

As Concurred by the Senate

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Am. Sub. S. B. No. 104

Senators Cirino, Brenner

Cosponsors: Senators Lang, Reynolds, Chavez, Gavarone, Hackett, Johnson, Landis, Manning, O'Brien, Reineke, Roegner, Romanchuk, Schaffer, Schuring, Wilkin, Antani

Representatives Williams, Bird, Click, Creech, Daniels, Dean, Dobos, Fowler Arthur, Gross, Hall, John, Johnson, Lipps, McClain, Merrin, Miller, M., Peterson, Powell, Robb Blasdel, Santucci, Stein, Stewart, Stoltzfus, Wiggam, Willis

A BILL

To amend sections 3302.03, 3314.03, 3326.11, 1
3365.03, 3365.04, 3365.05, 3365.11, and 3365.15 2
and to enact sections 3319.90, 3345.90, and 3 3365.14 of the Revised Code regarding the 4
College Credit Plus Program and to enact the 5
Protect All Students Act regarding single-sex 6
bathroom access in primary and secondary schools 7
and institutions of higher education. 8

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

Section 1. That sections 3302.03, 3314.03, 3326.11, 9
3365.03, 3365.04, 3365.05, 3365.11, and 3365.15 be amended and 10
sections 3319.90, 3345.90, and 3365.14 of the Revised Code be 11
enacted to read as follows: 12

Sec. 3302.03. Not later than the thirty-first day of July 13
of each year, the department of education and workforce shall 14

submit preliminary report card data for overall academic 15
performance and for each separate performance measure for each 16
school district, and each school building, in accordance with 17
this section. 18

Annually, not later than the fifteenth day of September or 19
the preceding Friday when that day falls on a Saturday or 20
Sunday, the department shall assign a letter grade or 21
performance rating for overall academic performance and for each 22
separate performance measure for each school district, and each 23
school building in a district, in accordance with this section. 24
The department shall adopt rules pursuant to Chapter 119. of the 25
Revised Code to implement this section. The department's rules 26
shall establish performance criteria for each letter grade or 27
performance rating and prescribe a method by which the 28
department assigns each letter grade or performance rating. For 29
a school building to which any of the performance measures do 30
not apply, due to grade levels served by the building, the 31
department shall designate the performance measures that are 32
applicable to the building and that must be calculated 33
separately and used to calculate the building's overall grade or 34
performance rating. The department shall issue annual report 35
cards reflecting the performance of each school district, each 36
building within each district, and for the state as a whole 37
using the performance measures and letter grade or performance 38
rating system described in this section. The department shall 39
include on the report card for each district and each building 40
within each district the most recent two-year trend data in 41
student achievement for each subject and each grade. 42

(A) (1) For the 2012-2013 school year, the department shall 43
issue grades as described in division (F) of this section for 44
each of the following performance measures: 45

(a) Annual measurable objectives;	46
(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 adopted by the department. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the department 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."	47 48 49 50 51 52 53 54
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the department under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A) (1) (c) of this section, the department shall designate ninety per cent or higher for an "A."	55 56 57 58 59 60 61
(d) The four- and five-year adjusted cohort graduation rates.	62 63
In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	64 65 66 67 68 69
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	70 71 72 73 74

(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A."	75 76
(ii) A score that is less than one standard error of measure above but greater than one standard error of measure below the mean score shall be designated as a "B."	77 78 79
(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C."	80 81 82 83
(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D."	84 85 86 87
(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."	88 89 90
Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section.	91 92 93 94 95 96
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.	97 98 99 100 101 102
(2) The department shall adopt a resolution describing the	103

performance measures, benchmarks, and grading system for the 104
2012-2013 school year and shall adopt rules in accordance with 105
Chapter 119. of the Revised Code that prescribe the methods by 106
which the performance measures under division (A) (1) of this 107
section shall be assessed and assigned a letter grade, including 108
performance benchmarks for each letter grade. 109

At least forty-five days prior to the department's 110
adoption of rules to prescribe the methods by which the 111
performance measures under division (A) (1) of this section shall 112
be assessed and assigned a letter grade, the department shall 113
conduct a public presentation before the standing committees of 114
the house of representatives and the senate that consider 115
education legislation describing such methods, including 116
performance benchmarks. 117

(3) There shall not be an overall letter grade for a 118
school district or building for the 2012-2013 school year. 119

(B) (1) For the 2013-2014 school year, the department shall 120
issue grades as described in division (F) of this section for 121
each of the following performance measures: 122

(a) Annual measurable objectives; 123

(b) Performance index score for a school district or 124
building. Grades shall be awarded as a percentage of the total 125
possible points on the performance index system as created by 126
the department. In adopting benchmarks for assigning letter 127
grades under division (B) (1) (b) of this section, the department 128
shall designate ninety per cent or higher for an "A," at least 129
seventy per cent but not more than eighty per cent for a "C," 130
and less than fifty per cent for an "F." 131

(c) The extent to which the school district or building 132

meets each of the applicable performance indicators established 133
by the department under section 3302.03 of the Revised Code and 134
the percentage of applicable performance indicators that have 135
been achieved. In adopting benchmarks for assigning letter 136
grades under division (B) (1) (c) of this section, the department 137
shall designate ninety per cent or higher for an "A." 138

(d) The four- and five-year adjusted cohort graduation 139
rates; 140

(e) The overall score under the value-added progress 141
dimension of a school district or building, for which the 142
department shall use up to three years of value-added data as 143
available. 144

(f) The value-added progress dimension score for a school 145
district or building disaggregated for each of the following 146
subgroups: students identified as gifted in superior cognitive 147
ability and specific academic ability fields under Chapter 3324. 148
of the Revised Code, students with disabilities, and students 149
whose performance places them in the lowest quintile for 150
achievement on a statewide basis. Each subgroup shall be a 151
separate graded measure. 152

(g) Whether a school district or building is making 153
progress in improving literacy in grades kindergarten through 154
three, as determined using a method prescribed by the 155
department. The department shall adopt rules to prescribe 156
benchmarks and standards for assigning grades to districts and 157
buildings for purposes of division (B) (1) (g) of this section. In 158
adopting benchmarks for assigning letter grades under divisions 159
(B) (1) (g) and (C) (1) (g) of this section, the department shall 160
determine progress made based on the reduction in the total 161
percentage of students scoring below grade level, or below 162

proficient, compared from year to year on the reading and 163
writing diagnostic assessments administered under section 164
3301.0715 of the Revised Code and the third grade English 165
language arts assessment under section 3301.0710 of the Revised 166
Code, as applicable. The department shall designate for a "C" 167
grade a value that is not lower than the statewide average value 168
for this measure. No grade shall be issued under divisions (B) 169
(1) (g) and (C) (1) (g) of this section for a district or building 170
in which less than five per cent of students have scored below 171
grade level on the diagnostic assessment administered to 172
students in kindergarten under division (B) (1) of section 173
3313.608 of the Revised Code. 174

(h) For a high mobility school district or building, an 175
additional value-added progress dimension score. For this 176
measure, the department shall use value-added data from the most 177
recent school year available and shall use assessment scores for 178
only those students to whom the district or building has 179
administered the assessments prescribed by section 3301.0710 of 180
the Revised Code for each of the two most recent consecutive 181
school years. 182

As used in this division, "high mobility school district 183
or building" means a school district or building where at least 184
twenty-five per cent of its total enrollment is made up of 185
students who have attended that school district or building for 186
less than one year. 187

(2) In addition to the graded measures in division (B) (1) 188
of this section, the department shall include on a school 189
district's or building's report card all of the following 190
without an assigned letter grade: 191

(a) The percentage of students enrolled in a district or 192

building participating in advanced placement classes and the 193
percentage of those students who received a score of three or 194
better on advanced placement examinations; 195

(b) The number of a district's or building's students who 196
have earned at least three college credits through dual 197
enrollment or advanced standing programs, such as the post- 198
secondary enrollment options program under Chapter 3365. of the 199
Revised Code and state-approved career-technical courses offered 200
through dual enrollment or statewide articulation, that appear 201
on a student's transcript or other official document, either of 202
which is issued by the institution of higher education from 203
which the student earned the college credit. The credits earned 204
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 205
this section shall not include any that are remedial or 206
developmental and shall include those that count toward the 207
curriculum requirements established for completion of a degree. 208

(c) The percentage of students enrolled in a district or 209
building who have taken a national standardized test used for 210
college admission determinations and the percentage of those 211
students who are determined to be remediation-free in accordance 212
with standards adopted under division (F) of section 3345.061 of 213
the Revised Code; 214

(d) The percentage of the district's or the building's 215
students who receive industry-recognized credentials as approved 216
under section 3313.6113 of the Revised Code. 217

(e) The percentage of students enrolled in a district or 218
building who are participating in an international baccalaureate 219
program and the percentage of those students who receive a score 220
of four or better on the international baccalaureate 221
examinations. 222

(f) The percentage of the district's or building's 223
students who receive an honors diploma under division (B) of 224
section 3313.61 of the Revised Code. 225

(3) The department shall adopt rules in accordance with 226
Chapter 119. of the Revised Code that prescribe the methods by 227
which the performance measures under divisions (B) (1) (f) and (B) 228
(1) (g) of this section will be assessed and assigned a letter 229
grade, including performance benchmarks for each grade. 230

At least forty-five days prior to the department's 231
adoption of rules to prescribe the methods by which the 232
performance measures under division (B) (1) of this section shall 233
be assessed and assigned a letter grade, the department shall 234
conduct a public presentation before the standing committees of 235
the house of representatives and the senate that consider 236
education legislation describing such methods, including 237
performance benchmarks. 238

(4) There shall not be an overall letter grade for a 239
school district or building for the 2013-2014, 2014-2015, 2015- 240
2016, and 2016-2017 school years. 241

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 242
2018-2019, 2019-2020, and 2020-2021 school years, the department 243
shall issue grades as described in division (F) of this section 244
for each of the performance measures prescribed in division (C) 245
(1) of this section. The graded measures are as follows: 246

(a) Annual measurable objectives. For the 2017-2018 school 247
year, the department shall not include any subgroup data in the 248
annual measurable objectives that includes data from fewer than 249
twenty-five students. For the 2018-2019 school year, the 250
department shall not include any subgroup data in the annual 251

measurable objectives that includes data from fewer than twenty 252
students. Beginning with the 2019-2020 school year, the 253
department shall not include any subgroup data in the annual 254
measurable objectives that includes data from fewer than fifteen 255
students. 256

(b) Performance index score for a school district or 257
building. Grades shall be awarded as a percentage of the total 258
possible points on the performance index system as created by 259
the department. In adopting benchmarks for assigning letter 260
grades under division (C) (1) (b) of this section, the department 261
shall designate ninety per cent or higher for an "A," at least 262
seventy per cent but not more than eighty per cent for a "C," 263
and less than fifty per cent for an "F." 264

