

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 407

Representatives Manning, Seitz

A BILL

To amend sections 3301.0711, 3310.03, 3310.13, 1
3310.14, 3310.15, 3313.618, 3313.619, 3313.976, 2
3314.03, 3319.324, 3326.11, and 3328.24 and to 3
enact sections 3301.165, 3301.166, 3301.167, 4
3302.0311, and 3313.6612 of the Revised Code 5
regarding chartered nonpublic schools that 6
participate in certain scholarship programs and 7
disciplinary record requirements for schools and 8
to amend the version of section 3314.03 of the 9
Revised Code that is scheduled to take effect on 10
January 1, 2025, to continue the change on and 11
after that date. 12

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

Section 1. That sections 3301.0711, 3310.03, 3310.13, 13
3310.14, 3310.15, 3313.618, 3313.619, 3313.976, 3314.03, 14
3319.324, 3326.11, and 3328.24 be amended and sections 3301.165, 15
3301.166, 3301.167, 3302.0311, and 3313.6612 of the Revised Code 16
be enacted to read as follows: 17

Sec. 3301.0711. (A) The department of education and 18
workforce shall: 19

(1) Annually furnish to, grade, and score all assessments 20
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 21
the Revised Code to be administered by city, local, exempted 22
village, and joint vocational school districts, except that each 23
district shall score any assessment administered pursuant to 24
division (B) (10) of this section. Each assessment so furnished 25
shall include the data verification code of the student to whom 26
the assessment will be administered, as assigned pursuant to 27
division (D) (2) of section 3301.0714 of the Revised Code. In 28
furnishing the practice versions of Ohio graduation tests 29
prescribed by division (D) of section 3301.0710 of the Revised 30
Code, the department shall make the tests available on its web 31
site for reproduction by districts. In awarding contracts for 32
grading assessments, the department shall give preference to 33
Ohio-based entities employing Ohio residents. 34

(2) Adopt rules for the ethical use of assessments and 35
prescribing the manner in which the assessments prescribed by 36
section 3301.0710 of the Revised Code shall be administered to 37
students. 38

(B) Except as provided in divisions (C) and (J) of this 39
section, the board of education of each city, local, and 40
exempted village school district shall, in accordance with rules 41
adopted under division (A) of this section: 42

(1) Administer the English language arts assessments 43
prescribed under division (A) (1) (a) of section 3301.0710 of the 44
Revised Code twice annually to all students in the third grade 45
who have not attained the score designated for that assessment 46
under division (A) (2) (c) of section 3301.0710 of the Revised 47
Code. 48

(2) Administer the mathematics assessment prescribed under 49

division (A) (1) (a) of section 3301.0710 of the Revised Code at	50
least once annually to all students in the third grade.	51
(3) Administer the assessments prescribed under division	52
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	53
annually to all students in the fourth grade.	54
(4) Administer the assessments prescribed under division	55
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	56
annually to all students in the fifth grade.	57
(5) Administer the assessments prescribed under division	58
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	59
annually to all students in the sixth grade.	60
(6) Administer the assessments prescribed under division	61
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	62
annually to all students in the seventh grade.	63
(7) Administer the assessments prescribed under division	64
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	65
annually to all students in the eighth grade.	66
(8) Except as provided in division (B) (9) of this section,	67
administer any assessment prescribed under division (B) (1) of	68
section 3301.0710 of the Revised Code as follows:	69
(a) At least once annually to all tenth grade students and	70
at least twice annually to all students in eleventh or twelfth	71
grade who have not yet attained the score on that assessment	72
designated under that division;	73
(b) To any person who has successfully completed the	74
curriculum in any high school or the individualized education	75
program developed for the person by any high school pursuant to	76
section 3323.08 of the Revised Code but has not received a high	77

school diploma and who requests to take such assessment, at any 78
time such assessment is administered in the district. 79

(9) In lieu of the board of education of any city, local, 80
or exempted village school district in which the student is also 81
enrolled, the board of a joint vocational school district shall 82
administer any assessment prescribed under division (B)(1) of 83
section 3301.0710 of the Revised Code at least twice annually to 84
any student enrolled in the joint vocational school district who 85
has not yet attained the score on that assessment designated 86
under that division. A board of a joint vocational school 87
district may also administer such an assessment to any student 88
described in division (B)(8)(b) of this section. 89

(10) If the district has a three-year average graduation 90
rate of not more than seventy-five per cent, administer each 91
assessment prescribed by division (D) of section 3301.0710 of 92
the Revised Code in September to all ninth grade students who 93
entered ninth grade prior to July 1, 2014. 94

Except as provided in section 3313.614 of the Revised Code 95
for administration of an assessment to a person who has 96
fulfilled the curriculum requirement for a high school diploma 97
but has not passed one or more of the required assessments, the 98
assessments prescribed under division (B)(1) of section 99
3301.0710 of the Revised Code shall not be administered after 100
the date specified in the rules adopted under division (D)(1) of 101
section 3301.0712 of the Revised Code. 102

(11)(a) Except as provided in divisions (B)(11)(b) and (c) 103
of this section, administer the assessments prescribed by 104
division (B)(2) of section 3301.0710 and section 3301.0712 of 105
the Revised Code in accordance with the timeline and plan for 106
implementation of those assessments prescribed by rule adopted 107

under division (D) (1) of section 3301.0712 of the Revised Code; 108

(b) A student who has presented evidence to the district 109
or school of having satisfied the condition prescribed by 110
division (A) (1) of section 3313.618 of the Revised Code to 111
qualify for a high school diploma prior to the date of the 112
administration of the assessment prescribed under division (B) 113
(1) of section 3301.0712 of the Revised Code shall not be 114
required to take that assessment. However, no board shall 115
prohibit a student who is not required to take such assessment 116
from taking the assessment. 117

(c) A student shall not be required to retake the Algebra 118
I end-of-course examination or the English language arts II end- 119
of-course examination prescribed under division (B) (2) of 120
section 3301.0712 of the Revised Code in grades nine through 121
twelve if the student demonstrates at least a proficient level 122
of skill, as prescribed under division (B) (5) (a) of that 123
section, or achieves a competency score, as prescribed under 124
division (B) (10) of that section, in an administration of the 125
examination prior to grade nine. 126

(C) (1) (a) In the case of a student receiving special 127
education services under Chapter 3323. of the Revised Code, the 128
individualized education program developed for the student under 129
that chapter shall specify the manner in which the student will 130
participate in the assessments administered under this section, 131
except that a student with significant cognitive disabilities to 132
whom an alternate assessment is administered in accordance with 133
division (C) (1) of this section and a student determined to have 134
a disability that includes an intellectual disability as 135
outlined in guidance issued by the department shall not be 136
required to take the assessment prescribed under division (B) (1) 137

of section 3301.0712 of the Revised Code. The individualized 138
education program may excuse the student from taking any 139
particular assessment required to be administered under this 140
section if it instead specifies an alternate assessment method 141
approved by the department as conforming to requirements of 142
federal law for receipt of federal funds for disadvantaged 143
pupils. To the extent possible, the individualized education 144
program shall not excuse the student from taking an assessment 145
unless no reasonable accommodation can be made to enable the 146
student to take the assessment. No board shall prohibit a 147
student who is not required to take an assessment under division 148
(C) (1) of this section from taking the assessment. 149

(b) Any alternate assessment approved by the department 150
for a student under this division shall produce measurable 151
results comparable to those produced by the assessment it 152
replaces in order to allow for the student's results to be 153
included in the data compiled for a school district or building 154
under section 3302.03 of the Revised Code. 155

(c) (i) Any student enrolled in a chartered nonpublic 156
school who has been identified, based on an evaluation conducted 157
in accordance with section 3323.03 of the Revised Code or 158
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 159
29 U.S.C.A. 794, as amended, as a child with a disability shall 160
be excused from taking any particular assessment required to be 161
administered under this section if either of the following 162
apply: 163

(I) A plan developed for the student pursuant to rules 164
adopted by the department excuses the student from taking that 165
assessment. 166

(II) The chartered nonpublic school develops a written 167

plan in which the school, in consultation with the student's 168
parents, determines that an assessment or alternative assessment 169
with accommodations does not accurately assess the student's 170
academic performance. The plan shall include an academic profile 171
of the student's academic performance and shall be reviewed 172
annually to determine if the student's needs continue to require 173
excusal from taking the assessment. 174

(ii) A student with significant cognitive disabilities to 175
whom an alternate assessment is administered in accordance with 176
division (C) (1) of this section and a student determined to have 177
a disability that includes an intellectual disability as 178
outlined in guidance issued by the department shall not be 179
required to take the assessment prescribed under division (B) (1) 180
of section 3301.0712 of the Revised Code. 181

(iii) In the case of any student so excused from taking an 182
assessment under division (C) (1) (c) of this section, the 183
chartered nonpublic school shall not prohibit the student from 184
taking the assessment. 185

(2) A district board may, for medical reasons or other 186
good cause, excuse a student from taking an assessment 187
administered under this section on the date scheduled, but that 188
assessment shall be administered to the excused student not 189
later than nine days following the scheduled date. The district 190
board shall annually report the number of students who have not 191
taken one or more of the assessments required by this section to 192
the department not later than the thirtieth day of June. 193

(3) No school district board shall excuse any English 194
learner from taking any particular assessment required to be 195
administered under this section, except that any English learner 196
who has been enrolled in United States schools for less than two 197

years and for whom no appropriate accommodations are available 198
based on guidance issued by the department shall not be required 199
to take the assessment prescribed under division (B) (1) of 200
section 3301.0712 of the Revised Code. 201

However, no board shall prohibit an English learner who is 202
not required to take that assessment from taking the assessment. 203

A board may permit any English learner to take an 204
assessment required to be administered under this section with 205
appropriate accommodations, as determined by the department. 206

For each English learner, each school district shall 207
annually assess that student's progress in learning English, in 208
accordance with procedures approved by the department. 209

The guidance and procedures issued by the department for 210
the purposes of division (C) (3) of this section shall comply 211
with the rules adopted under section 3301.0731 of the Revised 212
Code. 213

(4) (a) The governing authority of a chartered nonpublic 214
school may excuse an English learner from taking any assessment 215
administered under this section. 216

(b) No governing authority shall require an English 217
learner who has been enrolled in United States schools for less 218
than two years and for whom no appropriate accommodations are 219
available based on guidance issued by the department to take the 220
assessment prescribed under division (B) (1) of section 3301.0712 221
of the Revised Code. 222

(c) No governing authority shall prohibit an English 223
learner from taking an assessment from which the student was 224
excused under division (C) (4) of this section. 225

(D) (1) In the school year next succeeding the school year 226
in which the assessments prescribed by division (A) (1) or (B) (1) 227
of section 3301.0710 of the Revised Code or former division (A) 228
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 229
it existed prior to September 11, 2001, are administered to any 230
student, the board of education of any school district in which 231
the student is enrolled in that year shall provide to the 232
student intervention services commensurate with the student's 233
performance, including any intensive intervention required under 234
section 3313.608 of the Revised Code, in any skill in which the 235
student failed to demonstrate at least a score at the proficient 236
level on the assessment. 237

(2) Following any administration of the assessments 238
prescribed by division (D) of section 3301.0710 of the Revised 239
Code to ninth grade students, each school district that has a 240
three-year average graduation rate of not more than seventy-five 241
per cent shall determine for each high school in the district 242
whether the school shall be required to provide intervention 243
services to any students who took the assessments. In 244
determining which high schools shall provide intervention 245
services based on the resources available, the district shall 246
consider each school's graduation rate and scores on the 247
practice assessments. The district also shall consider the 248
scores received by ninth grade students on the English language 249
arts and mathematics assessments prescribed under division (A) 250
(1) (f) of section 3301.0710 of the Revised Code in the eighth 251
grade in determining which high schools shall provide 252
intervention services. 253

