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Sub. H. B. No. 369

To amend sections 3301.0711, 3301.0712, 3310.03, 3310.14, 3310.522, 3313.976, 3314.03, and 3326.14; to enact sections 3301.0750, 3301.0751, 3301.0752, 3301.0753, and 3301.0754; and to repeal section 3301.0733 of the Revised Code regarding a statewide hybrid assessment system and nationally recognized high school academic assessments.

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

Section 1. That sections 3301.0711, 3301.0712, 3310.03, 3310.14, 3310.522, 3313.976, 3314.03, and 3326.14 be amended and sections 3301.0750, 3301.0751, 3301.0752, 3301.0753, and 3301.0754 of the Revised Code be enacted to read as follows:

Sec. 3301.0711. (A) The department of education and workforce shall:

(1) Annually furnish to, grade, and score all assessments required by division (A)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts. Each assessment so furnished shall include the data verification code of the student to whom

the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code shall be administered to students.

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

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

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

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

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

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once

annually to all students in the sixth grade.

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

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

(8)(a) Except as provided in divisions (B)(8)(b) and (c) of this section, administer the assessments prescribed by section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule adopted under division (D)(1) of section 3301.0712 of the Revised Code;

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

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under

division (B)(10) of that section, in an administration of the examination prior to grade nine.

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

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

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

(I) A plan developed for the student pursuant to rules adopted by the department excuses the student from taking that assessment.

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

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

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

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

(3) No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except that any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

However, no board shall prohibit an English learner who is not required to take that assessment from taking the assessment.

A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department.

For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C)(3) of this section shall comply with the rules adopted under section 3301.0731 of the Revised Code.

(4)(a) The governing authority of a chartered nonpublic

school may excuse an English learner from taking any assessment administered under this section.

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

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

(D) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and

who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

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

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

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

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

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

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

(2) The department or an entity with which the department

contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

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

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

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

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

(4) A school district, other public school, or chartered nonpublic school may administer the third-grade English language

arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education and workforce not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(5) A classical school may administer all assessments administered under this section in a paper format, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794 specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

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

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

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

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

(2) In accordance with rules that the department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to students who are attending

school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code.

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

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the assessments prescribed by division (A) of section 3301.0710 of the Revised Code, a nationally norm-referenced assessment approved by the department under section 3301.0754 of the Revised Code, or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by

the department or a nationally norm-referenced assessment approved by the department under section 3301.0754 of the Revised Code instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

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

(2) A chartered nonpublic school may submit to the director of education and workforce a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The director shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section.

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

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

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

(c) The school provides to the department at least five years of records of internal testing conducted by the school

that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 or section 3301.0754 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the director prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

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

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

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code, take a nationally norm-referenced

assessment approved by the department under section 3301.0754 of the Revised Code, or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712, 3301.0754, or 3313.619 of the Revised Code.

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

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

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the

student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

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

(iv) Take a nationally norm-referenced assessment approved by the department under section 3301.0754 of the Revised Code.

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

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

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a

condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

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

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

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

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

(2) The department shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to the

superintendent of Ohio deaf and blind education services.

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

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

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

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

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be

a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) Division (O)(4) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2025-2026 school year, the department shall determine which questions on each assessment that are used to compute a student's score are a public record, if any. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

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

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

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

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

(5) "Other public school" means a community school established under Chapter 3314. or a STEM school established under Chapter 3326. of the Revised Code.

(6) "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(7) "Classical school" means a community school established under Chapter 3314. of the Revised Code that is a member of the Ohio classical school association, or its successor organization, and uses a curriculum substantially similar to that of a nationally recognized classical school network.

Sec. 3301.0712. (A) The department of education and workforce and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce.