(c) The extent to which the school district or building 265
meets each of the applicable performance indicators established 266
by the department under section 3302.03 of the Revised Code and 267
the percentage of applicable performance indicators that have 268
been achieved. In adopting benchmarks for assigning letter 269
grades under division (C) (1) (c) of this section, the department 270
shall designate ninety per cent or higher for an "A." 271

(d) The four- and five-year adjusted cohort graduation 272
rates; 273

(e) The overall score under the value-added progress 274
dimension, or another measure of student academic progress if 275
adopted by the department, of a school district or building, for 276
which the department shall use up to three years of value-added 277
data as available. 278

In adopting benchmarks for assigning letter grades for 279
overall score on value-added progress dimension under division 280

(C) (1) (e) of this section, the department shall prohibit the 281
assigning of a grade of "A" for that measure unless the 282
district's or building's grade assigned for value-added progress 283
dimension for all subgroups under division (C) (1) (f) of this 284
section is a "C" or higher. 285

For the metric prescribed by division (C) (1) (e) of this 286
section, the department may adopt a student academic progress 287
measure to be used instead of the value-added progress 288
dimension. If the department adopts such a measure, it also 289
shall prescribe a method for assigning letter grades for the new 290
measure that is comparable to the method prescribed in division 291
(A) (1) (e) of this section. 292

(f) The value-added progress dimension score of a school 293
district or building disaggregated for each of the following 294
subgroups: students identified as gifted in superior cognitive 295
ability and specific academic ability fields under Chapter 3324. 296
of the Revised Code, students with disabilities, and students 297
whose performance places them in the lowest quintile for 298
achievement on a statewide basis, as determined by a method 299
prescribed by the department. Each subgroup shall be a separate 300
graded measure. 301

The department may adopt student academic progress 302
measures to be used instead of the value-added progress 303
dimension. If the department adopts such measures, it also shall 304
prescribe a method for assigning letter grades for the new 305
measures that is comparable to the method prescribed in division 306
(A) (1) (e) of this section. 307

(g) Whether a school district or building is making 308
progress in improving literacy in grades kindergarten through 309
three, as determined using a method prescribed by the 310

department. The department shall adopt rules to prescribe 311
benchmarks and standards for assigning grades to a district or 312
building for purposes of division (C)(1)(g) of this section. The 313
department shall designate for a "C" grade a value that is not 314
lower than the statewide average value for this measure. No 315
grade shall be issued under division (C)(1)(g) of this section 316
for a district or building in which less than five per cent of 317
students have scored below grade level on the kindergarten 318
diagnostic assessment under division (B)(1) of section 3313.608 319
of the Revised Code. 320

(h) For a high mobility school district or building, an 321
additional value-added progress dimension score. For this 322
measure, the department shall use value-added data from the most 323
recent school year available and shall use assessment scores for 324
only those students to whom the district or building has 325
administered the assessments prescribed by section 3301.0710 of 326
the Revised Code for each of the two most recent consecutive 327
school years. 328

As used in this division, "high mobility school district 329
or building" means a school district or building where at least 330
twenty-five per cent of its total enrollment is made up of 331
students who have attended that school district or building for 332
less than one year. 333

(2) In addition to the graded measures in division (C)(1) 334
of this section, the department shall include on a school 335
district's or building's report card all of the following 336
without an assigned letter grade: 337

(a) The percentage of students enrolled in a district or 338
building who have taken a national standardized test used for 339
college admission determinations and the percentage of those 340

students who are determined to be remediation-free in accordance 341
with the standards adopted under division (F) of section 342
3345.061 of the Revised Code; 343

(b) The percentage of students enrolled in a district or 344
building participating in advanced placement classes and the 345
percentage of those students who received a score of three or 346
better on advanced placement examinations; 347

(c) The percentage of a district's or building's students 348
who have earned at least three college credits through advanced 349
standing programs, such as the college credit plus program under 350
Chapter 3365. of the Revised Code and state-approved career- 351
technical courses offered through dual enrollment or statewide 352
articulation, that appear on a student's college transcript 353
issued by the institution of higher education from which the 354
student earned the college credit. The credits earned that are 355
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 356
shall not include any that are remedial or developmental and 357
shall include those that count toward the curriculum 358
requirements established for completion of a degree. 359

(d) The percentage of the district's or building's 360
students who receive an honor's diploma under division (B) of 361
section 3313.61 of the Revised Code; 362

(e) The percentage of the district's or building's 363
students who receive industry-recognized credentials as approved 364
under section 3313.6113 of the Revised Code; 365

(f) The percentage of students enrolled in a district or 366
building who are participating in an international baccalaureate 367
program and the percentage of those students who receive a score 368
of four or better on the international baccalaureate 369

examinations;	370
(g) The results of the college and career-ready	371
assessments administered under division (B) (1) of section	372
3301.0712 of the Revised Code;	373
(h) Whether the school district or building has	374
implemented a positive behavior intervention and supports	375
framework in compliance with the requirements of section 3319.46	376
of the Revised Code, notated as a "yes" or "no" answer.	377
(3) The department shall adopt rules pursuant to Chapter	378
119. of the Revised Code that establish a method to assign an	379
overall grade for a school district or school building for the	380
2017-2018 school year and each school year thereafter. The rules	381
shall group the performance measures in divisions (C) (1) and (2)	382
of this section into the following components:	383
(a) Gap closing, which shall include the performance	384
measure in division (C) (1) (a) of this section;	385
(b) Achievement, which shall include the performance	386
measures in divisions (C) (1) (b) and (c) of this section;	387
(c) Progress, which shall include the performance measures	388
in divisions (C) (1) (e) and (f) of this section;	389
(d) Graduation, which shall include the performance	390
measure in division (C) (1) (d) of this section;	391
(e) Kindergarten through third-grade literacy, which shall	392
include the performance measure in division (C) (1) (g) of this	393
section;	394
(f) Prepared for success, which shall include the	395
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	396
and (f) of this section. The department shall develop a method	397

to determine a grade for the component in division (C)(3)(f) of 398
this section using the performance measures in divisions (C)(2) 399
(a), (b), (c), (d), (e), and (f) of this section. When 400
available, the department may incorporate the performance 401
measure under division (C)(2)(g) of this section into the 402
component under division (C)(3)(f) of this section. When 403
determining the overall grade for the prepared for success 404
component prescribed by division (C)(3)(f) of this section, no 405
individual student shall be counted in more than one performance 406
measure. However, if a student qualifies for more than one 407
performance measure in the component, the department may, in its 408
method to determine a grade for the component, specify an 409
additional weight for such a student that is not greater than or 410
equal to 1.0. In determining the overall score under division 411
(C)(3)(f) of this section, the department shall ensure that the 412
pool of students included in the performance measures aggregated 413
under that division are all of the students included in the 414
four- and five-year adjusted graduation cohort. 415

In the rules adopted under division (C)(3) of this 416
section, the department shall adopt a method for determining a 417
grade for each component in divisions (C)(3)(a) to (f) of this 418
section. The department also shall establish a method to assign 419
an overall grade of "A," "B," "C," "D," or "F" using the grades 420
assigned for each component. The method the department adopts 421
for assigning an overall grade shall give equal weight to the 422
components in divisions (C)(3)(b) and (c) of this section. 423

At least forty-five days prior to the department's 424
adoption of rules to prescribe the methods for calculating the 425
overall grade for the report card, as required by this division, 426
the department shall conduct a public presentation before the 427
standing committees of the house of representatives and the 428

senate that consider education legislation describing the format 429
for the report card, weights that will be assigned to the 430
components of the overall grade, and the method for calculating 431
the overall grade. 432

(D) For the 2021-2022 school year and each school year 433
thereafter, all of the following apply: 434

(1) The department shall include on a school district's or 435
building's report card all of the following performance measures 436
without an assigned performance rating: 437

(a) Whether the district or building meets the gifted 438
performance indicator under division (A) (2) of section 3302.02 439
of the Revised Code and the extent to which the district or 440
building meets gifted indicator performance benchmarks; 441

(b) The extent to which the district or building meets the 442
chronic absenteeism indicator under division (A) (3) of section 443
3302.02 of the Revised Code; 444

(c) Performance index score percentage for a district or 445
building, which shall be calculated by dividing the district's 446
or building's performance index score according to the 447
performance index system created by the department by the 448
maximum performance index score for a district or building. The 449
maximum performance index score shall be as follows: 450

(i) For a building, the average of the highest two per 451
cent of performance index scores achieved by a building for the 452
school year for which a report card is issued; 453

(ii) For a district, the average of the highest two per 454
cent of performance index scores achieved by a district for the 455
school year for which a report card is issued. 456

(d) The overall score under the value-added progress 457
dimension of a district or building, for which the department 458
shall use three consecutive years of value-added data. In using 459
three years of value-added data to calculate the measure 460
prescribed under division (D)(1)(d) of this section, the 461
department shall assign a weight of fifty per cent to the most 462
recent year's data and a weight of twenty-five per cent to the 463
data of each of the other years. However, if three consecutive 464
years of value-added data is not available, the department shall 465
use prior years of value-added data to calculate the measure, as 466
follows: 467

(i) If two consecutive years of value-added data is not 468
available, the department shall use one year of value-added data 469
to calculate the measure. 470

(ii) If two consecutive years of value-added data is 471
available, the department shall use two consecutive years of 472
value-added data to calculate the measure. In using two years of 473
value-added data to calculate the measure, the department shall 474
assign a weight of sixty-seven per cent to the most recent 475
year's data and a weight of thirty-three per cent to the data of 476
the other year. 477

(e) The four-year adjusted cohort graduation rate. 478

(f) The five-year adjusted cohort graduation rate. 479

(g) The percentage of students in the district or building 480
who score proficient or higher on the reading segment of the 481
third grade English language arts assessment under section 482
3301.0710 of the Revised Code. 483

To the extent possible, the department shall include the 484
results of the summer administration of the third grade reading 485

assessment under section 3301.0710 of the Revised Code in the 486
performance measures prescribed under divisions (D) (1) (g) and 487
(h) of this section. 488

(h) Whether a district or building is making progress in 489
improving literacy in grades kindergarten through three, as 490
determined using a method prescribed by the department. The 491
method shall determine progress made based on the reduction in 492
the total percentage of students scoring below grade level, or 493
below proficient, compared from year to year on the reading 494
segments of the diagnostic assessments administered under 495
section 3301.0715 of the Revised Code, including the 496
kindergarten readiness assessment, and the third grade English 497
language arts assessment under section 3301.0710 of the Revised 498
Code, as applicable. The method shall not include a deduction 499
for students who did not pass the third grade English language 500
arts assessment under section 3301.0710 of the Revised Code and 501
were not on a reading improvement and monitoring plan. 502

The performance measure prescribed under division (D) (1) 503
(h) of this section shall not be included on the report card of 504
a district or building in which less than ten per cent of 505
students have scored below grade level on the diagnostic 506
assessment administered to students in kindergarten under 507
division (B) (1) of section 3313.608 of the Revised Code. 508

