has plead guilty to, has been found guilty by a jury 1041  
or court of, or has been convicted of any of the offenses listed 1042  
in division (C) of section 3319.31 of the Revised Code. 1043

(C) Notwithstanding anything to the contrary in the 1044  
Revised Code, noncompliance with any of the requirements listed 1045  
in divisions (A) or (B) of this section shall not disqualify a 1046  
school district that qualifies under division (D) of this 1047  
section from receiving funds under Chapter 3317. of the Revised 1048  
Code. 1049

(D) In order for a city, local, or exempted village school 1050  
district to qualify for the exemptions described in this 1051  
section, the school district shall meet all of the following 1052  
benchmarks on the most recent report card issued for that 1053  
district under section 3302.03 of the Revised Code: 1054

(1) The district received at least eighty-five per cent of 1055  
the total possible points for the performance index score 1056  
calculated under division (C) (1) (b) or (D) (1) (c) of that 1057  
section; 1058

(2) The district received a grade of an "A" for 1059  
performance indicators met under division (C) (1) (c) of that 1060  
section. However, division (D) (2) of this section shall not 1061  
apply for the 2021-2022 school year or any school year 1062  
thereafter. 1063

(3) The district has a four-year adjusted cohort 1064  
graduation rate of at least ninety-three per cent and a five- 1065  
year adjusted cohort graduation rate of at least ninety-five per 1066  
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 1067  
(e) and (D) (1) (f) of that section. 1068

(E) A school district that meets the requirements 1069  
prescribed by division (D) of this section shall be qualified 1070  
for the exemptions prescribed by this section for three school 1071  
years, beginning with the school year in which the qualifying 1072  
report card is issued. 1073

(F) As used in this section, "license" has the same 1074  
meaning as in section 3319.31 of the Revised Code. 1075

**Sec. 3313.608.** (A) (1) Beginning with students who enter 1076  
third grade in the school year that starts July 1, 2009, and 1077  
until June 30, 2013, unless the student is excused under 1078  
division (C) of section 3301.0711 of the Revised Code from 1079  
taking the assessment described in this section, for any student 1080  
who does not attain at least the equivalent level of achievement 1081  
designated under division (A) (3) of section 3301.0710 of the 1082  
Revised Code on the assessment prescribed under that section to 1083

measure skill in English language arts expected at the end of 1084  
third grade, each school district, in accordance with the policy 1085  
adopted under section 3313.609 of the Revised Code, shall do one 1086  
of the following: 1087

(a) Promote the student to fourth grade if the student's 1088  
principal and reading teacher agree that other evaluations of 1089  
the student's skill in reading demonstrate that the student is 1090  
academically prepared to be promoted to fourth grade; 1091

(b) Promote the student to fourth grade but provide the 1092  
student with intensive intervention services in fourth grade; 1093

(c) Retain the student in third grade. 1094

(2) Beginning with students who enter third grade in the 1095  
2013-2014 school year and until June 30, 2023, unless the 1096  
student is excused under division (C) of section 3301.0711 of 1097  
the Revised Code from taking the assessment described in this 1098  
section, no school district shall promote to fourth grade any 1099  
student who does not attain at least the equivalent level of 1100  
achievement designated under division (A) (3) of section 1101  
3301.0710 of the Revised Code on the assessment prescribed under 1102  
that section to measure skill in English language arts expected 1103  
at the end of third grade, unless one of the following applies: 1104

(a) The student is an English learner who has been 1105  
enrolled in United States schools for less than three full 1106  
school years and has had less than three years of instruction in 1107  
an English as a second language program. 1108

(b) The student is a child with a disability entitled to 1109  
special education and related services under Chapter 3323. of 1110  
the Revised Code and the student's individualized education 1111  
program exempts the student from retention under this division. 1112

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 1113  
1114  
1115

(d) All of the following apply: 1116

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 1117  
1118  
1119

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 1120  
1121  
1122

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 1123  
1124  
1125  
1126  
1127

(iv) The student previously was retained in any of grades kindergarten to three. 1128  
1129

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 1130  
1131  
1132  
1133

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 1134  
1135  
1136  
1137  
1138  
1139  
1140

(3) Beginning with students who enter the third grade in 1141  
the 2023-2024 school year, no school district shall retain a 1142  
student under this section based upon the student's score on the 1143  
assessment prescribed by section 3301.0710 of the Revised Code 1144  
to measure skill in English language arts expected at the end of 1145  
third grade. Districts shall continue to offer intervention and 1146  
remediation services in the manner prescribed under this section 1147  
for students found to be reading below grade level. 1148