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

~~(1)(a)~~ (1) The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure college and career readiness ~~and are used for college admission~~. ~~The assessments shall be selected jointly~~ . Each district or school shall select one nationally standardized assessment, which may be the ACT, SAT, classic learning test, or any other nationally recognized high school academic assessment approved by the department and the chancellor, ~~and one of which shall be selected by each school district or school~~ to administer to its students. ~~The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.~~

(i) The department and the chancellor shall establish eligibility criteria and an application procedure for the approval of a nationally recognized high school academic assessment under division (B)(1)(a) of this section in compliance with 34 C.F.R. 200.3 and federal approval and comparability requirements. The department shall permit each district or school to select a nationally standardized

assessment without assigning different accountability standards to the district or school.

(ii) Each district or school may offer an additional career aptitude, occupational interests, or employability skills assessment, such as the armed services vocational aptitude battery test. This assessment shall not replace any assessment under this section unless the department separately approves and receives federal approval for it.

(iii) Except as otherwise provided, nothing in division (B)(1) of this section alters the Ohio English language proficiency assessment or the graduation requirements under sections 3313.618 and 3313.619 of the Revised Code.

(b) Beginning with students who enter the ninth grade for the first time on or after July 1, 2022, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the student's school district or school shall not administer the nationally standardized assessment to that student.

(2)(a) Except as provided in division (B)(2)(b) of this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the department and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in

accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

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

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

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

At least twenty per cent of the end-of-course examination

in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The department shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

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

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcripted credit, as

defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

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

(c) The department shall consider additional assessments that may be used as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The department shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Not later than sixty days after the designation of ranges of scores, the director of education and workforce shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accomplished level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

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

(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma under division (A)(2) of section 3313.618 of the Revised Code. However, no new minimum cumulative performance score shall be determined after October 17, 2019.

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

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

(6)(a) Notwithstanding anything to the contrary in this section, the department may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination.

(b) If the department replaces the algebra I end-of-course examination with an algebra II end-of-course examination as authorized under division (B)(6)(a) of this section, both of the following shall apply:

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

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

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

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

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

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

(7) The assessment in the area of science shall be biology.

(8) The department shall not develop or administer an end-of-course examination in the area of world history.

(9) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.

(C) The department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of

standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the department shall adopt rules prescribing all of the following:

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

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

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (G) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

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

(5) The extent to which the assessment system applies to students enrolled in a dropout prevention and recovery program for purposes of division (F) of section 3313.603 or a dropout prevention and recovery community school under section 3314.36

of the Revised Code.

(E)(1) Any person enrolled in a nonchartered nonpublic school or any person who is exempt from attendance at school for the purpose of home education under section 3321.042 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

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

(F) The department shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The department shall reimburse a school district for the costs of administering that assessment. The department shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3301.0750. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education and workforce shall seek a waiver from the United States secretary of education for testing requirements under federal law to allow for the use and implementation of a statewide hybrid assessment system in lieu of standards-based assessments as the primary assessments of student achievement in this state. If the department receives a waiver under this section, sections

3301.0751 through 3301.0754 of the Revised Code shall apply and be implemented beginning with the 2028-2029 school year.

(B) The hybrid assessment system created under sections 3301.0751 to 3301.0754 of the Revised Code shall replace only those statewide achievement assessments and end-of-course examinations administered under sections 3301.0710 and 3301.0712 of the Revised Code for which it meets the applicable legal requirements and receives required federal approval. The system shall not replace or modify any assessment or screening requirements prescribed under sections 3301.079, 3301.0715, 3301.0731, 3313.608, and 3323.251 of the Revised Code, unless the hybrid assessment system is determined as the appropriate assessment tool by the school or district team and the student's parents or guardians. A single assessment provider may administer multiple instruments without merging or extinguishing their legal purposes.

(C) The department shall not require a separate nationally norm-referenced assessment in addition to the statewide achievement assessments or end-of-course examinations for any grade level or subject area covered by the hybrid assessment system, unless required by federal law or expressly authorized by the general assembly. This division shall not be construed to limit a district or school's ability to select supplemental assessments or separate diagnostics and screenings.