(i) The percentage of students in a district or building 509
who are promoted to the fourth grade and not subject to 510
retention under division (A) (2) of section 3313.608 of the 511
Revised Code; 512

(j) A post-secondary readiness measure. This measure shall 513
be calculated by dividing the number of students included in the 514
four-year adjusted graduation rate cohort who demonstrate post- 515

secondary readiness by the total number of students included in 516
the denominator of the four-year adjusted graduation rate 517
cohort. Demonstration of post-secondary readiness shall include 518
a student doing any of the following: 519

(i) Attaining a remediation-free score, in accordance with 520
standards adopted under division (F) of section 3345.061 of the 521
Revised Code, on a nationally standardized assessment prescribed 522
under division (B) (1) of section 3301.0712 of the Revised Code; 523

(ii) Attaining required scores on three or more advanced 524
placement or international baccalaureate examinations. The 525
required score for an advanced placement examination shall be a 526
three or better. The required score for an international 527
baccalaureate examination shall be a four or better. A student 528
may satisfy this condition with any combination of advanced 529
placement or international baccalaureate examinations. 530

(iii) Earning at least twelve college credits through 531
advanced standing programs, such as the college credit plus 532
program under Chapter 3365. of the Revised Code, an early 533
college high school program under section 3313.6013 of the 534
Revised Code, and state-approved career-technical courses 535
offered through dual enrollment or statewide articulation, that 536
appear on a student's college transcript issued by the 537
institution of higher education from which the student earned 538
the college credit. Earned credits reported under division (D) 539
(1) (j) (iii) of this section shall include credits that count 540
toward the curriculum requirements established for completion of 541
a degree, but shall not include any remedial or developmental 542
credits. 543

(iv) Meeting the additional criteria for an honors diploma 544
under division (B) of section 3313.61 of the Revised Code; 545

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	546 547 548 549
(vi) Satisfying any of the following conditions:	550
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	551 552 553
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	554 555 556
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	557 558 559
(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;	560 561 562
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	563 564 565 566
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	567 568 569
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	570 571
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in	572 573

section 5910.01 of the Revised Code.	574
A student who satisfies more than one of the conditions	575
prescribed under this division shall be counted as one student	576
for the purposes of calculating the measure prescribed under	577
division (D) (1) (j) of this section.	578
(2) In addition to the performance measures under division	579
(D) (1) of this section, the department shall report on a	580
district's or building's report card all of the following data	581
without an assigned performance rating:	582
(a) The applicable performance indicators established by	583
the department under division (A) (1) of section 3302.02 of the	584
Revised Code;	585
(b) The overall score under the value-added progress	586
dimension of a district or building for the most recent school	587
year;	588
(c) A composite of the overall scores under the value-	589
added progress dimension of a district or building for the	590
previous three school years or, if only two years of value-added	591
data are available, for the previous two years;	592
(d) The percentage of students included in the four- and	593
five-year adjusted cohort graduation rates of a district or	594
building who did not receive a high school diploma under section	595
3313.61 or 3325.08 of the Revised Code. To the extent possible,	596
the department shall disaggregate that data according to the	597
following categories:	598
(i) Students who are still enrolled in the district or	599
building and receiving general education services;	600
(ii) Students with an individualized education program, as	601

defined in section 3323.01 of the Revised Code, who satisfied 602
the conditions for a high school diploma under section 3313.61 603
or 3325.08 of the Revised Code, but opted not to receive a 604
diploma and are still receiving education services; 605

(iii) Students with an individualized education program 606
who have not yet satisfied conditions for a high school diploma 607
under section 3313.61 or 3325.08 of the Revised Code and who are 608
still receiving education services; 609

(iv) Students who are no longer enrolled in any district 610
or building; 611

(v) Students who, upon enrollment in the district or 612
building for the first time, had completed fewer units of high 613
school instruction required under section 3313.603 of the 614
Revised Code than other students in the four- or five-year 615
adjusted cohort graduation rate. 616

The department may disaggregate the data prescribed under 617
division (D) (2) (d) of this section according to other categories 618
that the department determines are appropriate. 619

(e) The results of the kindergarten diagnostic assessment 620
prescribed under division (D) of section 3301.079 of the Revised 621
Code; 622

(f) Post-graduate outcomes for students who were enrolled 623
in a district or building and received a high school diploma 624
under section 3313.61 or 3325.08 of the Revised Code in the 625
school year prior to the school year for which the report card 626
is issued, including the percentage of students who: 627

(i) Enrolled in a post-secondary educational institution. 628
To the extent possible, the department shall disaggregate that 629
data according to whether the student enrolled in a four-year 630

institution of higher education, a two-year institution of 631
higher education, an Ohio technical center that provides adult 632
technical education services and is recognized by the chancellor 633
of higher education, or another type of post-secondary 634
educational institution. 635

(ii) Entered an apprenticeship program registered with the 636
apprenticeship council established under Chapter 4139. of the 637
Revised Code. The department may include other job training 638
programs with similar rigor and outcomes. 639

(iii) Attained gainful employment, as determined by the 640
department; 641

(iv) Enlisted in a branch of the armed forces of the 642
United States, as defined in section 5910.01 of the Revised 643
Code. 644

(g) Whether the school district or building has 645
implemented a positive behavior intervention and supports 646
framework in compliance with the requirements of section 3319.46 647
of the Revised Code, notated with a "yes" or "no"; 648

(h) The number and percentage of high school seniors in 649
each school year who completed the free application for federal 650
student aid; 651

(i) Beginning with the report card issued under this 652
section for the 2022-2023 school year, a student opportunity 653
profile measure that reports data regarding the opportunities 654
provided to students by a district or building. To the extent 655
possible, and when appropriate, the data shall be disaggregated 656
by grade level and subgroup. The measure also shall include data 657
regarding the statewide average, the average for similar school 658
districts, and, for a building, the average for the district in 659

which the building is located. The measure shall include all of	660
the following data for the district or building:	661
(i) The average ratio of teachers of record to students in	662
each grade level in a district or building;	663
(ii) The average ratio of school counselors to students in	664
a district or building;	665
(iii) The average ratio of nurses to students in a	666
district or building;	667
(iv) The average ratio of licensed librarians and library	668
media specialists to students in a district or building;	669
(v) The average ratio of social workers to students in a	670
district or building;	671
(vi) The average ratio of mental health professionals to	672
students in a district or building;	673
(vii) The average ratio of paraprofessionals to students	674
in a district or building;	675
(viii) The percentage of teachers with fewer than three	676
years of experience teaching in any school;	677
(ix) The percentage of principals with fewer than three	678
years of experience as a principal in any school;	679
(x) The percentage of teachers who are not teaching in the	680
subject or field for which they are certified or licensed;	681
(xi) The percentage of kindergarten students who are	682
enrolled in all-day kindergarten, as defined in section 3321.05	683
of the Revised Code;	684
(xii) The percentage of students enrolled in a performing	685
or visual arts course;	686

(xiii) The percentage of students enrolled in a physical education or wellness course;	687 688
(xiv) The percentage of students enrolled in a world language course;	689 690
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	691 692
(xvi) The percentage of students participating in one or more cocurricular activities;	693 694
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	695 696 697 698
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	699 700 701 702
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	703 704 705
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	706 707 708 709
(xxi) The percentage of students who are transported by a school bus each school day;	710 711
(xxii) The ratio of portable technology devices that students may take home to the number of students.	712 713

The department shall include only opportunity measures at 714
the building level for which data for buildings is available, as 715
determined by a school district. 716

(j) (i) The percentage of students included in the four- 717
and five-year adjusted cohort graduation rates of the district 718
or building who completed all of grades nine through twelve 719
while enrolled in the district or building; 720

(ii) The four-year adjusted cohort graduation rate for 721
only those students who were continuously enrolled in the same 722
district or building for grades nine through twelve. 723

(k) Whether the district or building provides information 724
about and promotes the college credit plus program established 725
under Chapter 3365. of the Revised Code to students in 726
accordance with section 3365.04 of the Revised Code, notated 727
with a "yes" or "no"; 728

(l) The percentage of students in the district or building 729
to whom both of the following apply: 730

(i) The students are promoted to fourth grade and not 731
subject to retention under division (A) (2) of section 3313.608 732
of the Revised Code. 733

(ii) The students completed all of the grade levels 734
offered prior to the fourth grade in the district or building. 735

(3) Except as provided in division (D) (3) (f) of this 736
section, the department shall use the method prescribed under 737
rules adopted under division (D) (4) of this section to assign 738
performance ratings of "one star," "two stars," "three stars," 739
"four stars," or "five stars," as described in division (F) of 740
this section, for a district or building for the individual 741
components prescribed under division (D) (3) of this section. The 742

department also shall assign an overall performance rating for a 743
district or building in accordance with division (D) (3) (g) of 744
this section. The method shall use the performance measures 745
prescribed under division (D) (1) of this section to calculate 746
performance ratings for components. The method may report data 747
under division (D) (2) of this section with corresponding 748
components, but shall not use the data to calculate performance 749
ratings for that component. The performance measures and 750
reported data shall be grouped together into components as 751
follows: 752

(a) Gap closing. In addition to other criteria determined 753
appropriate by the department, performance ratings for the gap 754
closing component shall reflect whether each of the following 755
performance measures are met or not met: 756

(i) The gifted performance indicator as described in 757
division (D) (1) (a) of this section; 758

(ii) The chronic absenteeism indicator as described in 759
division (D) (1) (b) of this section; 760

(iii) For English learners, an English language 761
proficiency improvement indicator established by the department; 762

(iv) The subgroup graduation targets; 763

(v) The subgroup achievement targets in both mathematics 764
and English language arts; 765

(vi) The subgroup progress targets in both mathematics and 766
English language arts. 767

Achievement and progress targets under division (D) (3) (a) 768
of this section shall be calculated individually, and districts 769
and buildings shall receive a status of met or not met on each 770

measure. The department shall not require a subgroup of a 771
district or building to meet both the achievement and progress 772
targets at the same time to receive a status of met. 773

The department shall not include any subgroup data in this 774
measure that includes data from fewer than fifteen students. Any 775
penalty for failing to meet the required assessment 776
participation rate must be partially in proportion to how close 777
the district or building was to meeting the rate requirement. 778

(b) Achievement, which shall include the performance 779
measure in division (D) (1) (c) of this section and the reported 780
data in division (D) (2) (a) of this section. Performance ratings 781
for the achievement component shall be awarded as a percentage 782
of the maximum performance index score described in division (D) 783
(1) (c) of this section. 784

(c) Progress, which shall include the performance measure 785
in division (D) (1) (d) of this section and the reported data in 786
divisions (D) (2) (b) and (c) of this section; 787

(d) Graduation, which shall include the performance 788
measures in divisions (D) (1) (e) and (f) of this section and the 789
reported data in divisions (D) (2) (d) and (j) of this section. 790
The four-year adjusted cohort graduation rate shall be assigned 791
a weight of sixty per cent and the five-year adjusted cohort 792
graduation rate shall be assigned a weight of forty per cent; 793

