

I\_135\_1266-2

135th General Assembly  
Regular Session  
2023-2024

Sub. S. B. No. 49

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**A BILL**

To amend sections 2151.011, 3302.02, 3302.03, 1  
3314.03, 3321.191, and 3326.11 and to enact 2  
section 3321.192 of the Revised Code regarding 3  
excessive absenteeism, excused absences, and 4  
reporting of graduation rates and to amend the 5  
versions of sections 2151.011 and 3314.03 of the 6  
Revised Code that are scheduled to take effect 7  
January 1, 2025, to continue the changes on and 8  
after that date. 9

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

**Section 1.** That sections 2151.011, 3302.02, 3302.03, 10  
3314.03, 3321.191, and 3326.11 be amended and section 3321.192 11  
of the Revised Code be enacted to read as follows: 12

**Sec. 2151.011.** (A) As used in the Revised Code: 13

(1) "Juvenile court" means whichever of the following is 14  
applicable that has jurisdiction under this chapter and Chapter 15  
2152. of the Revised Code: 16

(a) The division of the court of common pleas specified in 17



section 2101.022 or 2301.03 of the Revised Code as having 18  
jurisdiction under this chapter and Chapter 2152. of the Revised 19  
Code or as being the juvenile division or the juvenile division 20  
combined with one or more other divisions; 21

(b) The juvenile court of Cuyahoga county or Hamilton 22  
county that is separately and independently created by section 23  
2151.08 or Chapter 2153. of the Revised Code and that has 24  
jurisdiction under this chapter and Chapter 2152. of the Revised 25  
Code; 26

(c) If division (A)(1)(a) or (b) of this section does not 27  
apply, the probate division of the court of common pleas. 28

(2) "Juvenile judge" means a judge of a court having 29  
jurisdiction under this chapter. 30

(3) "Private child placing agency" means any association, 31  
as defined in section 5103.02 of the Revised Code, that is 32  
certified under section 5103.03 of the Revised Code to accept 33  
temporary, permanent, or legal custody of children and place the 34  
children for either foster care or adoption. 35

(4) "Private noncustodial agency" means any person, 36  
organization, association, or society certified by the 37  
department of job and family services that does not accept 38  
temporary or permanent legal custody of children, that is 39  
privately operated in this state, and that does one or more of 40  
the following: 41

(a) Receives and cares for children for two or more 42  
consecutive weeks; 43

(b) Participates in the placement of children in certified 44  
foster homes; 45

(c) Provides adoption services in conjunction with a	46
public children services agency or private child placing agency.	47
(B) As used in this chapter:	48
(1) "Adequate parental care" means the provision by a	49
child's parent or parents, guardian, or custodian of adequate	50
food, clothing, and shelter to ensure the child's health and	51
physical safety and the provision by a child's parent or parents	52
of specialized services warranted by the child's physical or	53
mental needs.	54
(2) "Adult" means an individual who is eighteen years of	55
age or older.	56
(3) "Agreement for temporary custody" means a voluntary	57
agreement authorized by section 5103.15 of the Revised Code that	58
transfers the temporary custody of a child to a public children	59
services agency or a private child placing agency.	60
(4) "Alternative response" means the public children	61
services agency's response to a report of child abuse or neglect	62
that engages the family in a comprehensive evaluation of child	63
safety, risk of subsequent harm, and family strengths and needs	64
and that does not include a determination as to whether child	65
abuse or neglect occurred.	66
(5) "Certified foster home" means a foster home, as	67
defined in section 5103.02 of the Revised Code, certified under	68
section 5103.03 of the Revised Code.	69
(6) "Child" means a person who is under eighteen years of	70
age, except that the juvenile court has jurisdiction over any	71
person who is adjudicated an unruly child prior to attaining	72
eighteen years of age until the person attains twenty-one years	73
of age, and, for purposes of that jurisdiction related to that	74

adjudication, a person who is so adjudicated an unruly child 75  
shall be deemed a "child" until the person attains twenty-one 76  
years of age. 77

(7) "Child day camp," "child care," "child care center," 78  
"part-time child care center," "type A family child care home," 79  
"licensed type B family child care home," "type B family child 80  
care home," "administrator of a child care center," 81  
"administrator of a type A family child care home," and "in-home 82  
aide" have the same meanings as in section 5104.01 of the 83  
Revised Code. 84

(8) "Child care provider" means an individual who is a 85  
child-care staff member or administrator of a child care center, 86  
a type A family child care home, or a type B family child care 87  
home, or an in-home aide or an individual who is licensed, is 88  
regulated, is approved, operates under the direction of, or 89  
otherwise is certified by the department of job and family 90  
services, department of developmental disabilities, or the early 91  
childhood programs of the department of education. 92

(9) "Commit" means to vest custody as ordered by the 93  
court. 94

(10) "Counseling" includes both of the following: 95

(a) General counseling services performed by a public 96  
children services agency or shelter for victims of domestic 97  
violence to assist a child, a child's parents, and a child's 98  
siblings in alleviating identified problems that may cause or 99  
have caused the child to be an abused, neglected, or dependent 100  
child. 101

(b) Psychiatric or psychological therapeutic counseling 102  
services provided to correct or alleviate any mental or 103

emotional illness or disorder and performed by a licensed 104  
psychiatrist, licensed psychologist, or a person licensed under 105  
Chapter 4757. of the Revised Code to engage in social work or 106  
professional counseling. 107

(11) "Custodian" means a person who has legal custody of a 108  
child or a public children services agency or private child 109  
placing agency that has permanent, temporary, or legal custody 110  
of a child. 111

(12) "Delinquent child" has the same meaning as in section 112  
2152.02 of the Revised Code. 113

(13) "Detention" means the temporary care of children 114  
pending court adjudication or disposition, or execution of a 115  
court order, in a public or private facility designed to 116  
physically restrict the movement and activities of children. 117

(14) "Developmental disability" has the same meaning as in 118  
section 5123.01 of the Revised Code. 119

(15) "Differential response approach" means an approach 120  
that a public children services agency may use to respond to 121  
accepted reports of child abuse or neglect with either an 122  
alternative response or a traditional response. 123

(16) "Foster caregiver" has the same meaning as in section 124  
5103.02 of the Revised Code. 125

(17) "Guardian" means a person, association, or 126  
corporation that is granted authority by a probate court 127  
pursuant to Chapter 2111. of the Revised Code to exercise 128  
parental rights over a child to the extent provided in the 129  
court's order and subject to the residual parental rights of the 130  
child's parents. 131

(18) "Habitual truant" means any child of compulsory 132  
school age who is absent without legitimate excuse for absence 133  
from the public school the child is supposed to attend for 134  
thirty or more consecutive hours, forty-two or more hours in one 135  
school month, or seventy-two or more hours in a school year. 136

(19) "Intellectual disability" has the same meaning as in 137  
section 5123.01 of the Revised Code. 138

(20) "Juvenile traffic offender" has the same meaning as 139  
in section 2152.02 of the Revised Code. 140

(21) "Legal custody" means a legal status that vests in 141  
the custodian the right to have physical care and control of the 142  
child and to determine where and with whom the child shall live, 143  
and the right and duty to protect, train, and discipline the 144  
child and to provide the child with food, shelter, education, 145  
and medical care, all subject to any residual parental rights, 146  
privileges, and responsibilities. An individual granted legal 147  
custody shall exercise the rights and responsibilities 148  
personally unless otherwise authorized by any section of the 149  
Revised Code or by the court. 150

(22) A "legitimate excuse for absence from the public 151  
school the child is supposed to attend" includes, but is not 152  
limited to, any of the following: 153

(a) The fact that the child in question has enrolled in 154  
and is attending another public or nonpublic school in this or 155  
another state; 156

(b) The fact that the child in question is excused from 157  
attendance at school for any of the reasons specified in section 158  
3321.04 or 3321.042 of the Revised Code; 159

(c) The fact that the child in question has received an 160

age and schooling certificate in accordance with section 3331.01 161  
of the Revised Code; 162

(d) The first cumulative sixty hours, whether accrued 163  
consecutively or nonconsecutively, that a student is absent from 164  
school with a legitimate excuse, as defined in section 3321.192 165  
of the Revised Code, in a school year. 166

(23) "Mental illness" has the same meaning as in section 167  
5122.01 of the Revised Code. 168

(24) "Mental injury" means any behavioral, cognitive, 169  
emotional, or mental disorder in a child caused by an act or 170  
omission that is described in section 2919.22 of the Revised 171  
Code and is committed by the parent or other person responsible 172  
for the child's care. 173

(25) "Nonsecure care, supervision, or training" means 174  
care, supervision, or training of a child in a facility that 175  
does not confine or prevent movement of the child within the 176  
facility or from the facility. 177

(26) "Of compulsory school age" has the same meaning as in 178  
section 3321.01 of the Revised Code. 179

(27) "Organization" means any institution, public, 180  
semipublic, or private, and any private association, society, or 181  
agency located or operating in the state, incorporated or 182  
unincorporated, having among its functions the furnishing of 183  
protective services or care for children, or the placement of 184  
children in certified foster homes or elsewhere. 185

(28) "Out-of-home care" means detention facilities, 186  
shelter facilities, certified children's crisis care facilities, 187  
certified foster homes, placement in a prospective adoptive home 188  
prior to the issuance of a final decree of adoption, 189

organizations, certified organizations, child care centers, type 190  
A family child care homes, type B family child care homes, child 191  
care provided by in-home aides, group home providers, group 192  
homes, institutions, state institutions, residential facilities, 193  
residential care facilities, residential camps, day camps, 194  
private, nonprofit therapeutic wilderness camps, public schools, 195  
chartered nonpublic schools, educational service centers, 196  
hospitals, and medical clinics that are responsible for the 197  
care, physical custody, or control of children. 198

(29) "Out-of-home care child abuse" means any of the 199  
following when committed by a person responsible for the care of 200  
a child in out-of-home care: 201

(a) Engaging in sexual activity with a child in the 202  
person's care; 203

(b) Denial to a child, as a means of punishment, of proper 204  
or necessary subsistence, education, medical care, or other care 205  
necessary for a child's health; 206

(c) Use of restraint procedures on a child that cause 207  
injury or pain; 208

(d) Administration of prescription drugs or psychotropic 209  
medication to the child without the written approval and ongoing 210  
supervision of a licensed physician; 211

(e) Commission of any act, other than by accidental means, 212  
that results in any injury to or death of the child in out-of- 213  
home care or commission of any act by accidental means that 214  
results in an injury to or death of a child in out-of-home care 215  
and that is at variance with the history given of the injury or 216  
death. 217

(30) "Out-of-home care child neglect" means any of the 218



following when committed by a person responsible for the care of	219
a child in out-of-home care:	220
(a) Failure to provide reasonable supervision according to	221
the standards of care appropriate to the age, mental and	222
physical condition, or other special needs of the child;	223
(b) Failure to provide reasonable supervision according to	224
the standards of care appropriate to the age, mental and	225
physical condition, or other special needs of the child, that	226
results in sexual or physical abuse of the child by any person;	227
(c) Failure to develop a process for all of the following:	228
(i) Administration of prescription drugs or psychotropic	229
drugs for the child;	230
(ii) Assuring that the instructions of the licensed	231
physician who prescribed a drug for the child are followed;	232
(iii) Reporting to the licensed physician who prescribed	233
the drug all unfavorable or dangerous side effects from the use	234
of the drug.	235
(d) Failure to provide proper or necessary subsistence,	236
education, medical care, or other individualized care necessary	237
for the health or well-being of the child;	238
(e) Confinement of the child to a locked room without	239
monitoring by staff;	240
(f) Failure to provide ongoing security for all	241
prescription and nonprescription medication;	242
(g) Isolation of a child for a period of time when there	243
is substantial risk that the isolation, if continued, will	244
impair or retard the mental health or physical well-being of the	245

child.	246
(31) "Permanent custody" means a legal status that vests	247
in a public children services agency or a private child placing	248
agency, all parental rights, duties, and obligations, including	249
the right to consent to adoption, and divests the natural	250
parents or adoptive parents of all parental rights, privileges,	251
and obligations, including all residual rights and obligations.	252
(32) "Permanent surrender" means the act of the parents	253
or, if a child has only one parent, of the parent of a child, by	254
a voluntary agreement authorized by section 5103.15 of the	255
Revised Code, to transfer the permanent custody of the child to	256
a public children services agency or a private child placing	257
agency.	258
(33) "Person" means an individual, association,	259
corporation, or partnership and the state or any of its	260
political subdivisions, departments, or agencies.	261
(34) "Person responsible for a child's care in out-of-home	262
care" means any of the following:	263
(a) Any foster caregiver, in-home aide, or provider;	264
(b) Any administrator, employee, or agent of any of the	265
following: a public or private detention facility; shelter	266
facility; certified children's crisis care facility;	267
organization; certified organization; child care center; type A	268
family child care home; licensed type B family child care home;	269
group home; institution; state institution; residential	270
facility; residential care facility; residential camp; day camp;	271
school district; community school; chartered nonpublic school;	272
educational service center; hospital; or medical clinic;	273
(c) Any person who supervises or coaches children as part	274

of an extracurricular activity sponsored by a school district,	275
public school, or chartered nonpublic school;	276
(d) Any other person who performs a similar function with	277
respect to, or has a similar relationship to, children.	278
(35) "Physical impairment" means having one or more of the	279
following conditions that substantially limit one or more of an	280
individual's major life activities, including self-care,	281
receptive and expressive language, learning, mobility, and self-	282
direction:	283
(a) A substantial impairment of vision, speech, or	284
hearing;	285
(b) A congenital orthopedic impairment;	286
(c) An orthopedic impairment caused by disease, rheumatic	287
fever or any other similar chronic or acute health problem, or	288
amputation or another similar cause.	289
(36) "Placement for adoption" means the arrangement by a	290
public children services agency or a private child placing	291
agency with a person for the care and adoption by that person of	292
a child of whom the agency has permanent custody.	293
(37) "Placement in foster care" means the arrangement by a	294
public children services agency or a private child placing	295
agency for the out-of-home care of a child of whom the agency	296
has temporary custody or permanent custody.	297
(38) "Planned permanent living arrangement" means an order	298
of a juvenile court pursuant to which both of the following	299
apply:	300
(a) The court gives legal custody of a child to a public	301
children services agency or a private child placing agency	302

without the termination of parental rights.	303
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	304 305 306 307
(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	308 309 310
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	311 312
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code.	313 314 315 316
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	317 318 319 320 321 322 323 324
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	325 326
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	327 328
(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	329 330

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.	331 332
(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	333 334 335
(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.	336 337 338 339
(49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.	340 341 342 343
(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.	344 345 346 347 348 349 350
(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.	351 352 353
(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.	354 355
(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after	356 357 358 359

adjudication and disposition.	360
(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	361 362
(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.	363 364 365
(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	366 367
(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	368 369 370 371 372
(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.	373 374 375 376 377 378 379
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	380 381 382 383 384
<b>Sec. 3302.02.</b> (A) Not later than one year after the adoption of rules under division (D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, the department of education and workforce shall establish all of the	385 386 387 388

following: 389

(1) A set of performance indicators that considered as a 390  
unit will be used as one of the performance categories for the 391  
report cards required by section 3302.03 of the Revised Code. In 392  
establishing these indicators, the department shall consider 393  
inclusion of student performance on assessments prescribed under 394  
section 3301.0710 or 3301.0712 of the Revised Code, rates of 395  
student improvement on such assessments, the breadth of 396  
coursework available within the district, and other indicators 397  
of student success. 398

