

**As Reported by the House Education Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 74**

**Representative Brenner**

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**A BILL**

To amend sections 3301.079, 3301.0710, 3301.0711, 1  
3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 2  
3313.608, and 3319.111 and to enact sections 3  
3301.132, 3301.80, and 3313.903 of the Revised 4  
Code and to amend Sections 10 and 13 of Am. Sub. 5  
H.B. 487 of the 130th General Assembly with 6  
regard to the administration of state primary 7  
and secondary education assessments. 8

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

**Section 1.** That sections 3301.079, 3301.0710, 3301.0711, 9  
3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 3313.608, and 10  
3319.111 be amended and sections 3301.132, 3301.80, and 3313.903 11  
of the Revised Code be enacted to read as follows: 12

**Sec. 3301.079.** (A) (1) The state board of education 13  
periodically shall adopt statewide academic standards with 14  
emphasis on coherence, focus, and essential knowledge and that 15  
are more challenging and demanding when compared to 16  
international standards for each of grades kindergarten through 17  
twelve in English language arts, mathematics, science, and 18  
social studies. 19

(a) The state board shall ensure that the standards do all	20
of the following:	21
(i) Include the essential academic content and skills that	22
students are expected to know and be able to do at each grade	23
level that will allow each student to be prepared for	24
postsecondary instruction and the workplace for success in the	25
twenty-first century;	26
(ii) Include the development of skill sets that promote	27
information, media, and technological literacy;	28
(iii) Include interdisciplinary, project-based, real-world	29
learning opportunities;	30
(iv) Instill life-long learning by providing essential	31
knowledge and skills based in the liberal arts tradition, as	32
well as science, technology, engineering, mathematics, and	33
career-technical education;	34
(v) Be clearly written, transparent, and understandable by	35
parents, educators, and the general public.	36
(b) Not later than July 1, 2012, the state board shall	37
incorporate into the social studies standards for grades four to	38
twelve academic content regarding the original texts of the	39
Declaration of Independence, the Northwest Ordinance, the	40
Constitution of the United States and its amendments, with	41
emphasis on the Bill of Rights, and the Ohio Constitution, and	42
their original context. The state board shall revise the model	43
curricula and achievement assessments adopted under divisions	44
(B) and (C) of this section as necessary to reflect the	45
additional American history and American government content. The	46
state board shall make available a list of suggested grade-	47
appropriate supplemental readings that place the documents	48

prescribed by this division in their historical context, which 49  
teachers may use as a resource to assist students in reading the 50  
documents within that context. 51

(c) When the state board adopts or revises academic 52  
content standards in social studies, American history, American 53  
government, or science under division (A) (1) of this section, 54  
the state board shall develop such standards independently and 55  
not as part of a multistate consortium. 56

(2) After completing the standards required by division 57  
(A) (1) of this section, the state board shall adopt standards 58  
and model curricula for instruction in technology, financial 59  
literacy and entrepreneurship, fine arts, and foreign language 60  
for grades kindergarten through twelve. The standards shall meet 61  
the same requirements prescribed in division (A) (1) (a) of this 62  
section. 63

(3) The state board shall adopt the most recent standards 64  
developed by the national association for sport and physical 65  
education for physical education in grades kindergarten through 66  
twelve or shall adopt its own standards for physical education 67  
in those grades and revise and update them periodically. 68

The department of education shall employ a full-time 69  
physical education coordinator to provide guidance and technical 70  
assistance to districts, community schools, and STEM schools in 71  
implementing the physical education standards adopted under this 72  
division. The superintendent of public instruction shall 73  
determine that the person employed as coordinator is qualified 74  
for the position, as demonstrated by possessing an adequate 75  
combination of education, license, and experience. 76

(4) When academic standards have been completed for any 77

subject area required by this section, the state board shall 78  
inform all school districts, all community schools established 79  
under Chapter 3314. of the Revised Code, all STEM schools 80  
established under Chapter 3326. of the Revised Code, and all 81  
nonpublic schools required to administer the assessments 82  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 83  
Code of the content of those standards. Additionally, upon 84  
completion of any academic standards under this section, the 85  
department shall post those standards on the department's web 86  
site. 87

(B) (1) The state board shall adopt a model curriculum for 88  
instruction in each subject area for which updated academic 89  
standards are required by division (A) (1) of this section and 90  
for each of grades kindergarten through twelve that is 91  
sufficient to meet the needs of students in every community. The 92  
model curriculum shall be aligned with the standards, to ensure 93  
that the academic content and skills specified for each grade 94  
level are taught to students, and shall demonstrate vertical 95  
articulation and emphasize coherence, focus, and rigor. When any 96  
model curriculum has been completed, the state board shall 97  
inform all school districts, community schools, and STEM schools 98  
of the content of that model curriculum. 99

(2) Not later than June 30, 2013, the state board, in 100  
consultation with any office housed in the governor's office 101  
that deals with workforce development, shall adopt model 102  
curricula for grades kindergarten through twelve that embed 103  
career connection learning strategies into regular classroom 104  
instruction. 105