(e) Early literacy, which shall include the performance 794
measures in divisions (D) (1) (g), (h), and (i) of this section 795
and the reported data in divisions (D) (2) (e) and ~~(k)~~ (l) of this 796
section. 797

If the measure prescribed under division (D) (1) (h) of this 798
section is included in a report card, performance ratings for 799

the early literacy component shall give a weight of forty per 800
cent to the measure prescribed under division (D) (1) (g) of this 801
section, a weight of thirty-five per cent to the measure 802
prescribed under division (D) (1) (i) of this section, and a 803
weight of twenty-five per cent to the measure prescribed under 804
division (D) (1) (h) of this section. 805

If the measure prescribed under division (D) (1) (h) of this 806
section is not included in a report card of a district or 807
building, performance ratings for the early literacy component 808
shall give a weight of sixty per cent to the measure prescribed 809
under division (D) (1) (g) of this section and a weight of forty 810
per cent to the measure prescribed under division (D) (1) (i) of 811
this section. 812

(f) College, career, workforce, and military readiness, 813
which shall include the performance measure in division (D) (1) 814
(j) of this section and the reported data in division (D) (2) (f) 815
of this section. 816

For the 2021-2022, 2022-2023, and 2023-2024 school years, 817
the department only shall report the data for, and not assign a 818
performance rating to, the college, career, workforce, and 819
military readiness component. The reported data shall include 820
the percentage of students who demonstrate post-secondary 821
readiness using any of the options described in division (D) (1) 822
(j) of this section. 823

The department shall analyze the data included in the 824
performance measure prescribed in division (D) (1) (j) of this 825
section for the 2021-2022, 2022-2023, and 2023-2024 school 826
years. Using that data, the department shall develop and propose 827
rules for a method to assign a performance rating to the 828
college, career, workforce, and military readiness component 829

based on that measure. The method to assign a performance rating 830
shall not include a tiered structure or per student bonuses. The 831
rules shall specify that a district or building shall not 832
receive lower than a performance rating of three stars for the 833
component if the district's or building's performance on the 834
component meets or exceeds a level of improvement set by the 835
department. Notwithstanding division (D) (4) (b) of this section, 836
more than half of the total districts and buildings may earn a 837
performance rating of three stars on this component to account 838
for the districts and buildings that earned a performance rating 839
of three stars because they met or exceeded the level of 840
improvement set by the department. 841

The department shall submit the rules to the joint 842
committee on agency rule review. The committee shall conduct at 843
least one public hearing on the proposed rules and approve or 844
disapprove the rules. If the committee approves the rules, the 845
department shall adopt the rules in accordance with Chapter 119. 846
of the Revised Code. If the rules are adopted, the department 847
shall assign a performance rating to the college, career, 848
workforce, and military readiness component under the rules 849
beginning with the 2024-2025 school year, and for each school 850
year thereafter. If the committee disapproves the rules, the 851
component shall be included in the report card only as reported 852
data for the 2024-2025 school year, and each school year 853
thereafter. 854

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 855
this section, beginning with the 2022-2023 school year, under 856
the method prescribed under rules adopted in division (D) (4) of 857
this section, the department shall use the performance ratings 858
assigned for the components prescribed in divisions (D) (3) (a) to 859
(e) of this section to determine and assign an overall 860

performance rating of "one star," "one and one-half stars," "two stars," "two and one-half stars," "three stars," "three and one-half stars," "four stars," "four and one-half stars," or "five stars" for a district or building. 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 in divisions (D) (3) (a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D) (3) (b) of this section.

(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, for the 2024-2025 school year, and each school year thereafter, the department'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.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The department shall adopt rules in accordance with 892
Chapter 119. of the Revised Code to establish the performance 893
criteria, benchmarks, and rating system necessary to implement 894
divisions (D) and (F) of this section, including the method for 895
the department to assign performance ratings under division (D) 896
(3) of this section. 897

(b) In establishing the performance criteria, benchmarks, 898
and rating system, the department shall consult with stakeholder 899
groups and advocates that represent parents, community members, 900
students, business leaders, and educators from different school 901
typology regions. The department shall use data from prior 902
school years and simulations to ensure that there is meaningful 903
differentiation among districts and buildings across all 904
performance ratings and that, except as permitted in division 905
(D) (3) (f) of this section, more than half of all districts or 906
buildings do not earn the same performance rating in any 907
component or overall performance rating. 908

(c) The department shall adopt the rules prescribed by 909
division (D) (4) of this section not later than March 31, 2022. 910
However, the department shall notify districts and buildings of 911
the changes to the report card prescribed in law not later than 912
one week after September 30, 2021. 913

(d) Prior to adopting or updating rules under division (D) 914
(4) of this section, the director of education and workforce and 915
the department shall conduct a public presentation before the 916
standing committees of the house of representatives and the 917
senate that consider primary and secondary education legislation 918
describing the format for the report card and the performance 919
criteria, benchmarks, and rating system, including the method to 920
assign performance ratings under division (D) (3) of this 921

section. 922

(E) The department may develop a measure of student 923
academic progress for high school students using only data from 924
assessments in English language arts and mathematics. If the 925
department develops this measure, each school district and 926
applicable school building shall be assigned a separate letter 927
grade for it not sooner than the 2017-2018 school year. The 928
district's or building's grade for that measure shall not be 929
included in determining the district's or building's overall 930
letter grade. 931

(F) (1) The letter grades assigned to a school district or 932
building under this section shall be as follows: 933

(a) "A" for a district or school making excellent 934
progress; 935

(b) "B" for a district or school making above average 936
progress; 937

(c) "C" for a district or school making average progress; 938

(d) "D" for a district or school making below average 939
progress; 940

(e) "F" for a district or school failing to meet minimum 941
progress. 942

(2) For the overall performance rating under division (D) 943
(3) of this section, the department shall include a descriptor 944
for each performance rating as follows: 945

(a) "Significantly exceeds state standards" for a 946
performance rating of five stars; 947

(b) "Exceeds state standards" for a performance rating of 948

four stars or four and one-half stars; 949

(c) "Meets state standards" for a performance rating of 950
three stars or three and one-half stars; 951

(d) "Needs support to meet state standards" for a 952
performance rating of two stars or two and one-half stars; 953

(e) "Needs significant support to meet state standards" 954
for a performance rating of one star or one and one-half stars. 955

(3) For performance ratings for each component under 956
divisions (D) (3) (a) to (f) of this section, the department shall 957
include a description of each component and performance rating. 958
The description shall include component-specific context to each 959
performance rating earned, estimated comparisons to other school 960
districts and buildings if appropriate, and any other 961
information determined by the department. The descriptions shall 962
be not longer than twenty-five words in length when possible. In 963
addition to such descriptions, the department shall include the 964
descriptors in division (F) (2) of this section for component 965
performance ratings. 966

(4) Each report card issued under this section shall 967
include all of the following: 968

(a) A graphic that depicts the performance ratings of a 969
district or school on a color scale. The color associated with a 970
performance rating of three stars shall be green and the color 971
associated with a performance rating of one star shall be red. 972

(b) An arrow graphic that shows data trends for 973
performance ratings for school districts or buildings. The 974
department shall determine the data to be used for this graphic, 975
which shall include at least the three most recent years of 976
data. 977

(c) A description regarding the weights that are assigned	978
to each component and used to determine an overall performance	979
rating, as prescribed under division (D) (3) (g) of this section,	980
which shall be included in the presentation of the overall	981
performance rating on each report card.	982
(G) When reporting data on student achievement and	983
progress, the department shall disaggregate that data according	984
to the following categories:	985
(1) Performance of students by grade-level;	986
(2) Performance of students by race and ethnic group;	987
(3) Performance of students by gender;	988
(4) Performance of students grouped by those who have been	989
enrolled in a district or school for three or more years;	990
(5) Performance of students grouped by those who have been	991
enrolled in a district or school for more than one year and less	992
than three years;	993
(6) Performance of students grouped by those who have been	994
enrolled in a district or school for one year or less;	995
(7) Performance of students grouped by those who are	996
economically disadvantaged;	997
(8) Performance of students grouped by those who are	998
enrolled in a conversion community school established under	999
Chapter 3314. of the Revised Code;	1000
(9) Performance of students grouped by those who are	1001
classified as English learners;	1002
(10) Performance of students grouped by those who have	1003
disabilities;	1004

(11) Performance of students grouped by those who are 1005
classified as migrants; 1006

(12) Performance of students grouped by those who are 1007
identified as gifted in superior cognitive ability and the 1008
specific academic ability fields of reading and math pursuant to 1009
Chapter 3324. of the Revised Code. In disaggregating specific 1010
academic ability fields for gifted students, the department 1011
shall use data for those students with specific academic ability 1012
in math and reading. If any other academic field is assessed, 1013
the department shall also include data for students with 1014
specific academic ability in that field as well. 1015

(13) Performance of students grouped by those who perform 1016
in the lowest quintile for achievement on a statewide basis, as 1017
determined by a method prescribed by the department. 1018

The department may disaggregate data on student 1019
performance according to other categories that the department 1020
determines are appropriate. To the extent possible, the 1021
department shall disaggregate data on student performance 1022
according to any combinations of two or more of the categories 1023
listed in divisions (G) (1) to (13) of this section that it deems 1024
relevant. 1025

In reporting data pursuant to division (G) of this 1026
section, the department shall not include in the report cards 1027
any data statistical in nature that is statistically unreliable 1028
or that could result in the identification of individual 1029
students. For this purpose, the department shall not report 1030
student performance data for any group identified in division 1031
(G) of this section that contains less than ten students. If the 1032
department does not report student performance data for a group 1033
because it contains less than ten students, the department shall 1034

indicate on the report card that is why data was not reported. 1035

(H) The department may include with the report cards any 1036
additional education and fiscal performance data it deems 1037
valuable. 1038

(I) The department shall include on each report card a 1039
list of additional information collected by the department that 1040
is available regarding the district or building for which the 1041
report card is issued. When available, such additional 1042
information shall include student mobility data disaggregated by 1043
race and socioeconomic status, college enrollment data, and the 1044
reports prepared under section 3302.031 of the Revised Code. 1045

The department shall maintain a site on the world wide 1046
web. The report card shall include the address of the site and 1047
shall specify that such additional information is available to 1048
the public at that site. The department shall also provide a 1049
copy of each item on the list to the superintendent of each 1050
school district. The district superintendent shall provide a 1051
copy of any item on the list to anyone who requests it. 1052

(J) (1) (a) Except as provided in division (J) (1) (b) of this 1053
section, for any district that sponsors a conversion community 1054
school under Chapter 3314. of the Revised Code, the department 1055
shall combine data regarding the academic performance of 1056
students enrolled in the community school with comparable data 1057
from the schools of the district for the purpose of determining 1058
the performance of the district as a whole on the report card 1059
issued for the district under this section or section 3302.033 1060
of the Revised Code. 1061