Beginning with the report card issued under section 399  
3302.03 of the Revised Code for the 2021-2022 school year, the 400  
performance indicators prescribed under division (A)(1) of this 401  
section regarding student performance on state assessments shall 402  
not require a school district or building to attain a 403  
proficiency percentage to meet an indicator. Rather, the 404  
performance indicators only shall report proficiency 405  
percentages, trends, and comparisons. 406

(2) A performance indicator that reflects the level of 407  
identification and services provided to, and the performance of, 408  
students identified as gifted under Chapter 3324. of the Revised 409  
Code. The indicator shall be prescribed by rules adopted under 410  
Chapter 119. of the Revised Code by the department. The 411  
department shall consult with the gifted advisory council 412  
regarding all rules adopted under this section. Consultation 413  
with the state gifted advisory council shall occur not less than 414  
every three years. 415

The gifted performance indicator shall include: 416

(a) The performance of students on state assessments, as 417

measured by a performance index score, disaggregated for 418  
students identified as gifted; 419

(b) Value-added growth measure under section 3302.021 of 420  
the Revised Code, disaggregated for students identified as 421  
gifted; 422

(c) The level of identification as measured by the 423  
percentage of students in each grade level identified as gifted 424  
and disaggregated by traditionally underrepresented and 425  
economically disadvantaged students; 426

(d) The level of services provided to students as measured 427  
by the percentage of students provided services in each grade 428  
level and disaggregated by traditionally underrepresented and 429  
economically disadvantaged students. 430

(3) A performance indicator that measures chronic 431  
absenteeism, as determined by the department, in a school 432  
district or school building. The department shall not include 433  
any absences for which a student has a legitimate excuse, as 434  
defined in section 3321.192 of the Revised Code, in the 435  
calculation of chronic absenteeism. 436

Beginning with the report card issued under section 437  
3302.03 of the Revised Code for the 2021-2022 school year, the 438  
performance indicators prescribed in divisions (A) (2) and (3) of 439  
this section shall not be part of the performance indicator unit 440  
under division (A) (1) of this section. 441

(B) For the 2013-2014 school year, except as otherwise 442  
provided in this section, for any indicator based on the 443  
percentage of students attaining a proficient score on the 444  
assessments prescribed by divisions (A) and (B) (1) of section 445  
3301.0710 of the Revised Code, a school district or building 446



shall be considered to have met the indicator if at least eighty 447  
per cent of the tested students attain a score of proficient or 448  
higher on the assessment. A school district or building shall be 449  
considered to have met the indicator for the assessments 450  
prescribed by division (B)(1) of section 3301.0710 of the 451  
Revised Code and only as administered to eleventh grade 452  
students, if at least eighty-five per cent of the tested 453  
students attain a score of proficient or higher on the 454  
assessment. 455

The department shall adopt rules, under Chapter 119. of 456  
the Revised Code, to establish proficiency percentages to meet 457  
each indicator that is based on a state assessment, prescribed 458  
under section 3301.0710 or 3301.0712 of the Revised Code, for 459  
the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019- 460  
2020, and 2020-2021 school years by the following dates: 461

(1) Not later than December 31, 2015, for the 2014-2015 462  
school year; 463

(2) Not later than July 1, 2016, for the 2015-2016 school 464  
year; 465

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 466  
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 467

**Sec. 3302.03.** Not later than the thirty-first day of July 468  
of each year, the department of education and workforce shall 469  
submit preliminary report card data for overall academic 470  
performance and for each separate performance measure for each 471  
school district, and each school building, in accordance with 472  
this section. 473

Annually, not later than the fifteenth day of September or 474  
the preceding Friday when that day falls on a Saturday or 475

Sunday, the department shall assign a letter grade or 476  
performance rating for overall academic performance and for each 477  
separate performance measure for each school district, and each 478  
school building in a district, in accordance with this section. 479  
The department shall adopt rules pursuant to Chapter 119. of the 480  
Revised Code to implement this section. The department's rules 481  
shall establish performance criteria for each letter grade or 482  
performance rating and prescribe a method by which the 483  
department assigns each letter grade or performance rating. For 484  
a school building to which any of the performance measures do 485  
not apply, due to grade levels served by the building, the 486  
department shall designate the performance measures that are 487  
applicable to the building and that must be calculated 488  
separately and used to calculate the building's overall grade or 489  
performance rating. The department shall issue annual report 490  
cards reflecting the performance of each school district, each 491  
building within each district, and for the state as a whole 492  
using the performance measures and letter grade or performance 493  
rating system described in this section. The department shall 494  
include on the report card for each district and each building 495  
within each district the most recent two-year trend data in 496  
student achievement for each subject and each grade. 497

(A) (1) For the 2012-2013 school year, the department shall 498  
issue grades as described in division (F) of this section for 499  
each of the following performance measures: 500

(a) Annual measurable objectives; 501

(b) Performance index score for a school district or 502  
building. Grades shall be awarded as a percentage of the total 503  
possible points on the performance index system as adopted by 504  
the department. In adopting benchmarks for assigning letter 505

grades under division (A) (1) (b) of this section, the department 506  
shall designate ninety per cent or higher for an "A," at least 507  
seventy per cent but not more than eighty per cent for a "C," 508  
and less than fifty per cent for an "F." 509

(c) The extent to which the school district or building 510  
meets each of the applicable performance indicators established 511  
by the department under section 3302.02 of the Revised Code and 512  
the percentage of applicable performance indicators that have 513  
been achieved. In adopting benchmarks for assigning letter 514  
grades under division (A) (1) (c) of this section, the department 515  
shall designate ninety per cent or higher for an "A." 516

(d) The four- and five-year adjusted cohort graduation 517  
rates. 518

In adopting benchmarks for assigning letter grades under 519  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 520  
department shall designate a four-year adjusted cohort 521  
graduation rate of ninety-three per cent or higher for an "A" 522  
and a five-year cohort graduation rate of ninety-five per cent 523  
or higher for an "A." 524

(e) The overall score under the value-added progress 525  
dimension of a school district or building, for which the 526  
department shall use up to three years of value-added data as 527  
available. The letter grade assigned for this growth measure 528  
shall be as follows: 529

(i) A score that is at least one standard error of measure 530  
above the mean score shall be designated as an "A." 531

(ii) A score that is less than one standard error of 532  
measure above but greater than one standard error of measure 533  
below the mean score shall be designated as a "B." 534

(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C."

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A) (1) (e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A) (1) of this section shall be assessed and assigned a letter grade, including

performance benchmarks for each letter grade. 564

At least forty-five days prior to the department's 565  
adoption of rules to prescribe the methods by which the 566  
performance measures under division (A)(1) of this section shall 567  
be assessed and assigned a letter grade, the department shall 568  
conduct a public presentation before the standing committees of 569  
the house of representatives and the senate that consider 570  
education legislation describing such methods, including 571  
performance benchmarks. 572

(3) There shall not be an overall letter grade for a 573  
school district or building for the 2012-2013 school year. 574

(B)(1) For the 2013-2014 school year, the department shall 575  
issue grades as described in division (F) of this section for 576  
each of the following performance measures: 577

(a) Annual measurable objectives; 578

(b) Performance index score for a school district or 579  
building. Grades shall be awarded as a percentage of the total 580  
possible points on the performance index system as created by 581  
the department. In adopting benchmarks for assigning letter 582  
grades under division (B)(1)(b) of this section, the department 583  
shall designate ninety per cent or higher for an "A," at least 584  
seventy per cent but not more than eighty per cent for a "C," 585  
and less than fifty per cent for an "F." 586

(c) The extent to which the school district or building 587  
meets each of the applicable performance indicators established 588  
by the department under section 3302.03 of the Revised Code and 589  
the percentage of applicable performance indicators that have 590  
been achieved. In adopting benchmarks for assigning letter 591  
grades under division (B)(1)(c) of this section, the department 592

shall designate ninety per cent or higher for an "A." 593

(d) The four- and five-year adjusted cohort graduation 594  
rates; 595

(e) The overall score under the value-added progress 596  
dimension of a school district or building, for which the 597  
department shall use up to three years of value-added data as 598  
available. 599

(f) The value-added progress dimension score for a school 600  
district or building disaggregated for each of the following 601  
subgroups: students identified as gifted in superior cognitive 602  
ability and specific academic ability fields under Chapter 3324. 603  
of the Revised Code, students with disabilities, and students 604  
whose performance places them in the lowest quintile for 605  
achievement on a statewide basis. Each subgroup shall be a 606  
separate graded measure. 607

(g) Whether a school district or building is making 608  
progress in improving literacy in grades kindergarten through 609  
three, as determined using a method prescribed by the 610  
department. The department shall adopt rules to prescribe 611  
benchmarks and standards for assigning grades to districts and 612  
buildings for purposes of division (B) (1) (g) of this section. In 613  
adopting benchmarks for assigning letter grades under divisions 614  
(B) (1) (g) and (C) (1) (g) of this section, the department shall 615  
determine progress made based on the reduction in the total 616  
percentage of students scoring below grade level, or below 617  
proficient, compared from year to year on the reading and 618  
writing diagnostic assessments administered under section 619  
3301.0715 of the Revised Code and the third grade English 620  
language arts assessment under section 3301.0710 of the Revised 621  
Code, as applicable. The department shall designate for a "C" 622

grade a value that is not lower than the statewide average value 623  
for this measure. No grade shall be issued under divisions (B) 624  
(1)(g) and (C)(1)(g) of this section for a district or building 625  
in which less than five per cent of students have scored below 626  
grade level on the diagnostic assessment administered to 627  
students in kindergarten under division (B)(1) of section 628  
3313.608 of the Revised Code. 629

(h) For a high mobility school district or building, an 630  
additional value-added progress dimension score. For this 631  
measure, the department shall use value-added data from the most 632  
recent school year available and shall use assessment scores for 633  
only those students to whom the district or building has 634  
administered the assessments prescribed by section 3301.0710 of 635  
the Revised Code for each of the two most recent consecutive 636  
school years. 637

As used in this division, "high mobility school district 638  
or building" means a school district or building where at least 639  
twenty-five per cent of its total enrollment is made up of 640  
students who have attended that school district or building for 641  
less than one year. 642

(2) In addition to the graded measures in division (B)(1) 643  
of this section, the department shall include on a school 644  
district's or building's report card all of the following 645  
without an assigned letter grade: 646

(a) The percentage of students enrolled in a district or 647  
building participating in advanced placement classes and the 648  
percentage of those students who received a score of three or 649  
better on advanced placement examinations; 650

(b) The number of a district's or building's students who 651

have earned at least three college credits through dual 652  
enrollment or advanced standing programs, such as the post- 653  
secondary enrollment options program under Chapter 3365. of the 654  
Revised Code and state-approved career-technical courses offered 655  
through dual enrollment or statewide articulation, that appear 656  
on a student's transcript or other official document, either of 657  
which is issued by the institution of higher education from 658  
which the student earned the college credit. The credits earned 659  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 660  
this section shall not include any that are remedial or 661  
developmental and shall include those that count toward the 662  
curriculum requirements established for completion of a degree. 663

(c) The percentage of students enrolled in a district or 664  
building who have taken a national standardized test used for 665  
college admission determinations and the percentage of those 666  
students who are determined to be remediation-free in accordance 667  
with standards adopted under division (F) of section 3345.061 of 668  
the Revised Code; 669

(d) The percentage of the district's or the building's 670  
students who receive industry-recognized credentials as approved 671  
under section 3313.6113 of the Revised Code. 672

(e) The percentage of students enrolled in a district or 673  
building who are participating in an international baccalaureate 674  
program and the percentage of those students who receive a score 675  
of four or better on the international baccalaureate 676  
examinations. 677

(f) The percentage of the district's or building's 678  
students who receive an honors diploma under division (B) of 679  
section 3313.61 of the Revised Code. 680



(3) The department shall adopt rules in accordance with 681  
Chapter 119. of the Revised Code that prescribe the methods by 682  
which the performance measures under divisions (B) (1) (f) and (B) 683  
(1) (g) of this section will be assessed and assigned a letter 684  
grade, including performance benchmarks for each grade. 685

At least forty-five days prior to the department's 686  
adoption of rules to prescribe the methods by which the 687  
performance measures under division (B) (1) of this section shall 688  
be assessed and assigned a letter grade, the department shall 689  
conduct a public presentation before the standing committees of 690  
the house of representatives and the senate that consider 691  
education legislation describing such methods, including 692  
performance benchmarks. 693

(4) There shall not be an overall letter grade for a 694  
school district or building for the 2013-2014, 2014-2015, 2015- 695  
2016, and 2016-2017 school years. 696

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 697  
2018-2019, 2019-2020, and 2020-2021 school years, the department 698  
shall issue grades as described in division (F) of this section 699  
for each of the performance measures prescribed in division (C) 700  
(1) of this section. The graded measures are as follows: 701

(a) Annual measurable objectives. For the 2017-2018 school 702  
year, the department shall not include any subgroup data in the 703  
annual measurable objectives that includes data from fewer than 704  
twenty-five students. For the 2018-2019 school year, the 705  
department shall not include any subgroup data in the annual 706  
measurable objectives that includes data from fewer than twenty 707  
students. Beginning with the 2019-2020 school year, the 708  
department shall not include any subgroup data in the annual 709  
measurable objectives that includes data from fewer than fifteen 710

students. 711

(b) Performance index score for a school district or 712  
building. Grades shall be awarded as a percentage of the total 713  
possible points on the performance index system as created by 714  
the department. In adopting benchmarks for assigning letter 715  
grades under division (C) (1) (b) of this section, the department 716  
shall designate ninety per cent or higher for an "A," at least 717  
seventy per cent but not more than eighty per cent for a "C," 718  
and less than fifty per cent for an "F." 719

(c) The extent to which the school district or building 720  
meets each of the applicable performance indicators established 721  
by the department under section 3302.03 of the Revised Code and 722  
the percentage of applicable performance indicators that have 723  
been achieved. In adopting benchmarks for assigning letter 724  
grades under division (C) (1) (c) of this section, the department 725  
shall designate ninety per cent or higher for an "A." 726

(d) The four- and five-year adjusted cohort graduation 727  
rates; 728

(e) The overall score under the value-added progress 729  
dimension, or another measure of student academic progress if 730  
adopted by the department, of a school district or building, for 731  
which the department shall use up to three years of value-added 732  
data as available. 733

In adopting benchmarks for assigning letter grades for 734  
overall score on value-added progress dimension under division 735  
(C) (1) (e) of this section, the department shall prohibit the 736  
assigning of a grade of "A" for that measure unless the 737  
district's or building's grade assigned for value-added progress 738  
dimension for all subgroups under division (C) (1) (f) of this 739

section is a "C" or higher. 740

For the metric prescribed by division (C)(1)(e) of this 741  
section, the department may adopt a student academic progress 742  
measure to be used instead of the value-added progress 743  
dimension. If the department adopts such a measure, it also 744  
shall prescribe a method for assigning letter grades for the new 745  
measure that is comparable to the method prescribed in division 746  
(A)(1)(e) of this section. 747