Sec. 3301.0751. (A)(1) Notwithstanding anything in the Revised Code to the contrary, not later than June 30, 2028, the department of education and workforce shall issue a competitive request for proposals and contract with one or more independent third-party assessment providers or psychometric contractors to implement a statewide hybrid assessment system that provides

both valid and reliable criterion-referenced results aligned to the statewide academic standards prescribed under section 3301.079 of the Revised Code and nationally norm-referenced results, including national percentile rankings, vertically aligned scale scores where psychometrically supported, growth measures, and other nationally comparable benchmarking information. The department shall retain responsibility for statewide assessment policy and accountability notwithstanding its use of an assessment provider under this section.

(2) If the department does not receive a waiver under section 3301.0750 of the Revised Code by June 30, 2028, for a part of the system but receives approval for other parts of the system, the department shall make the approved uses of the hybrid assessment system operational by that date and report the specific outstanding federal issues and submit a corrective schedule to the general assembly under section 101.68 of the Revised Code.

(B)(1) The department may select a provider under division (A) of this section that adapts an existing assessment under sections 3301.0710 and 3301.0712 of the Revised Code to provide embedded or psychometrically validated norm-linked national benchmarks, a newly developed integrated hybrid assessment, or another contracted design providing the results prescribed under division (A) of this section.

(2) Nothing in this section requires the department to contract with a new assessment provider when the provider in use on the effective date of this amendment can satisfy all criteria prescribed under this section. Simple comparisons of Ohio students with one another shall not constitute nationally norm-referenced benchmarking.

(3) In selecting a provider, the department shall compare total lifecycle cost, test time, administrative burden, data continuity, technical feasibility, and instructional usefulness among viable assessment provider options.

(C) Each proposal submitted under division (A) of this section shall do the following:

(1) Provide sufficient breadth, depth, and cognitive complexity of alignment with statewide academic standards prescribed under section 3301.079 of the Revised Code to satisfy federal assessment requirements, established by independent technical evidence;

(2) Include instructions on how to read and interpret assessment results that include percentile ranges and percentages, including both state and national proficiency;

(3) Include a computer-adaptive design when valid and practicable that reports achievement against grade-level standards as required by federal law;

(4) Produce a growth measure that leverages data from the grade level above and below the grade level being tested to more accurately reflect a year of learning without requiring a particular statistical algorithm;

(5) Return actionable individual and school-level results within within one week of administration where technically feasible with prompt disclosure of exceptions;

(6) Provide federally required accommodations, alternate assessments, accessibility, subgroup reporting, and comparable statewide results;

(7) Calculate national percentile rankings, national norm-

referenced comparisons, scale scores, growth measures, technical limitations, and any linking or equating procedures;

(8) Preserve secure student records and minimize the amount of time students spend testing;

(9) Include a means to procure an independent psychometric review;

(10) Include a detailed cost comparison of the statewide hybrid assessment system against the statewide achievement assessment or end-of-course examination that the assessment is replacing;

(11) Meet all requirements under the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

(D) The department shall contract and implement the statewide hybrid system through a third-party contract containing measurable deliverables, independent technical review, confidentiality and security obligations, data portability, termination and transition protections, service levels for timely reporting, and an enforceable prohibition against vendor control of statewide proficiency standards. The assessment provider shall not sell, commercially exploit, or use personally identifiable student data for advertising or unrelated product development. The state shall retain ownership or sufficient perpetual rights to its student assessment data and technical documentation to allow a change of assessment provider without loss of lawful access or longitudinal comparability.

(E) The department shall publicly release its method of selection of an assessment provider or independent contractor under this section, proposed contract price, and independent

technical certification.

The department shall not select a proposal that fails the federal compliance, validity, national comparability, or privacy requirements of this section.