(3) All school districts, community schools, and STEM 106  
schools may utilize the state standards and the model curriculum 107

established by the state board, together with other relevant 108  
resources, examples, or models to ensure that students have the 109  
opportunity to attain the academic standards. Upon request, the 110  
department shall provide technical assistance to any district, 111  
community school, or STEM school in implementing the model 112  
curriculum. 113

Nothing in this section requires any school district to 114  
utilize all or any part of a model curriculum developed under 115  
this section. 116

(C) The state board shall develop achievement assessments 117  
aligned with the academic standards and model curriculum for 118  
each of the subject areas and grade levels required by divisions 119  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 120

When any achievement assessment has been completed, the 121  
state board shall inform all school districts, community 122  
schools, STEM schools, and nonpublic schools required to 123  
administer the assessment of its completion, and the department 124  
shall make the achievement assessment available to the districts 125  
and schools. 126

(D) (1) The state board shall adopt a diagnostic assessment 127  
aligned with the academic standards and model curriculum for 128  
each of grades kindergarten through ~~two-three~~ in reading, ~~129~~  
~~writing,~~ and for grade two in mathematics ~~and for grade three~~  
~~in reading and writing.~~ The diagnostic assessment shall be 131  
designed to measure student comprehension of academic content 132  
and mastery of related skills for the relevant subject area and 133  
grade level. Any diagnostic assessment shall not include 134  
components to identify gifted students. Blank copies of 135  
diagnostic assessments shall be public records. The department 136  
of education shall specify not less than two mathematics 137

diagnostic assessments that are approved for identifying 138  
students as gifted in the specific academic ability field of 139  
mathematics under Chapter 3324. of the Revised Code and for the 140  
student academic growth component of teacher evaluations 141  
conducted in accordance with sections 3319.111, 3319.112, and 142  
3319.114 of the Revised Code. 143

(2) When each diagnostic assessment has been completed, 144  
the state board shall inform all school districts of its 145  
completion and the department shall make the diagnostic 146  
assessment available to the districts at no cost to the 147  
district. School districts shall administer the diagnostic 148  
assessment pursuant to section 3301.0715 of the Revised Code 149  
beginning the first school year following the development of the 150  
assessment. 151

(E) The state board shall not adopt a diagnostic or 152  
achievement assessment for any grade level or subject area other 153  
than those specified in this section. 154

(F) Whenever the state board or the department consults 155  
with persons for the purpose of drafting or reviewing any 156  
standards, diagnostic assessments, achievement assessments, or 157  
model curriculum required under this section, the state board or 158  
the department shall first consult with parents of students in 159  
kindergarten through twelfth grade and with active Ohio 160  
classroom teachers, other school personnel, and administrators 161  
with expertise in the appropriate subject area. Whenever 162  
practicable, the state board and department shall consult with 163  
teachers recognized as outstanding in their fields. 164

If the department contracts with more than one outside 165  
entity for the development of the achievement assessments 166  
required by this section, the department shall ensure the 167

interchangeability of those assessments. 168

(G) Whenever the state board adopts standards or model 169  
curricula under this section, the department also shall provide 170  
information on the use of blended or digital learning in the 171  
delivery of the standards or curricula to students in accordance 172  
with division (A)(4) of this section. 173

(H) The fairness sensitivity review committee, established 174  
by rule of the state board of education, shall not allow any 175  
question on any achievement or diagnostic assessment developed 176  
under this section or any proficiency test prescribed by former 177  
section 3301.0710 of the Revised Code, as it existed prior to 178  
September 11, 2001, to include, be written to promote, or 179  
inquire as to individual moral or social values or beliefs. The 180  
decision of the committee shall be final. This section does not 181  
create a private cause of action. 182

(I)(1)(a) The English language arts academic standards 183  
review committee is hereby created to review academic content 184  
standards in the subject of English language arts. The committee 185  
shall consist of the following members: 186

(i) Three experts who are residents of this state and who 187  
primarily conduct research, provide instruction, currently work 188  
in, or possess an advanced degree in the subject area. One 189  
expert shall be appointed by each of the president of the 190  
senate, the speaker of the house of representatives, and the 191  
governor; 192

(ii) One parent or guardian appointed by the president of 193  
the senate; 194

(iii) One educator who is currently teaching in a 195  
classroom, appointed by the speaker of the house of 196

representatives;	197
(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;	198 199
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	200 201
(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members:	202 203 204 205
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	206 207 208 209 210 211
(ii) One parent or guardian appointed by the speaker of the house of representatives;	212 213
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	214 215
(iv) The chancellor, or the chancellor's designee;	216
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	217 218
(c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members:	219 220 221 222
(i) Three experts who are residents of this state and who	223

primarily conduct research, provide instruction, currently work 224  
in, or possess an advanced degree in the subject area. One 225  
expert shall be appointed by each of the president of the 226  
senate, the speaker of the house of representatives, and the 227  
governor; 228

(ii) One parent or guardian appointed by the president of 229  
the senate; 230

(iii) One educator who is currently teaching in a 231  
classroom, appointed by the speaker of the house of 232  
representatives; 233