(f) The value-added progress dimension score of a school 748  
district or building disaggregated for each of the following 749  
subgroups: students identified as gifted in superior cognitive 750  
ability and specific academic ability fields under Chapter 3324. 751  
of the Revised Code, students with disabilities, and students 752  
whose performance places them in the lowest quintile for 753  
achievement on a statewide basis, as determined by a method 754  
prescribed by the department. Each subgroup shall be a separate 755  
graded measure. 756

The department may adopt student academic progress 757  
measures to be used instead of the value-added progress 758  
dimension. If the department adopts such measures, it also shall 759  
prescribe a method for assigning letter grades for the new 760  
measures that is comparable to the method prescribed in division 761  
(A)(1)(e) of this section. 762

(g) Whether a school district or building is making 763  
progress in improving literacy in grades kindergarten through 764  
three, as determined using a method prescribed by the 765  
department. The department shall adopt rules to prescribe 766  
benchmarks and standards for assigning grades to a district or 767  
building for purposes of division (C)(1)(g) of this section. The 768  
department shall designate for a "C" grade a value that is not 769

lower than the statewide average value for this measure. No 770  
grade shall be issued under division (C) (1) (g) of this section 771  
for a district or building in which less than five per cent of 772  
students have scored below grade level on the kindergarten 773  
diagnostic assessment under division (B) (1) of section 3313.608 774  
of the Revised Code. 775

(h) For a high mobility school district or building, an 776  
additional value-added progress dimension score. For this 777  
measure, the department shall use value-added data from the most 778  
recent school year available and shall use assessment scores for 779  
only those students to whom the district or building has 780  
administered the assessments prescribed by section 3301.0710 of 781  
the Revised Code for each of the two most recent consecutive 782  
school years. 783

As used in this division, "high mobility school district 784  
or building" means a school district or building where at least 785  
twenty-five per cent of its total enrollment is made up of 786  
students who have attended that school district or building for 787  
less than one year. 788

(2) In addition to the graded measures in division (C) (1) 789  
of this section, the department shall include on a school 790  
district's or building's report card all of the following 791  
without an assigned letter grade: 792

(a) The percentage of students enrolled in a district or 793  
building who have taken a national standardized test used for 794  
college admission determinations and the percentage of those 795  
students who are determined to be remediation-free in accordance 796  
with the standards adopted under division (F) of section 797  
3345.061 of the Revised Code; 798

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

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

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

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

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

(g) The results of the college and career-ready assessments administered under division (B) (1) of section

3301.0712 of the Revised Code; 828

(h) Whether the school district or building has 829  
implemented a positive behavior intervention and supports 830  
framework in compliance with the requirements of section 3319.46 831  
of the Revised Code, notated as a "yes" or "no" answer. 832

(3) The department shall adopt rules pursuant to Chapter 833  
119. of the Revised Code that establish a method to assign an 834  
overall grade for a school district or school building for the 835  
2017-2018 school year and each school year thereafter. The rules 836  
shall group the performance measures in divisions (C) (1) and (2) 837  
of this section into the following components: 838

(a) Gap closing, which shall include the performance 839  
measure in division (C) (1) (a) of this section; 840

(b) Achievement, which shall include the performance 841  
measures in divisions (C) (1) (b) and (c) of this section; 842

(c) Progress, which shall include the performance measures 843  
in divisions (C) (1) (e) and (f) of this section; 844

(d) Graduation, which shall include the performance 845  
measure in division (C) (1) (d) of this section; 846

(e) Kindergarten through third-grade literacy, which shall 847  
include the performance measure in division (C) (1) (g) of this 848  
section; 849

(f) Prepared for success, which shall include the 850  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 851  
and (f) of this section. The department shall develop a method 852  
to determine a grade for the component in division (C) (3) (f) of 853  
this section using the performance measures in divisions (C) (2) 854  
(a), (b), (c), (d), (e), and (f) of this section. When 855

available, the department may incorporate the performance 856  
measure under division (C) (2) (g) of this section into the 857  
component under division (C) (3) (f) of this section. When 858  
determining the overall grade for the prepared for success 859  
component prescribed by division (C) (3) (f) of this section, no 860  
individual student shall be counted in more than one performance 861  
measure. However, if a student qualifies for more than one 862  
performance measure in the component, the department may, in its 863  
method to determine a grade for the component, specify an 864  
additional weight for such a student that is not greater than or 865  
equal to 1.0. In determining the overall score under division 866  
(C) (3) (f) of this section, the department shall ensure that the 867  
pool of students included in the performance measures aggregated 868  
under that division are all of the students included in the 869  
four- and five-year adjusted graduation cohort. 870

In the rules adopted under division (C) (3) of this 871  
section, the department shall adopt a method for determining a 872  
grade for each component in divisions (C) (3) (a) to (f) of this 873  
section. The department also shall establish a method to assign 874  
an overall grade of "A," "B," "C," "D," or "F" using the grades 875  
assigned for each component. The method the department adopts 876  
for assigning an overall grade shall give equal weight to the 877  
components in divisions (C) (3) (b) and (c) of this section. 878

At least forty-five days prior to the department's 879  
adoption of rules to prescribe the methods for calculating the 880  
overall grade for the report card, as required by this division, 881  
the department shall conduct a public presentation before the 882  
standing committees of the house of representatives and the 883  
senate that consider education legislation describing the format 884  
for the report card, weights that will be assigned to the 885  
components of the overall grade, and the method for calculating 886

the overall grade. 887

(D) For the 2021-2022 school year and each school year 888  
thereafter, all of the following apply: 889

(1) The department shall include on a school district's or 890  
building's report card all of the following performance measures 891  
without an assigned performance rating: 892

(a) Whether the district or building meets the gifted 893  
performance indicator under division (A) (2) of section 3302.02 894  
of the Revised Code and the extent to which the district or 895  
building meets gifted indicator performance benchmarks; 896

(b) The extent to which the district or building meets the 897  
chronic absenteeism indicator under division (A) (3) of section 898  
3302.02 of the Revised Code; 899

(c) Performance index score percentage for a district or 900  
building, which shall be calculated by dividing the district's 901  
or building's performance index score according to the 902  
performance index system created by the department by the 903  
maximum performance index score for a district or building. The 904  
maximum performance index score shall be as follows: 905

(i) For a building, the average of the highest two per 906  
cent of performance index scores achieved by a building for the 907  
school year for which a report card is issued; 908

(ii) For a district, the average of the highest two per 909  
cent of performance index scores achieved by a district for the 910  
school year for which a report card is issued. 911

(d) The overall score under the value-added progress 912  
dimension of a district or building, for which the department 913  
shall use three consecutive years of value-added data. In using 914



three years of value-added data to calculate the measure 915  
prescribed under division (D) (1) (d) of this section, the 916  
department shall assign a weight of fifty per cent to the most 917  
recent year's data and a weight of twenty-five per cent to the 918  
data of each of the other years. However, if three consecutive 919  
years of value-added data is not available, the department shall 920  
use prior years of value-added data to calculate the measure, as 921  
follows: 922

(i) If two consecutive years of value-added data is not 923  
available, the department shall use one year of value-added data 924  
to calculate the measure. 925

(ii) If two consecutive years of value-added data is 926  
available, the department shall use two consecutive years of 927  
value-added data to calculate the measure. In using two years of 928  
value-added data to calculate the measure, the department shall 929  
assign a weight of sixty-seven per cent to the most recent 930  
year's data and a weight of thirty-three per cent to the data of 931  
the other year. 932

(e) The A four-year graduation measure, which the 933  
department shall calculate in the same manner as the four-year 934  
adjusted cohort graduation rate, except that the department 935  
shall exclude from that rate students with an individualized 936  
education program, as defined in section 3323.01 of the Revised 937  
Code, who have satisfied the conditions for a high school 938  
diploma under section 3313.61 or 3325.08 of the Revised Code, 939  
but opted not to receive a diploma and are still receiving 940  
education services. 941

(f) The five-year adjusted cohort graduation rate. 942

(g) The percentage of students in the district or building 943

who score proficient or higher on the reading segment of the 944  
third grade English language arts assessment under section 945  
3301.0710 of the Revised Code. 946

To the extent possible, the department shall include the 947  
results of the summer administration of the third grade reading 948  
assessment under section 3301.0710 of the Revised Code in the 949  
performance measures prescribed under divisions (D) (1) (g) and 950  
(h) of this section. 951

(h) Whether a district or building is making progress in 952  
improving literacy in grades kindergarten through three, as 953  
determined using a method prescribed by the department. The 954  
method shall determine progress made based on the reduction in 955  
the total percentage of students scoring below grade level, or 956  
below proficient, compared from year to year on the reading 957  
segments of the diagnostic assessments administered under 958  
section 3301.0715 of the Revised Code, including the 959  
kindergarten readiness assessment, and the third grade English 960  
language arts assessment under section 3301.0710 of the Revised 961  
Code, as applicable. The method shall not include a deduction 962  
for students who did not pass the third grade English language 963  
arts assessment under section 3301.0710 of the Revised Code and 964  
were not on a reading improvement and monitoring plan. 965

The performance measure prescribed under division (D) (1) 966  
(h) of this section shall not be included on the report card of 967  
a district or building in which less than ten per cent of 968  
students have scored below grade level on the diagnostic 969  
assessment administered to students in kindergarten under 970  
division (B) (1) of section 3313.608 of the Revised Code. 971

(i) The percentage of students in a district or building 972  
who are promoted to the fourth grade and not subject to 973

retention under division (A) (2) of section 3313.608 of the Revised Code;

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

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

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

(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D) (1) (j) (iii) of this section shall include credits that count

toward the curriculum requirements established for completion of 1004  
a degree, but shall not include any remedial or developmental 1005  
credits. 1006

(iv) Meeting the additional criteria for an honors diploma 1007  
under division (B) of section 3313.61 of the Revised Code; 1008

(v) Earning an industry-recognized credential or license 1009  
issued by a state agency or board for practice in a vocation 1010  
that requires an examination for issuance of that license 1011  
approved under section 3313.6113 of the Revised Code; 1012

(vi) Satisfying any of the following conditions: 1013

(I) Completing a pre-apprenticeship aligned with options 1014  
established under section 3313.904 of the Revised Code in the 1015  
student's chosen career field; 1016

(II) Completing an apprenticeship registered with the 1017  
apprenticeship council established under section 4139.02 of the 1018  
Revised Code in the student's chosen career field; 1019

(III) Providing evidence of acceptance into an 1020  
apprenticeship program after high school that is restricted to 1021  
participants eighteen years of age or older. 1022

(vii) Earning a cumulative score of proficient or higher 1023  
on three or more state technical assessments aligned with 1024  
section 3313.903 of the Revised Code in a single career pathway; 1025

(viii) Earning an OhioMeansJobs-readiness seal established 1026  
under section 3313.6112 of the Revised Code and completing two 1027  
hundred fifty hours of an internship or other work-based 1028  
learning experience that is either: 1029

(I) Approved by the business advisory council established 1030  
under section 3313.82 of the Revised Code that represents the 1031

student's district; or	1032
(II) Aligned to the career-technical education pathway	1033
approved by the department in which the student is enrolled.	1034
(ix) Providing evidence that the student has enlisted in a	1035
branch of the armed services of the United States as defined in	1036
section 5910.01 of the Revised Code.	1037
A student who satisfies more than one of the conditions	1038
prescribed under this division shall be counted as one student	1039
for the purposes of calculating the measure prescribed under	1040
division (D) (1) (j) of this section.	1041
(2) In addition to the performance measures under division	1042
(D) (1) of this section, the department shall report on a	1043
district's or building's report card all of the following data	1044
without an assigned performance rating:	1045
(a) The applicable performance indicators established by	1046
the department under division (A) (1) of section 3302.02 of the	1047
Revised Code;	1048
(b) The overall score under the value-added progress	1049
dimension of a district or building for the most recent school	1050
year;	1051
(c) A composite of the overall scores under the value-	1052
added progress dimension of a district or building for the	1053
previous three school years or, if only two years of value-added	1054
data are available, for the previous two years;	1055
(d) The percentage of students included in the four- and	1056
five-year adjusted cohort graduation rates of a district or	1057
building who did not receive a high school diploma under section	1058
3313.61 or 3325.08 of the Revised Code. To the extent possible,	1059

the department shall disaggregate that data according to the 1060  
following categories: 1061

(i) Students who are still enrolled in the district or 1062  
building and receiving general education services; 1063

(ii) Students with an individualized education program, ~~as~~ 1064  
~~defined in section 3323.01 of the Revised Code,~~ who satisfied 1065  
the conditions for a high school diploma under section 3313.61 1066  
or 3325.08 of the Revised Code, but opted not to receive a 1067  
diploma and are still receiving education services; 1068

(iii) Students with an individualized education program 1069  
who have not yet satisfied conditions for a high school diploma 1070  
under section 3313.61 or 3325.08 of the Revised Code and who are 1071  
still receiving education services; 1072

(iv) Students who are no longer enrolled in any district 1073  
or building; 1074

(v) Students who, upon enrollment in the district or 1075  
building for the first time, had completed fewer units of high 1076  
school instruction required under section 3313.603 of the 1077  
Revised Code than other students in the four- or five-year 1078  
adjusted cohort graduation rate. 1079

The department may disaggregate the data prescribed under 1080  
division (D) (2) (d) of this section according to other categories 1081  
that the department determines are appropriate. 1082

(e) The results of the kindergarten diagnostic assessment 1083  
prescribed under division (D) of section 3301.079 of the Revised 1084  
Code; 1085

(f) Post-graduate outcomes for students who were enrolled 1086  
in a district or building and received a high school diploma 1087

under section 3313.61 or 3325.08 of the Revised Code in the 1088  
school year prior to the school year for which the report card 1089  
is issued, including the percentage of students who: 1090

(i) Enrolled in a post-secondary educational institution. 1091  
To the extent possible, the department shall disaggregate that 1092  
data according to whether the student enrolled in a four-year 1093  
institution of higher education, a two-year institution of 1094  
higher education, an Ohio technical center that provides adult 1095  
technical education services and is recognized by the chancellor 1096  
of higher education, or another type of post-secondary 1097  
educational institution. 1098

(ii) Entered an apprenticeship program registered with the 1099  
apprenticeship council established under Chapter 4139. of the 1100  
Revised Code. The department may include other job training 1101  
programs with similar rigor and outcomes. 1102

(iii) Attained gainful employment, as determined by the 1103  
department; 1104

(iv) Enlisted in a branch of the armed forces of the 1105  
United States, as defined in section 5910.01 of the Revised 1106  
Code. 1107

(g) Whether the school district or building has 1108  
implemented a positive behavior intervention and supports 1109  
framework in compliance with the requirements of section 3319.46 1110  
of the Revised Code, notated with a "yes" or "no"; 1111

(h) The number and percentage of high school seniors in 1112  
each school year who completed the free application for federal 1113  
student aid; 1114

(i) Beginning with the report card issued under this 1115  
section for the 2022-2023 school year, a student opportunity 1116

profile measure that reports data regarding the opportunities 1117  
provided to students by a district or building. To the extent 1118  
possible, and when appropriate, the data shall be disaggregated 1119  
by grade level and subgroup. The measure also shall include data 1120  
regarding the statewide average, the average for similar school 1121  
districts, and, for a building, the average for the district in 1122  
which the building is located. The measure shall include all of 1123  
the following data for the district or building: 1124