Sec. 3301.0752. (A) Except as otherwise provided under state or federal law, any school district, community school, STEM school, or chartered nonpublic school participating in the statewide hybrid assessment system under section 3301.0750 of the Revised Code shall not be required to adopt a particular curriculum, textbook, teaching method, instructional sequence, pacing guide, or educational philosophy. This section shall not be construed to exempt a district or school from statewide standards or accountability assessments.

(B) A district or school may use additional formative, diagnostic, nationally norm-referenced, portfolio-based, performance-based, or other locally selected assessments to guide instruction. Such tools shall not replace federally required statewide assessments absent lawful authorization, and the department of education and workforce shall not require use of any selected assessment described in this division merely because of the contracted statewide vendor's product catalog.

(C) The department shall not require a district or school to purchase or use a particular supplemental third-party testing product to receive state report card ratings, state funding, or access to state assessment except where required by law. The department shall issue guidance that separately identifies statutory mandates from nonbinding recommendations.

Sec. 3301.0753. (A) The department of education and workforce shall maintain exclusive authority for establishing

statewide academic proficiency performance levels and accountability standards. A third-party contractor may develop assessment instruments or advise on technical methods but shall not independently adopt, modify, or obscure the scores or levels that determine a proficient level of skill under sections 3301.0710 and 3301.0712 of the Revised Code.

(B) The department shall engage an independent qualified psychometric reviewer, through a contract separate from or demonstrably independent of the statewide hybrid assessment provider, to evaluate content alignment, reliability, validity, fairness, national norms, accessibility, growth, and score comparability before statewide implementation and before material changes. Parties shall disclose conflicts of interest in writing.

(C) The department shall publish a nonsecure technical manual, a comprehensive description of statewide proficiency standards, national norm group and date, any linking or equating design, relevant evidence for growth modeling, and a clear statement when scores are not comparable across instruments or years.

(D) The department shall provide public notice, an opportunity for public comment, and submit a report to the general assembly under section 101.68 of the Revised Code before revising statewide proficiency thresholds. The department shall not revise any performance threshold solely to secure a predetermined passing rate or school rating distribution. The department shall demarcate any unavoidable break in historical trends explicitly in the published accountability data.

(E) The department shall require each assessment provider contract to include transparent pricing, data portability,

performance remedies, independent audit access, verified data security, and prompt correction of scoring errors. The department shall annually publish contract spending, actual testing time, turnaround times, technical limitations, and any material cost or validity changes.

Sec. 3301.0754. (A) As used in this section, "state scholarship programs" has the same meaning as in section 3301.0711 of the Revised Code.

(B) A chartered nonpublic school participating in a state scholarship program may satisfy any state scholarship-related academic achievement testing requirement under section 3310.03, 3310.14, 3310.522, or 3313.976 of the Revised Code by administering a nationally norm-referenced assessment approved by the department of education and workforce under division (C) of this section.

(C) The department shall establish an approval process for a nationally norm-referenced assessment. A participating chartered nonpublic school is not required to use an existing assessment provider. A participating chartered nonpublic school may use a different nationally norm-referenced assessment for each grade band, program, or set of student needs.

(1) The approval process shall include all of the following:

(a) Assessment criteria. The department shall approve a nationally norm-referenced assessment that satisfies all of the following:

(i) Measures reading, English language arts, or mathematics in the grades in which testing is required under section 3310.14 of the Revised Code;

(ii) Uses a published, representative national norm group;

(iii) Has documented evidence of reliability, content validity, and suitability for its intended students and grade levels;

(iv) Provides appropriate accommodations;

(v) Supplies each student's parent or guardian with written individual achievement results.

(b) A submission process. A chartered nonpublic school shall submit an attestation form for an eligible assessment, including the assessment name, publisher or developer, grades and subjects covered, date and description of national norms, and publicly available reliability and validity documentation, to the department.

(c) A procedure for requesting additional documentation. The department may request additional documentation to demonstrate the criteria established in division (C)(1) of this section and issue a written notice to the school of each specific deficiency with a reasonable opportunity to cure.