Each high school selected to provide intervention services 254
under this division shall provide intervention services to any 255
student whose results indicate that the student is failing to 256

make satisfactory progress toward being able to attain scores at 257
the proficient level on the Ohio graduation tests. Intervention 258
services shall be provided in any skill in which a student 259
demonstrates unsatisfactory progress and shall be commensurate 260
with the student's performance. Schools shall provide the 261
intervention services prior to the end of the school year, 262
during the summer following the ninth grade, in the next 263
succeeding school year, or at any combination of those times. 264

(E) Except as provided in section 3313.608 of the Revised 265
Code and division (N) of this section, no school district board 266
of education shall utilize any student's failure to attain a 267
specified score on an assessment administered under this section 268
as a factor in any decision to deny the student promotion to a 269
higher grade level. However, a district board may choose not to 270
promote to the next grade level any student who does not take an 271
assessment administered under this section or make up an 272
assessment as provided by division (C) (2) of this section and 273
who is not exempt from the requirement to take the assessment 274
under division (C) (3) of this section. 275

(F) No person shall be charged a fee for taking any 276
assessment administered under this section. 277

(G) (1) Each school district board shall designate one 278
location for the collection of assessments administered in the 279
spring under division (B) (1) of this section and those 280
administered under divisions (B) (2) to (7) of this section. Each 281
district board shall submit the assessments to the entity with 282
which the department contracts for the scoring of the 283
assessments as follows: 284

(a) If the district's total enrollment in grades 285
kindergarten through twelve during the first full school week of 286

October was less than two thousand five hundred, not later than 287
the Friday after all of the assessments have been administered; 288

(b) If the district's total enrollment in grades 289
kindergarten through twelve during the first full school week of 290
October was two thousand five hundred or more, but less than 291
seven thousand, not later than the Monday after all of the 292
assessments have been administered; 293

(c) If the district's total enrollment in grades 294
kindergarten through twelve during the first full school week of 295
October was seven thousand or more, not later than the Tuesday 296
after all of the assessments have been administered. 297

However, any assessment that a student takes during the 298
make-up period described in division (C) (2) of this section 299
shall be submitted not later than the Friday following the day 300
the student takes the assessment. 301

(2) The department or an entity with which the department 302
contracts for the scoring of the assessment shall send to each 303
school district board a list of the individual scores of all 304
persons taking a state achievement assessment as follows: 305

(a) Except as provided in division (G) (2) (b) or (c) of 306
this section, within forty-five days after the administration of 307
the assessments prescribed by sections 3301.0710 and 3301.0712 308
of the Revised Code, but in no case shall the scores be returned 309
later than the thirtieth day of June following the 310
administration; 311

(b) In the case of the third-grade English language arts 312
assessment, within forty-five days after the administration of 313
that assessment, but in no case shall the scores be returned 314
later than the fifteenth day of June following the 315

administration; 316

(c) In the case of the writing component of an assessment 317
or end-of-course examination in the area of English language 318
arts, except for the third-grade English language arts 319
assessment, the results may be sent after forty-five days of the 320
administration of the writing component, but in no case shall 321
the scores be returned later than the thirtieth day of June 322
following the administration. 323

(3) For assessments administered under this section by a 324
joint vocational school district, the department or entity shall 325
also send to each city, local, or exempted village school 326
district a list of the individual scores of any students of such 327
city, local, or exempted village school district who are 328
attending school in the joint vocational school district. 329

(4) Beginning with the 2019-2020 school year, a school 330
district, other public school, or chartered nonpublic school may 331
administer the third-grade English language arts or mathematics 332
assessment, or both, in a paper format in any school year for 333
which the district board of education or school governing body 334
adopts a resolution indicating that the district or school 335
chooses to administer the assessment in a paper format. The 336
board or governing body shall submit a copy of the resolution to 337
the department of education and workforce not later than the 338
first day of May prior to the school year for which it will 339
apply. If the resolution is submitted, the district or school 340
shall administer the assessment in a paper format to all 341
students in the third grade, except that any student whose 342
individualized education program or plan developed under section 343
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 344
794, as amended, specifies that taking the assessment in an 345

online format is an appropriate accommodation for the student 346
may take the assessment in an online format. 347

(H) Individual scores on any assessments administered 348
under this section shall be released by a district board only in 349
accordance with section 3319.321 of the Revised Code and the 350
rules adopted under division (A) of this section. No district 351
board or its employees shall utilize individual or aggregate 352
results in any manner that conflicts with rules for the ethical 353
use of assessments adopted pursuant to division (A) of this 354
section. 355

(I) Except as provided in division (G) of this section, 356
the department or an entity with which the department contracts 357
for the scoring of the assessment shall not release any 358
individual scores on any assessment administered under this 359
section. The department shall adopt rules to ensure the 360
protection of student confidentiality at all times. The rules 361
may require the use of the data verification codes assigned to 362
students pursuant to division (D) (2) of section 3301.0714 of the 363
Revised Code to protect the confidentiality of student scores. 364

(J) Notwithstanding division (D) of section 3311.52 of the 365
Revised Code, this section does not apply to the board of 366
education of any cooperative education school district except as 367
provided under rules adopted pursuant to this division. 368

(1) In accordance with rules that the department shall 369
adopt, the board of education of any city, exempted village, or 370
local school district with territory in a cooperative education 371
school district established pursuant to divisions (A) to (C) of 372
section 3311.52 of the Revised Code may enter into an agreement 373
with the board of education of the cooperative education school 374
district for administering any assessment prescribed under this 375

section to students of the city, exempted village, or local 376
school district who are attending school in the cooperative 377
education school district. 378

(2) In accordance with rules that the department shall 379
adopt, the board of education of any city, exempted village, or 380
local school district with territory in a cooperative education 381
school district established pursuant to section 3311.521 of the 382
Revised Code shall enter into an agreement with the cooperative 383
district that provides for the administration of any assessment 384
prescribed under this section to both of the following: 385

(a) Students who are attending school in the cooperative 386
district and who, if the cooperative district were not 387
established, would be entitled to attend school in the city, 388
local, or exempted village school district pursuant to section 389
3313.64 or 3313.65 of the Revised Code; 390

(b) Persons described in division (B) (8) (b) of this 391
section. 392

Any assessment of students pursuant to such an agreement 393
shall be in lieu of any assessment of such students or persons 394
pursuant to this section. 395

(K) (1) (a) Except as otherwise provided in division (K) (1) 396
or (2) of this section, each chartered nonpublic school for 397
which at least sixty-five per cent of its total enrollment is 398
made up of students who are participating in state scholarship 399
programs shall administer the assessments prescribed by division 400
(A) of section 3301.0710 of the Revised Code ~~or an alternative~~ 401
~~standardized assessment determined by the department.~~ In 402
accordance with procedures and deadlines prescribed by the 403
department, the parent or guardian of a student enrolled in the 404

school who is not participating in a state scholarship program 405
may submit notice to the chief administrative officer of the 406
school that the parent or guardian does not wish to have the 407
student take the assessments prescribed for the student's grade 408
level under division (A) of section 3301.0710 of the Revised 409
Code. If a parent or guardian submits an opt-out notice, the 410
school shall not administer the assessments to that student. 411
This option does not apply to any assessment required for a high 412
school diploma under section 3313.612 of the Revised Code. 413

(b) Any chartered nonpublic school that enrolls students 414
who are participating in state scholarship programs may 415
administer an alternative standardized assessment determined by 416
the department instead of the assessments prescribed by division 417
(A) of section 3301.0710 of the Revised Code to any student who 418
satisfies one of the following conditions: 419

(i) The student is participating in the autism scholarship 420
program established under section 3310.41 of the Revised Code. 421

(ii) The student is participating in the Jon Peterson 422
special needs scholarship program established under sections 423
3310.51 to 3310.64 of the Revised Code. 424

(iii) The student is not participating in a state 425
scholarship program. 426

Each chartered nonpublic school subject to division (K) (1) 427
(a) or (b) of this section shall report the results of each 428
assessment administered under those divisions to the department. 429

(2) A chartered nonpublic school may submit to the 430
director of education and workforce a request for a waiver from 431
administering the elementary assessments prescribed by division 432
(A) of section 3301.0710 of the Revised Code. The director shall 433

approve or disapprove a request for a waiver submitted under 434
division (K) (2) of this section. 435

To be eligible to submit a request for a waiver, a 436
chartered nonpublic school shall meet the following conditions: 437

(a) At least ninety-five per cent of the students enrolled 438
in the school are children with disabilities, as defined under 439
section 3323.01 of the Revised Code, or have received a 440
diagnosis by a school district or from a physician, including a 441
neuropsychiatrist or psychiatrist, or a psychologist who is 442
authorized to practice in this or another state as having a 443
condition that impairs academic performance, such as dyslexia, 444
dyscalculia, attention deficit hyperactivity disorder, or 445
Asperger's syndrome. 446

(b) The school has solely served a student population 447
described in division (K) (1) (a) of this section for at least ten 448
years. 449

(c) The school provides to the department at least five 450
years of records of internal testing conducted by the school 451
that affords the department data required for accountability 452
purposes, including diagnostic assessments and nationally 453
standardized norm-referenced achievement assessments that 454
measure reading and math skills. 455

(3) Any chartered nonpublic school that is not subject to 456
division (K) (1) of this section may participate in the 457
assessment program by administering any of the assessments 458
prescribed by division (A) of section 3301.0710 of the Revised 459
Code. The chief administrator of the school shall specify which 460
assessments the school will administer. Such specification shall 461
be made in writing to the director prior to the first day of 462

August of any school year in which assessments are administered 463
and shall include a pledge that the nonpublic school will 464
administer the specified assessments in the same manner as 465
public schools are required to do under this section and rules 466
adopted by the department. 467

(4) The department shall furnish the assessments 468
prescribed by section 3301.0710 of the Revised Code to each 469
chartered nonpublic school that is subject to division (K) (1) of 470
this section or participates under division (K) (3) of this 471
section. 472

(L) If a chartered nonpublic school is educating students 473
in grades nine through twelve, the following shall apply: 474

(1) Except as provided in division (L) (4) of this section, 475
for a student who is enrolled in a chartered nonpublic school 476
that is accredited through the independent schools association 477
of the central states and who is attending the school under a 478
state scholarship program that is not a general scholarship 479
program, the student shall either take all of the assessments 480
prescribed by division (B) of section 3301.0712 of the Revised 481
Code or take an alternative assessment approved by the 482
department under section 3313.619 of the Revised Code. A student 483
attending the school under a general scholarship program shall 484
take all of the assessments prescribed under division (B) of 485
section 3301.0712 of the Revised Code. However, a student who is 486
excused from taking an assessment under division (C) of this 487
section or has presented evidence to the chartered nonpublic 488
school of having satisfied the condition prescribed by division 489
(A) (1) of section 3313.618 of the Revised Code to qualify for a 490
high school diploma prior to the date of the administration of 491
the assessment prescribed under division (B) (1) of section 492

3301.0712 of the Revised Code shall not be required to take that 493
assessment. No governing authority of a chartered nonpublic 494
school shall prohibit a student who is not required to take such 495
assessment from taking the assessment. 496

(2) For a student who is enrolled in a chartered nonpublic 497
school that is accredited through the independent schools 498
association of the central states, and who is not attending the 499
school under a state scholarship program, the student shall not 500
be required to take any assessment prescribed under section 501
3301.0712 or 3313.619 of the Revised Code. 502

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 503
of this section, for a student who is enrolled in a chartered 504
nonpublic school that is not accredited through the independent 505
schools association of the central states, ~~regardless of whether~~ 506
either of the following apply to that student: 507

(i) If the student is attending or is not attending the 508
school under a state participating in a general scholarship 509
program, the student shall take all of the assessments 510
prescribed by division (B) of section 3301.0712 of the Revised 511
Code. 512

(ii) If the student is not participating in a general 513
scholarship program, the student shall do one of the following: 514