- (i) The average ratio of teachers of record to students in 1125  
each grade level in a district or building; 1126
- (ii) The average ratio of school counselors to students in 1127  
a district or building; 1128
- (iii) The average ratio of nurses to students in a 1129  
district or building; 1130
- (iv) The average ratio of licensed librarians and library 1131  
media specialists to students in a district or building; 1132
- (v) The average ratio of social workers to students in a 1133  
district or building; 1134
- (vi) The average ratio of mental health professionals to 1135  
students in a district or building; 1136
- (vii) The average ratio of paraprofessionals to students 1137  
in a district or building; 1138
- (viii) The percentage of teachers with fewer than three 1139  
years of experience teaching in any school; 1140
- (ix) The percentage of principals with fewer than three 1141  
years of experience as a principal in any school; 1142
- (x) The percentage of teachers who are not teaching in the 1143



subject or field for which they are certified or licensed;	1144
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	1145 1146 1147
(xii) The percentage of students enrolled in a performing or visual arts course;	1148 1149
(xiii) The percentage of students enrolled in a physical education or wellness course;	1150 1151
(xiv) The percentage of students enrolled in a world language course;	1152 1153
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	1154 1155
(xvi) The percentage of students participating in one or more cocurricular activities;	1156 1157
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	1158 1159 1160 1161
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	1162 1163 1164 1165
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	1166 1167 1168
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the	1169 1170

district or building in accordance with section 3313.813 or 1171  
3313.818 of the Revised Code; 1172

(xxi) The percentage of students who are transported by a 1173  
school bus each school day; 1174

(xxii) The ratio of portable technology devices that 1175  
students may take home to the number of students. 1176

The department shall include only opportunity measures at 1177  
the building level for which data for buildings is available, as 1178  
determined by a school district. 1179

(j) (i) The percentage of students included in the four- 1180  
and five-year adjusted cohort graduation rates of the district 1181  
or building who completed all of grades nine through twelve 1182  
while enrolled in the district or building; 1183

(ii) The four-year adjusted cohort graduation rate for 1184  
only those students who were continuously enrolled in the same 1185  
district or building for grades nine through twelve. 1186

(k) The percentage of students in the district or building 1187  
to whom both of the following apply: 1188

(i) The students are promoted to fourth grade and not 1189  
subject to retention under division (A) (2) of section 3313.608 1190  
of the Revised Code. 1191

(ii) The students completed all of the grade levels 1192  
offered prior to the fourth grade in the district or building. 1193

(l) The four-year adjusted cohort graduation rate. 1194

(3) Except as provided in division (D) (3) (f) of this 1195  
section, the department shall use the method prescribed under 1196  
rules adopted under division (D) (4) of this section to assign 1197

performance ratings of "one star," "two stars," "three stars," 1198  
"four stars," or "five stars," as described in division (F) of 1199  
this section, for a district or building for the individual 1200  
components prescribed under division (D) (3) of this section. The 1201  
department also shall assign an overall performance rating for a 1202  
district or building in accordance with division (D) (3) (g) of 1203  
this section. The method shall use the performance measures 1204  
prescribed under division (D) (1) of this section to calculate 1205  
performance ratings for components. The method may report data 1206  
under division (D) (2) of this section with corresponding 1207  
components, but shall not use the data to calculate performance 1208  
ratings for that component. The performance measures and 1209  
reported data shall be grouped together into components as 1210  
follows: 1211

(a) Gap closing. In addition to other criteria determined 1212  
appropriate by the department, performance ratings for the gap 1213  
closing component shall reflect whether each of the following 1214  
performance measures are met or not met: 1215

(i) The gifted performance indicator as described in 1216  
division (D) (1) (a) of this section; 1217

(ii) The chronic absenteeism indicator as described in 1218  
division (D) (1) (b) of this section; 1219

(iii) For English learners, an English language 1220  
proficiency improvement indicator established by the department; 1221

(iv) The subgroup graduation targets; 1222

(v) The subgroup achievement targets in both mathematics 1223  
and English language arts; 1224

(vi) The subgroup progress targets in both mathematics and 1225  
English language arts. 1226

Achievement and progress targets under division (D) (3) (a) 1227  
of this section shall be calculated individually, and districts 1228  
and buildings shall receive a status of met or not met on each 1229  
measure. The department shall not require a subgroup of a 1230  
district or building to meet both the achievement and progress 1231  
targets at the same time to receive a status of met. 1232

The department shall not include any subgroup data in this 1233  
measure that includes data from fewer than fifteen students. Any 1234  
penalty for failing to meet the required assessment 1235  
participation rate must be partially in proportion to how close 1236  
the district or building was to meeting the rate requirement. 1237

(b) Achievement, which shall include the performance 1238  
measure in division (D) (1) (c) of this section and the reported 1239  
data in division (D) (2) (a) of this section. Performance ratings 1240  
for the achievement component shall be awarded as a percentage 1241  
of the maximum performance index score described in division (D) 1242  
(1) (c) of this section. 1243

(c) Progress, which shall include the performance measure 1244  
in division (D) (1) (d) of this section and the reported data in 1245  
divisions (D) (2) (b) and (c) of this section; 1246

(d) Graduation, which shall include the performance 1247  
measures in divisions (D) (1) (e) and (f) of this section and the 1248  
reported data in divisions (D) (2) (d) ~~and (j), and (l)~~ of this 1249  
section. The four-year ~~adjusted cohort graduation rate measure~~ 1250  
shall be assigned a weight of sixty per cent and the five-year 1251  
adjusted cohort graduation rate shall be assigned a weight of 1252  
forty per cent; 1253

(e) Early literacy, which shall include the performance 1254  
measures in divisions (D) (1) (g), (h), and (i) of this section 1255

and the reported data in divisions (D) (2) (e) and (k) of this section. 1256  
1257

If the measure prescribed under division (D) (1) (h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D) (1) (g) of this section, a weight of thirty-five per cent to the measure prescribed under division (D) (1) (i) of this section, and a weight of twenty-five per cent to the measure prescribed under division (D) (1) (h) of this section. 1258  
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If the measure prescribed under division (D) (1) (h) of this section is not included in a report card of a district or building, performance ratings for the early literacy component shall give a weight of sixty per cent to the measure prescribed under division (D) (1) (g) of this section and a weight of forty per cent to the measure prescribed under division (D) (1) (i) of this section. 1266  
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(f) College, career, workforce, and military readiness, which shall include the performance measure in division (D) (1) (j) of this section and the reported data in division (D) (2) (f) of this section. 1273  
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For the 2021-2022, 2022-2023, and 2023-2024 school years, the department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division (D) (1) (j) of this section. 1277  
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The department shall analyze the data included in the 1284

performance measure prescribed in division (D) (1) (j) of this 1285  
section for the 2021-2022, 2022-2023, and 2023-2024 school 1286  
years. Using that data, the department shall develop and propose 1287  
rules for a method to assign a performance rating to the 1288  
college, career, workforce, and military readiness component 1289  
based on that measure. The method to assign a performance rating 1290  
shall not include a tiered structure or per student bonuses. The 1291  
rules shall specify that a district or building shall not 1292  
receive lower than a performance rating of three stars for the 1293  
component if the district's or building's performance on the 1294  
component meets or exceeds a level of improvement set by the 1295  
department. Notwithstanding division (D) (4) (b) of this section, 1296  
more than half of the total districts and buildings may earn a 1297  
performance rating of three stars on this component to account 1298  
for the districts and buildings that earned a performance rating 1299  
of three stars because they met or exceeded the level of 1300  
improvement set by the department. 1301

The department shall submit the rules to the joint 1302  
committee on agency rule review. The committee shall conduct at 1303  
least one public hearing on the proposed rules and approve or 1304  
disapprove the rules. If the committee approves the rules, the 1305  
department shall adopt the rules in accordance with Chapter 119. 1306  
of the Revised Code. If the rules are adopted, the department 1307  
shall assign a performance rating to the college, career, 1308  
workforce, and military readiness component under the rules 1309  
beginning with the 2024-2025 school year, and for each school 1310  
year thereafter. If the committee disapproves the rules, the 1311  
component shall be included in the report card only as reported 1312  
data for the 2024-2025 school year, and each school year 1313  
thereafter. 1314

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 1315

this section, beginning with the 2022-2023 school year, under 1316  
the method prescribed under rules adopted in division (D) (4) of 1317  
this section, the department shall use the performance ratings 1318  
assigned for the components prescribed in divisions (D) (3) (a) to 1319  
(e) of this section to determine and assign an overall 1320  
performance rating of "one star," "one and one-half stars," "two 1321  
stars," "two and one-half stars," "three stars," "three and one- 1322  
half stars," "four stars," "four and one-half stars," or "five 1323  
stars" for a district or building. The method shall give equal 1324  
weight to the components in divisions (D) (3) (b) and (c) of this 1325  
section. The method shall give equal weight to the components in 1326  
divisions (D) (3) (a), (d), and (e) of this section. The 1327  
individual weights of each of the components prescribed in 1328  
divisions (D) (3) (a), (d), and (e) of this section shall be equal 1329  
to one-half of the weight given to the component prescribed in 1330  
division (D) (3) (b) of this section. 1331

(ii) If the joint committee on agency rule review approves 1332  
the department's rules regarding the college, career, workforce, 1333  
and military readiness component as described in division (D) (3) 1334  
(f) of this section, for the 2024-2025 school year, and each 1335  
school year thereafter, the department's method shall use the 1336  
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 1337  
of this section to calculate the overall performance rating. The 1338  
method shall give equal weight to the components in divisions 1339  
(D) (3) (b) and (c) of this section. The method shall give equal 1340  
weight to the components prescribed in divisions (D) (3) (a), (d), 1341  
(e), and (f) of this section. The individual weights of each of 1342  
the components prescribed in divisions (D) (3) (a), (d), (e), and 1343  
(f) of this section shall be equal to one-half the weight given 1344  
to the component prescribed in division (D) (3) (b) of this 1345  
section. 1346

If the joint committee on agency rule review disapproves 1347  
the department's rules regarding the college, career, workforce, 1348  
and military readiness component as described in division (D) (3) 1349  
(f) of this section, division (D) (3) (g) (ii) of this section does 1350  
not apply. 1351

(4) (a) The department shall adopt rules in accordance with 1352  
Chapter 119. of the Revised Code to establish the performance 1353  
criteria, benchmarks, and rating system necessary to implement 1354  
divisions (D) and (F) of this section, including the method for 1355  
the department to assign performance ratings under division (D) 1356  
(3) of this section. 1357

(b) In establishing the performance criteria, benchmarks, 1358  
and rating system, the department shall consult with stakeholder 1359  
groups and advocates that represent parents, community members, 1360  
students, business leaders, and educators from different school 1361  
typology regions. The department shall use data from prior 1362  
school years and simulations to ensure that there is meaningful 1363  
differentiation among districts and buildings across all 1364  
performance ratings and that, except as permitted in division 1365  
(D) (3) (f) of this section, more than half of all districts or 1366  
buildings do not earn the same performance rating in any 1367  
component or overall performance rating. 1368

(c) The department shall adopt the rules prescribed by 1369  
division (D) (4) of this section not later than March 31, 2022. 1370  
However, the department shall notify districts and buildings of 1371  
the changes to the report card prescribed in law not later than 1372  
one week after September 30, 2021. 1373

(d) Prior to adopting or updating rules under division (D) 1374  
(4) of this section, the director of education and workforce and 1375  
the department shall conduct a public presentation before the 1376



standing committees of the house of representatives and the 1377  
senate that consider primary and secondary education legislation 1378  
describing the format for the report card and the performance 1379  
criteria, benchmarks, and rating system, including the method to 1380  
assign performance ratings under division (D) (3) of this 1381  
section. 1382

(E) The department may develop a measure of student 1383  
academic progress for high school students using only data from 1384  
assessments in English language arts and mathematics. If the 1385  
department develops this measure, each school district and 1386  
applicable school building shall be assigned a separate letter 1387  
grade for it not sooner than the 2017-2018 school year. The 1388  
district's or building's grade for that measure shall not be 1389  
included in determining the district's or building's overall 1390  
letter grade. 1391

(F) (1) The letter grades assigned to a school district or 1392  
building under this section shall be as follows: 1393

(a) "A" for a district or school making excellent 1394  
progress; 1395

(b) "B" for a district or school making above average 1396  
progress; 1397

(c) "C" for a district or school making average progress; 1398

(d) "D" for a district or school making below average 1399  
progress; 1400

(e) "F" for a district or school failing to meet minimum 1401  
progress. 1402

(2) For the overall performance rating under division (D) 1403

(3) of this section, the department shall include a descriptor 1404

for each performance rating as follows: 1405

(a) "Significantly exceeds state standards" for a 1406  
performance rating of five stars; 1407

(b) "Exceeds state standards" for a performance rating of 1408  
four stars or four and one-half stars; 1409

(c) "Meets state standards" for a performance rating of 1410  
three stars or three and one-half stars; 1411

(d) "Needs support to meet state standards" for a 1412  
performance rating of two stars or two and one-half stars; 1413

(e) "Needs significant support to meet state standards" 1414  
for a performance rating of one star or one and one-half stars. 1415

(3) For performance ratings for each component under 1416  
divisions (D) (3) (a) to (f) of this section, the department shall 1417  
include a description of each component and performance rating. 1418  
The description shall include component-specific context to each 1419  
performance rating earned, estimated comparisons to other school 1420  
districts and buildings if appropriate, and any other 1421  
information determined by the department. The descriptions shall 1422  
be not longer than twenty-five words in length when possible. In 1423  
addition to such descriptions, the department shall include the 1424  
descriptors in division (F) (2) of this section for component 1425  
performance ratings. 1426

(4) Each report card issued under this section shall 1427  
include all of the following: 1428

(a) A graphic that depicts the performance ratings of a 1429  
district or school on a color scale. The color associated with a 1430  
performance rating of three stars shall be green and the color 1431  
associated with a performance rating of one star shall be red. 1432

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

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D) (3) (g) of this section, which shall be included in the presentation of the overall performance rating on each report card.