(b) The department shall not combine data from any 1062
conversion community school that a district sponsors if a 1063

majority of the students enrolled in the conversion community 1064
school are enrolled in a dropout prevention and recovery program 1065
that is operated by the school, as described in division (A) (4) 1066
(a) of section 3314.35 of the Revised Code. The department shall 1067
include as an addendum to the district's report card the ratings 1068
and performance measures that are required under section 1069
3314.017 of the Revised Code for any community school to which 1070
division (J) (1) (b) of this section applies. This addendum shall 1071
include, at a minimum, the data specified in divisions (C) (1) 1072
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1073

(2) Any district that leases a building to a community 1074
school located in the district or that enters into an agreement 1075
with a community school located in the district whereby the 1076
district and the school endorse each other's programs may elect 1077
to have data regarding the academic performance of students 1078
enrolled in the community school combined with comparable data 1079
from the schools of the district for the purpose of determining 1080
the performance of the district as a whole on the district 1081
report card. Any district that so elects shall annually file a 1082
copy of the lease or agreement with the department. 1083

(3) Any municipal school district, as defined in section 1084
3311.71 of the Revised Code, that sponsors a community school 1085
located within the district's territory, or that enters into an 1086
agreement with a community school located within the district's 1087
territory whereby the district and the community school endorse 1088
each other's programs, may exercise either or both of the 1089
following elections: 1090

(a) To have data regarding the academic performance of 1091
students enrolled in that community school combined with 1092
comparable data from the schools of the district for the purpose 1093

of determining the performance of the district as a whole on the 1094
district's report card; 1095

(b) To have the number of students attending that 1096
community school noted separately on the district's report card. 1097

The election authorized under division (J) (3) (a) of this 1098
section is subject to approval by the governing authority of the 1099
community school. 1100

Any municipal school district that exercises an election 1101
to combine or include data under division (J) (3) of this 1102
section, by the first day of October of each year, shall file 1103
with the department documentation indicating eligibility for 1104
that election, as required by the department. 1105

(K) The department shall include on each report card the 1106
percentage of teachers in the district or building who are 1107
properly certified or licensed teachers, as defined in section 1108
3319.074 of the Revised Code, and a comparison of that 1109
percentage with the percentages of such teachers in similar 1110
districts and buildings. 1111

(L) (1) In calculating English language arts, mathematics, 1112
science, American history, or American government assessment 1113
passage rates used to determine school district or building 1114
performance under this section, the department shall include all 1115
students taking an assessment with accommodation or to whom an 1116
alternate assessment is administered pursuant to division (C) (1) 1117
or (3) of section 3301.0711 of the Revised Code and all students 1118
who take substitute examinations approved under division (B) (4) 1119
of section 3301.0712 of the Revised Code in the subject areas of 1120
science, American history and American government. 1121

(2) In calculating performance index scores, rates of 1122

achievement on the performance indicators established by the 1123
department under section 3302.02 of the Revised Code, and annual 1124
measurable objectives for determining adequate yearly progress 1125
for school districts and buildings under this section, the 1126
department shall do all of the following: 1127

(a) Include for each district or building only those 1128
students who are included in the ADM certified for the first 1129
full school week of October and are continuously enrolled in the 1130
district or building through the time of the spring 1131
administration of any assessment prescribed by division (A) (1) 1132
or (B) (1) of section 3301.0710 or division (B) of section 1133
3301.0712 of the Revised Code that is administered to the 1134
student's grade level; 1135

(b) Include cumulative totals from both the fall and 1136
spring administrations of the third grade English language arts 1137
achievement assessment and, to the extent possible, the summer 1138
administration of that assessment; 1139

(c) Include for each district or building any English 1140
learner in accordance with the department's plan, as approved by 1141
the United States secretary of education, to comply with the 1142
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1143
to 6339. 1144

As used in this section, "English learner" has the same 1145
meaning as in section 3301.0731 of the Revised Code. 1146

(M) Beginning with the 2015-2016 school year and at least 1147
once every three years thereafter, the department shall review 1148
and may adjust the benchmarks for assigning letter grades or 1149
performance ratings to the performance measures and components 1150
prescribed under divisions (C) (3), (D), and (E) of this section. 1151

Sec. 3314.03. A copy of every contract entered into under 1152
this section shall be filed with the director of education and 1153
workforce. The department of education and workforce shall make 1154
available on its web site a copy of every approved, executed 1155
contract filed with the director under this section. 1156

(A) Each contract entered into between a sponsor and the 1157
governing authority of a community school shall specify the 1158
following: 1159

(1) That the school shall be established as either of the 1160
following: 1161

(a) A nonprofit corporation established under Chapter 1162
1702. of the Revised Code, if established prior to April 8, 1163
2003; 1164

(b) A public benefit corporation established under Chapter 1165
1702. of the Revised Code, if established after April 8, 2003. 1166

(2) The education program of the school, including the 1167
school's mission, the characteristics of the students the school 1168
is expected to attract, the ages and grades of students, and the 1169
focus of the curriculum; 1170

(3) The academic goals to be achieved and the method of 1171
measurement that will be used to determine progress toward those 1172
goals, which shall include the statewide achievement 1173
assessments; 1174

(4) Performance standards, including but not limited to 1175
all applicable report card measures set forth in section 3302.03 1176
or 3314.017 of the Revised Code, by which the success of the 1177
school will be evaluated by the sponsor; 1178

(5) The admission standards of section 3314.06 of the 1179

Revised Code and, if applicable, section 3314.061 of the Revised Code;	1180 1181
(6) (a) Dismissal procedures;	1182
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	1183 1184 1185 1186 1187 1188
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1189 1190
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	1191 1192 1193 1194 1195 1196
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	1197 1198
(a) A detailed description of each facility used for instructional purposes;	1199 1200
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	1201 1202
(c) The annual mortgage principal and interest payments that are paid by the school;	1203 1204
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	1205 1206 1207

(10) Qualifications of employees, including both of the	1208
following:	1209
(a) A requirement that the school's classroom teachers be	1210
licensed in accordance with sections 3319.22 to 3319.31 of the	1211
Revised Code, except that a community school may engage	1212
noncertificated persons to teach up to twelve hours or forty	1213
hours per week pursuant to section 3319.301 of the Revised Code;	1214
(b) A prohibition against the school employing an	1215
individual described in section 3314.104 of the Revised Code in	1216
any position.	1217
(11) That the school will comply with the following	1218
requirements:	1219
(a) The school will provide learning opportunities to a	1220
minimum of twenty-five students for a minimum of nine hundred	1221
twenty hours per school year.	1222
(b) The governing authority will purchase liability	1223
insurance, or otherwise provide for the potential liability of	1224
the school.	1225
(c) The school will be nonsectarian in its programs,	1226
admission policies, employment practices, and all other	1227
operations, and will not be operated by a sectarian school or	1228
religious institution.	1229
(d) The school will comply with sections 9.90, 9.91,	1230
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	1231
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037,	1232
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319,	1233
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015,	1234
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028,	1235
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66,	1236

3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 1237
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 1238
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 1239
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 1240
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 1241
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 1242
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3320.01, 1243
3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 1244
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 1245
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 1246
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1247
of the Revised Code as if it were a school district and will 1248
comply with section 3301.0714 of the Revised Code in the manner 1249
specified in section 3314.17 of the Revised Code. 1250

(e) The school shall comply with Chapter 102. and section 1251
2921.42 of the Revised Code. 1252

(f) The school will comply with sections 3313.61, 1253
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1254
Revised Code, except that for students who enter ninth grade for 1255
the first time before July 1, 2010, the requirement in sections 1256
3313.61 and 3313.611 of the Revised Code that a person must 1257
successfully complete the curriculum in any high school prior to 1258
receiving a high school diploma may be met by completing the 1259
curriculum adopted by the governing authority of the community 1260
school rather than the curriculum specified in Title XXXIII of 1261
the Revised Code or any rules of the department. Beginning with 1262
students who enter ninth grade for the first time on or after 1263
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1264
of the Revised Code that a person must successfully complete the 1265
curriculum of a high school prior to receiving a high school 1266
diploma shall be met by completing the requirements prescribed 1267

in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A) (3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section

3319.111 of the Revised Code as if it were a school district. 1298

(j) If the school operates a preschool program that is 1299
licensed by the department under sections 3301.52 to 3301.59 of 1300
the Revised Code, the school shall comply with sections 3301.50 1301
to 3301.59 of the Revised Code and the minimum standards for 1302
preschool programs prescribed in rules adopted by the department 1303
of children and youth under section 3301.53 of the Revised Code. 1304

(k) The school will comply with sections 3313.6021 and 1305
3313.6023 of the Revised Code as if it were a school district 1306
unless it is either of the following: 1307

(i) An internet- or computer-based community school; 1308

(ii) A community school in which a majority of the 1309
enrolled students are children with disabilities as described in 1310
division (A) (4) (b) of section 3314.35 of the Revised Code. 1311

(l) The school will comply with section 3321.191 of the 1312
Revised Code, unless it is an internet- or computer-based 1313
community school that is subject to section 3314.261 of the 1314
Revised Code. 1315

(12) Arrangements for providing health and other benefits 1316
to employees; 1317

(13) The length of the contract, which shall begin at the 1318
beginning of an academic year. No contract shall exceed five 1319
years unless such contract has been renewed pursuant to division 1320
(E) of this section. 1321

(14) The governing authority of the school, which shall be 1322
responsible for carrying out the provisions of the contract; 1323

(15) A financial plan detailing an estimated school budget 1324
for each year of the period of the contract and specifying the 1325

total estimated per pupil expenditure amount for each such year.	1326
(16) Requirements and procedures regarding the disposition	1327
of employees of the school in the event the contract is	1328
terminated or not renewed pursuant to section 3314.07 of the	1329
Revised Code;	1330
(17) Whether the school is to be created by converting all	1331
or part of an existing public school or educational service	1332
center building or is to be a new start-up school, and if it is	1333
a converted public school or service center building,	1334
specification of any duties or responsibilities of an employer	1335
that the board of education or service center governing board	1336
that operated the school or building before conversion is	1337
delegating to the governing authority of the community school	1338
with respect to all or any specified group of employees provided	1339
the delegation is not prohibited by a collective bargaining	1340
agreement applicable to such employees;	1341
(18) Provisions establishing procedures for resolving	1342
disputes or differences of opinion between the sponsor and the	1343
governing authority of the community school;	1344
(19) A provision requiring the governing authority to	1345
adopt a policy regarding the admission of students who reside	1346
outside the district in which the school is located. That policy	1347
shall comply with the admissions procedures specified in	1348
sections 3314.06 and 3314.061 of the Revised Code and, at the	1349
sole discretion of the authority, shall do one of the following:	1350
(a) Prohibit the enrollment of students who reside outside	1351
the district in which the school is located;	1352
(b) Permit the enrollment of students who reside in	1353
districts adjacent to the district in which the school is	1354

located; 1355

(c) Permit the enrollment of students who reside in any 1356
other district in the state. 1357