~~(i)~~ (I) Take all of the assessments prescribed by division 515
(B) of section 3301.0712 of the Revised Code; 516

~~(ii)~~ (II) Take only the assessment prescribed by division 517
(B) (1) of section 3301.0712 of the Revised Code, provided that 518
the student's school publishes the results of that assessment 519
for each graduating class. The published results of that 520
assessment shall include the overall composite scores, mean 521

scores, twenty-fifth percentile scores, and seventy-fifth
percentile scores for each subject area of the assessment. 522
523

~~(iii)~~ (III) Take an alternative assessment approved by the 524
department under section 3313.619 of the Revised Code. 525

(b) A student who is excused from taking an assessment 526
under division (C) of this section or has presented evidence to 527
the chartered nonpublic school of having satisfied the condition 528
prescribed by division (A) (1) of section 3313.618 of the Revised 529
Code to qualify for a high school diploma prior to the date of 530
the administration of the assessment prescribed under division 531
(B) (1) of section 3301.0712 of the Revised Code shall not be 532
required to take that assessment. No governing authority of a 533
chartered nonpublic school shall prohibit a student who is not 534
required to take such assessment from taking the assessment. 535

(4) The assessments prescribed by sections 3301.0712 and 536
3313.619 of the Revised Code shall not be administered to any 537
student attending the school, if the school meets all of the 538
following conditions: 539

(a) At least ninety-five per cent of the students enrolled 540
in the school are children with disabilities, as defined under 541
section 3323.01 of the Revised Code, or have received a 542
diagnosis by a school district or from a physician, including a 543
neuropsychologist or psychiatrist, or a psychologist who is 544
authorized to practice in this or another state as having a 545
condition that impairs academic performance, such as dyslexia, 546
dyscalculia, attention deficit hyperactivity disorder, or 547
Asperger's syndrome. 548

(b) The school has solely served a student population 549
described in division (L) (4) (a) of this section for at least ten 550

years. 551

(c) The school makes available to the department at least 552
five years of records of internal testing conducted by the 553
school that affords the department data required for 554
accountability purposes, including growth in student achievement 555
in reading or mathematics, or both, as measured by nationally 556
norm-referenced assessments that have developed appropriate 557
standards for students. 558

Division (L) (4) of this section applies to any student 559
attending such school regardless of whether the student receives 560
special education or related services and regardless of whether 561
the student is attending the school under a state scholarship 562
program. 563

(M) (1) The superintendent of Ohio deaf and blind education 564
services shall administer the assessments described by sections 565
3301.0710 and 3301.0712 of the Revised Code for the state school 566
for the blind and the state school for the deaf. The 567
superintendent of Ohio deaf and blind education services shall 568
administer the assessments in the same manner as district boards 569
are required to do under this section and rules adopted by the 570
department and in conformity with division (C) (1) (a) of this 571
section. 572

(2) The department shall furnish the assessments described 573
by sections 3301.0710 and 3301.0712 of the Revised Code to the 574
superintendent of Ohio deaf and blind education services. 575

(N) Notwithstanding division (E) of this section, a school 576
district may use a student's failure to attain a score in at 577
least the proficient range on the mathematics assessment 578
described by division (A) (1) (a) of section 3301.0710 of the 579

Revised Code or on an assessment described by division (A) (1) 580
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 581
Code as a factor in retaining that student in the current grade 582
level. 583

(O) (1) In the manner specified in divisions (O) (3), (4), 584
(6), and (7) of this section, the assessments required by 585
division (A) (1) of section 3301.0710 of the Revised Code shall 586
become public records pursuant to section 149.43 of the Revised 587
Code on the thirty-first day of July following the school year 588
that the assessments were administered. 589

(2) The department may field test proposed questions with 590
samples of students to determine the validity, reliability, or 591
appropriateness of questions for possible inclusion in a future 592
year's assessment. The department also may use anchor questions 593
on assessments to ensure that different versions of the same 594
assessment are of comparable difficulty. 595

Field test questions and anchor questions shall not be 596
considered in computing scores for individual students. Field 597
test questions and anchor questions may be included as part of 598
the administration of any assessment required by division (A) (1) 599
or (B) of section 3301.0710 and division (B) of section 600
3301.0712 of the Revised Code. 601

(3) Any field test question or anchor question 602
administered under division (O) (2) of this section shall not be 603
a public record. Such field test questions and anchor questions 604
shall be redacted from any assessments which are released as a 605
public record pursuant to division (O) (1) of this section. 606

(4) This division applies to the assessments prescribed by 607
division (A) of section 3301.0710 of the Revised Code. 608

(a) The first administration of each assessment, as 609
specified in former section 3301.0712 of the Revised Code, shall 610
be a public record. 611

(b) For subsequent administrations of each assessment 612
prior to the 2011-2012 school year, not less than forty per cent 613
of the questions on the assessment that are used to compute a 614
student's score shall be a public record. The department shall 615
determine which questions will be needed for reuse on a future 616
assessment and those questions shall not be public records and 617
shall be redacted from the assessment prior to its release as a 618
public record. However, for each redacted question, the 619
department shall inform each city, local, and exempted village 620
school district of the statewide academic standard adopted under 621
section 3301.079 of the Revised Code and the corresponding 622
benchmark to which the question relates. The preceding sentence 623
does not apply to field test questions that are redacted under 624
division (O) (3) of this section. 625

(c) The administrations of each assessment in the 2011- 626
2012, 2012-2013, and 2013-2014 school years shall not be a 627
public record. 628

(5) Each assessment prescribed by division (B) (1) of 629
section 3301.0710 of the Revised Code shall not be a public 630
record. 631

(6) (a) Except as provided in division (O) (6) (b) of this 632
section, for the administrations in the 2014-2015, 2015-2016, 633
and 2016-2017 school years, questions on the assessments 634
prescribed under division (A) of section 3301.0710 and division 635
(B) (2) of section 3301.0712 of the Revised Code and the 636
corresponding preferred answers that are used to compute a 637
student's score shall become a public record as follows: 638

(i) Forty per cent of the questions and preferred answers 639
on the assessments on the thirty-first day of July following the 640
administration of the assessment; 641

(ii) Twenty per cent of the questions and preferred 642
answers on the assessment on the thirty-first day of July one 643
year after the administration of the assessment; 644

(iii) The remaining forty per cent of the questions and 645
preferred answers on the assessment on the thirty-first day of 646
July two years after the administration of the assessment. 647

The entire content of an assessment shall become a public 648
record within three years of its administration. 649

The department shall make the questions that become a 650
public record under this division readily accessible to the 651
public on the department's web site. Questions on the spring 652
administration of each assessment shall be released on an annual 653
basis, in accordance with this division. 654

(b) No questions and corresponding preferred answers shall 655
become a public record under division (O) (6) of this section 656
after July 31, 2017. 657

(7) Division (O) (7) of this section applies to the 658
assessments prescribed by division (A) of section 3301.0710 and 659
division (B) (2) of section 3301.0712 of the Revised Code. 660

Beginning with the assessments administered in the spring 661
of the 2017-2018 school year, not less than forty per cent of 662
the questions on each assessment that are used to compute a 663
student's score shall be a public record. The department shall 664
determine which questions will be needed for reuse on a future 665
assessment and those questions shall not be public records and 666
shall be redacted from the assessment prior to its release as a 667

public record. However, for each redacted question, the 668
department shall inform each city, local, and exempted village 669
school district of the corresponding statewide academic standard 670
adopted under section 3301.079 of the Revised Code and the 671
corresponding benchmark to which the question relates. The 672
department is not required to provide corresponding standards 673
and benchmarks to field test questions that are redacted under 674
division (O) (3) of this section. 675

(P) As used in this section: 676

(1) "Three-year average" means the average of the most 677
recent consecutive three school years of data. 678

(2) "Dropout" means a student who withdraws from school 679
before completing course requirements for graduation and who is 680
not enrolled in an education program approved by the department 681
or an education program outside the state. "Dropout" does not 682
include a student who has departed the country. 683

(3) "Graduation rate" means the ratio of students 684
receiving a diploma to the number of students who entered ninth 685
grade four years earlier. Students who transfer into the 686
district are added to the calculation. Students who transfer out 687
of the district for reasons other than dropout are subtracted 688
from the calculation. If a student who was a dropout in any 689
previous year returns to the same school district, that student 690
shall be entered into the calculation as if the student had 691
entered ninth grade four years before the graduation year of the 692
graduating class that the student joins. 693

(4) "State scholarship programs" means the educational 694
choice scholarship pilot program established under sections 695
3310.01 to 3310.17 of the Revised Code, the autism scholarship 696

program established under section 3310.41 of the Revised Code, 697
the Jon Peterson special needs scholarship program established 698
under sections 3310.51 to 3310.64 of the Revised Code, and the 699
pilot project scholarship program established under sections 700
3313.974 to 3313.979 of the Revised Code. 701

(5) "Other public school" means a community school 702
established under Chapter 3314., a STEM school established under 703
Chapter 3326., or a college-preparatory boarding school 704
established under Chapter 3328. of the Revised Code. 705

(6) "English learner" has the same meaning as in section 706
3301.0731 of the Revised Code. 707

(7) "General scholarship program" has the same meaning as 708
in section 3301.165 of the Revised Code. 709

Sec. 3301.165. (A) As used in this section: 710

(1) "General scholarship program" means the educational 711
choice scholarship pilot program established under sections 712
3310.01 to 3310.17 of the Revised Code or the pilot project 713
scholarship program established under sections 3313.974 to 714
3313.979 of the Revised Code. 715

(2) "Information technology center" means an information 716
technology center established under section 3301.075 of the 717
Revised Code. 718

(3) "Scholarship student" means a student who is 719
participating in a general scholarship program. 720

(B) Annually, each chartered nonpublic school that enrolls 721
scholarship students shall submit to the department of education 722
and workforce, in a form and manner prescribed by the 723
department, a report regarding expenditures the school made 724

using the state funds it received under a general scholarship 725
program in that school year. The department shall post each 726
report it receives on its publicly accessible web site. 727

A chartered nonpublic school may contract with an 728
information technology center for assistance with complying with 729
the reporting requirement prescribed under this division. 730

Sec. 3301.166. (A) As used in this section: 731

(1) "Community school" means a community school 732
established under Chapter 3314. of the Revised Code. 733

(2) "Qualifying school" means a chartered nonpublic school 734
of which at least twenty per cent of its total enrollment is 735
made up of scholarship students. 736

(3) "Scholarship student" has the same meaning as in 737
section 3301.165 of the Revised Code. 738

(4) "STEM school" means a STEM school established under 739
Chapter 3326. of the Revised Code. 740

(B) Each chartered nonpublic school that enrolls 741
scholarship students shall include in its admission procedure a 742
method to determine which students to admit if the number of 743
applicants for a grade level, school building, or education 744
program exceeds the school's capacity. Each school shall report 745
to the department of education and workforce, in a form and 746
manner established by the department, its method for such 747
determinations. 748

(C) Annually, each qualifying school shall report to the 749
department, in a form and manner established by the department, 750
all of the following for the school year: 751

(1) The school's total enrollment and its capacity limits 752

<u>by grade level, school building, and education program;</u>	753
<u>(2) The number of scholarship students enrolled in the</u>	754
<u>school, disaggregated by whether, in the prior school year, the</u>	755
<u>students were enrolled in one of the following:</u>	756
<u>(a) That school;</u>	757
<u>(b) A different chartered nonpublic school;</u>	758
<u>(c) A nonchartered nonpublic school;</u>	759
<u>(d) A city, local, or exempted village school district;</u>	760
<u>(e) A community school;</u>	761
<u>(f) A STEM school;</u>	762
<u>(g) If the student was not enrolled in a district or</u>	763
<u>school in the prior school year, whether either of the following</u>	764
<u>apply to the student:</u>	765
<u>(i) The student, in the prior school year, was exempted</u>	766
<u>from attendance at school for the purpose of home education</u>	767
<u>under section 3321.042 of the Revised Code.</u>	768
<u>(ii) The student, in the current school year, is enrolling</u>	769
<u>in school in this state for the first time.</u>	770
<u>Sec. 3301.167. (A) As used in this section:</u>	771
<u>(1) "Adjusted gross income" has the same meaning as in</u>	772
<u>section 5747.01 of the Revised Code.</u>	773
<u>(2) "Federal poverty guidelines" has the same meaning as</u>	774
<u>in section 5101.46 of the Revised Code.</u>	775
<u>(3) "Community school" means a community school</u>	776
<u>established under Chapter 3314. of the Revised Code.</u>	777