(iv) The chancellor, or the chancellor's designee; 234

(v) The state superintendent, or the superintendent's 235  
designee, who shall serve as the chairperson of the committee. 236

(d) The social studies academic standards review committee 237  
is hereby created to review academic content standards in the 238  
subject of social studies. The committee shall consist of the 239  
following members: 240

(i) Three experts who are residents of this state and who 241  
primarily conduct research, provide instruction, currently work 242  
in, or possess an advanced degree in the subject area. One 243  
expert shall be appointed by each of the president of the 244  
senate, the speaker of the house of representatives, and the 245  
governor; 246

(ii) One parent or guardian appointed by the speaker of 247  
the house of representatives; 248

(iii) One educator who is currently teaching in a 249  
classroom, appointed by the president of the senate; 250

(iv) The chancellor, or the chancellor's designee; 251

(v) The state superintendent, or the superintendent's  
designee, who shall serve as the chairperson of the committee.

(2) (a) Each committee created in division (I) (1) of this  
section shall review the academic content standards for its  
respective subject area to ensure that such standards are clear,  
concise, and appropriate for each grade level and promote higher  
student performance, learning, subject matter comprehension, and  
improved student achievement. Each committee also shall review  
whether the standards for its respective subject area promote  
essential knowledge in the subject, lifelong learning, the  
liberal arts tradition, and college and career readiness and  
whether the standards reduce remediation.

(b) Each committee shall determine whether the assessments  
submitted to that committee under division (I) (4) of this  
section are appropriate for the committee's respective subject  
area and meet the academic content standards adopted under this  
section and community expectations.

(c) Not later than September 30, 2015, each academic  
standards review committee shall submit its review and  
determinations made under division (I) (2) of this section to the  
state board and the department of education.

(3) The department of education shall provide  
administrative support for each committee created in division  
(I) (1) of this section. Members of each committee shall be  
reimbursed for reasonable and necessary expenses related to the  
operations of the committee. Members of each committee shall  
serve at the pleasure of the appointing authority.

(4) Notwithstanding anything to the contrary in division  
(N) of section 3301.0711 of the Revised Code, the department

shall submit to the appropriate committee created under division 281  
(I) (1) of this section copies of the questions and corresponding 282  
answers on the relevant assessments required by section 283  
3301.0710 of the Revised Code on the first day of July following 284  
the school year that the assessments were administered. The 285  
department shall provide each committee with the entire content 286  
of each relevant assessment, including corresponding answers. 287

The assessments received by the committees are not public 288  
records of the committees and are not subject to release by the 289  
committees to any other person or entity under section 149.43 of 290  
the Revised Code. However, the assessments shall become public 291  
records in accordance with division (N) of section 3301.0711 of 292  
the Revised Code. 293

(J) Not later than forty-five days prior to the adoption 294  
by the state board of updated academic standards under division 295  
(A) (1) of this section or updated model curricula under division 296  
(B) (1) of this section, the superintendent of public instruction 297  
shall present the academic standards or model curricula, as 298  
applicable, to the respective committees of the house of 299  
representatives and senate that consider education legislation. 300

(K) As used in this section: 301

(1) "Blended learning" means the delivery of instruction 302  
in a combination of time in a supervised physical location away 303  
from home and online delivery whereby the student has some 304  
element of control over time, place, path, or pace of learning. 305

(2) "Coherence" means a reflection of the structure of the 306  
discipline being taught. 307

(3) "Digital learning" means learning facilitated by 308  
technology that gives students some element of control over 309

time, place, path, or pace of learning. 310

(4) "Focus" means limiting the number of items included in 311  
a curriculum to allow for deeper exploration of the subject 312  
matter. 313

(5) "Vertical articulation" means key academic concepts 314  
and skills associated with mastery in particular content areas 315  
should be articulated and reinforced in a developmentally 316  
appropriate manner at each grade level so that over time 317  
students acquire a depth of knowledge and understanding in the 318  
core academic disciplines. 319

**Sec. 3301.0710.** The state board of education shall adopt 320  
rules establishing a statewide program to assess student 321  
achievement. The state board shall ensure that all assessments 322  
administered under the program are aligned with the academic 323  
standards and model curricula adopted by the state board and are 324  
created with input from Ohio parents, Ohio classroom teachers, 325  
Ohio school administrators, and other Ohio school personnel 326  
pursuant to section 3301.079 of the Revised Code. 327

The assessment program shall be designed to ensure that 328  
students who receive a high school diploma demonstrate at least 329  
high school levels of achievement in English language arts, 330  
mathematics, science, and social studies. 331

(A) (1) The state board shall prescribe all of the 332  
following: 333

(a) Two statewide achievement assessments, one each 334  
designed to measure the level of English language arts and 335  
mathematics skill expected at the end of third grade; 336

(b) Three statewide achievement assessments, one each 337  
designed to measure the level of English language arts, 338

mathematics, and social studies skill expected at the end of 339  
fourth grade; 340

(c) Three statewide achievement assessments, one each 341  
designed to measure the level of English language arts, 342  
mathematics, and science skill expected at the end of fifth 343  
grade; 344