(20) A provision recognizing the authority of the 1358
department to take over the sponsorship of the school in 1359
accordance with the provisions of division (C) of section 1360
3314.015 of the Revised Code; 1361

(21) A provision recognizing the sponsor's authority to 1362
assume the operation of a school under the conditions specified 1363
in division (B) of section 3314.073 of the Revised Code; 1364

(22) A provision recognizing both of the following: 1365

(a) The authority of public health and safety officials to 1366
inspect the facilities of the school and to order the facilities 1367
closed if those officials find that the facilities are not in 1368
compliance with health and safety laws and regulations; 1369

(b) The authority of the department as the community 1370
school oversight body to suspend the operation of the school 1371
under section 3314.072 of the Revised Code if the department has 1372
evidence of conditions or violations of law at the school that 1373
pose an imminent danger to the health and safety of the school's 1374
students and employees and the sponsor refuses to take such 1375
action. 1376

(23) A description of the learning opportunities that will 1377
be offered to students including both classroom-based and non- 1378
classroom-based learning opportunities that is in compliance 1379
with criteria for student participation established by the 1380
department under division (H) (2) of section 3314.08 of the 1381
Revised Code; 1382

(24) The school will comply with sections 3302.04 and 1383
3302.041 of the Revised Code, except that any action required to 1384
be taken by a school district pursuant to those sections shall 1385
be taken by the sponsor of the school. 1386

(25) Beginning in the 2006-2007 school year, the school 1387
will open for operation not later than the thirtieth day of 1388
September each school year, unless the mission of the school as 1389
specified under division (A) (2) of this section is solely to 1390
serve dropouts. In its initial year of operation, if the school 1391
fails to open by the thirtieth day of September, or within one 1392
year after the adoption of the contract pursuant to division (D) 1393
of section 3314.02 of the Revised Code if the mission of the 1394
school is solely to serve dropouts, the contract shall be void. 1395

(26) Whether the school's governing authority is planning 1396
to seek designation for the school as a STEM school equivalent 1397
under section 3326.032 of the Revised Code; 1398

(27) That the school's attendance and participation 1399
policies will be available for public inspection; 1400

(28) That the school's attendance and participation 1401
records shall be made available to the department, auditor of 1402
state, and school's sponsor to the extent permitted under and in 1403
accordance with the "Family Educational Rights and Privacy Act 1404
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1405
regulations promulgated under that act, and section 3319.321 of 1406
the Revised Code; 1407

(29) If a school operates using the blended learning 1408
model, as defined in section 3301.079 of the Revised Code, all 1409
of the following information: 1410

(a) An indication of what blended learning model or models 1411

will be used;	1412
(b) A description of how student instructional needs will	1413
be determined and documented;	1414
(c) The method to be used for determining competency,	1415
granting credit, and promoting students to a higher grade level;	1416
(d) The school's attendance requirements, including how	1417
the school will document participation in learning	1418
opportunities;	1419
(e) A statement describing how student progress will be	1420
monitored;	1421
(f) A statement describing how private student data will	1422
be protected;	1423
(g) A description of the professional development	1424
activities that will be offered to teachers.	1425
(30) A provision requiring that all moneys the school's	1426
operator loans to the school, including facilities loans or cash	1427
flow assistance, must be accounted for, documented, and bear	1428
interest at a fair market rate;	1429
(31) A provision requiring that, if the governing	1430
authority contracts with an attorney, accountant, or entity	1431
specializing in audits, the attorney, accountant, or entity	1432
shall be independent from the operator with which the school has	1433
contracted.	1434
(32) A provision requiring the governing authority to	1435
adopt an enrollment and attendance policy that requires a	1436
student's parent to notify the community school in which the	1437
student is enrolled when there is a change in the location of	1438
the parent's or student's primary residence.	1439

(33) A provision requiring the governing authority to 1440
adopt a student residence and address verification policy for 1441
students enrolling in or attending the school. 1442

(B) The community school shall also submit to the sponsor 1443
a comprehensive plan for the school. The plan shall specify the 1444
following: 1445

(1) The process by which the governing authority of the 1446
school will be selected in the future; 1447

(2) The management and administration of the school; 1448

(3) If the community school is a currently existing public 1449
school or educational service center building, alternative 1450
arrangements for current public school students who choose not 1451
to attend the converted school and for teachers who choose not 1452
to teach in the school or building after conversion; 1453

(4) The instructional program and educational philosophy 1454
of the school; 1455

(5) Internal financial controls. 1456

When submitting the plan under this division, the school 1457
shall also submit copies of all policies and procedures 1458
regarding internal financial controls adopted by the governing 1459
authority of the school. 1460

(C) A contract entered into under section 3314.02 of the 1461
Revised Code between a sponsor and the governing authority of a 1462
community school may provide for the community school governing 1463
authority to make payments to the sponsor, which is hereby 1464
authorized to receive such payments as set forth in the contract 1465
between the governing authority and the sponsor. The total 1466
amount of such payments for monitoring, oversight, and technical 1467

assistance of the school shall not exceed three per cent of the 1468
total amount of payments for operating expenses that the school 1469
receives from the state. 1470

(D) The contract shall specify the duties of the sponsor 1471
which shall be in accordance with the written agreement entered 1472
into with the department under division (B) of section 3314.015 1473
of the Revised Code and shall include the following: 1474

(1) Monitor the community school's compliance with all 1475
laws applicable to the school and with the terms of the 1476
contract; 1477

(2) Monitor and evaluate the academic and fiscal 1478
performance and the organization and operation of the community 1479
school on at least an annual basis; 1480

(3) Report on an annual basis the results of the 1481
evaluation conducted under division (D) (2) of this section to 1482
the department and to the parents of students enrolled in the 1483
community school; 1484

(4) Provide technical assistance to the community school 1485
in complying with laws applicable to the school and terms of the 1486
contract; 1487

(5) Take steps to intervene in the school's operation to 1488
correct problems in the school's overall performance, declare 1489
the school to be on probationary status pursuant to section 1490
3314.073 of the Revised Code, suspend the operation of the 1491
school pursuant to section 3314.072 of the Revised Code, or 1492
terminate the contract of the school pursuant to section 3314.07 1493
of the Revised Code as determined necessary by the sponsor; 1494

(6) Have in place a plan of action to be undertaken in the 1495
event the community school experiences financial difficulties or 1496

closes prior to the end of a school year. 1497

(E) Upon the expiration of a contract entered into under 1498
this section, the sponsor of a community school may, with the 1499
approval of the governing authority of the school, renew that 1500
contract for a period of time determined by the sponsor, but not 1501
ending earlier than the end of any school year, if the sponsor 1502
finds that the school's compliance with applicable laws and 1503
terms of the contract and the school's progress in meeting the 1504
academic goals prescribed in the contract have been 1505
satisfactory. Any contract that is renewed under this division 1506
remains subject to the provisions of sections 3314.07, 3314.072, 1507
and 3314.073 of the Revised Code. 1508

(F) If a community school fails to open for operation 1509
within one year after the contract entered into under this 1510
section is adopted pursuant to division (D) of section 3314.02 1511
of the Revised Code or permanently closes prior to the 1512
expiration of the contract, the contract shall be void and the 1513
school shall not enter into a contract with any other sponsor. A 1514
school shall not be considered permanently closed because the 1515
operations of the school have been suspended pursuant to section 1516
3314.072 of the Revised Code. 1517

Sec. 3319.90. (A) As used in this section: 1518

(1) "Biological sex" means the biological indication of 1519
male and female, including sex chromosomes, naturally occurring 1520
sex hormones, gonads, and nonambiguous internal and external 1521
genitalia present at birth, without regard to an individual's 1522
psychological, chosen, or subjective experience of gender. An 1523
individual may use the individual's official birth record, as 1524
defined in section 3705.01 of the Revised Code, to prove 1525
biological sex if the birth record was issued at or near the 1526

time of the individual's birth. 1527

(2) "Family facility" means a family restroom or shower room that does not have more than one toilet or shower. 1528
1529

(3) "Multi-occupancy facility" means a restroom, locker room, changing room, or shower room that is accessible to multiple individuals at the same time. "Multi-occupancy facility" does not include a family facility. 1530
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(4) "School" includes the following: 1534

(a) A school district or school district building; 1535

(b) A community school established under Chapter 3314. of the Revised Code; 1536
1537

(c) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; 1538
1539

(d) A chartered nonpublic school; 1540

(e) An educational service center. 1541

(B)(1) A school shall designate each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time, whether located in a school building or located in a facility used by the school for a school-sponsored activity, for the exclusive use by students of the male biological sex only or by students of the female biological sex only. 1542
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(2) No school shall permit a member of the female biological sex to use a student restroom, locker room, changing room, or shower room that has been designated by the school for the exclusive use of the male biological sex. No school shall permit a member of the male biological sex to use a student 1549
1550
1551
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1553

restroom, locker room, changing room, or shower room that has 1554
been designated by the school for the exclusive use of the 1555
female biological sex. 1556

(3) No school shall construct, establish, or maintain a 1557
multi-occupancy facility that is designated as nongendered, 1558
multigendered, or open to all genders. 1559

Nothing in division (B) (3) of this section shall be 1560
construed to prohibit a school from constructing, establishing, 1561
or maintaining a family facility. 1562

(C) No school shall permit a member of the female 1563
biological sex to share overnight accommodations with a member 1564
of the male biological sex. No school shall permit a member of 1565
the male biological sex to share overnight accommodations with a 1566
member of the female biological sex. 1567

(D) Nothing in this section shall be construed to prohibit 1568
a school from establishing a policy providing accommodation such 1569
as single-occupancy facilities or controlled use of faculty 1570
facilities at the request of a student due to special 1571
circumstances. 1572

(E) The prohibitions described in divisions (B) and (C) of 1573
this section do not apply to any of the following: 1574

(1) A child under the age of ten who is being assisted by 1575
a parent, guardian, or family member, as well as the parent, 1576
guardian, or family member who is assisting the child; 1577

(2) A person with a disability who is being assisted by 1578
another person, as well as the person providing assistance to 1579
the person with a disability; 1580

(3) A school employee whose job duties require the 1581

employee to enter a restroom, locker room, changing room, or 1582
shower room that is designated for a biological sex that is 1583
different than the employee's biological sex; 1584

(4) A person who enters a restroom, locker room, changing 1585
room, or shower room that is designated for a biological sex 1586
that is different than the person's biological sex because the 1587
person reasonably believes the person is responding to a 1588
legitimate emergency. 1589

Sec. 3326.11. Each science, technology, engineering, and 1590
mathematics school established under this chapter and its 1591
governing body shall comply with sections 9.90, 9.91, 109.65, 1592
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1593
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 1594
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1595
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 1596
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1597
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 1598
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 1599
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 1600
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1601
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 1602
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1603
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 3313.814, 1604
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 1605
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 1606
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 1607
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3319.90, 1608
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 1609
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 1610
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 1611
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 1612

3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 1613
the Revised Code as if it were a school district. 1614