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

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under

Chapter 3314. of the Revised Code;	1460
(9) Performance of students grouped by those who are	1461
classified as English learners;	1462
(10) Performance of students grouped by those who have	1463
disabilities;	1464
(11) Performance of students grouped by those who are	1465
classified as migrants;	1466
(12) Performance of students grouped by those who are	1467
identified as gifted in superior cognitive ability and the	1468
specific academic ability fields of reading and math pursuant to	1469
Chapter 3324. of the Revised Code. In disaggregating specific	1470
academic ability fields for gifted students, the department	1471
shall use data for those students with specific academic ability	1472
in math and reading. If any other academic field is assessed,	1473
the department shall also include data for students with	1474
specific academic ability in that field as well.	1475
(13) Performance of students grouped by those who perform	1476
in the lowest quintile for achievement on a statewide basis, as	1477
determined by a method prescribed by the department.	1478
The department may disaggregate data on student	1479
performance according to other categories that the department	1480
determines are appropriate. To the extent possible, the	1481
department shall disaggregate data on student performance	1482
according to any combinations of two or more of the categories	1483
listed in divisions (G) (1) to (13) of this section that it deems	1484
relevant.	1485
In reporting data pursuant to division (G) of this	1486
section, the department shall not include in the report cards	1487
any data statistical in nature that is statistically unreliable	1488

or that could result in the identification of individual 1489  
students. For this purpose, the department shall not report 1490  
student performance data for any group identified in division 1491  
(G) of this section that contains less than ten students. If the 1492  
department does not report student performance data for a group 1493  
because it contains less than ten students, the department shall 1494  
indicate on the report card that is why data was not reported. 1495

(H) The department may include with the report cards any 1496  
additional education and fiscal performance data it deems 1497  
valuable. 1498

(I) The department shall include on each report card a 1499  
list of additional information collected by the department that 1500  
is available regarding the district or building for which the 1501  
report card is issued. When available, such additional 1502  
information shall include student mobility data disaggregated by 1503  
race and socioeconomic status, college enrollment data, and the 1504  
reports prepared under section 3302.031 of the Revised Code. 1505

The department shall maintain a site on the world wide 1506  
web. The report card shall include the address of the site and 1507  
shall specify that such additional information is available to 1508  
the public at that site. The department shall also provide a 1509  
copy of each item on the list to the superintendent of each 1510  
school district. The district superintendent shall provide a 1511  
copy of any item on the list to anyone who requests it. 1512

(J) (1) (a) Except as provided in division (J) (1) (b) of this 1513  
section, for any district that sponsors a conversion community 1514  
school under Chapter 3314. of the Revised Code, the department 1515  
shall combine data regarding the academic performance of 1516  
students enrolled in the community school with comparable data 1517  
from the schools of the district for the purpose of determining 1518

the performance of the district as a whole on the report card 1519  
issued for the district under this section or section 3302.033 1520  
of the Revised Code. 1521

(b) The department shall not combine data from any 1522  
conversion community school that a district sponsors if a 1523  
majority of the students enrolled in the conversion community 1524  
school are enrolled in a dropout prevention and recovery program 1525  
that is operated by the school, as described in division (A) (4) 1526  
(a) of section 3314.35 of the Revised Code. The department shall 1527  
include as an addendum to the district's report card the ratings 1528  
and performance measures that are required under section 1529  
3314.017 of the Revised Code for any community school to which 1530  
division (J) (1) (b) of this section applies. This addendum shall 1531  
include, at a minimum, the data specified in divisions (C) (1) 1532  
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1533

(2) Any district that leases a building to a community 1534  
school located in the district or that enters into an agreement 1535  
with a community school located in the district whereby the 1536  
district and the school endorse each other's programs may elect 1537  
to have data regarding the academic performance of students 1538  
enrolled in the community school combined with comparable data 1539  
from the schools of the district for the purpose of determining 1540  
the performance of the district as a whole on the district 1541  
report card. Any district that so elects shall annually file a 1542  
copy of the lease or agreement with the department. 1543

(3) Any municipal school district, as defined in section 1544  
3311.71 of the Revised Code, that sponsors a community school 1545  
located within the district's territory, or that enters into an 1546  
agreement with a community school located within the district's 1547  
territory whereby the district and the community school endorse 1548

each other's programs, may exercise either or both of the 1549  
following elections: 1550

(a) To have data regarding the academic performance of 1551  
students enrolled in that community school combined with 1552  
comparable data from the schools of the district for the purpose 1553  
of determining the performance of the district as a whole on the 1554  
district's report card; 1555

(b) To have the number of students attending that 1556  
community school noted separately on the district's report card. 1557

The election authorized under division (J) (3) (a) of this 1558  
section is subject to approval by the governing authority of the 1559  
community school. 1560

Any municipal school district that exercises an election 1561  
to combine or include data under division (J) (3) of this 1562  
section, by the first day of October of each year, shall file 1563  
with the department documentation indicating eligibility for 1564  
that election, as required by the department. 1565

(K) The department shall include on each report card the 1566  
percentage of teachers in the district or building who are 1567  
properly certified or licensed teachers, as defined in section 1568  
3319.074 of the Revised Code, and a comparison of that 1569  
percentage with the percentages of such teachers in similar 1570  
districts and buildings. 1571

(L) (1) In calculating English language arts, mathematics, 1572  
science, American history, or American government assessment 1573  
passage rates used to determine school district or building 1574  
performance under this section, the department shall include all 1575  
students taking an assessment with accommodation or to whom an 1576  
alternate assessment is administered pursuant to division (C) (1) 1577

or (3) of section 3301.0711 of the Revised Code and all students 1578  
who take substitute examinations approved under division (B) (4) 1579  
of section 3301.0712 of the Revised Code in the subject areas of 1580  
science, American history and American government. 1581

(2) In calculating performance index scores, rates of 1582  
achievement on the performance indicators established by the 1583  
department under section 3302.02 of the Revised Code, and annual 1584  
measurable objectives for determining adequate yearly progress 1585  
for school districts and buildings under this section, the 1586  
department shall do all of the following: 1587

(a) Include for each district or building only those 1588  
students who are included in the ADM certified for the first 1589  
full school week of October and are continuously enrolled in the 1590  
district or building through the time of the spring 1591  
administration of any assessment prescribed by division (A) (1) 1592  
or (B) (1) of section 3301.0710 or division (B) of section 1593  
3301.0712 of the Revised Code that is administered to the 1594  
student's grade level; 1595

(b) Include cumulative totals from both the fall and 1596  
spring administrations of the third grade English language arts 1597  
achievement assessment and, to the extent possible, the summer 1598  
administration of that assessment; 1599

(c) Include for each district or building any English 1600  
learner in accordance with the department's plan, as approved by 1601  
the United States secretary of education, to comply with the 1602  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 1603  
to 6339. 1604

As used in this section, "English learner" has the same 1605  
meaning as in section 3301.0731 of the Revised Code. 1606



(M) Beginning with the 2015-2016 school year and at least 1607  
once every three years thereafter, the department shall review 1608  
and may adjust the benchmarks for assigning letter grades or 1609  
performance ratings to the performance measures and components 1610  
prescribed under divisions (C) (3), (D), and (E) of this section. 1611

**Sec. 3314.03.** A copy of every contract entered into under 1612  
this section shall be filed with the director of education and 1613  
workforce. The department of education and workforce shall make 1614  
available on its web site a copy of every approved, executed 1615  
contract filed with the director under this section. 1616

(A) Each contract entered into between a sponsor and the 1617  
governing authority of a community school shall specify the 1618  
following: 1619

(1) That the school shall be established as either of the 1620  
following: 1621

(a) A nonprofit corporation established under Chapter 1622  
1702. of the Revised Code, if established prior to April 8, 1623  
2003; 1624

(b) A public benefit corporation established under Chapter 1625  
1702. of the Revised Code, if established after April 8, 2003. 1626

(2) The education program of the school, including the 1627  
school's mission, the characteristics of the students the school 1628  
is expected to attract, the ages and grades of students, and the 1629  
focus of the curriculum; 1630

(3) The academic goals to be achieved and the method of 1631  
measurement that will be used to determine progress toward those 1632  
goals, which shall include the statewide achievement 1633  
assessments; 1634

(4) Performance standards, including but not limited to 1635  
all applicable report card measures set forth in section 3302.03 1636  
or 3314.017 of the Revised Code, by which the success of the 1637  
school will be evaluated by the sponsor; 1638

(5) The admission standards of section 3314.06 of the 1639  
Revised Code and, if applicable, section 3314.061 of the Revised 1640  
Code; 1641

(6) (a) Dismissal procedures; 1642

(b) A requirement that the governing authority adopt an 1643  
attendance policy that includes a procedure for automatically 1644  
withdrawing a student from the school if the student without a 1645  
legitimate excuse fails to participate in seventy-two 1646  
consecutive hours of the learning opportunities offered to the 1647  
student. 1648

(7) The ways by which the school will achieve racial and 1649  
ethnic balance reflective of the community it serves; 1650

(8) Requirements for financial audits by the auditor of 1651  
state. The contract shall require financial records of the 1652  
school to be maintained in the same manner as are financial 1653  
records of school districts, pursuant to rules of the auditor of 1654  
state. Audits shall be conducted in accordance with section 1655  
117.10 of the Revised Code. 1656

(9) An addendum to the contract outlining the facilities 1657  
to be used that contains at least the following information: 1658

(a) A detailed description of each facility used for 1659  
instructional purposes; 1660

(b) The annual costs associated with leasing each facility 1661  
that are paid by or on behalf of the school; 1662

(c) The annual mortgage principal and interest payments that are paid by the school;	1663 1664
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	1665 1666 1667
(10) Qualifications of employees, including both of the following:	1668 1669
(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;	1670 1671 1672 1673 1674
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	1675 1676 1677
(11) That the school will comply with the following requirements:	1678 1679
(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.	1680 1681 1682
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	1683 1684 1685
(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.	1686 1687 1688 1689
(d) The school will comply with sections 9.90, 9.91,	1690

109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1691  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1692  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 1693  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1694  
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 1695  
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 1696  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 1697  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 1698  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 1699  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 1700  
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 1701  
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 1702  
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 1703  
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 1704  
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 1705  
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1706  
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 1707  
the Revised Code as if it were a school district and will comply 1708  
with section 3301.0714 of the Revised Code in the manner 1709  
specified in section 3314.17 of the Revised Code. 1710

(e) The school shall comply with Chapter 102. and section 1711  
2921.42 of the Revised Code. 1712

(f) The school will comply with sections 3313.61, 1713  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1714  
Revised Code, except that for students who enter ninth grade for 1715  
the first time before July 1, 2010, the requirement in sections 1716  
3313.61 and 3313.611 of the Revised Code that a person must 1717  
successfully complete the curriculum in any high school prior to 1718  
receiving a high school diploma may be met by completing the 1719  
curriculum adopted by the governing authority of the community 1720  
school rather than the curriculum specified in Title XXXVIII of 1721

the Revised Code or any rules of the department. Beginning with 1722  
students who enter ninth grade for the first time on or after 1723  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1724  
of the Revised Code that a person must successfully complete the 1725  
curriculum of a high school prior to receiving a high school 1726  
diploma shall be met by completing the requirements prescribed 1727  
in section 3313.6027 and division (C) of section 3313.603 of the 1728  
Revised Code, unless the person qualifies under division (D) or 1729  
(F) of that section. Each school shall comply with the plan for 1730  
awarding high school credit based on demonstration of subject 1731  
area competency, and beginning with the 2017-2018 school year, 1732  
with the updated plan that permits students enrolled in seventh 1733  
and eighth grade to meet curriculum requirements based on 1734  
subject area competency adopted by the department under 1735  
divisions (J) (1) and (2) of section 3313.603 of the Revised 1736  
Code. Beginning with the 2018-2019 school year, the school shall 1737  
comply with the framework for granting units of high school 1738  
credit to students who demonstrate subject area competency 1739  
through work-based learning experiences, internships, or 1740  
cooperative education developed by the department under division 1741  
(J) (3) of section 3313.603 of the Revised Code. 1742

(g) The school governing authority will submit within four 1743  
months after the end of each school year a report of its 1744  
activities and progress in meeting the goals and standards of 1745  
divisions (A) (3) and (4) of this section and its financial 1746  
status to the sponsor and the parents of all students enrolled 1747  
in the school. 1748

(h) The school, unless it is an internet- or computer- 1749  
based community school, will comply with section 3313.801 of the 1750  
Revised Code as if it were a school district. 1751

(i) If the school is the recipient of moneys from a grant 1752  
awarded under the federal race to the top program, Division (A), 1753  
Title XIV, Sections 14005 and 14006 of the "American Recovery 1754  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1755  
the school will pay teachers based upon performance in 1756  
accordance with section 3317.141 and will comply with section 1757  
3319.111 of the Revised Code as if it were a school district. 1758

(j) If the school operates a preschool program that is 1759  
licensed by the department under sections 3301.52 to 3301.59 of 1760  
the Revised Code, the school shall comply with sections 3301.50 1761  
to 3301.59 of the Revised Code and the minimum standards for 1762  
preschool programs prescribed in rules adopted by the department 1763  
under section 3301.53 of the Revised Code. 1764

(k) The school will comply with sections 3313.6021 and 1765  
3313.6023 of the Revised Code as if it were a school district 1766  
unless it is either of the following: 1767

(i) An internet- or computer-based community school; 1768

(ii) A community school in which a majority of the 1769  
enrolled students are children with disabilities as described in 1770  
division (A) (4) (b) of section 3314.35 of the Revised Code. 1771

(l) The school will comply with ~~section~~sections 3321.191\_ 1772  
and 3321.192 of the Revised Code, unless it is an internet- or 1773  
computer-based community school that is subject to section 1774  
3314.261 of the Revised Code. 1775

(12) Arrangements for providing health and other benefits 1776  
to employees; 1777

(13) The length of the contract, which shall begin at the 1778  
beginning of an academic year. No contract shall exceed five 1779  
years unless such contract has been renewed pursuant to division 1780

(E) of this section. 1781

(14) The governing authority of the school, which shall be 1782  
responsible for carrying out the provisions of the contract; 1783

(15) A financial plan detailing an estimated school budget 1784  
for each year of the period of the contract and specifying the 1785  
total estimated per pupil expenditure amount for each such year. 1786

(16) Requirements and procedures regarding the disposition 1787  
of employees of the school in the event the contract is 1788  
terminated or not renewed pursuant to section 3314.07 of the 1789  
Revised Code; 1790

(17) Whether the school is to be created by converting all 1791  
or part of an existing public school or educational service 1792  
center building or is to be a new start-up school, and if it is 1793  
a converted public school or service center building, 1794  
specification of any duties or responsibilities of an employer 1795  
that the board of education or service center governing board 1796  
that operated the school or building before conversion is 1797  
delegating to the governing authority of the community school 1798  
with respect to all or any specified group of employees provided 1799  
the delegation is not prohibited by a collective bargaining 1800  
agreement applicable to such employees; 1801

(18) Provisions establishing procedures for resolving 1802  
disputes or differences of opinion between the sponsor and the 1803  
governing authority of the community school; 1804

(19) A provision requiring the governing authority to 1805  
adopt a policy regarding the admission of students who reside 1806  
outside the district in which the school is located. That policy 1807  
shall comply with the admissions procedures specified in 1808  
sections 3314.06 and 3314.061 of the Revised Code and, at the 1809

sole discretion of the authority, shall do one of the following: 1810

(a) Prohibit the enrollment of students who reside outside 1811  
the district in which the school is located; 1812

(b) Permit the enrollment of students who reside in 1813  
districts adjacent to the district in which the school is 1814  
located; 1815

(c) Permit the enrollment of students who reside in any 1816  
other district in the state. 1817

(20) A provision recognizing the authority of the 1818  
department to take over the sponsorship of the school in 1819  
accordance with the provisions of division (C) of section 1820  
3314.015 of the Revised Code; 1821

(21) A provision recognizing the sponsor's authority to 1822  
assume the operation of a school under the conditions specified 1823  
in division (B) of section 3314.073 of the Revised Code; 1824

(22) A provision recognizing both of the following: 1825

(a) The authority of public health and safety officials to 1826  
inspect the facilities of the school and to order the facilities 1827  
closed if those officials find that the facilities are not in 1828  
compliance with health and safety laws and regulations; 1829