(d) Three statewide achievement assessments, one each 345  
designed to measure the level of English language arts, 346  
mathematics, and social studies skill expected at the end of 347  
sixth grade; 348

(e) Two statewide achievement assessments, one each 349  
designed to measure the level of English language arts and 350  
mathematics skill expected at the end of seventh grade; 351

(f) Three statewide achievement assessments, one each 352  
designed to measure the level of English language arts, 353  
mathematics, and science skill expected at the end of eighth 354  
grade. 355

Beginning with the 2015-2016 school year, each assessment 356  
prescribed under division (A) (1) of this section shall be 357  
administered as an end-of-year summative assessment. 358

(2) The state board shall determine and designate at least 359  
five ranges of scores on each of the achievement assessments 360  
described in divisions (A) (1) and (B) (1) of this section. Each 361  
range of scores shall be deemed to demonstrate a level of 362  
achievement so that any student attaining a score within such 363  
range has achieved one of the following: 364

(a) An advanced level of skill; 365

(b) An accelerated level of skill; 366

(c) A proficient level of skill; 367

(d) A basic level of skill; 368

(e) A limited level of skill. 369

(3) For the purpose of implementing division (A) of 370  
section 3313.608 of the Revised Code, the state board shall 371  
determine and designate a level of achievement, not lower than 372  
the level designated in division (A)(2)(e) of this section, on 373  
the third grade English language arts assessment for a student 374  
to be promoted to the fourth grade. The state board shall review 375  
and adjust upward the level of achievement designated under this 376  
division each year the test is administered until the level is 377  
set equal to the level designated in division (A)(2)(c) of this 378  
section. 379

(B)(1) The assessments prescribed under division (B)(1) of 380  
this section shall collectively be known as the Ohio graduation 381  
tests. The state board shall prescribe five statewide high 382  
school achievement assessments, one each designed to measure the 383  
level of reading, writing, mathematics, science, and social 384  
studies skill expected at the end of tenth grade. The state 385  
board shall designate a score in at least the range designated 386  
under division (A)(2)(c) of this section on each such assessment 387  
that shall be deemed to be a passing score on the assessment as 388  
a condition toward granting high school diplomas under sections 389  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 390  
until the assessment system prescribed by section 3301.0712 of 391  
the Revised Code is implemented in accordance with division (B) 392  
(2) of this section. 393

(2) The state board shall prescribe an assessment system 394  
in accordance with section 3301.0712 of the Revised Code that 395

shall replace the Ohio graduation tests beginning with students 396  
who enter the ninth grade for the first time on or after July 1, 397  
2014. 398

(3) The state board may enter into a reciprocal agreement 399  
with the appropriate body or agency of any other state that has 400  
similar statewide achievement assessment requirements for 401  
receiving high school diplomas, under which any student who has 402  
met an achievement assessment requirement of one state is 403  
recognized as having met the similar requirement of the other 404  
state for purposes of receiving a high school diploma. For 405  
purposes of this section and sections 3301.0711 and 3313.61 of 406  
the Revised Code, any student enrolled in any public high school 407  
in this state who has met an achievement assessment requirement 408  
specified in a reciprocal agreement entered into under this 409  
division shall be deemed to have attained at least the 410  
applicable score designated under this division on each 411  
assessment required by division (B) (1) or (2) of this section 412  
that is specified in the agreement. 413

Beginning with assessments administered on or after July 414  
1, 2015, the duration of the administration for each elementary 415  
summative end-of-year assessment prescribed by division (A) of 416  
this section shall not exceed three hours per assessment, and 417  
the duration of the administration for each high school end-of- 418  
course examination prescribed by division (B) (2) of section 419  
3301.0712 of the Revised Code shall not exceed three hours per 420  
year. The limitations prescribed by this paragraph shall not 421  
apply to assessments for students with disabilities, the English 422  
language arts assessment prescribed by division (A) (1) (a) of 423  
section 3301.0710 of the Revised Code or any related diagnostic 424  
assessment for students who failed to attain a passing score on 425  
that English language arts achievement assessment, the 426

nationally standardized assessments that measure college and 427  
career readiness as prescribed by division (B) (1) of section 428  
3301.0712 of the Revised Code, or substitute examinations as 429  
prescribed by division (B) (4) of section 3301.0712 of the 430  
Revised Code. 431

(C) The superintendent of public instruction shall 432  
designate dates and times for the administration of the 433  
assessments prescribed by divisions (A) and (B) of this section. 434

In prescribing administration dates pursuant to this 435  
division, the superintendent shall designate the dates in such a 436  
way as to allow a reasonable length of time between the 437  
administration of assessments prescribed under this section and 438  
any administration of the national assessment of educational 439  
progress given to students in the same grade level pursuant to 440  
section 3301.27 of the Revised Code or federal law. 441

(D) The state board shall prescribe a practice version of 442  
each Ohio graduation test described in division (B) (1) of this 443  
section that is of comparable length to the actual test. 444