Sec. 3345.90. (A) As used in this section: 1615

(1) "Biological sex," "family facility," and "multi- 1616
occupancy facility" have the same meanings as in section 3319.90 1617
of the Revised Code. 1618

(2) "Institution of higher education" has the same meaning 1619
as in section 3345.19 of the Revised Code. 1620

(B) (1) Each institution of higher education shall 1621
designate with clear signage each student restroom, locker room, 1622
changing room, or shower room accessible by multiple students at 1623
the same time for the exclusive use by students of the male 1624
biological sex only or by students of the female biological sex 1625
only. 1626

(2) No institution of higher education shall knowingly 1627
permit a member of the female biological sex to use a student 1628
restroom, locker room, changing room, or shower room that has 1629
been designated by the school for the exclusive use of the male 1630
biological sex. No institution of higher education shall 1631
knowingly permit a member of the male biological sex to use a 1632
student restroom, locker room, changing room, or shower room 1633
that has been designated by the school for the exclusive use of 1634
the female biological sex. 1635

(3) No institution of higher education shall construct, 1636
establish, or maintain a multi-occupancy facility that is 1637
designated as nongendered, multigendered, or open to all 1638
genders. 1639

Nothing in division (B) (3) of this section shall be 1640
construed to prohibit an institution of higher education from 1641

constructing, establishing, or maintaining a family facility. 1642

(C) Nothing in this section shall be construed to prohibit 1643
an institution of higher education from establishing and 1644
enforcing a policy on the use of a multi-occupancy facility. Any 1645
policy adopted by an institution of higher education in 1646
accordance with this section shall provide an option for 1647
alternative accommodations, including, but not limited to, the 1648
use of single-occupancy facilities or faculty facilities. 1649

(D) The prohibition described in division (B) of this 1650
section does not apply to any of the following: 1651

(1) A child under the age of ten who is being assisted by 1652
a parent, guardian, or family member, as well as the parent, 1653
guardian, or family member who is assisting the child; 1654

(2) A person with a disability who is being assisted by 1655
another person, as well as the person providing assistance to 1656
the person with a disability; 1657

(3) An employee of the institution of higher education 1658
whose job duties require the employee to enter a restroom, 1659
locker room, changing room, or shower room that is designated 1660
for a biological sex that is different than the employee's 1661
biological sex; 1662

(4) A person who enters a restroom, locker room, changing 1663
room, or shower room that is designated for a biological sex 1664
that is different than the person's biological sex because the 1665
person reasonably believes the person is responding to a 1666
legitimate emergency. 1667

Sec. 3365.03. (A) A student enrolled in a public or 1668
nonpublic secondary school during the student's ninth, tenth, 1669
eleventh, or twelfth grade school year; a student enrolled in a 1670

nonchartered nonpublic secondary school in the student's ninth, 1671
tenth, eleventh, or twelfth grade school year; or a student who 1672
is exempt from the compulsory attendance law for the purpose of 1673
home education under section 3321.042 of the Revised Code and is 1674
the equivalent of a ninth, tenth, eleventh, or twelfth grade 1675
student, may apply to and enroll in a college under the college 1676
credit plus program. 1677

(1) In order for a public secondary school student to 1678
participate in the program, all of the following criteria shall 1679
be met: 1680

(a) The student or the student's parent shall inform the 1681
principal, or equivalent, of the student's school by the first 1682
day of April or the first day of November of the student's 1683
intent to participate in the program ~~during the following school~~ 1684
year in the next semester or term. Any student who provides 1685
notification by the first day of April may be approved to 1686
participate in the program for the next full school year. Any 1687
student who provides notification by the first day of November 1688
may be approved to participate in the program for the next 1689
semester or term only. Any student who fails to provide the 1690
notification by the required date may not participate in the 1691
program ~~during the following school year~~ in the next semester or 1692
term without the written consent of the principal, or 1693
equivalent. If a student seeks consent from the principal after 1694
failing to provide notification by the required date, the 1695
principal shall notify the department of education and workforce 1696
of the student's intent to participate within ten days of the 1697
date on which the student seeks consent. If the principal does 1698
not provide written consent, the student may appeal the 1699
principal's decision to the governing entity of the school, 1700
except for a student who is enrolled in a school district, who 1701

may appeal the decision to the district superintendent. Not 1702
later than thirty days after the notification of the appeal, the 1703
district superintendent or governing entity shall hear the 1704
appeal and shall make a decision to either grant or deny that 1705
student's participation in the program. The decision of the 1706
district superintendent or governing entity shall be final. 1707

(b) The student shall: 1708

(i) Apply to a public or a participating private college, 1709
or an eligible out-of-state college participating in the 1710
program, in accordance with the college's established procedures 1711
for admission, pursuant to section 3365.05 of the Revised Code; 1712

(ii) As a condition of eligibility, satisfy one of the 1713
following criteria: 1714

(I) Be remediation-free, in accordance with one of the 1715
assessments established under division (F) of section 3345.061 1716
of the Revised Code; 1717

(II) Meet an alternative remediation-free eligibility 1718
option, as defined by the chancellor ~~of higher education~~, in 1719
consultation with the department, in rules adopted under this 1720
section; 1721

(III) Have participated in the program prior to September 1722
30, 2021, and qualified to participate in the program by scoring 1723
within one standard error of measurement below the remediation- 1724
free threshold for one of the assessments established under 1725
division (F) of section 3345.061 of the Revised Code and 1726
satisfying one of the conditions specified under division (A) (1) 1727
(b) (ii) (I) or (II) of this section as those divisions existed 1728
prior to September 30, 2021. 1729

(iii) Meet the college's and relevant academic program's 1730

established standards for admission, enrollment, and course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code.

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-educated student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A) (1) (b) and (c) of this section.

(b) (i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department a copy of the student's acceptance from a college and an application by the first day of April or the first day of November prior to the semester or term in which the student wishes to participate. Any student who sends the required documents by the first day of April may be approved to participate in the program for the next full school year. Any student who sends the required documents by the first day of November may be approved to participate in the program for the next semester or term only. The application shall be made on forms provided by the department and shall include information about the student's proposed participation,

including the school year in which the student wishes to 1760
participate; and the semesters or terms the student wishes to 1761
enroll during such year. The department shall mark each 1762
application with the date and time of receipt. 1763

(ii) If the student is enrolled in a nonchartered 1764
nonpublic secondary school or is home-instructed, the parent or 1765
guardian of that student shall notify the department by the 1766
first day of April or the first day of November prior to the 1767
~~school year semester or term~~ in which the student wishes to 1768
participate. Any student who provides notification by the first 1769
day of April may be approved to participate in the program for 1770
the next full school year. Any student who provides notification 1771
by the first day of November may be approved to participate in 1772
the program for the next semester or term only. 1773

(B) Except as provided for in division (C) of this section 1774
and in sections 3365.031 and 3365.032 of the Revised Code: 1775

(1) No public secondary school shall prohibit a student 1776
enrolled in that school from participating in the program if 1777
that student meets all of the criteria in division (A) (1) of 1778
this section. 1779

(2) No participating nonpublic secondary school shall 1780
prohibit a student enrolled in that school from participating in 1781
the program if the student meets all of the criteria in division 1782
(A) (2) of this section and, if the student is enrolled under 1783
division (B) of section 3365.06 of the Revised Code, the student 1784
is awarded funding from the department in accordance with rules 1785
adopted by the chancellor, in consultation with the department, 1786
pursuant to section 3365.071 of the Revised Code. 1787

(C) For purposes of this section, during the period of an 1788

expulsion imposed by a public secondary school, a student is 1789
ineligible to apply to enroll in a college under this section, 1790
unless the student is admitted to another public secondary or 1791
participating nonpublic secondary school. If a student is 1792
enrolled in a college under this section at the time the student 1793
is expelled, the student's status for the remainder of the 1794
college term in which the expulsion is imposed shall be 1795
determined under section 3365.032 of the Revised Code. 1796

(D) Upon a student's graduation from high school, 1797
participation in the college credit plus program shall not 1798
affect the student's eligibility at any public college for 1799
scholarships or for other benefits or opportunities that are 1800
available to first-time college students and are awarded by that 1801
college, regardless of the number of credit hours that the 1802
student completed under the program. 1803

(E) The college to which a student applies to participate 1804
under this section shall pay for one assessment used to 1805
determine that student's eligibility under this section. 1806
However, notwithstanding anything to the contrary in Chapter 1807
3365. of the Revised Code, any additional assessments used to 1808
determine the student's eligibility shall be the financial 1809
responsibility of the student. 1810

Sec. 3365.04. Each public and participating nonpublic 1811
secondary school shall do all of the following with respect to 1812
the college credit plus program: 1813

(A) Provide information about the program prior to the 1814
first day of February of each year to all students enrolled in 1815
grades six through eleven; 1816

(B) Provide counseling services to students in grades six 1817

through eleven and to their parents before the students 1818
participate in the program under this chapter to ensure that 1819
students and parents are fully aware of the possible 1820
consequences and benefits of participation. Counseling 1821
information shall include: 1822

- (1) Program eligibility; 1823
- (2) The process for granting academic credits; 1824
- (3) Any necessary financial arrangements for tuition,
textbooks, and fees; 1825
1826
- (4) Criteria for any transportation aid; 1827
- (5) Available support services; 1828
- (6) Scheduling; 1829
- (7) Communicating the possible consequences and benefits
of participation, including all of the following: 1830
1831

 - (a) The consequences of failing or not completing a course
under the program, including the effect on the student's ability
to complete the secondary school's graduation requirements; 1832
1833
1834
 - (b) The effect of the grade attained in a course under the
program being included in the student's grade point average, as
applicable; 1835
1836
1837
 - (c) The benefits to the student for successfully 1838
completing a course under the program, including the ability to 1839
reduce the overall costs of, and the amount of time required 1840
for, a college education. 1841

- (8) The academic and social responsibilities of students
and parents under the program; 1842
1843
- (9) Information about and encouragement to use the 1844

counseling services of the college in which the student intends 1845
to enroll; 1846

(10) The standard packet of information for the program 1847
developed by the chancellor of higher education pursuant to 1848
section 3365.15 of the Revised Code; 1849

For a participating nonpublic secondary school, counseling 1850
information shall also include an explanation that funding may 1851
be limited and that not all students who wish to participate may 1852
be able to do so. 1853

(11) Information about the potential for mature subject 1854
matter, as defined in section 3365.035 of the Revised Code, in 1855
courses in which the student intends to enroll through the 1856
program and notification that courses will not be modified based 1857
upon program enrollee participation regardless of where course 1858
instruction occurs. The information shall include the permission 1859
slip described in division (B) of section 3365.035 of the 1860
Revised Code. 1861

(C) Promote the program on the school's web site, 1862
including the details of the school's current agreements with 1863
partnering colleges; 1864

(D) Schedule at least one informational session per school 1865
year to allow each participating college that is located within 1866
thirty miles of the school to meet with interested students and 1867
parents. The session shall include the benefits and consequences 1868
of participation and shall outline any changes or additions to 1869
the requirements of the program. If there are no participating 1870
colleges located within thirty miles of the school, the school 1871
shall coordinate with the closest participating college to offer 1872
an informational session. 1873