(b) The authority of the department as the community 1830  
school oversight body to suspend the operation of the school 1831  
under section 3314.072 of the Revised Code if the department has 1832  
evidence of conditions or violations of law at the school that 1833  
pose an imminent danger to the health and safety of the school's 1834  
students and employees and the sponsor refuses to take such 1835  
action. 1836

(23) A description of the learning opportunities that will 1837



be offered to students including both classroom-based and non- 1838  
classroom-based learning opportunities that is in compliance 1839  
with criteria for student participation established by the 1840  
department under division (H) (2) of section 3314.08 of the 1841  
Revised Code; 1842

(24) The school will comply with sections 3302.04 and 1843  
3302.041 of the Revised Code, except that any action required to 1844  
be taken by a school district pursuant to those sections shall 1845  
be taken by the sponsor of the school. 1846

(25) Beginning in the 2006-2007 school year, the school 1847  
will open for operation not later than the thirtieth day of 1848  
September each school year, unless the mission of the school as 1849  
specified under division (A) (2) of this section is solely to 1850  
serve dropouts. In its initial year of operation, if the school 1851  
fails to open by the thirtieth day of September, or within one 1852  
year after the adoption of the contract pursuant to division (D) 1853  
of section 3314.02 of the Revised Code if the mission of the 1854  
school is solely to serve dropouts, the contract shall be void. 1855

(26) Whether the school's governing authority is planning 1856  
to seek designation for the school as a STEM school equivalent 1857  
under section 3326.032 of the Revised Code; 1858

(27) That the school's attendance and participation 1859  
policies will be available for public inspection; 1860

(28) That the school's attendance and participation 1861  
records shall be made available to the department, auditor of 1862  
state, and school's sponsor to the extent permitted under and in 1863  
accordance with the "Family Educational Rights and Privacy Act 1864  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1865  
regulations promulgated under that act, and section 3319.321 of 1866

the Revised Code; 1867

(29) If a school operates using the blended learning 1868  
model, as defined in section 3301.079 of the Revised Code, all 1869  
of the following information: 1870

(a) An indication of what blended learning model or models 1871  
will be used; 1872

(b) A description of how student instructional needs will 1873  
be determined and documented; 1874

(c) The method to be used for determining competency, 1875  
granting credit, and promoting students to a higher grade level; 1876

(d) The school's attendance requirements, including how 1877  
the school will document participation in learning 1878  
opportunities; 1879

(e) A statement describing how student progress will be 1880  
monitored; 1881

(f) A statement describing how private student data will 1882  
be protected; 1883

(g) A description of the professional development 1884  
activities that will be offered to teachers. 1885

(30) A provision requiring that all moneys the school's 1886  
operator loans to the school, including facilities loans or cash 1887  
flow assistance, must be accounted for, documented, and bear 1888  
interest at a fair market rate; 1889

(31) A provision requiring that, if the governing 1890  
authority contracts with an attorney, accountant, or entity 1891  
specializing in audits, the attorney, accountant, or entity 1892  
shall be independent from the operator with which the school has 1893

contracted. 1894

(32) A provision requiring the governing authority to 1895  
adopt an enrollment and attendance policy that requires a 1896  
student's parent to notify the community school in which the 1897  
student is enrolled when there is a change in the location of 1898  
the parent's or student's primary residence. 1899

(33) A provision requiring the governing authority to 1900  
adopt a student residence and address verification policy for 1901  
students enrolling in or attending the school. 1902

(B) The community school shall also submit to the sponsor 1903  
a comprehensive plan for the school. The plan shall specify the 1904  
following: 1905

(1) The process by which the governing authority of the 1906  
school will be selected in the future; 1907

(2) The management and administration of the school; 1908

(3) If the community school is a currently existing public 1909  
school or educational service center building, alternative 1910  
arrangements for current public school students who choose not 1911  
to attend the converted school and for teachers who choose not 1912  
to teach in the school or building after conversion; 1913

(4) The instructional program and educational philosophy 1914  
of the school; 1915

(5) Internal financial controls. 1916

When submitting the plan under this division, the school 1917  
shall also submit copies of all policies and procedures 1918  
regarding internal financial controls adopted by the governing 1919  
authority of the school. 1920

(C) 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.

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

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

(5) 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 1950  
3314.073 of the Revised Code, suspend the operation of the 1951  
school pursuant to section 3314.072 of the Revised Code, or 1952  
terminate the contract of the school pursuant to section 3314.07 1953  
of the Revised Code as determined necessary by the sponsor; 1954

(6) Have in place a plan of action to be undertaken in the 1955  
event the community school experiences financial difficulties or 1956  
closes prior to the end of a school year. 1957

(E) Upon the expiration of a contract entered into under 1958  
this section, the sponsor of a community school may, with the 1959  
approval of the governing authority of the school, renew that 1960  
contract for a period of time determined by the sponsor, but not 1961  
ending earlier than the end of any school year, if the sponsor 1962  
finds that the school's compliance with applicable laws and 1963  
terms of the contract and the school's progress in meeting the 1964  
academic goals prescribed in the contract have been 1965  
satisfactory. Any contract that is renewed under this division 1966  
remains subject to the provisions of sections 3314.07, 3314.072, 1967  
and 3314.073 of the Revised Code. 1968

(F) If a community school fails to open for operation 1969  
within one year after the contract entered into under this 1970  
section is adopted pursuant to division (D) of section 3314.02 1971  
of the Revised Code or permanently closes prior to the 1972  
expiration of the contract, the contract shall be void and the 1973  
school shall not enter into a contract with any other sponsor. A 1974  
school shall not be considered permanently closed because the 1975  
operations of the school have been suspended pursuant to section 1976  
3314.072 of the Revised Code. 1977

**Sec. 3321.191.** As used in this section, "legitimate 1978  
excuse" has the same meaning as in section 3321.192 of the 1979

<u>Revised Code.</u>	1980
(A) <del>Effective beginning with the 2017-2018 school year,</del>	1981
<del>the</del> <u>The</u> board of education of each city, exempted village,	1982
local, joint vocational, and cooperative education school	1983
district and the governing board of each educational service	1984
center shall adopt a new or amended policy to guide employees of	1985
the school district or service center in addressing and	1986
ameliorating student absences. In developing the policy, the	1987
appropriate board shall consult with the judge of the juvenile	1988
court of the county or counties in which the district or service	1989
center is located, with the parents, guardians, or other persons	1990
having care of the pupils attending school in the district, and	1991
with appropriate state and local agencies.	1992
(B) The policy developed under division (A) of this	1993
section shall include as an intervention strategy all of the	1994
following actions, if applicable:	1995
(1) Providing a truancy intervention plan for any student	1996
who is excessively absent from school, as described in <del>the first</del>	1997
<del>paragraph of division (C)</del> <u>(C) (1)</u> of this section;	1998
(2) Providing counseling for an habitual truant;	1999
(3) Requesting or requiring a parent, guardian, or other	2000
person having care of an habitual truant to attend parental	2001
involvement programs, including programs adopted under section	2002
3313.472 or 3313.663 of the Revised Code;	2003
(4) Requesting or requiring a parent, guardian, or other	2004
person having care of an habitual truant to attend truancy	2005
prevention mediation programs;	2006
(5) Notification of the registrar of motor vehicles under	2007
section 3321.13 of the Revised Code;	2008

(6) Taking legal action under section 2919.222, 3321.20,  
or 3321.38 of the Revised Code. 2009  
2010

~~(C)(1)~~ (C) Division (C) of this section is subject to  
section 3321.192 of the Revised Code. 2011  
2012

(1) In the event that a child of compulsory school age is 2013  
absent with a nonmedical legitimate excuse or without legitimate 2014  
excuse from the public school the child is supposed to attend 2015  
for thirty-eight or more hours in one school month, or sixty- 2016  
five or more hours in a school year, the attendance officer of 2017  
that school shall notify the child's parent, guardian, or 2018  
custodian of the child's absences, in writing, within seven days 2019  
after the date after the absence that triggered the notice 2020  
requirement. At the time notice is given, the school also may 2021  
take any appropriate action as an intervention strategy 2022  
contained in the policy developed by the board pursuant to 2023  
division (A) of this section. 2024

(2) (a) If the absences of a student surpass the threshold 2025  
for an habitual truant as set forth in section 2151.011 of the 2026  
Revised Code, the principal or chief administrator of the school 2027  
or the superintendent of the school district shall assign the 2028  
student to an absence intervention team. Within fourteen school 2029  
days after the assignment of a student to an absence 2030  
intervention team, the team shall develop an intervention plan 2031  
for that student in an effort to reduce or eliminate further 2032  
absences. Each intervention plan shall vary based on the 2033  
individual needs of the student, but the plan shall state that 2034  
the attendance officer shall file a complaint not later than 2035  
sixty-one days after the date the plan was implemented, if the 2036  
child has refused to participate in, or failed to make 2037  
satisfactory progress on, the intervention plan or an 2038

alternative to adjudication under division (C)(2)(b) of section 2039  
3321.191 of the Revised Code. Within seven days after the 2040  
development of the plan, the school district or school shall 2041  
make reasonable efforts to provide the student's parent, 2042  
guardian, custodian, guardian ad litem, or temporary custodian 2043  
with written notice of the plan. 2044

(b) As part of the absence intervention plan described in 2045  
division (C)(2) of this section, the school district or school, 2046  
in its discretion, may contact the appropriate juvenile court 2047  
and ask to have a student informally enrolled in any alternative 2048  
to adjudication described in division (G) of section 2151.27 of 2049  
the Revised Code. If the school district or school chooses to 2050  
have students informally enrolled in an alternative to 2051  
adjudication, the school district or school shall develop a 2052  
written policy regarding the use of, and selection process for, 2053  
offering alternatives to adjudication to ensure fairness. 2054

(c) The superintendent of each school district, or the 2055  
superintendent's designee, shall establish an absence 2056  
intervention team for the district to be used by any schools of 2057  
the district that do not establish their own absence 2058  
intervention team as permitted under division (C)(2)(d) of this 2059  
section. Membership of each absence intervention team may vary 2060  
based on the needs of each individual student but shall include 2061  
a representative from the child's school district or school, 2062  
another representative from the child's school district or 2063  
school who knows the child, and the child's parent or parent's 2064  
designee, or the child's guardian, custodian, guardian ad litem, 2065  
or temporary custodian. The team also may include a school 2066  
psychologist, counselor, social worker, or representative of a 2067  
public or nonprofit agency designed to assist students and their 2068  
families in reducing absences. 2069



(d) The principal or chief administrator of each school 2070  
may establish an absence intervention team or series of teams to 2071  
be used in lieu of the district team established pursuant to 2072  
division (C) (2) (c) of this section. Membership of each absence 2073  
intervention team may vary based on the needs of each individual 2074  
student but shall include a representative from the child's 2075  
school district or school, another representative from the 2076  
child's school district or school who knows the child, and the 2077  
child's parent or parent's designee, or the child's guardian, 2078  
custodian, guardian ad litem, or temporary custodian. The team 2079  
also may include a school psychologist, counselor, social 2080  
worker, or representative of a public or nonprofit agency 2081  
designed to assist students and their families in reducing 2082  
absences. 2083

(e) A superintendent, as described in division (C) (2) (c) 2084  
of this section, or principal or chief administrator, as 2085  
described in division (C) (2) (d) of this section, shall select 2086  
the members of an absence intervention team within seven school 2087  
days of the triggering event described in division (C) (2) (a) of 2088  
this section. The superintendent, principal, or chief 2089  
administrator, within the same period of seven school days, 2090  
shall make at least three meaningful, good faith attempts to 2091  
secure the participation of the student's parent, guardian, 2092  
custodian, guardian ad litem, or temporary custodian on that 2093  
team. If the student's parent responds to any of those attempts, 2094  
but is unable to participate for any reason, the representative 2095  
of the school district shall inform the parent of the parent's 2096  
right to appear by designee. If seven school days elapse and the 2097  
student's parent, guardian, custodian, guardian ad litem, or 2098  
temporary custodian fails to respond to the attempts to secure 2099  
participation, the school district or school shall do both of 2100

the following: 2101

(i) Investigate whether the failure to respond triggers 2102  
mandatory reporting to the public children services agency for 2103  
the county in which the child resides in the manner described in 2104  
section 2151.421 of the Revised Code; 2105

(ii) Instruct the absence intervention team to develop an 2106  
intervention plan for the child notwithstanding the absence of 2107  
the child's parent, guardian, custodian, guardian ad litem, or 2108  
temporary custodian. 2109

(f) In the event that a student becomes habitually truant 2110  
within twenty-one school days prior to the last day of 2111  
instruction of a school year, the school district or school may, 2112  
in its discretion, assign one school official to work with the 2113  
child's parent, guardian, custodian, guardian ad litem, or 2114  
temporary custodian to develop an absence intervention plan 2115  
during the summer. If the school district or school selects this 2116  
method, the plan shall be implemented not later than seven days 2117  
prior to the first day of instruction of the next school year. 2118  
In the alternative, the school district or school may toll the 2119  
time periods to accommodate for the summer months and reconvene 2120  
the absence intervention process upon the first day of 2121  
instruction of the next school year. 2122

(3) For purposes of divisions (C) (2) (c) and (d) of this 2123  
section, the department of education and workforce shall develop 2124  
a format for parental permission to ensure compliance with the 2125  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 2126  
571, 20 U.S.C. 1232g, as amended, and any regulations 2127  
promulgated under that act, and section 3319.321 of the Revised 2128  
Code. 2129

(D) Each school district or school may consult or partner 2130  
with public and nonprofit agencies to provide assistance as 2131  
appropriate to students and their families in reducing absences. 2132

(E) ~~Beginning with the 2017-2018 school year, each~~ Each 2133  
school district shall report to the department, as soon as 2134  
practicable, and in a format and manner determined by the 2135  
department, any of the following occurrences: 2136

(1) When a notice required by division (C)(1) of this 2137  
section is submitted to a parent, guardian, or custodian; 2138

(2) When a child of compulsory school age has been absent 2139  
without legitimate excuse from the public school the child is 2140  
supposed to attend for thirty or more consecutive hours, forty- 2141  
two or more hours in one school month, or seventy-two or more 2142  
hours in a school year; 2143

(3) When a child of compulsory school age who has been 2144  
adjudicated an unruly child for being an habitual truant 2145  
violates the court order regarding that adjudication; 2146

(4) When an absence intervention plan has been implemented 2147  
for a child under this section. 2148

(F) Nothing in this section shall be construed to limit 2149  
the duty or authority of a district board of education or 2150  
governing body of an educational service center to develop other 2151  
policies related to truancy or to limit the duty or authority of 2152  
any employee of the school district or service center to respond 2153  
to pupil truancy. However, a board shall be subject to the 2154  
prohibition against suspending, expelling, or otherwise 2155  
preventing a student from attending school for excessive 2156  
absences as prescribed by section 3313.668 of the Revised Code. 2157