(d) An appeals process. If the department does not approve an assessment under division (C) of this section, a chartered nonpublic school may request a hearing in accordance with Chapter 119. of the Revised Code to appeal the department's decision.

(2) The department shall not impose additional approval criteria specific to assessment providers solely by issuing guidance. The department shall not require prior discretionary selection of an eligible assessment, a third-party study aligning an eligible assessment to Ohio public-school curriculum, or a linking or equating study that determines a

proficient level of skill as a sole condition of qualifying under this section.

(D)(1) Each participating chartered nonpublic school shall provide an individual result report to each student's parent or guardian.

(2) For state scholarship reporting, each participating chartered nonpublic school shall report only school-level aggregate numbers tested, participation rates, and aggregate reading or English language arts and mathematics results, identify the instrument and norm year.

(3) The department shall follow uniformly published privacy rules and not collect assessment data where there is an insufficient number of students to protect student privacy. The department shall not collect identifiable student-level results under this section except where otherwise expressly required by law. The department shall not publish unsupported cross-test rankings. For each aggregate report from an assessment that has not been psychometrically equated, the department shall display the report by assessment type and shall not label the report as equivalent to any student proficiency rating or combine one or more of the reports into a single comparable statewide performance metric.

(E) Any state scholarship contract or administration may verify a participating chartered nonpublic school's compliance with divisions (A) to (D) of this section, but no participating chartered nonpublic school is required to administer the achievement assessments described under section 3301.0710 and 3301.7012 of the Revised Code to participate in a state scholarship program so long as the participating chartered nonpublic school administers a qualifying nationally norm-

referenced assessment.

Sec. 3310.03. Subject to division (G) of this section, a student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student satisfies one of the conditions in division (A), (B), or (C) of this section, and the student maintains eligibility to receive a scholarship under division (D) of this section.

However, any student who received a scholarship for the 2020-2021 school year under this section, as it existed prior to March 2, 2021, shall continue to receive that scholarship until the student completes grade twelve, as long as the student maintains eligibility to receive a scholarship under division (D) of this section.

(A)(1) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked in the lowest twenty per cent of all buildings operated by city, local, and exempted village school districts according to performance index score, as determined by the department of education and workforce, for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the

school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A)(1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be

assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) A student is eligible for a scholarship if the student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(B) A student is eligible for a scholarship if the student is enrolled in a nonpublic school at the time the school is granted a charter by the director of education and workforce under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(C) A student is eligible for a scholarship if the student's resident district is subject to section 3302.10 of the Revised Code and the student either:

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.

(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent

school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (C) of this section.

(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code or administers a qualifying assessment under section 3301.0754 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school

for not more than twenty days that the school is open for instruction, not including excused absences.

(E)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (5) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to division (C) of this section with respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (D) of this section.

(F) The department shall adopt rules defining excused absences for purposes of division (D)(3) of this section.

(G) Notwithstanding anything to the contrary in this section or section 3310.031 of the Revised Code, a student entering any of grades kindergarten through twelve shall not be required to be enrolled or enrolling in a school building operated by the student's resident district or a community school in order to be eligible for a scholarship.

(H) Except as provided for in section 3310.13 of the Revised Code and in division (C)(2) of section 3365.07 of the Revised Code, the department shall not require the parent of a student who applies for or receives a scholarship under this section or section 3310.033, 3310.034, or 3310.035 of the

Revised Code to complete any kind of income verification regarding the student's family income.

Sec. 3310.14. (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not subject to division (K)(1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, 3301.0754, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions specified in division (K)(2) of section 3301.0711 of the Revised Code shall not be required to administer the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Sec. 3310.522. (A) In order to maintain eligibility for a scholarship, a student shall take each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the

student:

(1) The student is excused from taking that assessment under federal law, the student's individualized education program and confirmed by the student's parent or guardian, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. A student may take an assessment from which the student is excused under the student's individualized education program if the student's parent or guardian requests that the school administer that assessment to the student.