(B) (1) Beginning in the 2012-2013 school year, to assist 1149  
students in meeting the third grade guarantee established by 1150  
this section, each school district board of education shall 1151  
adopt policies and procedures with which it annually shall 1152  
assess the reading skills of each student, except those students 1153  
with significant cognitive disabilities or other disabilities as 1154  
authorized by the department on a case-by-case basis, enrolled 1155  
in kindergarten to third grade and shall identify students who 1156  
are reading below their grade level. The reading skills 1157  
assessment shall be completed by the thirtieth day of September 1158  
for students in grades one to three, and by the twentieth day of 1159  
instruction of the school year for students in kindergarten. 1160  
Each district shall use the diagnostic assessment to measure 1161  
reading ability for the appropriate grade level adopted under 1162  
section 3301.079 of the Revised Code, or a comparable tool 1163  
approved by the department of education, to identify such 1164  
students. The policies and procedures shall require the 1165  
students' classroom teachers to be involved in the assessment 1166  
and the identification of students reading below grade level. 1167  
The assessment may be administered electronically using live, 1168  
two-way video and audio connections whereby the teacher 1169  
administering the assessment may be in a separate location from 1170  
the student. 1171



(2) For each student identified by the diagnostic 1172  
assessment prescribed under this section as having reading 1173  
skills below grade level, the district shall do both of the 1174  
following: 1175

(a) Provide to the student's parent or guardian, in 1176  
writing, all of the following: 1177

(i) Notification that the student has been identified as 1178  
having a substantial deficiency in reading; 1179

(ii) A description of the current services that are 1180  
provided to the student; 1181

(iii) A description of the proposed supplemental 1182  
instructional services and supports that will be provided to the 1183  
student that are designed to remediate the identified areas of 1184  
reading deficiency; 1185

~~(iv) Notification that if the student attains a score in 1186  
the range designated under division (A) (3) of section 3301.0710- 1187  
of the Revised Code on the assessment prescribed under that 1188  
section to measure skill in English language arts expected at 1189  
the end of third grade, the student shall be retained unless the 1190  
student is exempt under division (A) of this section. The 1191  
notification shall specify that the assessment under section 1192  
3301.0710 of the Revised Code is not the sole determinant of 1193  
promotion and that additional evaluations and assessments are 1194  
available to the student to assist parents and the district in 1195  
knowing when a student is reading at or above grade level and 1196  
ready for promotion. 1197~~

(b) Provide intensive reading instruction services and 1198  
regular diagnostic assessments to the student immediately 1199  
following identification of a reading deficiency until the 1200

development of the reading improvement and monitoring plan 1201  
required by division (C) of this section. These intervention 1202  
services shall include research-based reading strategies that 1203  
have been shown to be successful in improving reading among low- 1204  
performing readers and instruction targeted at the student's 1205  
identified reading deficiencies. 1206

(3) ~~For~~ Prior to the 2023-2024 school year, for each 1207  
student retained under division (A) of this section, the 1208  
district shall do all of the following: 1209

(a) Provide intense remediation services until the student 1210  
is able to read at grade level. The remediation services shall 1211  
include intensive interventions in reading that address the 1212  
areas of deficiencies identified under this section including, 1213  
but not limited to, not less than ninety minutes of reading 1214  
instruction per day, and may include any of the following: 1215

(i) Small group instruction; 1216

(ii) Reduced teacher-student ratios; 1217

(iii) More frequent progress monitoring; 1218

(iv) Tutoring or mentoring; 1219

(v) Transition classes containing third and fourth grade 1220  
students; 1221

(vi) Extended school day, week, or year; 1222

(vii) Summer reading camps. 1223

(b) Establish a policy for the mid-year promotion of a 1224  
student retained under division (A) of this section who 1225  
demonstrates that the student is reading at or above grade 1226  
level; 1227

(c) Provide each student with a teacher who satisfies one 1228  
or more of the criteria set forth in division ~~(H)~~ (I) of this 1229  
section. 1230

The district shall offer the option for students to 1231  
receive applicable services from one or more providers other 1232  
than the district. Providers shall be screened and approved by 1233  
the district or the department of education. If the student 1234  
participates in the remediation services and demonstrates 1235  
reading proficiency in accordance with standards adopted by the 1236  
department prior to the start of fourth grade, the district 1237  
shall promote the student to that grade. 1238

(4) For each student retained under division (A) of this 1239  
section who has demonstrated proficiency in a specific academic 1240  
ability field, each district shall provide instruction 1241  
commensurate with student achievement levels in that specific 1242  
academic ability field. 1243

As used in this division, "specific academic ability 1244  
field" has the same meaning as in section 3324.01 of the Revised 1245  
Code. 1246

(C) For each student required to be provided intervention 1247  
services under this section, the district shall develop a 1248  
reading improvement and monitoring plan within sixty days after 1249  
receiving the student's results on the diagnostic assessment or 1250  
comparable tool administered under division (B) (1) of this 1251  
section. The district shall involve the student's parent or 1252  
guardian and classroom teacher in developing the plan. The plan 1253  
shall include all of the following: 1254