(4) "Scholarship student" has the same meaning as in 778
section 3301.165 of the Revised Code. 779

(5) "STEM school" means a STEM school established under 780
Chapter 3326. of the Revised Code. 781

(B) The department of education and workforce shall 782
establish a system by which an individual may compare the 783
performance data of scholarship students enrolled in a chartered 784
nonpublic school with the performance data of similar students 785
enrolled in the school district in which the school is located 786
or a community school, STEM school, or other chartered nonpublic 787
school in that district. The department shall make the system 788
available on its publicly accessible web site. 789

In calculating the performance of similar students under 790
this section, the department shall consider age, grade, race and 791
ethnicity, gender, and socioeconomic status. 792

(C) (1) Annually, the department shall post on its publicly 793
accessible web site the number of scholarship students 794
disaggregated according to the following categories: 795

(a) Students with a family adjusted gross income at or 796
below four hundred fifty per cent of the federal poverty 797
guidelines; 798

(b) Students with a family adjusted gross income above 799
four hundred fifty per cent of the federal poverty guidelines, 800
but at or below five hundred per cent of the federal poverty 801
guidelines; 802

(c) Students with a family adjusted gross income above 803
five hundred per cent of the federal poverty guidelines, but at 804
or below five hundred fifty per cent of the federal poverty 805
guidelines; 806

(d) Students with a family adjusted gross income above 807
five hundred fifty per cent of the federal poverty guidelines, 808
but at or below six hundred per cent of the federal poverty 809
guidelines; 810

(e) Students with a family adjusted gross income above six 811
hundred per cent of the federal poverty guidelines, but at or 812
below six hundred fifty per cent of the federal poverty 813
guidelines; 814

(f) Students with a family adjusted gross income above six 815
hundred fifty per cent of the federal poverty guidelines, but at 816
or below seven hundred per cent of the federal poverty 817
guidelines; 818

(g) Students with a family adjusted gross income above 819
seven hundred per cent of the federal poverty guidelines, but at 820
or below seven hundred fifty per cent of the federal poverty 821
guidelines; 822

(h) Students with a family adjusted gross income above 823
seven hundred fifty per cent of the federal poverty guidelines. 824

The department may disaggregate data under division (C) (1) 825
of this section according to other categories that the 826
department determines are appropriate. 827

(2) The department of education and workforce shall 828
request from the department of taxation any data necessary for 829
the department of education and workforce to compute and post 830
data as required under division (C) (1) of this section. 831

Sec. 3302.0311. As used in this section, "qualifying 832
school" has the same meaning as in section 3301.166 of the 833
Revised Code, 834

The department of education and workforce shall establish 835
a report card for qualifying schools. To the extent practicable, 836
the department shall make that report card similar to the report 837
card issued under section 3302.03 of the Revised Code. The 838
department annually shall issue a report card for each 839
qualifying school not later than the fifteenth day of September 840
or the preceding Friday when that day falls on Saturday or 841
Sunday. The department shall include in the report card issued 842
for a qualifying school the reports the school is required to 843
make to the department under sections 3301.165 and 3301.166 of 844
the Revised Code. 845

Sec. 3310.03. For the 2021-2022 school year and each 846
school year thereafter, subject to division (G) of this section, 847
a student is an "eligible student" for purposes of the 848
educational choice scholarship pilot program if the student's 849
resident district is not a school district in which the pilot 850
project scholarship program is operating under sections 3313.974 851
to 3313.979 of the Revised Code, the student satisfies one of 852
the conditions in division (A), (B), or (C) of this section, and 853
the student maintains eligibility to receive a scholarship under 854
division (D) of this section. 855

However, any student who received a scholarship for the 856
2020-2021 school year under this section, as it existed prior to 857
March 2, 2021, shall continue to receive that scholarship until 858
the student completes grade twelve, as long as the student 859
maintains eligibility to receive a scholarship under division 860
(D) of this section. 861

(A) (1) A student is eligible for a scholarship if the 862
student is enrolled in a school building operated by the 863
student's resident district and to which both of the following 864

apply: 865

(a) The building was ranked in the lowest twenty per cent 866
of all buildings operated by city, local, and exempted village 867
school districts according to performance index score as 868
determined by the department of education and workforce, as 869
follows: 870

(i) For a scholarship sought for the 2021-2022 or 2022- 871
2023 school year, the building was ranked in the lowest twenty 872
per cent of buildings for each of the 2017-2018 and 2018-2019 873
school years. 874

(ii) For a scholarship sought for the 2023-2024 school 875
year, the building was ranked in the lowest twenty per cent of 876
buildings for each of the 2018-2019 and 2021-2022 school years. 877

(iii) For a scholarship sought for the 2024-2025 school 878
year, the building was ranked in the lowest twenty per cent of 879
buildings for each of the 2021-2022 and 2022-2023 school years. 880

(iv) For a scholarship sought for the 2025-2026 school 881
year or any school year thereafter, the building was ranked in 882
the lowest twenty per cent of buildings for at least two of the 883
three most recent consecutive rankings issued prior to the first 884
day of July of the school year for which a scholarship is 885
sought. 886

(b) The building is operated by a school district in 887
which, for the three consecutive school years prior to the 888
school year for which a scholarship is sought, an average of 889
twenty per cent or more of the students entitled to attend 890
school in the district, under section 3313.64 or 3313.65 of the 891
Revised Code, were qualified to be included in the formula to 892
distribute funds under Title I of the "Elementary and Secondary 893

Education Act of 1965," 20 U.S.C. 6301 et seq. 894

When ranking school buildings under division (A) (1) of 895
this section, the department shall not include buildings 896
operated by a school district in which the pilot project 897
scholarship program is operating in accordance with sections 898
3313.974 to 3313.979 of the Revised Code. 899

(2) A student is eligible for a scholarship if the student 900
will be enrolling in any of grades kindergarten through twelve 901
in this state for the first time in the school year for which a 902
scholarship is sought, will be at least five years of age, as 903
defined in section 3321.01 of the Revised Code, by the first day 904
of January of the school year for which a scholarship is sought, 905
and otherwise would be assigned under section 3319.01 of the 906
Revised Code in the school year for which a scholarship is 907
sought, to a school building described in division (A) (1) of 908
this section. 909

(3) A student is eligible for a scholarship if the student 910
is enrolled in a community school established under Chapter 911
3314. of the Revised Code but otherwise would be assigned under 912
section 3319.01 of the Revised Code to a building described in 913
division (A) (1) of this section. 914

(4) A student is eligible for a scholarship if the student 915
is enrolled in a school building operated by the student's 916
resident district or in a community school established under 917
Chapter 3314. of the Revised Code and otherwise would be 918
assigned under section 3319.01 of the Revised Code to a school 919
building described in division (A) (1) of this section in the 920
school year for which the scholarship is sought. 921

(5) A student is eligible for a scholarship if the student 922

was enrolled in a public or nonpublic school or was homeschooled 923
in the prior school year and completed any of grades eight 924
through eleven in that school year and otherwise would be 925
assigned under section 3319.01 of the Revised Code to a school 926
building described in division (A) (1) of this section in the 927
school year for which the scholarship is sought. 928

(B) A student is eligible for a scholarship if the student 929
is enrolled in a nonpublic school at the time the school is 930
granted a charter by the director of education and workforce 931
under section 3301.16 of the Revised Code and the student meets 932
the standards of division (B) of section 3310.031 of the Revised 933
Code. 934

(C) A student is eligible for a scholarship if the 935
student's resident district is subject to section 3302.10 of the 936
Revised Code and the student either: 937

(1) Is enrolled in a school building operated by the 938
resident district or in a community school established under 939
Chapter 3314. of the Revised Code; 940

(2) Will be both enrolling in any of grades kindergarten 941
through twelve in this state for the first time and at least 942
five years of age by the first day of January of the school year 943
for which a scholarship is sought. 944

(D) A student who receives a scholarship under the 945
educational choice scholarship pilot program remains an eligible 946
student and may continue to receive scholarships in subsequent 947
school years until the student completes grade twelve, so long 948
as all of the following apply: 949

(1) The student's resident district remains the same, or 950
the student transfers to a new resident district and otherwise 951

would be assigned in the new resident district to a school 952
building described in division (A) (1) or (C) of this section. 953

(2) The student takes each assessment prescribed for the 954
student's grade level under section 3301.0710~~7~~ or 3301.0712~~7~~ or ~~3313.619~~ 955
of the Revised Code while enrolled in a chartered 956
nonpublic school, unless one of the following applies to the 957
student: 958

(a) The student is excused from taking that assessment 959
under federal law, the student's individualized education 960
program, or division (C) (1) (c) (i) of section 3301.0711 of the 961
Revised Code. 962

(b) The student is enrolled in a chartered nonpublic 963
school that meets the conditions specified in division (K) (2) or 964
(L) (4) of section 3301.0711 of the Revised Code. 965

~~(c) The student is enrolled in any of grades three to 966
eight and takes an alternative standardized assessment under 967
division (K) (1) of section 3301.0711 of the Revised Code. 968~~

~~(d) The student is excused from taking the assessment 969
prescribed under division (B) (1) of section 3301.0712 of the 970
Revised Code pursuant to division (C) (1) (c) (ii) of section 971
3301.0711 of the Revised Code. 972~~

(3) In each school year that the student is enrolled in a 973
chartered nonpublic school, the student is absent from school 974
for not more than twenty days that the school is open for 975
instruction, not including excused absences. 976

(E) (1) The department shall cease awarding first-time 977
scholarships pursuant to divisions (A) (1) to (5) of this section 978
with respect to a school building that, in the most recent 979
ratings of school buildings under section 3302.03 of the Revised 980

Code prior to the first day of July of the school year, ceases	981
to meet the criteria in division (A) (1) of this section.	982
(2) The department shall cease awarding first-time	983
scholarships pursuant to division (C) of this section with	984
respect to a school district subject to section 3302.10 of the	985
Revised Code when the academic distress commission established	986
for the district ceases to exist.	987
(3) However, students who have received scholarships in	988
the prior school year remain eligible students pursuant to	989
division (D) of this section.	990
(F) The department shall adopt rules defining excused	991
absences for purposes of division (D) (3) of this section.	992
(G) Notwithstanding anything to the contrary in this	993
section or section 3310.031 of the Revised Code, a student shall	994
not be required to be enrolled or enrolling in a school building	995
operated by the student's resident district or a community	996
school in order to be eligible for a scholarship, as follows:	997
(1) For a scholarship sought for the 2021-2022 school	998
year, a student entering any of grades kindergarten through two;	999
(2) For a scholarship sought for the 2022-2023 school	1000
year, a student entering any of grades kindergarten through	1001
four;	1002
(3) For a scholarship sought for the 2023-2024 school	1003
year, a student entering any of grades kindergarten through six;	1004
(4) For a scholarship sought for the 2024-2025 school	1005
year, a student entering any of grades kindergarten through	1006
eight;	1007
(5) For a scholarship sought for the 2025-2026 school	1008

year, and each school year thereafter, a student entering any of 1009
grades kindergarten through twelve. 1010