(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(3) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code or division (B)(3) of this section.

(4) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(B) Each registered private provider that is not subject to division (K)(1) of section 3301.0711 of the Revised Code and enrolls a student who is awarded a scholarship shall administer each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to that student in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:

(1) The student is excused from taking that assessment under division (A)(1) of this section.

(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(3) The student is enrolled in any of grades three to eight and the registered private provider administers an alternative standardized assessment determined by the department of education and workforce under division (K)(1) of section 3301.0711 of the Revised Code to the student.

(4) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(5) The student takes a nationally norm-referenced assessment approved by the department under section 3301.0754 of the Revised Code.

The registered private provider shall report to the department the results of each assessment so administered under division (B) of this section.

(C) Nothing in this section requires any chartered nonpublic school that is a registered private provider to administer any achievement assessment, except for the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the director of education and workforce. The director shall register any school that meets the

following requirements:

(1) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(2) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the director at the director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(3) The school does not discriminate on the basis of race, religion, or ethnic background;

(4) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(5) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(6) The school does not provide false or misleading information about the school to parents, students, or the general public;

(7) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any

increase described in that division.

(8) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(9) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division.

(10) It annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education and workforce the results of each such assessment administered to each scholarship student, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(e) The student takes a nationally norm-referenced assessment approved by the department under section 3301.0754 of the Revised Code.

(B) The director shall revoke the registration of any school if, after a hearing, the director determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project school district may receive scholarship payments on behalf of parents pursuant to section 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the director prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the

Revised Code shall apply to the director. The director shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

(E) On and after July 1, 2024, the director shall not require the parent of a student to submit a complete copy of the parent's federal income tax return, or a return filed under section 5747.08 of the Revised Code, to determine a student's family income for the purposes of the pilot project scholarship program. Rather, the director may require a parent to submit a partial federal income tax return, or a return filed under section 5747.08 of the Revised Code, that only contains the minimum amount of information necessary to determine a student's family income.

(F) Not later than the thirtieth day of June of each year, each private school registered under this section shall submit to the director of education and workforce, in a form and manner prescribed by the director, the tuition rates charged by the school for the following school year.

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

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

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

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

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

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

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

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

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(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.

(7) The ways by which the school will achieve racial and

ethnic balance reflective of the community it serves;

(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.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of employees, including both of the following:

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;

(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.0750, 3301.0751, 3301.0752, 3301.0753, 3301.24, 3301.948, 3302.037, 3302.131, 3313.472, 3313.473, 3313.474, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6026, 3313.6028, 3313.6029, 3313.6031, 3313.6032, 3313.6034, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.2214, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19,

3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

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

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

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

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

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (B)(2) of section 3314.35 of the Revised Code.

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

(m) The school will comply with section 3313.7118 of the Revised Code if it serves elementary school students.

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

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

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, both of the following:

(a) Specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(b) Alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion.

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is

located;

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

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

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

(22) A provision recognizing both of the following:

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

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

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

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

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

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

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

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

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

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

will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

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

(34) A provision establishing the process by which the governing authority of the school will be selected in the future.

(35) A description of the management and administration of the school.

(36) A provision requiring the governing authority to adopt policies and procedures to establish internal financial controls for the school.

(B) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

(2) Monitor and evaluate the academic and fiscal

performance and the organization and operation of the community school on at least an annual basis;

(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

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

(5) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

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

(E) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02

of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3326.14. Each science, technology, engineering, and mathematics school and its governing body shall administer the assessments required by sections 3301.0710, 3301.0711, ~~and~~ 3301.0712, 3301.0750, 3301.0751, 3301.0752, and 3301.0753 of the Revised Code, as if it were a school district.

Section 2. That existing sections 3301.0711, 3301.0712, 3310.03, 3310.14, 3310.522, 3313.976, 3314.03, and 3326.14 of the Revised Code are hereby repealed.

Section 3. That section 3301.0733 of the Revised Code is hereby repealed.