(1) Identification of the student's specific reading 1255  
deficiencies; 1256

(2) A description of the additional instructional services 1257  
and support that will be provided to the student to remediate 1258  
the identified reading deficiencies; 1259

(3) Opportunities for the student's parent or guardian to 1260  
be involved in the instructional services and support described 1261  
in division (C) (2) of this section; 1262

(4) A process for monitoring the extent to which the 1263  
student receives the instructional services and support 1264  
described in division (C) (2) of this section; 1265

(5) A reading curriculum during regular school hours that 1266  
does all of the following: 1267

(a) Assists students to read at grade level; 1268

(b) Provides scientifically based and reliable assessment; 1269

(c) Provides initial and ongoing analysis of each 1270  
student's reading progress. 1271

~~(6) A statement that if the student does not attain at 1272  
least the equivalent level of achievement designated under 1273  
division (A) (3) of section 3301.0710 of the Revised Code on the 1274  
assessment prescribed under that section to measure skill in 1275  
English language arts expected by the end of third grade, the 1276  
student may be retained in third grade. 1277~~

Each student with a reading improvement and monitoring 1278  
plan under this division who enters third grade after July 1, 1279  
2013, shall be assigned to a teacher who satisfies one or more 1280  
of the criteria set forth in division ~~(H)~~ (I) of this section. 1281

The district shall report any information requested by the 1282  
department about the reading improvement monitoring plans 1283  
developed under this division in the manner required by the 1284

department. 1285

(D) Each school district shall provide reading 1286  
intervention services required under division (B) (2) of this 1287  
section and the reading improvement and monitoring plans 1288  
required under division (C) of this section to either of the 1289  
following: 1290

(1) A student in grade four or five who has been 1291  
identified as having reading skills below grade level; 1292

(2) A student who has been retained in any of grades 1293  
kindergarten through three and has received remediation in 1294  
reading for two school years but continues to read below grade 1295  
level. 1296

Each school district shall notify the parent or guardian 1297  
of students who receive services or a plan under division (D) of 1298  
this section. 1299

(E) Each school district shall report annually to the 1300  
department on its implementation and compliance with this 1301  
section using guidelines prescribed by the superintendent of 1302  
public instruction. The superintendent of public instruction 1303  
annually shall report to the governor and general assembly the 1304  
number and percentage of students in grades kindergarten through 1305  
four reading below grade level based on the diagnostic 1306  
assessments administered under division (B) of this section and 1307  
the achievement assessments administered under divisions (A) (1) 1308  
(a) and (b) of section 3301.0710 of the Revised Code in English 1309  
language arts, aggregated by school district and building; the 1310  
types of intervention services provided to students; and, if 1311  
available, an evaluation of the efficacy of the intervention 1312  
services provided. 1313

~~(E)~~ (F) Any summer remediation services funded in whole or 1314  
in part by the state and offered by school districts to students 1315  
under this section shall meet the following conditions: 1316

(1) The remediation methods are based on reliable 1317  
educational research. 1318

(2) The school districts conduct assessment before and 1319  
after students participate in the program to facilitate 1320  
monitoring results of the remediation services. 1321

(3) The parents of participating students are involved in 1322  
programming decisions. 1323

~~(F)~~ (G) Any intervention or remediation services required 1324  
by this section shall include intensive, explicit, and 1325  
systematic instruction. 1326

~~(G)~~ (H) This section does not create a new cause of action 1327  
or a substantive legal right for any person. 1328

~~(H) (1)~~ (I) (1) Except as provided under divisions ~~(H) (2)~~ (I) 1329  
(2), (3), and (4) of this section, each student described in 1330  
division (B) (3) ~~or~~, (C), or (D) of this section who enters 1331  
third grade for the first time on or after July 1, 2013, shall 1332  
be assigned a teacher who has at least one year of teaching 1333  
experience and who satisfies one or more of the following 1334  
criteria: 1335

(a) The teacher holds a reading endorsement on the 1336  
teacher's license and has attained a passing score on the 1337  
corresponding assessment for that endorsement, as applicable. 1338

(b) The teacher has completed a master's degree program 1339  
with a major in reading. 1340

(c) The teacher was rated "most effective" for reading 1341

instruction consecutively for the most recent two years based on 1342  
assessments of student growth measures developed by a vendor and 1343  
that is on the list of student assessments approved by the state 1344  
board under division (B) (2) of section 3319.112 of the Revised 1345  
Code. 1346

(d) The teacher was rated "above expected value added," in 1347  
reading instruction, as determined by criteria established by 1348  
the department, for the most recent, consecutive two years. 1349

(e) The teacher has earned a passing score on a rigorous 1350  
test of principles of scientifically research-based reading 1351  
instruction as approved by the state board. 1352