(H) Except as provided for in section 3310.13 of the 1011
Revised Code and in division (C) (2) of section 3365.07 of the 1012
Revised Code, the department shall not require the parent of a 1013
student who applies for or receives a scholarship under this 1014
section or section 3310.033, 3310.034, or 3310.035 of the 1015
Revised Code to complete any kind of income verification 1016
regarding the student's family income. 1017

Sec. 3310.13. (A) No chartered nonpublic school shall 1018
charge any student whose family income is at or below two 1019
hundred per cent of the federal poverty guidelines, as defined 1020
in section 5101.46 of the Revised Code, a tuition fee that is 1021
greater than the total amount paid for that student under 1022
section 3317.022 of the Revised Code. 1023

(B) A chartered nonpublic school may charge any other 1024
student who is paid a scholarship under that section up to the 1025
difference between the amount of the scholarship and the regular 1026
tuition charge of the school. Each chartered nonpublic school 1027
may permit such an eligible student's family to provide 1028
volunteer services in lieu of cash payment to pay all or part of 1029
the amount of the school's tuition not covered by the 1030
scholarship paid under section 3317.022 of the Revised Code. 1031

(C) Each chartered nonpublic school that charges a 1032
scholarship student an additional amount as authorized under 1033
division (B) of this section shall annually report to the 1034
department of education and workforce in the manner prescribed 1035
by the department the following: 1036

(1) The number of students charged; 1037

(2) The average of the amounts charged to such students. 1038

(D) On and after July 1, 2024, the department shall not 1039
require the parent of a student to submit a complete copy of the 1040
parent's federal income tax return, or a return filed under 1041
section 5747.08 of the Revised Code, to determine a student's 1042
family income for the purposes of the educational choice 1043
scholarship pilot program. Rather, the department may require a 1044
parent to submit a partial federal income tax return, or a 1045
return filed under section 5747.08 of the Revised Code, that 1046
only contains the minimum amount of information necessary to 1047
determine a student's family income. 1048

(E) No chartered nonpublic school participating in the 1049
educational choice scholarship pilot program shall require the 1050
parent of a student to disclose, as part of the school's 1051
admission procedure, whether the student's family income is at 1052
or below two hundred per cent of the federal poverty guidelines. 1053

(F) A chartered nonpublic school may accept scholarships 1054
issued by a scholarship granting organization authorized under 1055
section 5747.73 of the Revised Code as payment for the 1056
difference between the amount of the scholarship paid under 1057
section 3317.022 of the Revised Code and the regular tuition 1058
charge of the school, as well as for any fees regularly charged 1059
by the school. Each such school shall report annually to the 1060
department the family income of each student who receives a 1061
scholarship from a scholarship granting organization described 1062
in this division. 1063

(G) Not later than the thirtieth day of June of each year, 1064
each chartered nonpublic school that enrolls students who 1065
receive educational choice scholarships shall submit to the 1066
department of education and workforce, in a form and manner 1067

prescribed by the department, the tuition rates charged by the 1068
school for the following school year. 1069

Sec. 3310.14. (A) Except as provided in division (B) of 1070
this section, each chartered nonpublic school that is not 1071
subject to division (K)(1) of section 3301.0711 of the Revised 1072
Code and enrolls students awarded scholarships under sections 1073
3310.01 to 3310.17 of the Revised Code annually shall administer 1074
the assessments prescribed by section 3301.0710~~, or~~ 3301.0712~~, or~~ 1075
~~or 3313.619~~ of the Revised Code, as applicable, to each 1076
scholarship student enrolled in the school in accordance with 1077
section 3301.0711 of the Revised Code. Each chartered nonpublic 1078
school that is subject to this section shall report to the 1079
department of education and workforce the results of each 1080
assessment administered to each scholarship student under this 1081
section. 1082

Nothing in this section requires a chartered nonpublic 1083
school to administer any achievement assessment, except for an 1084
Ohio graduation test prescribed by division (B)(1) of section 1085
3301.0710 or the college and work ready assessment system 1086
prescribed by division (B) of section 3301.0712 of the Revised 1087
Code to any student enrolled in the school who is not a 1088
scholarship student. 1089

(B) A chartered nonpublic school that meets the conditions 1090
specified in division (K)(2) of section 3301.0711 of the Revised 1091
Code shall not be required to administer the elementary 1092
assessments prescribed by division (A) of section 3301.0710 of 1093
the Revised Code. 1094

Sec. 3310.15. (A) The department of education and 1095
workforce annually shall compile the scores attained by 1096
scholarship students to whom an assessment is administered under 1097

section 3310.14 of the Revised Code. The scores shall be	1098
aggregated as follows:	1099
(1) By state, which shall include all students awarded a	1100
scholarship under the educational choice scholarship pilot	1101
program and who were required to take an assessment under	1102
section 3310.14 of the Revised Code;	1103
(2) By school district, which shall include all	1104
scholarship students who were required to take an assessment	1105
under section 3310.14 of the Revised Code and for whom the	1106
district is the student's resident district;	1107
(3) By chartered nonpublic school, which shall include all	1108
scholarship students enrolled in that school who were required	1109
to take an assessment under section 3310.14 of the Revised Code.	1110
(B) The department shall disaggregate the student	1111
performance data described in division (A) of this section	1112
according to the following categories:	1113
(1) Grade level;	1114
(2) Race and ethnicity;	1115
(3) Gender;	1116
(4) Students who have participated in the scholarship	1117
program for three or more years;	1118
(5) Students who have participated in the scholarship	1119
program for more than one year and less than three years;	1120
(6) Students who have participated in the scholarship	1121
program for one year or less;	1122
(7) Economically disadvantaged students.	1123
(C) The department shall post the student performance data	1124

required under divisions (A) and (B) of this section on its web 1125
site and, by the ~~first-fifteenth~~ day of ~~February-September~~ or 1126
the preceding Friday when that day falls on a Saturday or Sunday 1127
each year, shall distribute that data to the parent of each 1128
eligible student. In reporting student performance data under 1129
this division, the department shall not include any data that is 1130
statistically unreliable or that could result in the 1131
identification of individual students. For this purpose, the 1132
department shall not report performance data for any group that 1133
contains less than ten students. 1134

Not later than July 1, 2025, the department shall develop 1135
a measure of student growth for scholarship students enrolled in 1136
chartered nonpublic schools. The measure of student growth shall 1137
be used to report data annually on student growth for students 1138
in grades four through eight during the school year in which 1139
data is reported. No data shall be reported for schools with 1140
fewer than ten scholarship students. The department shall make 1141
the growth reports available on its publicly accessible web 1142
site. 1143

(D) The department shall provide the parent of each 1144
scholarship student with information comparing the student's 1145
performance on the assessments administered under section 1146
3310.14 of the Revised Code with the average performance of 1147
similar students enrolled in the building operated by the 1148
student's resident district that the scholarship student would 1149
otherwise attend. In calculating the performance of similar 1150
students, the department shall consider age, grade, race and 1151
ethnicity, gender, and socioeconomic status. 1152

Sec. 3313.618. (A) In addition to the curriculum 1153
requirements specified by the board of education of a school 1154

district or governing authority of a chartered nonpublic school, 1155
each student entering ninth grade for the first time on or after 1156
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 1157
one of the following conditions or the conditions prescribed 1158
under division (B) of this section in order to qualify for a 1159
high school diploma: 1160

(1) Be remediation-free, in accordance with standards 1161
adopted under division (F) of section 3345.061 of the Revised 1162
Code, on each of the nationally standardized assessments in 1163
English, mathematics, and reading; 1164

(2) Attain a score specified under division (B) (5) (c) of 1165
section 3301.0712 of the Revised Code on the end-of-course 1166
examinations prescribed under division (B) of section 3301.0712 1167
of the Revised Code. 1168

(3) Attain a score that demonstrates workforce readiness 1169
and employability on a nationally recognized job skills 1170
assessment selected by the department of education and workforce 1171
under division (F) of section 3301.0712 of the Revised Code and 1172
obtain either an industry-recognized credential or a license 1173
issued by a state agency or board for practice in a vocation 1174
that requires an examination for issuance of that license. 1175

For the purposes of this division, the industry-recognized 1176
credentials and licenses shall be as approved under section 1177
3313.6113 of the Revised Code. 1178

A student may choose to qualify for a high school diploma 1179
by satisfying any of the separate requirements prescribed by 1180
divisions (A) (1) to (3) of this section. If the student's school 1181
district or school does not administer the examination 1182
prescribed by one of those divisions that the student chooses to 1183

take to satisfy the requirements of this section, the school 1184
district or school may require that student to arrange for the 1185
applicable scores to be sent directly to the district or school 1186
by the company or organization that administers the examination. 1187

(B) In addition to the curriculum requirements specified 1188
by the district board or school governing authority, each 1189
student entering ninth grade for the first time on or after July 1190
1, 2019, shall satisfy the following conditions in order to 1191
qualify for a high school diploma: 1192

(1) Attain a competency score as determined under division 1193
(B) (10) of section 3301.0712 of the Revised Code on each of the 1194
Algebra I and English language arts II end-of-course 1195
examinations prescribed under division (B) (2) of section 1196
3301.0712 of the Revised Code. 1197

School districts and chartered nonpublic schools shall 1198
offer remedial support to any student who fails to attain a 1199
competency score on one or both of the Algebra I and English 1200
language arts II end-of-course examinations. 1201

Following the first administration of the exam, if a 1202
student fails to attain a competency score on one or both of the 1203
Algebra I and English language arts II end-of-course 1204
examinations that student must retake the respective examination 1205
at least once. 1206

If a student fails to attain a competency score on a 1207
retake examination, the student may demonstrate competency in 1208
the failed subject area through one of the following options: 1209

(a) Earn course credit taken through the college credit 1210
plus program established under Chapter 3365. of the Revised Code 1211
in the failed subject area; 1212

(b) Complete two of the following options, one of which 1213
must be foundational: 1214

(i) Foundational options to demonstrate competency, which 1215
include earning a cumulative score of proficient or higher on 1216
three or more state technical assessments aligned with section 1217
3313.903 of the Revised Code in a single career pathway, 1218
obtaining an industry-recognized credential, or group of 1219
credentials, approved under section 3313.6113 of the Revised 1220
Code that is at least equal to the total number of points 1221
established under that section to qualify for a high school 1222
diploma, obtaining a license approved under section 3313.6113 of 1223
the Revised Code that is issued by a state agency or board for 1224
practice in a vocation that requires an examination for issuance 1225
of that license, completing a pre-apprenticeship aligned with 1226
options established under section 3313.904 of the Revised Code 1227
in the student's chosen career field, completing an 1228
apprenticeship registered with the apprenticeship council 1229
established under section 4139.02 of the Revised Code in the 1230
student's chosen career field, or providing evidence of 1231
acceptance into an apprenticeship program after high school that 1232
is restricted to participants eighteen years of age or older; 1233

(ii) Supporting options to demonstrate competency, which 1234
include completing two hundred fifty hours of a work-based 1235
learning experience with evidence of positive evaluations, 1236
obtaining an OhioMeansJobs-readiness seal under section 1237
3313.6112 of the Revised Code, or attaining a workforce 1238
readiness score, as determined by the department, on the 1239
nationally recognized job skills assessment selected by the 1240
department under division (F) of section 3301.0712 of the 1241
Revised Code. 1242

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

(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment.

Subject to division (L) (2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C) (1) of section 3301.0711 of the Revised Code.