(E) Any committee established by the department of 445  
education for the purpose of making recommendations to the state 446  
board regarding the state board's designation of scores on the 447  
assessments described by this section shall inform the state 448  
board of the probable percentage of students who would score in 449  
each of the ranges established under division (A) (2) of this 450  
section on the assessments if the committee's recommendations 451  
are adopted by the state board. To the extent possible, these 452  
percentages shall be disaggregated by gender, major racial and 453  
ethnic groups, limited English proficient students, economically 454  
disadvantaged students, students with disabilities, and migrant 455  
students. 456

**Sec. 3301.0711.** (A) The department of education shall: 457

(1) Annually furnish to, grade, and score all assessments 458  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 459  
the Revised Code to be administered by city, local, exempted 460  
village, and joint vocational school districts, except that each 461  
district shall score any assessment administered pursuant to 462  
division (B) (10) of this section. Each assessment so furnished 463  
shall include the data verification code of the student to whom 464  
the assessment will be administered, as assigned pursuant to 465  
division (D) (2) of section 3301.0714 of the Revised Code. In 466  
furnishing the practice versions of Ohio graduation tests 467  
prescribed by division (D) of section 3301.0710 of the Revised 468  
Code, the department shall make the tests available on its web 469  
site for reproduction by districts. In awarding contracts for 470  
grading assessments, the department shall give preference to 471  
Ohio-based entities employing Ohio residents. 472

(2) Adopt rules for the ethical use of assessments and 473  
prescribing the manner in which the assessments prescribed by 474  
section 3301.0710 of the Revised Code shall be administered to 475  
students. 476

(B) Except as provided in divisions (C) and (J) of this 477  
section, the board of education of each city, local, and 478  
exempted village school district shall, in accordance with rules 479  
adopted under division (A) of this section: 480

(1) ~~Administer~~ (a) Until the 2015-2016 school year, 481  
administer the English language arts assessments prescribed 482  
under division (A) (1) (a) of section 3301.0710 of the Revised 483  
Code twice annually to all students in the third grade who have 484  
not attained the score designated for that assessment under 485  
division (A) (2) (c) of section 3301.0710 of the Revised Code. 486

(b) For the 2015-2016 school year, and for each school 487  
year thereafter, administer the English language arts assessment 488  
prescribed under division (A)(1)(a) of section 3301.0710 of the 489  
Revised Code once annually to all students in the third grade. 490  
The department shall not require districts to administer the 491  
assessment described in division (B)(1)(b) of this section in 492  
the fall. 493

The department shall identify and approve at least two 494  
assessments that can be used for multiple purposes, including a 495  
diagnostic assessment administered to third-grade students under 496  
section 3301.0715 of the Revised Code, an assessment that 497  
permits a student to demonstrate an acceptable level of 498  
performance for purposes of the third grade reading guarantee as 499  
prescribed under division (A)(2)(c) of section 3313.608 of the 500  
Revised Code, and an assessment used to identify students as 501  
gifted in specific academic ability fields in reading, writing, 502  
or both, under Chapter 3324. of the Revised Code. 503

(2) Administer the mathematics assessment prescribed under 504  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 505  
least once annually to all students in the third grade. 506

(3) Administer the assessments prescribed under division 507  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 508  
annually to all students in the fourth grade. 509

(4) Administer the assessments prescribed under division 510  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 511  
annually to all students in the fifth grade. 512

(5) Administer the assessments prescribed under division 513  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 514  
annually to all students in the sixth grade. 515

(6) Administer the assessments prescribed under division 516  
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 517  
annually to all students in the seventh grade. 518

(7) Administer the assessments prescribed under division 519  
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 520  
annually to all students in the eighth grade. 521

(8) Except as provided in division (B) (9) of this section, 522  
administer any assessment prescribed under division (B) (1) of 523  
section 3301.0710 of the Revised Code as follows: 524

(a) At least once annually to all tenth grade students and 525  
at least twice annually to all students in eleventh or twelfth 526  
grade who have not yet attained the score on that assessment 527  
designated under that division; 528

(b) To any person who has successfully completed the 529  
curriculum in any high school or the individualized education 530  
program developed for the person by any high school pursuant to 531  
section 3323.08 of the Revised Code but has not received a high 532  
school diploma and who requests to take such assessment, at any 533  
time such assessment is administered in the district. 534

(9) In lieu of the board of education of any city, local, 535  
or exempted village school district in which the student is also 536  
enrolled, the board of a joint vocational school district shall 537  
administer any assessment prescribed under division (B) (1) of 538  
section 3301.0710 of the Revised Code at least twice annually to 539  
any student enrolled in the joint vocational school district who 540  
has not yet attained the score on that assessment designated 541  
under that division. A board of a joint vocational school 542  
district may also administer such an assessment to any student 543  
described in division (B) (8) (b) of this section. 544

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

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

(11) Administer the assessments prescribed by division (B) (2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D) (1) of section 3301.0712 of the Revised Code.