**Sec. 3321.192.** (A) As used in this section: 2158

<u>(1) "Excessively absent" means excessively absent from</u>	2159
<u>school for determinations under divisions (C) and (E) of section</u>	2160
<u>3321.191 of the Revised Code.</u>	2161
<u>(2) "Legitimate excuse" means an excuse for a student's</u>	2162
<u>absence from school that is approved by the student's school</u>	2163
<u>district. "Legitimate excuse" for a student's absence shall</u>	2164
<u>include at least all of the following:</u>	2165
<u>(a) Illness of the student;</u>	2166
<u>(b) Illness in the family necessitating the presence of</u>	2167
<u>the student;</u>	2168
<u>(c) Quarantine in the home;</u>	2169
<u>(d) Death of a relative;</u>	2170
<u>(e) Medical, behavioral, or dental appointment;</u>	2171
<u>(f) Observance of religious expression days if the</u>	2172
<u>student's absence was for the purpose of observing a religious</u>	2173
<u>expression day consistent with the truly held religious beliefs</u>	2174
<u>of the student or the student's family;</u>	2175
<u>(g) College visitation;</u>	2176
<u>(h) Pre-enlistment reporting to military enlistment</u>	2177
<u>processing station;</u>	2178
<u>(i) Placement in foster care or change in foster care</u>	2179
<u>placement or any court proceedings related to the student's</u>	2180
<u>foster care status;</u>	2181
<u>(j) Student homelessness;</u>	2182
<u>(k) Deployment activities of a parent, legal guardian, or</u>	2183
<u>custodian consistent with section 3301.60 of the Revised Code;</u>	2184

<u>(l) Participation in scheduled 4-H and FFA activities or programs;</u>	2185
	2186
<u>(m) Farm work of the parent, legal guardian, or custodian during a time of the year in which the amount of farm work to be performed is exceptional;</u>	2187
	2188
	2189
<u>(n) Inability of the parent, legal guardian, or custodian to employ help in the family business, as determined by the school district superintendent;</u>	2190
	2191
	2192
<u>(o) Emergencies or any other set of circumstances which, in the judgment of the school district superintendent, constitutes a good and sufficient cause for absence from school.</u>	2193
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	2195
<u>(B) A school district shall not count the first cumulative sixty hours, whether accrued consecutively or nonconsecutively, that a student is absent from school with a nonmedical legitimate excuse in a school year toward the number of hours used to determine whether that student is excessively absent. A district shall count the sixty-first hour, and each subsequent hour, that the student is absent from school with a nonmedical legitimate excuse as an hour for the purposes of determining whether a student is excessively absent.</u>	2196
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<u>(C) A school district shall permit a student who is absent from school for the purposes of observing a religious expression day, as described in division (A) (2) (f) of this section, to participate in interscholastic athletics during that day. A district may permit a student who is absent from school with any other legitimate excuse to participate in interscholastic athletics during that day at the district's discretion.</u>	2205
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<b>Sec. 3326.11.</b> Each science, technology, engineering, and mathematics school established under this chapter and its	2212
	2213

governing body shall comply with sections 9.90, 9.91, 109.65, 2214  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2215  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 2216  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 2217  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 2218  
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 2219  
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 2220  
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 2221  
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 2222  
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 2223  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 2224  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 2225  
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 3313.814, 2226  
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 2227  
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.21, 2228  
3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 3319.35, 2229  
3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 2230  
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 2231  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3321.192, 2232  
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 2233  
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 2234  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 2235  
the Revised Code as if it were a school district. 2236

**Section 2.** That existing sections 2151.011, 3302.02, 2237  
3302.03, 3314.03, 3321.191, and 3326.11 of the Revised Code are 2238  
hereby repealed. 2239

**Section 3.** That the versions of sections 2151.011 and 2240  
3314.03 of the Revised Code that are scheduled to take effect 2241  
January 1, 2025, be amended to read as follows: 2242

**Sec. 2151.011.** (A) As used in the Revised Code: 2243

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A) (1) (a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of children and youth that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more

consecutive weeks;	2273
(b) Participates in the placement of children in certified foster homes;	2274 2275
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	2276 2277
(B) As used in this chapter:	2278
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	2279 2280 2281 2282 2283 2284
(2) "Adult" means an individual who is eighteen years of age or older.	2285 2286
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	2287 2288 2289 2290
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	2291 2292 2293 2294 2295 2296
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	2297 2298 2299
(6) "Child" means a person who is under eighteen years of	2300



age, except that the juvenile court has jurisdiction over any 2301  
person who is adjudicated an unruly child prior to attaining 2302  
eighteen years of age until the person attains twenty-one years 2303  
of age, and, for purposes of that jurisdiction related to that 2304  
adjudication, a person who is so adjudicated an unruly child 2305  
shall be deemed a "child" until the person attains twenty-one 2306  
years of age. 2307

(7) "Child day camp," "child care," "child care center," 2308  
"part-time child care center," "type A family child care home," 2309  
"licensed type B family child care home," "type B family child 2310  
care home," "administrator of a child care center," 2311  
"administrator of a type A family child care home," and "in-home 2312  
aide" have the same meanings as in section 5104.01 of the 2313  
Revised Code. 2314

(8) "Child care provider" means an individual who is a 2315  
child-care staff member or administrator of a child care center, 2316  
a type A family child care home, or a type B family child care 2317  
home, or an in-home aide or an individual who is licensed, is 2318  
regulated, is approved, operates under the direction of, or 2319  
otherwise is certified by the department of children and youth, 2320  
department of developmental disabilities, or the early childhood 2321  
programs of the department of education. 2322

(9) "Commit" means to vest custody as ordered by the 2323  
court. 2324

(10) "Counseling" includes both of the following: 2325

(a) General counseling services performed by a public 2326  
children services agency or shelter for victims of domestic 2327  
violence to assist a child, a child's parents, and a child's 2328  
siblings in alleviating identified problems that may cause or 2329

have caused the child to be an abused, neglected, or dependent child. 2330  
2331

(b) Psychiatric or psychological therapeutic counseling 2332  
services provided to correct or alleviate any mental or 2333  
emotional illness or disorder and performed by a licensed 2334  
psychiatrist, licensed psychologist, or a person licensed under 2335  
Chapter 4757. of the Revised Code to engage in social work or 2336  
professional counseling. 2337

(11) "Custodian" means a person who has legal custody of a 2338  
child or a public children services agency or private child 2339  
placing agency that has permanent, temporary, or legal custody 2340  
of a child. 2341

(12) "Delinquent child" has the same meaning as in section 2342  
2152.02 of the Revised Code. 2343

(13) "Detention" means the temporary care of children 2344  
pending court adjudication or disposition, or execution of a 2345  
court order, in a public or private facility designed to 2346  
physically restrict the movement and activities of children. 2347

(14) "Developmental disability" has the same meaning as in 2348  
section 5123.01 of the Revised Code. 2349

(15) "Differential response approach" means an approach 2350  
that a public children services agency may use to respond to 2351  
accepted reports of child abuse or neglect with either an 2352  
alternative response or a traditional response. 2353

(16) "Foster caregiver" has the same meaning as in section 2354  
5103.02 of the Revised Code. 2355

(17) "Guardian" means a person, association, or 2356  
corporation that is granted authority by a probate court 2357

pursuant to Chapter 2111. of the Revised Code to exercise 2358  
parental rights over a child to the extent provided in the 2359  
court's order and subject to the residual parental rights of the 2360  
child's parents. 2361

(18) "Habitual truant" means any child of compulsory 2362  
school age who is absent without legitimate excuse for absence 2363  
from the public school the child is supposed to attend for 2364  
thirty or more consecutive hours, forty-two or more hours in one 2365  
school month, or seventy-two or more hours in a school year. 2366

(19) "Intellectual disability" has the same meaning as in 2367  
section 5123.01 of the Revised Code. 2368

(20) "Juvenile traffic offender" has the same meaning as 2369  
in section 2152.02 of the Revised Code. 2370

(21) "Legal custody" means a legal status that vests in 2371  
the custodian the right to have physical care and control of the 2372  
child and to determine where and with whom the child shall live, 2373  
and the right and duty to protect, train, and discipline the 2374  
child and to provide the child with food, shelter, education, 2375  
and medical care, all subject to any residual parental rights, 2376  
privileges, and responsibilities. An individual granted legal 2377  
custody shall exercise the rights and responsibilities 2378  
personally unless otherwise authorized by any section of the 2379  
Revised Code or by the court. 2380

(22) A "legitimate excuse for absence from the public 2381  
school the child is supposed to attend" includes, but is not 2382  
limited to, any of the following: 2383

(a) The fact that the child in question has enrolled in 2384  
and is attending another public or nonpublic school in this or 2385  
another state; 2386

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 or 3321.042 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code;

(d) The first cumulative sixty hours, whether accrued consecutively or nonconsecutively, that a student is absent from school with a legitimate excuse, as defined in section 3321.192 of the Revised Code, in a school year.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities,	2416
shelter facilities, certified children's crisis care facilities,	2417
certified foster homes, placement in a prospective adoptive home	2418
prior to the issuance of a final decree of adoption,	2419
organizations, certified organizations, child care centers, type	2420
A family child care homes, type B family child care homes, child	2421
care provided by in-home aides, group home providers, group	2422
homes, institutions, state institutions, residential facilities,	2423
residential care facilities, residential camps, day camps,	2424
private, nonprofit therapeutic wilderness camps, public schools,	2425
chartered nonpublic schools, educational service centers,	2426
hospitals, and medical clinics that are responsible for the	2427
care, physical custody, or control of children.	2428
(29) "Out-of-home care child abuse" means any of the	2429
following when committed by a person responsible for the care of	2430
a child in out-of-home care:	2431
(a) Engaging in sexual activity with a child in the	2432
person's care;	2433
(b) Denial to a child, as a means of punishment, of proper	2434
or necessary subsistence, education, medical care, or other care	2435
necessary for a child's health;	2436
(c) Use of restraint procedures on a child that cause	2437
injury or pain;	2438
(d) Administration of prescription drugs or psychotropic	2439
medication to the child without the written approval and ongoing	2440
supervision of a licensed physician;	2441
(e) Commission of any act, other than by accidental means,	2442
that results in any injury to or death of the child in out-of-	2443
home care or commission of any act by accidental means that	2444

results in an injury to or death of a child in out-of-home care 2445  
and that is at variance with the history given of the injury or 2446  
death. 2447

(30) "Out-of-home care child neglect" means any of the 2448  
following when committed by a person responsible for the care of 2449  
a child in out-of-home care: 2450

(a) Failure to provide reasonable supervision according to 2451  
the standards of care appropriate to the age, mental and 2452  
physical condition, or other special needs of the child; 2453

(b) Failure to provide reasonable supervision according to 2454  
the standards of care appropriate to the age, mental and 2455  
physical condition, or other special needs of the child, that 2456  
results in sexual or physical abuse of the child by any person; 2457

(c) Failure to develop a process for all of the following: 2458

(i) Administration of prescription drugs or psychotropic 2459  
drugs for the child; 2460

(ii) Assuring that the instructions of the licensed 2461  
physician who prescribed a drug for the child are followed; 2462

(iii) Reporting to the licensed physician who prescribed 2463  
the drug all unfavorable or dangerous side effects from the use 2464  
of the drug. 2465

(d) Failure to provide proper or necessary subsistence, 2466  
education, medical care, or other individualized care necessary 2467  
for the health or well-being of the child; 2468

(e) Confinement of the child to a locked room without 2469  
monitoring by staff; 2470

(f) Failure to provide ongoing security for all 2471

prescription and nonprescription medication; 2472

(g) Isolation of a child for a period of time when there 2473  
is substantial risk that the isolation, if continued, will 2474  
impair or retard the mental health or physical well-being of the 2475  
child. 2476

(31) "Permanent custody" means a legal status that vests 2477  
in a public children services agency or a private child placing 2478  
agency, all parental rights, duties, and obligations, including 2479  
the right to consent to adoption, and divests the natural 2480  
parents or adoptive parents of all parental rights, privileges, 2481  
and obligations, including all residual rights and obligations. 2482

(32) "Permanent surrender" means the act of the parents 2483  
or, if a child has only one parent, of the parent of a child, by 2484  
a voluntary agreement authorized by section 5103.15 of the 2485  
Revised Code, to transfer the permanent custody of the child to 2486  
a public children services agency or a private child placing 2487  
agency. 2488

(33) "Person" means an individual, association, 2489  
corporation, or partnership and the state or any of its 2490  
political subdivisions, departments, or agencies. 2491

(34) "Person responsible for a child's care in out-of-home 2492  
care" means any of the following: 2493

(a) Any foster caregiver, in-home aide, or provider; 2494

(b) Any administrator, employee, or agent of any of the 2495  
following: a public or private detention facility; shelter 2496  
facility; certified children's crisis care facility; 2497  
organization; certified organization; child care center; type A 2498  
family child care home; licensed type B family child care home; 2499  
group home; institution; state institution; residential 2500

facility; residential care facility; residential camp; day camp; 2501  
school district; community school; chartered nonpublic school; 2502  
educational service center; hospital; or medical clinic; 2503

(c) Any person who supervises or coaches children as part 2504  
of an extracurricular activity sponsored by a school district, 2505  
public school, or chartered nonpublic school; 2506

(d) Any other person who performs a similar function with 2507  
respect to, or has a similar relationship to, children. 2508

(35) "Physical impairment" means having one or more of the 2509  
following conditions that substantially limit one or more of an 2510  
individual's major life activities, including self-care, 2511  
receptive and expressive language, learning, mobility, and self- 2512  
direction: 2513

(a) A substantial impairment of vision, speech, or 2514  
hearing; 2515

(b) A congenital orthopedic impairment; 2516

(c) An orthopedic impairment caused by disease, rheumatic 2517  
fever or any other similar chronic or acute health problem, or 2518  
amputation or another similar cause. 2519

(36) "Placement for adoption" means the arrangement by a 2520  
public children services agency or a private child placing 2521  
agency with a person for the care and adoption by that person of 2522  
a child of whom the agency has permanent custody. 2523

(37) "Placement in foster care" means the arrangement by a 2524  
public children services agency or a private child placing 2525  
agency for the out-of-home care of a child of whom the agency 2526  
has temporary custody or permanent custody. 2527

(38) "Planned permanent living arrangement" means an order 2528



of a juvenile court pursuant to which both of the following 2529  
apply: 2530

(a) The court gives legal custody of a child to a public 2531  
children services agency or a private child placing agency 2532  
without the termination of parental rights. 2533

(b) The order permits the agency to make an appropriate 2534  
placement of the child and to enter into a written agreement 2535  
with a foster care provider or with another person or agency 2536  
with whom the child is placed. 2537

(39) "Practice of social work" and "practice of 2538  
professional counseling" have the same meanings as in section 2539  
4757.01 of the Revised Code. 2540

(40) "Private, nonprofit therapeutic wilderness camp" has 2541  
the same meaning as in section 5103.02 of the Revised Code. 2542

(41) "Sanction, service, or condition" means a sanction, 2543  
service, or condition created by court order following an 2544  
adjudication that a child is an unruly child that is described 2545  
in division (A) (4) of section 2152.19 of the Revised Code. 2546

(42) "Protective supervision" means an order of 2547  
disposition pursuant to which the court permits an abused, 2548  
neglected, dependent, or unruly child to remain in the custody 2549  
of the child's parents, guardian, or custodian and stay in the 2550  
child's home, subject to any conditions and limitations upon the 2551  
child, the child's parents, guardian, or custodian, or any other 2552  
person that the court prescribes, including supervision as 2553  
directed by the court for the protection of the child. 2554