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

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

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

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

(C) (1) A student who transfers into an Ohio public or 1272
chartered nonpublic high school from another state or enrolls in 1273
such a high school after receiving home education or attending a 1274
nonchartered, nontax-supported school in the previous school 1275
year shall meet the requirements of division (B) ~~or (D)~~ of this 1276
section, as applicable, in order to qualify for a high school 1277
diploma. However, any student subject to division (B) of this 1278
section who transfers or enrolls after the start of the 1279
student's twelfth grade year and fails to attain a competency 1280
score on the Algebra I or English language arts II end-of-course 1281
examination shall not be required to retake the applicable 1282
examination prior to demonstrating competency in the failed 1283
subject area under the options prescribed in divisions (B) (1) (a) 1284
to (d) of this section. 1285

(2) The department shall prescribe standards that allow a 1286
transfer student who, prior to the student's transfer, took an 1287
assessment described in division (B) (1) or (2) of section 1288
3301.0712 or section 3313.619 of the Revised Code to apply the 1289
score from that assessment towards graduation requirements at 1290
the student's new public or chartered nonpublic school. 1291

(D) Notwithstanding division (B) of this section, in 1292
addition to the curriculum requirements specified by the school 1293
governing authority, a chartered nonpublic school student 1294
subject to division ~~(L) (3) (a) (ii)~~ (L) (3) (a) (ii) (II) of section 1295
3301.0711 of the Revised Code entering ninth grade for the first 1296
time on or after July 1, 2019, shall qualify for a high school 1297
diploma if the student earns a remediation-free score in the 1298
areas of English, mathematics, and reading, in accordance with 1299
standards adopted under division (F) of section 3345.061 of the 1300
Revised Code, on a nationally standardized assessment prescribed 1301
under division (B) (1) of section 3301.0712 of the Revised Code. 1302

No such student shall be required to take the Algebra I or 1303
English language arts II end-of-course examination or earn 1304
diploma seals under this section. 1305

(E) The department shall not create or require any 1306
additional assessment for the granting of any type of high 1307
school diploma other than as prescribed by this section. Except 1308
as provided in sections 3313.6111, 3313.6112, and 3313.6114 of 1309
the Revised Code, the department or the director of education 1310
and workforce shall not create any endorsement or designation 1311
that may be affiliated with a high school diploma. 1312

Sec. 3313.619. This section does not apply to a student 1313
participating in a general scholarship program, as defined in 1314
section 3301.165 of the Revised Code. Such student shall comply 1315
with section 3313.618 of the Revised Code in the same manner as 1316
a public school student. 1317

(A) In lieu of the assessment requirements prescribed by 1318
division (A) of section 3313.618 of the Revised Code or the 1319
requirements to demonstrate competency and earn diploma seals 1320
prescribed by division (B) of that section, a chartered 1321
nonpublic school may grant a high school diploma to a student 1322
who attains at least the designated score on an assessment 1323
approved by the department of education and workforce under 1324
division (B) of this section and selected by the school's 1325
governing authority. 1326

(B) For purposes of division (A) of this section, the 1327
department shall approve assessments that meet the conditions 1328
specified under division (C) of this section and shall designate 1329
passing scores for each of those assessments. 1330

(C) Each assessment approved under division (B) of this 1331

section shall be nationally norm-referenced, have internal 1332
consistency reliability coefficients of at least "0.8," be 1333
standardized, have specific evidence of content, concurrent, or 1334
criterion validity, have evidence of norming studies in the 1335
previous ten years, have a measure of student achievement in 1336
core academic areas, and have high validity evidenced by the 1337
alignment of the assessment with nationally recognized content. 1338

(D) Nothing in this section shall prohibit a chartered 1339
nonpublic school from granting a high school diploma to a 1340
student if the student satisfies the applicable requirements 1341
prescribed by section 3313.618 of the Revised Code. 1342

Sec. 3313.6612. Each school district and chartered 1343
nonpublic school shall maintain a disciplinary record for each 1344
student who is subject to a disciplinary action. The record 1345
shall include a description of each incident that resulted in 1346
disciplinary action by the district or school. 1347

The disciplinary record of a student who is enrolled in a 1348
public school is subject to section 3319.321 of the Revised Code 1349
and the "Family Educational Rights and Privacy Act of 1974," 20 1350
U.S.C. 1232g. 1351

Sec. 3313.976. (A) No private school may receive 1352
scholarship payments from parents pursuant to section 3317.022 1353
of the Revised Code until the chief administrator of the private 1354
school registers the school with the director of education and 1355
workforce. The director shall register any school that meets the 1356
following requirements: 1357

(1) The school indicates in writing its commitment to 1358
follow all requirements for a state-sponsored scholarship 1359
program specified under sections 3313.974 to 3313.979 of the 1360

Revised Code, including, but not limited to, the requirements 1361
for admitting students pursuant to section 3313.977 of the 1362
Revised Code; 1363

(2) The school meets all state minimum standards for 1364
chartered nonpublic schools in effect on July 1, 1992, except 1365
that the director at the director's discretion may register 1366
nonchartered nonpublic schools meeting the other requirements of 1367
this division; 1368

(3) The school does not discriminate on the basis of race, 1369
religion, or ethnic background; 1370

(4) The school enrolls a minimum of ten students per class 1371
or a sum of at least twenty-five students in all the classes 1372
offered; 1373

(5) The school does not advocate or foster unlawful 1374
behavior or teach hatred of any person or group on the basis of 1375
race, ethnicity, national origin, or religion; 1376

(6) The school does not provide false or misleading 1377
information about the school to parents, students, or the 1378
general public; 1379

(7) For students in grades kindergarten through eight with 1380
family incomes at or below two hundred per cent of the federal 1381
poverty guidelines, as defined in section 5101.46 of the Revised 1382
Code, the school agrees not to charge any tuition in excess of 1383
the scholarship amount established pursuant to division (A)(11) 1384
(a) of section 3317.022 of the Revised Code, excluding any 1385
increase described in that division. 1386

(8) For students in grades kindergarten through eight with 1387
family incomes above two hundred per cent of the federal poverty 1388
guidelines, whose scholarship amounts are less than the actual 1389

tuition charge of the school, the school agrees not to charge 1390
any tuition in excess of the difference between the actual 1391
tuition charge of the school and the scholarship amount 1392
established pursuant to division (A) (11) (a) of section 3317.022 1393
of the Revised Code, excluding any increase described in that 1394
division. The school shall permit such tuition, at the 1395
discretion of the parent, to be satisfied by the family's 1396
provision of in-kind contributions or services. 1397

(9) The school agrees not to charge any tuition to 1398
families of students in grades nine through twelve receiving a 1399
scholarship in excess of the actual tuition charge of the school 1400
less the scholarship amount established pursuant to division (A) 1401
(11) (a) of section 3317.022 of the Revised Code, excluding any 1402
increase described in that division. 1403

(10) It annually administers the applicable assessments 1404
prescribed by section 3301.0710, ~~or~~ 3301.0712, ~~or~~ ~~3313.619~~ of 1405
the Revised Code to each scholarship student enrolled in the 1406
school in accordance with section 3301.0711 or 3301.0712 of the 1407
Revised Code and reports to the department of education the 1408
results of each such assessment administered to each scholarship 1409
student, unless one of the following applies to the student: 1410

(a) The student is excused from taking that assessment 1411
under federal law, the student's individualized education 1412
program, or division (C) (1) (c) (i) of section 3301.0711 of the 1413
Revised Code. 1414

(b) The student is enrolled in a chartered nonpublic 1415
school that meets the conditions specified in division (K) (2) or 1416
(L) (4) of section 3301.0711 of the Revised Code. 1417

(c) ~~The student is enrolled in any of grades three to~~ 1418

~~eight and takes an alternative standardized assessment under~~ 1419
~~division (K) (1) of section 3301.0711 of the Revised Code.~~ 1420

~~(d)~~ The student is excused from taking the assessment 1421
prescribed under division (B) (1) of section 3301.0712 of the 1422
Revised Code pursuant to division (C) (1) (c) (ii) of section 1423
3301.0711 of the Revised Code. 1424

(B) The director shall revoke the registration of any 1425
school if, after a hearing, the director determines that the 1426
school is in violation of any of the provisions of division (A) 1427
of this section. 1428

(C) Any public school located in a school district 1429
adjacent to the pilot project school district may receive 1430
scholarship payments on behalf of parents pursuant to section 1431
3317.022 of the Revised Code if the superintendent of the 1432
district in which such public school is located notifies the 1433
director prior to the first day of March that the district 1434
intends to admit students from the pilot project school district 1435
for the ensuing school year pursuant to section 3327.06 of the 1436
Revised Code. 1437

(D) Any parent wishing to purchase tutorial assistance 1438
from any person or governmental entity pursuant to the pilot 1439
project program under sections 3313.974 to 3313.979 of the 1440
Revised Code shall apply to the director. The director shall 1441
approve providers who appear to possess the capability of 1442
furnishing the instructional services they are offering to 1443
provide. 1444

(E) On and after July 1, 2024, the director shall not 1445
require the parent of a student to submit a complete copy of the 1446
parent's federal income tax return, or a return filed under 1447

section 5747.08 of the Revised Code, to determine a student's 1448
family income for the purposes of the pilot project scholarship 1449
program. Rather, the director may require a parent to submit a 1450
partial federal income tax return, or a return filed under 1451
section 5747.08 of the Revised Code, that only contains the 1452
minimum amount of information necessary to determine a student's 1453
family income. 1454

(F) Not later than the thirtieth day of June of each year, 1455
each private school registered under this section shall submit 1456
to the director of education and workforce, in a form and manner 1457
prescribed by the director, the tuition rates charged by the 1458
school for the following school year. 1459

Sec. 3314.03. A copy of every contract entered into under 1460
this section shall be filed with the director of education and 1461
workforce. The department of education and workforce shall make 1462
available on its web site a copy of every approved, executed 1463
contract filed with the director under this section. 1464

(A) Each contract entered into between a sponsor and the 1465
governing authority of a community school shall specify the 1466
following: 1467

(1) That the school shall be established as either of the 1468
following: 1469

(a) A nonprofit corporation established under Chapter 1470
1702. of the Revised Code, if established prior to April 8, 1471
2003; 1472

(b) A public benefit corporation established under Chapter 1473
1702. of the Revised Code, if established after April 8, 2003. 1474

(2) The education program of the school, including the 1475
school's mission, the characteristics of the students the school 1476

is expected to attract, the ages and grades of students, and the focus of the curriculum; 1477
1478

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 1479
1480
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1482

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 1483
1484
1485
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 1487
1488
1489

(6) (a) Dismissal procedures; 1490

(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. 1491
1492
1493
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 1497
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(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. 1499
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(9) An addendum to the contract outlining the facilities	1505
to be used that contains at least the following information:	1506
(a) A detailed description of each facility used for	1507
instructional purposes;	1508
(b) The annual costs associated with leasing each facility	1509
that are paid by or on behalf of the school;	1510
(c) The annual mortgage principal and interest payments	1511
that are paid by the school;	1512
(d) The name of the lender or landlord, identified as	1513
such, and the lender's or landlord's relationship to the	1514
operator, if any.	1515
(10) Qualifications of employees, including both of the	1516
following:	1517
(a) A requirement that the school's classroom teachers be	1518
licensed in accordance with sections 3319.22 to 3319.31 of the	1519
Revised Code, except that a community school may engage	1520
noncertificated persons to teach up to twelve hours or forty	1521
hours per week pursuant to section 3319.301 of the Revised Code;	1522
(b) A prohibition against the school employing an	1523
individual described in section 3314.104 of the Revised Code in	1524
any position.	1525
(11) That the school will comply with the following	1526
requirements:	1527
(a) The school will provide learning opportunities to a	1528
minimum of twenty-five students for a minimum of nine hundred	1529
twenty hours per school year.	1530
(b) The governing authority will purchase liability	1531

insurance, or otherwise provide for the potential liability of 1532
the school. 1533

(c) The school will be nonsectarian in its programs, 1534
admission policies, employment practices, and all other 1535
operations, and will not be operated by a sectarian school or 1536
religious institution. 1537

(d) The school will comply with sections 9.90, 9.91, 1538
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1539
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1540
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 1541
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1542
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 1543
3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 1544
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 1545
3313.6610, 3313.6612, 3313.67, 3313.671, 3313.672, 3313.673, 1546
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 1547
3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 1548
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 1549
3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 1550
3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 1551
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 1552
3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 1553
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 1554
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 1555
and 4167. of the Revised Code as if it were a school district 1556
and will comply with section 3301.0714 of the Revised Code in 1557
the manner specified in section 3314.17 of the Revised Code. 1558