(f) The teacher holds an educator license for teaching 1353  
grades pre-kindergarten through three or four through nine 1354  
issued on or after July 1, 2017. 1355

(2) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1356  
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1357  
of this section who enters third grade for the first time on or 1358  
after July 1, 2013, may be assigned to a teacher with less than 1359  
one year of teaching experience provided that the teacher meets 1360  
one or more of the criteria described in divisions ~~(H) (1) (a)~~ (I) 1361  
(1) (a) to (f) of this section and that teacher is assigned a 1362  
teacher mentor who meets the qualifications of division ~~(H) (1)~~ 1363  
(I) (1) of this section. 1364

(3) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1365  
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1366  
of this section who enters third grade for the first time on or 1367  
after July 1, 2013, but prior to July 1, 2016, may be assigned 1368  
to a teacher who holds an alternative credential approved by the 1369  
department or who has successfully completed training that is 1370

based on principles of scientifically research-based reading 1371  
instruction that has been approved by the department. Beginning 1372  
on July 1, 2014, the alternative credentials and training 1373  
described in division ~~(H) (3)~~ (I) (3) of this section shall be 1374  
aligned with the reading competencies adopted by the state board 1375  
of education under section 3301.077 of the Revised Code. 1376

(4) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1377  
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1378  
of this section who enters third grade for the first time on or 1379  
after July 1, 2013, may receive reading intervention or 1380  
remediation services under this section from an individual 1381  
employed as a speech-language pathologist who holds a license 1382  
issued by the state speech and hearing professionals board under 1383  
Chapter 4753. of the Revised Code and a professional pupil 1384  
services license as a school speech-language pathologist issued 1385  
by the state board of education. 1386

(5) A teacher, other than a student's teacher of record, 1387  
may provide any services required under this section, so long as 1388  
that other teacher meets the requirements of division ~~(H)~~ (I) of 1389  
this section and the teacher of record and the school principal 1390  
agree to the assignment. Any such assignment shall be documented 1391  
in the student's reading improvement and monitoring plan. 1392

As used in this division, "teacher of record" means the 1393  
classroom teacher to whom a student is assigned. 1394

~~(I)~~ (J) Notwithstanding division ~~(H)~~ (I) of this section, 1395  
a teacher may teach reading to any student who is an English 1396  
language learner, and has been in the United States for three 1397  
years or less, or to a student who has an individualized 1398  
education program developed under Chapter 3323. of the Revised 1399  
Code if that teacher holds an alternative credential approved by 1400



the department or has successfully completed training that is 1401  
based on principles of scientifically research-based reading 1402  
instruction that has been approved by the department. Beginning 1403  
on July 1, 2014, the alternative credentials and training 1404  
described in this division shall be aligned with the reading 1405  
competencies adopted by the state board of education under 1406  
section 3301.077 of the Revised Code. 1407

~~(J)~~ (K) If, on or after June 4, 2013, a school district or 1408  
community school cannot furnish the number of teachers needed 1409  
who satisfy one or more of the criteria set forth in division 1410  
~~(H)~~ (I) of this section for the 2013-2014 school year, the 1411  
school district or community school shall develop and submit a 1412  
staffing plan by June 30, 2013. The staffing plan shall include 1413  
criteria that will be used to assign a student described in 1414  
division (B) (3) ~~or~~ (C), or (D) of this section to a teacher, 1415  
credentials or training held by teachers currently teaching at 1416  
the school, and how the school district or community school will 1417  
meet the requirements of this section. The school district or 1418  
community school shall post the staffing plan on its web site 1419  
for the applicable school year. 1420

Not later than March 1, 2014, and on the first day of 1421  
March in each year thereafter, a school district or community 1422  
school that has submitted a plan under this division shall 1423  
submit to the department a detailed report of the progress the 1424  
district or school has made in meeting the requirements under 1425  
this section. 1426

A school district or community school may request an 1427  
extension of a staffing plan beyond the 2013-2014 school year. 1428  
Extension requests must be submitted to the department not later 1429  
than the thirtieth day of April prior to the start of the 1430

applicable school year. The department may grant extensions 1431  
valid through the 2015-2016 school year. 1432

Until June 30, 2015, the department annually shall review 1433  
all staffing plans and report to the state board not later than 1434  
the thirtieth day of June of each year the progress of school 1435  
districts and community schools in meeting the requirements of 1436  
this section. 1437

~~(K)~~ (L) The department of education shall designate one or 1438  
more staff members to provide guidance and assistance to school 1439  
districts and community schools in implementing the third grade 1440  
guarantee established by this section, including any standards 1441  
or requirements adopted to implement the guarantee and to 1442  
provide information and support for reading instruction and 1443  
achievement. 1444

**Section 2.** That existing sections 3301.07, 3301.0711, 1445  
3301.163, 3302.151, and 3313.608 of the Revised Code are hereby 1446  
repealed. 1447