(43) "Psychiatrist" has the same meaning as in section 2555  
5122.01 of the Revised Code. 2556

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	2557 2558
(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	2559 2560
(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.	2561 2562
(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	2563 2564 2565
(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.	2566 2567 2568 2569
(49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.	2570 2571 2572 2573
(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.	2574 2575 2576 2577 2578 2579 2580
(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.	2581 2582 2583
(52) "School year" has the same meaning as in section	2584

3313.62 of the Revised Code. 2585

(53) "Secure correctional facility" means a facility under 2586  
the direction of the department of youth services that is 2587  
designed to physically restrict the movement and activities of 2588  
children and used for the placement of children after 2589  
adjudication and disposition. 2590

(54) "Sexual activity" has the same meaning as in section 2591  
2907.01 of the Revised Code. 2592

(55) "Shelter" means the temporary care of children in 2593  
physically unrestricted facilities pending court adjudication or 2594  
disposition. 2595

(56) "Shelter for victims of domestic violence" has the 2596  
same meaning as in section 3113.33 of the Revised Code. 2597

(57) "Temporary custody" means legal custody of a child 2598  
who is removed from the child's home, which custody may be 2599  
terminated at any time at the discretion of the court or, if the 2600  
legal custody is granted in an agreement for temporary custody, 2601  
by the person who executed the agreement. 2602

(58) "Traditional response" means a public children 2603  
services agency's response to a report of child abuse or neglect 2604  
that encourages engagement of the family in a comprehensive 2605  
evaluation of the child's current and future safety needs and a 2606  
fact-finding process to determine whether child abuse or neglect 2607  
occurred and the circumstances surrounding the alleged harm or 2608  
risk of harm. 2609

(C) For the purposes of this chapter, a child shall be 2610  
presumed abandoned when the parents of the child have failed to 2611  
visit or maintain contact with the child for more than ninety 2612  
days, regardless of whether the parents resume contact with the 2613

child after that period of ninety days. 2614

**Sec. 3314.03.** A copy of every contract entered into under 2615  
this section shall be filed with the director of education and 2616  
workforce. The department of education and workforce shall make 2617  
available on its web site a copy of every approved, executed 2618  
contract filed with the director under this section. 2619

(A) Each contract entered into between a sponsor and the 2620  
governing authority of a community school shall specify the 2621  
following: 2622

(1) That the school shall be established as either of the 2623  
following: 2624

(a) A nonprofit corporation established under Chapter 2625  
1702. of the Revised Code, if established prior to April 8, 2626  
2003; 2627

(b) A public benefit corporation established under Chapter 2628  
1702. of the Revised Code, if established after April 8, 2003. 2629

(2) The education program of the school, including the 2630  
school's mission, the characteristics of the students the school 2631  
is expected to attract, the ages and grades of students, and the 2632  
focus of the curriculum; 2633

(3) The academic goals to be achieved and the method of 2634  
measurement that will be used to determine progress toward those 2635  
goals, which shall include the statewide achievement 2636  
assessments; 2637

(4) Performance standards, including but not limited to 2638  
all applicable report card measures set forth in section 3302.03 2639  
or 3314.017 of the Revised Code, by which the success of the 2640  
school will be evaluated by the sponsor; 2641

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2642 2643 2644
(6) (a) Dismissal procedures;	2645
(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.	2646 2647 2648 2649 2650 2651
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2652 2653
(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.	2654 2655 2656 2657 2658 2659
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	2660 2661
(a) A detailed description of each facility used for instructional purposes;	2662 2663
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	2664 2665
(c) The annual mortgage principal and interest payments that are paid by the school;	2666 2667
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the	2668 2669

operator, if any. 2670

(10) Qualifications of employees, including both of the 2671  
following: 2672

(a) A requirement that the school's classroom teachers be 2673  
licensed in accordance with sections 3319.22 to 3319.31 of the 2674  
Revised Code, except that a community school may engage 2675  
noncertificated persons to teach up to twelve hours or forty 2676  
hours per week pursuant to section 3319.301 of the Revised Code; 2677

(b) A prohibition against the school employing an 2678  
individual described in section 3314.104 of the Revised Code in 2679  
any position. 2680

(11) That the school will comply with the following 2681  
requirements: 2682

(a) The school will provide learning opportunities to a 2683  
minimum of twenty-five students for a minimum of nine hundred 2684  
twenty hours per school year. 2685

(b) The governing authority will purchase liability 2686  
insurance, or otherwise provide for the potential liability of 2687  
the school. 2688

(c) The school will be nonsectarian in its programs, 2689  
admission policies, employment practices, and all other 2690  
operations, and will not be operated by a sectarian school or 2691  
religious institution. 2692

(d) The school will comply with sections 9.90, 9.91, 2693  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2694  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 2695  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 2696  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 2697

3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 2698  
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 2699  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 2700  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 2701  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 2702  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 2703  
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 2704  
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 2705  
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 2706  
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 2707  
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 2708  
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 2709  
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 2710  
the Revised Code as if it were a school district and will comply 2711  
with section 3301.0714 of the Revised Code in the manner 2712  
specified in section 3314.17 of the Revised Code. 2713

(e) The school shall comply with Chapter 102. and section 2714  
2921.42 of the Revised Code. 2715

(f) The school will comply with sections 3313.61, 2716  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 2717  
Revised Code, except that for students who enter ninth grade for 2718  
the first time before July 1, 2010, the requirement in sections 2719  
3313.61 and 3313.611 of the Revised Code that a person must 2720  
successfully complete the curriculum in any high school prior to 2721  
receiving a high school diploma may be met by completing the 2722  
curriculum adopted by the governing authority of the community 2723  
school rather than the curriculum specified in Title XXXIII of 2724  
the Revised Code or any rules of the department. Beginning with 2725  
students who enter ninth grade for the first time on or after 2726  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 2727  
of the Revised Code that a person must successfully complete the 2728

curriculum of a high school prior to receiving a high school 2729  
diploma shall be met by completing the requirements prescribed 2730  
in section 3313.6027 and division (C) of section 3313.603 of the 2731  
Revised Code, unless the person qualifies under division (D) or 2732  
(F) of that section. Each school shall comply with the plan for 2733  
awarding high school credit based on demonstration of subject 2734  
area competency, and beginning with the 2017-2018 school year, 2735  
with the updated plan that permits students enrolled in seventh 2736  
and eighth grade to meet curriculum requirements based on 2737  
subject area competency adopted by the department under 2738  
divisions (J) (1) and (2) of section 3313.603 of the Revised 2739  
Code. Beginning with the 2018-2019 school year, the school shall 2740  
comply with the framework for granting units of high school 2741  
credit to students who demonstrate subject area competency 2742  
through work-based learning experiences, internships, or 2743  
cooperative education developed by the department under division 2744  
(J) (3) of section 3313.603 of the Revised Code. 2745

(g) The school governing authority will submit within four 2746  
months after the end of each school year a report of its 2747  
activities and progress in meeting the goals and standards of 2748  
divisions (A) (3) and (4) of this section and its financial 2749  
status to the sponsor and the parents of all students enrolled 2750  
in the school. 2751

(h) The school, unless it is an internet- or computer- 2752  
based community school, will comply with section 3313.801 of the 2753  
Revised Code as if it were a school district. 2754

(i) If the school is the recipient of moneys from a grant 2755  
awarded under the federal race to the top program, Division (A), 2756  
Title XIV, Sections 14005 and 14006 of the "American Recovery 2757  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2758



the school will pay teachers based upon performance in 2759  
accordance with section 3317.141 and will comply with section 2760  
3319.111 of the Revised Code as if it were a school district. 2761

(j) If the school operates a preschool program that is 2762  
licensed by the department under sections 3301.52 to 3301.59 of 2763  
the Revised Code, the school shall comply with sections 3301.50 2764  
to 3301.59 of the Revised Code and the minimum standards for 2765  
preschool programs prescribed in rules adopted by the department 2766  
of children and youth under section 3301.53 of the Revised Code. 2767

(k) The school will comply with sections 3313.6021 and 2768  
3313.6023 of the Revised Code as if it were a school district 2769  
unless it is either of the following: 2770

(i) An internet- or computer-based community school; 2771

(ii) A community school in which a majority of the 2772  
enrolled students are children with disabilities as described in 2773  
division (A) (4) (b) of section 3314.35 of the Revised Code. 2774

(l) The school will comply with ~~section~~ sections 3321.191\_ 2775  
and 3321.192 of the Revised Code, unless it is an internet- or 2776  
computer-based community school that is subject to section 2777  
3314.261 of the Revised Code. 2778

(12) Arrangements for providing health and other benefits 2779  
to employees; 2780

(13) The length of the contract, which shall begin at the 2781  
beginning of an academic year. No contract shall exceed five 2782  
years unless such contract has been renewed pursuant to division 2783  
(E) of this section. 2784

(14) The governing authority of the school, which shall be 2785  
responsible for carrying out the provisions of the contract; 2786

(15) A financial plan detailing an estimated school budget	2787
for each year of the period of the contract and specifying the	2788
total estimated per pupil expenditure amount for each such year.	2789
(16) Requirements and procedures regarding the disposition	2790
of employees of the school in the event the contract is	2791
terminated or not renewed pursuant to section 3314.07 of the	2792
Revised Code;	2793
(17) Whether the school is to be created by converting all	2794
or part of an existing public school or educational service	2795
center building or is to be a new start-up school, and if it is	2796
a converted public school or service center building,	2797
specification of any duties or responsibilities of an employer	2798
that the board of education or service center governing board	2799
that operated the school or building before conversion is	2800
delegating to the governing authority of the community school	2801
with respect to all or any specified group of employees provided	2802
the delegation is not prohibited by a collective bargaining	2803
agreement applicable to such employees;	2804
(18) Provisions establishing procedures for resolving	2805
disputes or differences of opinion between the sponsor and the	2806
governing authority of the community school;	2807
(19) A provision requiring the governing authority to	2808
adopt a policy regarding the admission of students who reside	2809
outside the district in which the school is located. That policy	2810
shall comply with the admissions procedures specified in	2811
sections 3314.06 and 3314.061 of the Revised Code and, at the	2812
sole discretion of the authority, shall do one of the following:	2813
(a) Prohibit the enrollment of students who reside outside	2814
the district in which the school is located;	2815

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	2816 2817 2818
(c) Permit the enrollment of students who reside in any other district in the state.	2819 2820
(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;	2821 2822 2823 2824
(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;	2825 2826 2827
(22) A provision recognizing both of the following:	2828
(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;	2829 2830 2831 2832
(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.	2833 2834 2835 2836 2837 2838 2839
(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	2840 2841 2842 2843 2844

Revised Code; 2845

(24) The school will comply with sections 3302.04 and 2846  
3302.041 of the Revised Code, except that any action required to 2847  
be taken by a school district pursuant to those sections shall 2848  
be taken by the sponsor of the school. 2849

(25) Beginning in the 2006-2007 school year, the school 2850  
will open for operation not later than the thirtieth day of 2851  
September each school year, unless the mission of the school as 2852  
specified under division (A) (2) of this section is solely to 2853  
serve dropouts. In its initial year of operation, if the school 2854  
fails to open by the thirtieth day of September, or within one 2855  
year after the adoption of the contract pursuant to division (D) 2856  
of section 3314.02 of the Revised Code if the mission of the 2857  
school is solely to serve dropouts, the contract shall be void. 2858

(26) Whether the school's governing authority is planning 2859  
to seek designation for the school as a STEM school equivalent 2860  
under section 3326.032 of the Revised Code; 2861

(27) That the school's attendance and participation 2862  
policies will be available for public inspection; 2863

(28) That the school's attendance and participation 2864  
records shall be made available to the department, auditor of 2865  
state, and school's sponsor to the extent permitted under and in 2866  
accordance with the "Family Educational Rights and Privacy Act 2867  
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 2868  
regulations promulgated under that act, and section 3319.321 of 2869  
the Revised Code; 2870

(29) If a school operates using the blended learning 2871  
model, as defined in section 3301.079 of the Revised Code, all 2872  
of the following information: 2873

(a) An indication of what blended learning model or models will be used;	2874 2875
(b) A description of how student instructional needs will be determined and documented;	2876 2877
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	2878 2879
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	2880 2881 2882
(e) A statement describing how student progress will be monitored;	2883 2884
(f) A statement describing how private student data will be protected;	2885 2886
(g) A description of the professional development activities that will be offered to teachers.	2887 2888
(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;	2889 2890 2891 2892
(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.	2893 2894 2895 2896 2897
(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	2898 2899 2900 2901

the parent's or student's primary residence. 2902

(33) A provision requiring the governing authority to 2903  
adopt a student residence and address verification policy for 2904  
students enrolling in or attending the school. 2905

(B) The community school shall also submit to the sponsor 2906  
a comprehensive plan for the school. The plan shall specify the 2907  
following: 2908

(1) The process by which the governing authority of the 2909  
school will be selected in the future; 2910

(2) The management and administration of the school; 2911

(3) If the community school is a currently existing public 2912  
school or educational service center building, alternative 2913  
arrangements for current public school students who choose not 2914  
to attend the converted school and for teachers who choose not 2915  
to teach in the school or building after conversion; 2916

(4) The instructional program and educational philosophy 2917  
of the school; 2918

(5) Internal financial controls. 2919

When submitting the plan under this division, the school 2920  
shall also submit copies of all policies and procedures 2921  
regarding internal financial controls adopted by the governing 2922  
authority of the school. 2923

(C) A contract entered into under section 3314.02 of the 2924  
Revised Code between a sponsor and the governing authority of a 2925  
community school may provide for the community school governing 2926  
authority to make payments to the sponsor, which is hereby 2927  
authorized to receive such payments as set forth in the contract 2928  
between the governing authority and the sponsor. The total 2929

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.

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

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

(5) 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;

(6) Have in place a plan of action to be undertaken in the

event the community school experiences financial difficulties or 2959  
closes prior to the end of a school year. 2960

(E) Upon the expiration of a contract entered into under 2961  
this section, the sponsor of a community school may, with the 2962  
approval of the governing authority of the school, renew that 2963  
contract for a period of time determined by the sponsor, but not 2964  
ending earlier than the end of any school year, if the sponsor 2965  
finds that the school's compliance with applicable laws and 2966  
terms of the contract and the school's progress in meeting the 2967  
academic goals prescribed in the contract have been 2968  
satisfactory. Any contract that is renewed under this division 2969  
remains subject to the provisions of sections 3314.07, 3314.072, 2970  
and 3314.073 of the Revised Code. 2971

(F) If a community school fails to open for operation 2972  
within one year after the contract entered into under this 2973  
section is adopted pursuant to division (D) of section 3314.02 2974  
of the Revised Code or permanently closes prior to the 2975  
expiration of the contract, the contract shall be void and the 2976  
school shall not enter into a contract with any other sponsor. A 2977  
school shall not be considered permanently closed because the 2978  
operations of the school have been suspended pursuant to section 2979  
3314.072 of the Revised Code. 2980

**Section 4.** That the existing versions of sections 2151.011 2981  
and 3314.03 of the Revised Code that are scheduled to take 2982  
effect January 1, 2025, are hereby repealed. 2983

**Section 5.** Sections 3 and 4 of this act take effect on 2984  
January 1, 2025. 2985