(e) The school shall comply with Chapter 102. and section 1559
2921.42 of the Revised Code. 1560

(f) The school will comply with sections 3313.61, 1561

3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its

activities and progress in meeting the goals and standards of 1593
divisions (A) (3) and (4) of this section and its financial 1594
status to the sponsor and the parents of all students enrolled 1595
in the school. 1596

(h) The school, unless it is an internet- or computer- 1597
based community school, will comply with section 3313.801 of the 1598
Revised Code as if it were a school district. 1599

(i) If the school is the recipient of moneys from a grant 1600
awarded under the federal race to the top program, Division (A), 1601
Title XIV, Sections 14005 and 14006 of the "American Recovery 1602
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1603
the school will pay teachers based upon performance in 1604
accordance with section 3317.141 and will comply with section 1605
3319.111 of the Revised Code as if it were a school district. 1606

(j) If the school operates a preschool program that is 1607
licensed by the department under sections 3301.52 to 3301.59 of 1608
the Revised Code, the school shall comply with sections 3301.50 1609
to 3301.59 of the Revised Code and the minimum standards for 1610
preschool programs prescribed in rules adopted by the department 1611
under section 3301.53 of the Revised Code. 1612

(k) The school will comply with sections 3313.6021 and 1613
3313.6023 of the Revised Code as if it were a school district 1614
unless it is either of the following: 1615

(i) An internet- or computer-based community school; 1616

(ii) A community school in which a majority of the 1617
enrolled students are children with disabilities as described in 1618
division (A) (4) (b) of section 3314.35 of the Revised Code. 1619

(l) The school will comply with section 3321.191 of the 1620
Revised Code, unless it is an internet- or computer-based 1621

community school that is subject to section 3314.261 of the Revised Code.

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

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

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

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

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

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

(18) Provisions establishing procedures for resolving

disputes or differences of opinion between the sponsor and the governing authority of the community school;

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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

(b) The authority of the department as the community

school oversight body to suspend the operation of the school 1679
under section 3314.072 of the Revised Code if the department has 1680
evidence of conditions or violations of law at the school that 1681
pose an imminent danger to the health and safety of the school's 1682
students and employees and the sponsor refuses to take such 1683
action. 1684

(23) A description of the learning opportunities that will 1685
be offered to students including both classroom-based and non- 1686
classroom-based learning opportunities that is in compliance 1687
with criteria for student participation established by the 1688
department under division (H) (2) of section 3314.08 of the 1689
Revised Code; 1690

(24) The school will comply with sections 3302.04 and 1691
3302.041 of the Revised Code, except that any action required to 1692
be taken by a school district pursuant to those sections shall 1693
be taken by the sponsor of the school. 1694

(25) Beginning in the 2006-2007 school year, the school 1695
will open for operation not later than the thirtieth day of 1696
September each school year, unless the mission of the school as 1697
specified under division (A) (2) of this section is solely to 1698
serve dropouts. In its initial year of operation, if the school 1699
fails to open by the thirtieth day of September, or within one 1700
year after the adoption of the contract pursuant to division (D) 1701
of section 3314.02 of the Revised Code if the mission of the 1702
school is solely to serve dropouts, the contract shall be void. 1703

(26) Whether the school's governing authority is planning 1704
to seek designation for the school as a STEM school equivalent 1705
under section 3326.032 of the Revised Code; 1706

(27) That the school's attendance and participation 1707

policies will be available for public inspection; 1708

(28) That the school's attendance and participation 1709
records shall be made available to the department, auditor of 1710
state, and school's sponsor to the extent permitted under and in 1711
accordance with the "Family Educational Rights and Privacy Act 1712
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1713
regulations promulgated under that act, and section 3319.321 of 1714
the Revised Code; 1715

(29) If a school operates using the blended learning 1716
model, as defined in section 3301.079 of the Revised Code, all 1717
of the following information: 1718

(a) An indication of what blended learning model or models 1719
will be used; 1720

(b) A description of how student instructional needs will 1721
be determined and documented; 1722

(c) The method to be used for determining competency, 1723
granting credit, and promoting students to a higher grade level; 1724

(d) The school's attendance requirements, including how 1725
the school will document participation in learning 1726
opportunities; 1727

(e) A statement describing how student progress will be 1728
monitored; 1729

(f) A statement describing how private student data will 1730
be protected; 1731

(g) A description of the professional development 1732
activities that will be offered to teachers. 1733

(30) A provision requiring that all moneys the school's 1734

operator loans to the school, including facilities loans or cash 1735
flow assistance, must be accounted for, documented, and bear 1736
interest at a fair market rate; 1737

(31) A provision requiring that, if the governing 1738
authority contracts with an attorney, accountant, or entity 1739
specializing in audits, the attorney, accountant, or entity 1740
shall be independent from the operator with which the school has 1741
contracted. 1742

(32) A provision requiring the governing authority to 1743
adopt an enrollment and attendance policy that requires a 1744
student's parent to notify the community school in which the 1745
student is enrolled when there is a change in the location of 1746
the parent's or student's primary residence. 1747

(33) A provision requiring the governing authority to 1748
adopt a student residence and address verification policy for 1749
students enrolling in or attending the school. 1750

(B) The community school shall also submit to the sponsor 1751
a comprehensive plan for the school. The plan shall specify the 1752
following: 1753

(1) The process by which the governing authority of the 1754
school will be selected in the future; 1755

(2) The management and administration of the school; 1756

(3) If the community school is a currently existing public 1757
school or educational service center building, alternative 1758
arrangements for current public school students who choose not 1759
to attend the converted school and for teachers who choose not 1760
to teach in the school or building after conversion; 1761

(4) The instructional program and educational philosophy 1762

of the school; 1763

(5) Internal financial controls. 1764

When submitting the plan under this division, the school 1765
shall also submit copies of all policies and procedures 1766
regarding internal financial controls adopted by the governing 1767
authority of the school. 1768

(C) A contract entered into under section 3314.02 of the 1769
Revised Code between a sponsor and the governing authority of a 1770
community school may provide for the community school governing 1771
authority to make payments to the sponsor, which is hereby 1772
authorized to receive such payments as set forth in the contract 1773
between the governing authority and the sponsor. The total 1774
amount of such payments for monitoring, oversight, and technical 1775
assistance of the school shall not exceed three per cent of the 1776
total amount of payments for operating expenses that the school 1777
receives from the state. 1778

(D) The contract shall specify the duties of the sponsor 1779
which shall be in accordance with the written agreement entered 1780
into with the department under division (B) of section 3314.015 1781
of the Revised Code and shall include the following: 1782

(1) Monitor the community school's compliance with all 1783
laws applicable to the school and with the terms of the 1784
contract; 1785

(2) Monitor and evaluate the academic and fiscal 1786
performance and the organization and operation of the community 1787
school on at least an annual basis; 1788

(3) Report on an annual basis the results of the 1789
evaluation conducted under division (D) (2) of this section to 1790
the department and to the parents of students enrolled in the 1791

community school; 1792

(4) Provide technical assistance to the community school 1793
in complying with laws applicable to the school and terms of the 1794
contract; 1795

(5) Take steps to intervene in the school's operation to 1796
correct problems in the school's overall performance, declare 1797
the school to be on probationary status pursuant to section 1798
3314.073 of the Revised Code, suspend the operation of the 1799
school pursuant to section 3314.072 of the Revised Code, or 1800
terminate the contract of the school pursuant to section 3314.07 1801
of the Revised Code as determined necessary by the sponsor; 1802

(6) Have in place a plan of action to be undertaken in the 1803
event the community school experiences financial difficulties or 1804
closes prior to the end of a school year. 1805

(E) Upon the expiration of a contract entered into under 1806
this section, the sponsor of a community school may, with the 1807
approval of the governing authority of the school, renew that 1808
contract for a period of time determined by the sponsor, but not 1809
ending earlier than the end of any school year, if the sponsor 1810
finds that the school's compliance with applicable laws and 1811
terms of the contract and the school's progress in meeting the 1812
academic goals prescribed in the contract have been 1813
satisfactory. Any contract that is renewed under this division 1814
remains subject to the provisions of sections 3314.07, 3314.072, 1815
and 3314.073 of the Revised Code. 1816

(F) If a community school fails to open for operation 1817
within one year after the contract entered into under this 1818
section is adopted pursuant to division (D) of section 3314.02 1819
of the Revised Code or permanently closes prior to the 1820

expiration of the contract, the contract shall be void and the 1821
school shall not enter into a contract with any other sponsor. A 1822
school shall not be considered permanently closed because the 1823
operations of the school have been suspended pursuant to section 1824
3314.072 of the Revised Code. 1825

Sec. 3319.324. (A) As used in this section, "school 1826
records" includes any academic records, student assessment data, 1827
disciplinary record, or other information for which there is a 1828
legitimate educational interest. 1829

(B) Except as provided for in division (C) of this 1830
section, when any school district or chartered nonpublic school 1831
receives a request from another district or school to which a 1832
student has transferred for that student's school records, the 1833
district or school receiving the request shall respond, within 1834
five school days after receiving the request, by transmitting to 1835
the requesting district or school either the student's school 1836
records as authorized under section 3319.321 of the Revised Code 1837
or, if the district or school has no record of the student's 1838
attendance, a statement of that fact. 1839

(C) A district or school may withhold a student's school 1840
records if there is two thousand five hundred dollars or more of 1841
outstanding debt attributed to the student. The district or 1842
school shall transmit the student's school records in the manner 1843
specified under division (A) of this section once the debt is 1844
paid. 1845

(D) The provisions of this section are in addition to, and 1846
do not affect the obligations of a school district or school to 1847
comply with, the requirements of division (D) of section 1848
3313.642 and section 3313.672 of the Revised Code. 1849

Sec. 3326.11. Each science, technology, engineering, and 1850
mathematics school established under this chapter and its 1851
governing body shall comply with sections 9.90, 9.91, 109.65, 1852
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1853
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 1854
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1855
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 1856
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1857
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 1858
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 1859
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 1860
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1861
3313.668, 3313.669, 3313.6610, 3313.6612, 3313.67, 3313.671, 1862
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 1863
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.801, 1864
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 1865
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 1866
3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 3319.324, 1867
3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 1868
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 1869
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 1870
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 1871
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 1872
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 1873
the Revised Code as if it were a school district. 1874

Sec. 3328.24. A college-preparatory boarding school 1875
established under this chapter and its board of trustees shall 1876
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1877
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 1878
3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 1879
3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 1880

3313.668, 3313.669, 3313.6610, 3313.6612, 3313.7112, 3313.7117, 1881
3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 1882
3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 1883
3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of 1884
the Revised Code as if the school were a school district and the 1885
school's board of trustees were a district board of education. 1886

Section 2. That existing sections 3301.0711, 3310.03, 1887
3310.13, 3310.14, 3310.15, 3313.618, 3313.619, 3313.976, 1888
3314.03, 3319.324, 3326.11, and 3328.24 of the Revised Code are 1889
hereby repealed. 1890

Section 3. That the version of section 3314.03 of the 1891
Revised Code that is scheduled to take effect January 1, 2025, 1892
be amended to read as follows: 1893

Sec. 3314.03. A copy of every contract entered into under 1894
this section shall be filed with the director of education and 1895
workforce. The department of education and workforce shall make 1896
available on its web site a copy of every approved, executed 1897
contract filed with the director under this section. 1898

(A) Each contract entered into between a sponsor and the 1899
governing authority of a community school shall specify the 1900
following: 1901

(1) That the school shall be established as either of the 1902
following: 1903

(a) A nonprofit corporation established under Chapter 1904
1702. of the Revised Code, if established prior to April 8, 1905
2003; 1906