(C) (1) (a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal

funds for disadvantaged pupils. To the extent possible, the 575  
individualized education program shall not excuse the student 576  
from taking an assessment unless no reasonable accommodation can 577  
be made to enable the student to take the assessment. 578

(b) Any alternate assessment approved by the department 579  
for a student under this division shall produce measurable 580  
results comparable to those produced by the assessment it 581  
replaces in order to allow for the student's results to be 582  
included in the data compiled for a school district or building 583  
under section 3302.03 of the Revised Code. 584

(c) Any student enrolled in a chartered nonpublic school 585  
who has been identified, based on an evaluation conducted in 586  
accordance with section 3323.03 of the Revised Code or section 587  
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 588  
U.S.C.A. 794, as amended, as a child with a disability shall be 589  
excused from taking any particular assessment required to be 590  
administered under this section if a plan developed for the 591  
student pursuant to rules adopted by the state board excuses the 592  
student from taking that assessment. In the case of any student 593  
so excused from taking an assessment, the chartered nonpublic 594  
school shall not prohibit the student from taking the 595  
assessment. 596

(2) A district board may, for medical reasons or other 597  
good cause, excuse a student from taking an assessment 598  
administered under this section on the date scheduled, but that 599  
assessment shall be administered to the excused student not 600  
later than nine days following the scheduled date. The district 601  
board shall annually report the number of students who have not 602  
taken one or more of the assessments required by this section to 603  
the state board not later than the thirtieth day of June. 604

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801. 605  
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No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except that any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment. However, no board shall prohibit a limited English proficient student who is not required to take an assessment under this division from taking the assessment. A board may permit any limited English proficient student to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each limited English proficient student, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 607  
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The governing authority of a chartered nonpublic school may excuse a limited English proficient student from taking any assessment administered under this section. However, no governing authority shall prohibit a limited English proficient student from taking the assessment. 623  
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(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the 628  
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student intervention services commensurate with the student's 635  
performance, including any intensive intervention required under 636  
section 3313.608 of the Revised Code, in any skill in which the 637  
student failed to demonstrate at least a score at the proficient 638  
level on the assessment. 639

(2) Following any administration of the assessments 640  
prescribed by division (D) of section 3301.0710 of the Revised 641  
Code to ninth grade students, each school district that has a 642  
three-year average graduation rate of not more than seventy-five 643  
per cent shall determine for each high school in the district 644  
whether the school shall be required to provide intervention 645  
services to any students who took the assessments. In 646  
determining which high schools shall provide intervention 647  
services based on the resources available, the district shall 648  
consider each school's graduation rate and scores on the 649  
practice assessments. The district also shall consider the 650  
scores received by ninth grade students on the English language 651  
arts and mathematics assessments prescribed under division (A) 652  
(1)(f) of section 3301.0710 of the Revised Code in the eighth 653  
grade in determining which high schools shall provide 654  
intervention services. 655

Each high school selected to provide intervention services 656  
under this division shall provide intervention services to any 657  
student whose results indicate that the student is failing to 658  
make satisfactory progress toward being able to attain scores at 659  
the proficient level on the Ohio graduation tests. Intervention 660  
services shall be provided in any skill in which a student 661  
demonstrates unsatisfactory progress and shall be commensurate 662  
with the student's performance. Schools shall provide the 663  
intervention services prior to the end of the school year, 664  
during the summer following the ninth grade, in the next 665

succeeding school year, or at any combination of those times. 666

(E) Except as provided in section 3313.608 of the Revised 667  
Code and division (M) of this section, no school district board 668  
of education shall utilize any student's failure to attain a 669  
specified score on an assessment administered under this section 670  
as a factor in any decision to deny the student promotion to a 671  
higher grade level. However, a district board may choose not to 672  
promote to the next grade level any student who does not take an 673  
assessment administered under this section or make up an 674  
assessment as provided by division (C) (2) of this section and 675  
who is not exempt from the requirement to take the assessment 676  
under division (C) (3) of this section. 677

(F) No person shall be charged a fee for taking any 678  
assessment administered under this section, except that a school 679  
district or school may charge a student for an advanced 680  
placement or international baccalaureate examination. 681

(G) (1) Each school district board shall designate one 682  
location for the collection of assessments administered in the 683  
spring under division (B) (1) of this section and those 684  
administered under divisions (B) (2) to (7) of this section. Each 685  
district board shall submit the assessments to the entity with 686  
which the department contracts for the scoring of the 687  
assessments as follows: 688

(a) If the district's total enrollment in grades 689  
kindergarten through twelve during the first full school week of 690  
October was less than two thousand five hundred, not later than 691  
the Friday after all of the assessments have been administered; 692

(b) If the district's total enrollment in grades 693  
kindergarten through twelve during the first full school week of 694

October was two thousand five hundred or more, but less than 695  
seven thousand, not later than the Monday after all of the 696  
assessments have been administered; 697

(c) If the district's total enrollment in grades 698  
kindergarten through twelve during the first full school week of 699  
October was seven thousand or more, not later than the Tuesday 700  
after all of the assessments have been administered. 701

However, any assessment that a student takes during the 702  
make-up period described in division (C) (2) of this section 703  
shall be submitted not later than the Friday following the day 704  
the student takes the assessment. 705