For the purposes of division (D) of this section, 1874
"participating college" shall include both of the following: 1875

(1) A partnering college; 1876

(2) Any public college, private college, or eligible out- 1877
of-state college to which both of the following apply: 1878

(a) The college participates in the college credit plus 1879
program. 1880

(b) The college submits to the public or participating 1881
nonpublic secondary school a request to attend an informational 1882
session. 1883

(E) Implement a policy for the awarding of grades and the 1884
calculation of class standing for courses taken under division 1885
(A) (2) or (B) of section 3365.06 of the Revised Code. The policy 1886
adopted under this division shall be equivalent to the school's 1887
policy for courses taken under the advanced standing programs 1888
described in divisions (A) (2) and (3) of section 3313.6013 of 1889
the Revised Code or for other courses designated as honors 1890
courses by the school. If the policy includes awarding a 1891
weighted grade or enhancing a student's class standing for these 1892
courses, the policy adopted under this section shall also 1893
provide for these procedures to be applied to courses taken 1894
under the college credit plus program. 1895

(F) Develop model course pathways, pursuant to section 1896
3365.13 of the Revised Code, and publish the course pathways 1897
among the school's official list of course offerings for the 1898
program. 1899

(G) Annually collect, report, and track specified data 1900
related to the program according to data reporting guidelines 1901
adopted by the chancellor and the department of education and 1902

workforce pursuant to section 3365.15 of the Revised Code. 1903

(H) Use the forms developed by the chancellor and the 1904
department of education and workforce. No public or 1905
participating nonpublic secondary school shall modify any such 1906
form without prior approval from the chancellor and the 1907
department. 1908

Sec. 3365.05. Each public and participating private 1909
college shall do all of the following with respect to the 1910
college credit plus program: 1911

(A) Apply established standards and procedures for 1912
admission to the college and for course placement for 1913
participants. When determining admission and course placement, 1914
the college shall do all of the following: 1915

(1) Consider all available student data that may be an 1916
indicator of college readiness, including grade point average 1917
and end-of-course examination scores, if applicable; 1918

(2) Give priority to its current students regarding 1919
enrollment in courses. However, once a participant has been 1920
accepted into a course, the college shall not displace the 1921
participant for another student. 1922

(3) Adhere to any capacity limitations that the college 1923
has established for specified courses. 1924

(B) Send written notice to the participant, the 1925
participant's parent, and the participant's secondary school, 1926
not later than fourteen calendar days prior to the first day of 1927
classes for that term, of the participant's admission to the 1928
college and to specified courses under the program. 1929

(C) Provide both of the following, not later than twenty- 1930

one calendar days after the first day of classes for that term, 1931
to each participant and the participant's secondary school: 1932

(1) The courses and hours of enrollment of the 1933
participant; 1934

(2) The option elected by the participant under division 1935
(A) or (B) of section 3365.06 of the Revised Code for each 1936
course. 1937

The college shall also provide to each partnering school a 1938
roster of participants from that school that are enrolled in the 1939
college and a list of course assignments for each participant. 1940

(D) Promote the program on the college's web site, 1941
including the details of the college's current agreements with 1942
partnering secondary schools. 1943

(E) Coordinate with each partnering secondary school that 1944
is located within thirty miles of the college to present at 1945
least one informational session per school year for interested 1946
students and parents. The session shall include the benefits and 1947
consequences of participation and shall outline any changes or 1948
additions to the requirements of the program. If there are no 1949
partnering schools located within thirty miles of the college, 1950
the college shall coordinate with the closest partnering school 1951
to offer an informational session. 1952

(F) Assign an academic advisor that is employed by the 1953
college to each participant enrolled in that college. Prior to 1954
the date on which a withdrawal from a course would negatively 1955
affect a participant's transcribed grade, as prescribed by the 1956
college's established withdrawal policy, the college shall 1957
ensure that the academic advisor and the participant meet at 1958
least once to discuss the program and the courses in which the 1959

participant is enrolled. 1960

(G) Do both of the following with regard to high school 1961
teachers that are teaching courses for the college at a 1962
secondary school under the program: 1963

(1) Provide at least one professional development session 1964
per school year; 1965

(2) Conduct at least one classroom observation per school 1966
year for each course that is authorized by the college and 1967
taught by a high school teacher to ensure that the course meets 1968
the quality of a college-level course. 1969

(H) Annually collect, report, and track specified data 1970
related to the program according to data reporting guidelines 1971
adopted by the chancellor of higher education and the department 1972
of education and workforce pursuant to section 3365.15 of the 1973
Revised Code. 1974

(I) Require each participant to complete an orientation 1975
that meets guidelines issued by the chancellor and the 1976
department. The chancellor and the department shall make those 1977
guidelines as concise as is practicable. 1978

(J) With the exception of divisions (D) and (E) of this 1979
section, any eligible out-of-state college participating in the 1980
college credit plus program shall be subject to the same 1981
requirements as a participating private college under this 1982
section. 1983

Sec. 3365.11. (A) Each instructor teaching a course under 1984
the college credit plus program shall meet the credential 1985
requirements set forth in guidelines and procedures established 1986
by the chancellor of ~~the Ohio board of regents~~ higher education. 1987
If the guidelines require high school teachers to take any 1988

additional graduate-level coursework in order to meet the 1989
credential requirements, that coursework shall be applicable to 1990
continuing education and professional development requirements 1991
for the renewal of the teacher's educator license. 1992

(B) In addition to the guidelines and procedures 1993
established under division (A) of this section, the chancellor 1994
shall establish an alternative credentialing process to certify 1995
instructors with relevant teaching experience as instructors for 1996
the program. The alternative credentialing process shall be 1997
established not later than six months after the effective date 1998
of this amendment. 1999

Sec. 3365.14. (A) The chancellor of higher education, in 2000
consultation with the department of education and workforce, 2001
shall undertake any action as necessary to ensure that public 2002
colleges and public secondary schools are fully engaging and 2003
participating in the college credit plus program as required 2004
under Chapter 3365. of the Revised Code. Such actions may 2005
include publicly displaying program participation data by 2006
college and secondary schools. 2007

(B) The chancellor and the department shall collect data 2008
relative to the actual cost of programming under the college 2009
credit plus program and submit that data to the auditor of 2010
state. The auditor of state shall review and audit that data. 2011
The auditor of state shall submit to the general assembly, in 2012
accordance with section 101.68 of the Revised Code, a one-time 2013
report regarding the findings of that review and audit. 2014

Sec. 3365.15. The chancellor of higher education and the 2015
department of education and workforce jointly shall do all of 2016
the following: 2017

(A) Adopt data reporting guidelines specifying the types	2018
of data that public and participating nonpublic secondary	2019
schools and public and participating private colleges, including	2020
eligible out-of-state colleges participating in the program,	2021
must annually collect, report, and track under division (G) of	2022
section 3365.04 and division (H) of section 3365.05 of the	2023
Revised Code. The types of data shall include all of the	2024
following:	2025
(1) For each secondary school and college:	2026
(a) The number of participants disaggregated by grade	2027
level, socioeconomic status, race, gender, and disability;	2028
(b) The number of completed courses and credit hours,	2029
disaggregated by the college in which participants were	2030
enrolled;	2031
(c) The number of courses in which participants enrolled,	2032
disaggregated by subject area and level of difficulty.	2033
(2) For each secondary school, the number of students who	2034
were denied participation in the program under division (A) (1)	2035
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of	2036
the Revised Code. Each participating nonpublic secondary school	2037
shall also include the number of students who were denied	2038
participation due to the student not being awarded funding by	2039
the department pursuant to section 3365.071 of the Revised Code.	2040
(3) For each college:	2041
(a) The number of students who applied to enroll in the	2042
college under the program but were not granted admission;	2043
(b) The average number of completed courses per	2044
participant;	2045

(c) The average grade point average for participants in 2046
college courses under the program. 2047

The guidelines adopted under this division shall also 2048
include policies and procedures for the collection, reporting, 2049
and tracking of such data. 2050

(B) Annually compile the data required under division (A) 2051
of this section. Not later than the thirty-first day of December 2052
of each year, the data from the previous school year shall be 2053
posted in a prominent location on both the chancellor of higher 2054
education's and the department's web sites. 2055

(C) ~~Until December 2023, submit~~ Submit an annual report on 2056
outcomes of the college credit plus program that are supported 2057
by empirical evidence to the governor, the president of the 2058
senate, the speaker of the house of representatives, and the 2059
chairpersons of the education committees of the senate and house 2060
of representatives not later than the thirty-first day of 2061
December each year. The report shall include all of the 2062
following, disaggregated by cohort: 2063

(1) Number of degrees attained; 2064

(2) Level and type of degrees attained; 2065

(3) Number of students who receive a degree in two 2066
different subject areas; 2067

(4) Time to completion of a degree, disaggregated by level 2068
and type of degree attained; 2069

(5) Time to enrollment in a graduate or doctoral degree 2070
program; 2071

(6) The number of students who participate in a study 2072
abroad course; 2073

(7) How all of the measures described in division (C) of this section compare to both: 2074
2075

(a) The overall student population who did not participate in the college credit plus program; 2076
2077

(b) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such data is available. 2078
2079
2080

The first report shall be submitted not later than December 31, 2018, and each subsequent report shall be submitted not later than the thirty-first day of December each year thereafter until December 2023. 2081
2082
2083
2084

(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor. 2085
2086
2087
2088

The chancellor shall also, in consultation with the department, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program. 2089
2090
2091
2092

(E) The chancellor and the department also may submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. If the chancellor and the department choose to jointly submit the biennial report, both of the following shall apply: 2093
2094
2095
2096
2097
2098
2099
2100
2101

(1) The report shall include only data available through 2102

the higher education information system administered by the 2103
chancellor. 2104

(2) The first report shall be submitted not later than 2105
December 31, 2017, and each subsequent report shall be submitted 2106
not later than the thirty-first day of December every two years 2107
thereafter. 2108

(F) For purposes of this section, "cohort" means a group 2109
of students who participated in the college credit plus program 2110
and who, upon graduation from high school, enroll in an Ohio 2111
institution of higher education during the same academic year. 2112

Section 2. That existing sections 3302.03, 3314.03, 2113
3326.11, 3365.03, 3365.04, 3365.05, 3365.11, and 3365.15 of the 2114
Revised Code are hereby repealed. 2115

Section 3. Section 3314.03 of the Revised Code as 2116
presented in this act takes effect on the later of January 1, 2117
2025, or the effective date of this section. January 1, 2025, is 2118
the effective date of an earlier amendment to that section by 2119
H.B. 33 of the 135th General Assembly. 2120

Section 4. The amendment or enactment of sections 3314.03, 2121
3319.90, 3326.11, and 3345.90 of the Revised Code by this act 2122
shall be known as the Protect All Students Act. 2123