(b) A public benefit corporation established under Chapter 1907
1702. of the Revised Code, if established after April 8, 2003. 1908

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

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

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

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

(6) (a) Dismissal procedures;

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

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

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

117.10 of the Revised Code.	1938
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	1939
	1940
(a) A detailed description of each facility used for instructional purposes;	1941
	1942
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	1943
	1944
(c) The annual mortgage principal and interest payments that are paid by the school;	1945
	1946
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	1947
	1948
	1949
(10) Qualifications of employees, including both of the following:	1950
	1951
(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;	1952
	1953
	1954
	1955
	1956
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	1957
	1958
	1959
(11) That the school will comply with the following requirements:	1960
	1961
(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.	1962
	1963
	1964

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 1965
1966
1967

(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. 1968
1969
1970
1971

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.6612, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 1972
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1992

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 1993
1994

(f) The school will comply with sections 3313.61, 1995
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1996
Revised Code, except that for students who enter ninth grade for 1997
the first time before July 1, 2010, the requirement in sections 1998
3313.61 and 3313.611 of the Revised Code that a person must 1999
successfully complete the curriculum in any high school prior to 2000
receiving a high school diploma may be met by completing the 2001
curriculum adopted by the governing authority of the community 2002
school rather than the curriculum specified in Title XXXVIII of 2003
the Revised Code or any rules of the department. Beginning with 2004
students who enter ninth grade for the first time on or after 2005
July 1, 2010, the requirement in sections 3313.61 and 3313.611 2006
of the Revised Code that a person must successfully complete the 2007
curriculum of a high school prior to receiving a high school 2008
diploma shall be met by completing the requirements prescribed 2009
in section 3313.6027 and division (C) of section 3313.603 of the 2010
Revised Code, unless the person qualifies under division (D) or 2011
(F) of that section. Each school shall comply with the plan for 2012
awarding high school credit based on demonstration of subject 2013
area competency, and beginning with the 2017-2018 school year, 2014
with the updated plan that permits students enrolled in seventh 2015
and eighth grade to meet curriculum requirements based on 2016
subject area competency adopted by the department under 2017
divisions (J) (1) and (2) of section 3313.603 of the Revised 2018
Code. Beginning with the 2018-2019 school year, the school shall 2019
comply with the framework for granting units of high school 2020
credit to students who demonstrate subject area competency 2021
through work-based learning experiences, internships, or 2022
cooperative education developed by the department under division 2023
(J) (3) of section 3313.603 of the Revised Code. 2024

(g) The school governing authority will submit within four 2025

months after the end of each school year a report of its 2026
activities and progress in meeting the goals and standards of 2027
divisions (A) (3) and (4) of this section and its financial 2028
status to the sponsor and the parents of all students enrolled 2029
in the school. 2030

(h) The school, unless it is an internet- or computer- 2031
based community school, will comply with section 3313.801 of the 2032
Revised Code as if it were a school district. 2033

(i) If the school is the recipient of moneys from a grant 2034
awarded under the federal race to the top program, Division (A), 2035
Title XIV, Sections 14005 and 14006 of the "American Recovery 2036
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2037
the school will pay teachers based upon performance in 2038
accordance with section 3317.141 and will comply with section 2039
3319.111 of the Revised Code as if it were a school district. 2040

(j) If the school operates a preschool program that is 2041
licensed by the department under sections 3301.52 to 3301.59 of 2042
the Revised Code, the school shall comply with sections 3301.50 2043
to 3301.59 of the Revised Code and the minimum standards for 2044
preschool programs prescribed in rules adopted by the department 2045
of children and youth under section 3301.53 of the Revised Code. 2046

(k) The school will comply with sections 3313.6021 and 2047
3313.6023 of the Revised Code as if it were a school district 2048
unless it is either of the following: 2049

(i) An internet- or computer-based community school; 2050

(ii) A community school in which a majority of the 2051
enrolled students are children with disabilities as described in 2052
division (A) (4) (b) of section 3314.35 of the Revised Code. 2053

(l) The school will comply with section 3321.191 of the 2054

Revised Code, unless it is an internet- or computer-based 2055
community school that is subject to section 3314.261 of the 2056
Revised Code. 2057

(12) Arrangements for providing health and other benefits 2058
to employees; 2059

(13) The length of the contract, which shall begin at the 2060
beginning of an academic year. No contract shall exceed five 2061
years unless such contract has been renewed pursuant to division 2062
(E) of this section. 2063

(14) The governing authority of the school, which shall be 2064
responsible for carrying out the provisions of the contract; 2065

(15) A financial plan detailing an estimated school budget 2066
for each year of the period of the contract and specifying the 2067
total estimated per pupil expenditure amount for each such year. 2068

(16) Requirements and procedures regarding the disposition 2069
of employees of the school in the event the contract is 2070
terminated or not renewed pursuant to section 3314.07 of the 2071
Revised Code; 2072

(17) Whether the school is to be created by converting all 2073
or part of an existing public school or educational service 2074
center building or is to be a new start-up school, and if it is 2075
a converted public school or service center building, 2076
specification of any duties or responsibilities of an employer 2077
that the board of education or service center governing board 2078
that operated the school or building before conversion is 2079
delegating to the governing authority of the community school 2080
with respect to all or any specified group of employees provided 2081
the delegation is not prohibited by a collective bargaining 2082
agreement applicable to such employees; 2083

(18) Provisions establishing procedures for resolving 2084
disputes or differences of opinion between the sponsor and the 2085
governing authority of the community school; 2086

(19) A provision requiring the governing authority to 2087
adopt a policy regarding the admission of students who reside 2088
outside the district in which the school is located. That policy 2089
shall comply with the admissions procedures specified in 2090
sections 3314.06 and 3314.061 of the Revised Code and, at the 2091
sole discretion of the authority, shall do one of the following: 2092

(a) Prohibit the enrollment of students who reside outside 2093
the district in which the school is located; 2094

(b) Permit the enrollment of students who reside in 2095
districts adjacent to the district in which the school is 2096
located; 2097

(c) Permit the enrollment of students who reside in any 2098
other district in the state. 2099

(20) A provision recognizing the authority of the 2100
department to take over the sponsorship of the school in 2101
accordance with the provisions of division (C) of section 2102
3314.015 of the Revised Code; 2103

(21) A provision recognizing the sponsor's authority to 2104
assume the operation of a school under the conditions specified 2105
in division (B) of section 3314.073 of the Revised Code; 2106

(22) A provision recognizing both of the following: 2107

(a) The authority of public health and safety officials to 2108
inspect the facilities of the school and to order the facilities 2109
closed if those officials find that the facilities are not in 2110
compliance with health and safety laws and regulations; 2111

(b) The authority of the department as the community 2112
school oversight body to suspend the operation of the school 2113
under section 3314.072 of the Revised Code if the department has 2114
evidence of conditions or violations of law at the school that 2115
pose an imminent danger to the health and safety of the school's 2116
students and employees and the sponsor refuses to take such 2117
action. 2118

(23) A description of the learning opportunities that will 2119
be offered to students including both classroom-based and non- 2120
classroom-based learning opportunities that is in compliance 2121
with criteria for student participation established by the 2122
department under division (H) (2) of section 3314.08 of the 2123
Revised Code; 2124

(24) The school will comply with sections 3302.04 and 2125
3302.041 of the Revised Code, except that any action required to 2126
be taken by a school district pursuant to those sections shall 2127
be taken by the sponsor of the school. 2128

(25) Beginning in the 2006-2007 school year, the school 2129
will open for operation not later than the thirtieth day of 2130
September each school year, unless the mission of the school as 2131
specified under division (A) (2) of this section is solely to 2132
serve dropouts. In its initial year of operation, if the school 2133
fails to open by the thirtieth day of September, or within one 2134
year after the adoption of the contract pursuant to division (D) 2135
of section 3314.02 of the Revised Code if the mission of the 2136
school is solely to serve dropouts, the contract shall be void. 2137

(26) Whether the school's governing authority is planning 2138
to seek designation for the school as a STEM school equivalent 2139
under section 3326.032 of the Revised Code; 2140

(27) That the school's attendance and participation policies will be available for public inspection;	2141 2142
(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	2143 2144 2145 2146 2147 2148 2149
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	2150 2151 2152
(a) An indication of what blended learning model or models will be used;	2153 2154
(b) A description of how student instructional needs will be determined and documented;	2155 2156
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	2157 2158
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	2159 2160 2161
(e) A statement describing how student progress will be monitored;	2162 2163
(f) A statement describing how private student data will be protected;	2164 2165
(g) A description of the professional development activities that will be offered to teachers.	2166 2167

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

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

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

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

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

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

(2) The management and administration of the school;

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

(4) The instructional program and educational philosophy	2196
of the school;	2197
(5) Internal financial controls.	2198
When submitting the plan under this division, the school	2199
shall also submit copies of all policies and procedures	2200
regarding internal financial controls adopted by the governing	2201
authority of the school.	2202
(C) A contract entered into under section 3314.02 of the	2203
Revised Code between a sponsor and the governing authority of a	2204
community school may provide for the community school governing	2205
authority to make payments to the sponsor, which is hereby	2206
authorized to receive such payments as set forth in the contract	2207
between the governing authority and the sponsor. The total	2208
amount of such payments for monitoring, oversight, and technical	2209
assistance of the school shall not exceed three per cent of the	2210
total amount of payments for operating expenses that the school	2211
receives from the state.	2212
(D) The contract shall specify the duties of the sponsor	2213
which shall be in accordance with the written agreement entered	2214
into with the department under division (B) of section 3314.015	2215
of the Revised Code and shall include the following:	2216
(1) Monitor the community school's compliance with all	2217
laws applicable to the school and with the terms of the	2218
contract;	2219
(2) Monitor and evaluate the academic and fiscal	2220
performance and the organization and operation of the community	2221
school on at least an annual basis;	2222
(3) Report on an annual basis the results of the	2223
evaluation conducted under division (D) (2) of this section to	2224

the department and to the parents of students enrolled in the 2225
community school; 2226

(4) Provide technical assistance to the community school 2227
in complying with laws applicable to the school and terms of the 2228
contract; 2229

(5) Take steps to intervene in the school's operation to 2230
correct problems in the school's overall performance, declare 2231
the school to be on probationary status pursuant to section 2232
3314.073 of the Revised Code, suspend the operation of the 2233
school pursuant to section 3314.072 of the Revised Code, or 2234
terminate the contract of the school pursuant to section 3314.07 2235
of the Revised Code as determined necessary by the sponsor; 2236

(6) Have in place a plan of action to be undertaken in the 2237
event the community school experiences financial difficulties or 2238
closes prior to the end of a school year. 2239

(E) Upon the expiration of a contract entered into under 2240
this section, the sponsor of a community school may, with the 2241
approval of the governing authority of the school, renew that 2242
contract for a period of time determined by the sponsor, but not 2243
ending earlier than the end of any school year, if the sponsor 2244
finds that the school's compliance with applicable laws and 2245
terms of the contract and the school's progress in meeting the 2246
academic goals prescribed in the contract have been 2247
satisfactory. Any contract that is renewed under this division 2248
remains subject to the provisions of sections 3314.07, 3314.072, 2249
and 3314.073 of the Revised Code. 2250

(F) If a community school fails to open for operation 2251
within one year after the contract entered into under this 2252
section is adopted pursuant to division (D) of section 3314.02 2253

of the Revised Code or permanently closes prior to the 2254
expiration of the contract, the contract shall be void and the 2255
school shall not enter into a contract with any other sponsor. A 2256
school shall not be considered permanently closed because the 2257
operations of the school have been suspended pursuant to section 2258
3314.072 of the Revised Code. 2259

Section 4. That the existing version of section 3314.03 of 2260
the Revised Code that is scheduled to take effect January 1, 2261
2025, is hereby repealed. 2262

Section 5. Sections 3 and 4 of this act take effect 2263
January 1, 2025. 2264