(2) The department or an entity with which the department 706  
contracts for the scoring of the assessment shall send to each 707  
school district board a list of the individual scores of all 708  
persons taking an assessment prescribed by division (A) (1) or 709  
(B) (1) of section 3301.0710 of the Revised Code within sixty 710  
days after its administration, but in no case shall the scores 711  
be returned later than the fifteenth day of June following the 712  
administration. For assessments administered under this section 713  
by a joint vocational school district, the department or entity 714  
shall also send to each city, local, or exempted village school 715  
district a list of the individual scores of any students of such 716  
city, local, or exempted village school district who are 717  
attending school in the joint vocational school district. 718

(H) Individual scores on any assessments administered 719  
under this section shall be released by a district board only in 720  
accordance with section 3319.321 of the Revised Code and the 721  
rules adopted under division (A) of this section. No district 722  
board or its employees shall utilize individual or aggregate 723  
results in any manner that conflicts with rules for the ethical 724

use of assessments adopted pursuant to division (A) of this section. 725  
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(I) Except as provided in division (G) of this section, 727  
the department or an entity with which the department contracts 728  
for the scoring of the assessment shall not release any 729  
individual scores on any assessment administered under this 730  
section. The state board shall adopt rules to ensure the 731  
protection of student confidentiality at all times. The rules 732  
may require the use of the data verification codes assigned to 733  
students pursuant to division (D) (2) of section 3301.0714 of the 734  
Revised Code to protect the confidentiality of student scores. 735

(J) Notwithstanding division (D) of section 3311.52 of the 736  
Revised Code, this section does not apply to the board of 737  
education of any cooperative education school district except as 738  
provided under rules adopted pursuant to this division. 739

(1) In accordance with rules that the state board shall 740  
adopt, the board of education of any city, exempted village, or 741  
local school district with territory in a cooperative education 742  
school district established pursuant to divisions (A) to (C) of 743  
section 3311.52 of the Revised Code may enter into an agreement 744  
with the board of education of the cooperative education school 745  
district for administering any assessment prescribed under this 746  
section to students of the city, exempted village, or local 747  
school district who are attending school in the cooperative 748  
education school district. 749

(2) In accordance with rules that the state board shall 750  
adopt, the board of education of any city, exempted village, or 751  
local school district with territory in a cooperative education 752  
school district established pursuant to section 3311.521 of the 753  
Revised Code shall enter into an agreement with the cooperative 754

district that provides for the administration of any assessment 755  
prescribed under this section to both of the following: 756

(a) Students who are attending school in the cooperative 757  
district and who, if the cooperative district were not 758  
established, would be entitled to attend school in the city, 759  
local, or exempted village school district pursuant to section 760  
3313.64 or 3313.65 of the Revised Code; 761

(b) Persons described in division (B) (8) (b) of this 762  
section. 763

Any assessment of students pursuant to such an agreement 764  
shall be in lieu of any assessment of such students or persons 765  
pursuant to this section. 766

(K) (1) (a) Except as otherwise provided in division (K) (1) 767  
(a) or (K) (1) (c) of this section, each chartered nonpublic 768  
school for which at least sixty-five per cent of its total 769  
enrollment is made up of students who are participating in state 770  
scholarship programs shall administer the elementary assessments 771  
prescribed by section 3301.0710 of the Revised Code. In 772  
accordance with procedures and deadlines prescribed by the 773  
department, the parent or guardian of a student enrolled in the 774  
school who is not participating in a state scholarship program 775  
may submit notice to the chief administrative officer of the 776  
school that the parent or guardian does not wish to have the 777  
student take the elementary assessments prescribed for the 778  
student's grade level under division (A) of section 3301.0710 of 779  
the Revised Code. If a parent or guardian submits an opt-out 780  
notice, the school shall not administer the assessments to that 781  
student. This option does not apply to any assessment required 782  
for a high school diploma under section 3313.612 of the Revised 783  
Code. 784

(b) If a chartered nonpublic school is educating students 785  
in grades nine through twelve, it shall administer the 786  
assessments prescribed by divisions (B) (1) and (2) of section 787  
3301.0710 of the Revised Code as a condition of compliance with 788  
section 3313.612 of the Revised Code. 789

(c) A chartered nonpublic school may submit to the 790  
superintendent of public instruction a request for a waiver from 791  
administering the elementary assessments prescribed by division 792  
(A) of section 3301.0710 of the Revised Code. The state 793  
superintendent shall approve or disapprove a request for a 794  
waiver submitted under division (K) (1) (c) of this section. No 795  
waiver shall be approved for any school year prior to the 2015- 796  
2016 school year. 797

To be eligible to submit a request for a waiver, a 798  
chartered nonpublic school shall meet the following conditions: 799

(i) At least ninety-five per cent of the students enrolled 800  
in the school are children with disabilities, as defined under 801  
section 3323.01 of the Revised Code, or have received a 802  
diagnosis by a school district or from a physician, including a 803  
neuropsychiatrist or psychiatrist, or a psychologist who is 804  
authorized to practice in this or another state as having a 805  
condition that impairs academic performance, such as dyslexia, 806  
dyscalculia, attention deficit hyperactivity disorder, or 807  
Asperger's syndrome. 808

(ii) The school has solely served a student population 809  
described in division (K) (1) (c) (i) of this section for at least 810  
ten years. 811

(iii) The school provides to the department at least five 812  
years of records of internal testing conducted by the school 813

that affords the department data required for accountability 814  
purposes, including diagnostic assessments and nationally 815  
standardized norm-referenced achievement assessments that 816  
measure reading and math skills. 817

(d) Any chartered nonpublic school that is not subject to 818  
division (K) (1) (a) of this section may participate in the 819  
assessment program by administering any of the assessments 820  
prescribed by division (A) of section 3301.0710 of the Revised 821  
Code. The chief administrator of the school shall specify which 822  
assessments the school will administer. Such specification shall 823  
be made in writing to the superintendent of public instruction 824  
prior to the first day of August of any school year in which 825  
assessments are administered and shall include a pledge that the 826  
nonpublic school will administer the specified assessments in 827  
the same manner as public schools are required to do under this 828  
section and rules adopted by the department. 829

(2) The department of education shall furnish the 830  
assessments prescribed by section 3301.0710 or 3301.0712 of the 831  
Revised Code to each chartered nonpublic school that is subject 832  
to division (K) (1) (a) of this section or participates under 833  
division (K) (1) (b) of this section. 834

(L) (1) The superintendent of the state school for the 835  
blind and the superintendent of the state school for the deaf 836  
shall administer the assessments described by sections 3301.0710 837  
and 3301.0712 of the Revised Code. Each superintendent shall 838  
administer the assessments in the same manner as district boards 839  
are required to do under this section and rules adopted by the 840  
department of education and in conformity with division (C) (1) 841  
(a) of this section. 842

(2) The department of education shall furnish the 843

assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

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

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

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

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

(3) Any field test question or anchor question

administered under division (N) (2) of this section shall not be 873  
a public record. Such field test questions and anchor questions 874  
shall be redacted from any assessments which are released as a 875  
public record pursuant to division (N) (1) of this section. 876

(4) This division applies to the assessments prescribed by 877  
division (A) of section 3301.0710 of the Revised Code. 878

(a) The first administration of each assessment, as 879  
specified in former section 3301.0712 of the Revised Code, shall 880  
be a public record. 881

(b) For subsequent administrations of each assessment 882  
prior to the 2011-2012 school year, not less than forty per cent 883  
of the questions on the assessment that are used to compute a 884  
student's score shall be a public record. The department shall 885  
determine which questions will be needed for reuse on a future 886  
assessment and those questions shall not be public records and 887  
shall be redacted from the assessment prior to its release as a 888  
public record. However, for each redacted question, the 889  
department shall inform each city, local, and exempted village 890  
school district of the statewide academic standard adopted by 891  
the state board under section 3301.079 of the Revised Code and 892  
the corresponding benchmark to which the question relates. The 893  
preceding sentence does not apply to field test questions that 894  
are redacted under division (N) (3) of this section. 895

(c) The administrations of each assessment in the 2011- 896  
2012, 2012-2013, and 2013-2014 school years shall not be a 897  
public record. 898

(5) Each assessment prescribed by division (B) (1) of 899  
section 3301.0710 of the Revised Code shall not be a public 900  
record. 901

(6) Beginning with the spring administration for the 2014- 902  
2015 school year, questions on the assessments prescribed under 903  
division (A) of section 3301.0710 and division (B) (2) of section 904  
3301.0712 of the Revised Code and the corresponding preferred 905  
answers that are used to compute a student's score shall become 906  
a public record as follows: 907

(a) Forty per cent of the questions and preferred answers 908  
on the assessments on the thirty-first day of July following the 909  
administration of the assessment; 910

(b) Twenty per cent of the questions and preferred answers 911  
on the assessment on the thirty-first day of July one year after 912  
the administration of the assessment; 913

(c) The remaining forty per cent of the questions and 914  
preferred answers on the assessment on the thirty-first day of 915  
July two years after the administration of the assessment. 916

The entire content of an assessment shall become a public 917  
record within three years of its administration. 918

The department shall make the questions that become a 919  
public record under this division readily accessible to the 920  
public on the department's web site. Questions on the spring 921  
administration of each assessment shall be released on an annual 922  
basis, in accordance with this division. 923

(0) As used in this section: 924

(1) "Three-year average" means the average of the most 925  
recent consecutive three school years of data. 926

(2) "Dropout" means a student who withdraws from school 927  
before completing course requirements for graduation and who is 928  
not enrolled in an education program approved by the state board 929

of education or an education program outside the state. 930  
"Dropout" does not include a student who has departed the 931  
country. 932

(3) "Graduation rate" means the ratio of students 933  
receiving a diploma to the number of students who entered ninth 934  
grade four years earlier. Students who transfer into the 935  
district are added to the calculation. Students who transfer out 936  
of the district for reasons other than dropout are subtracted 937  
from the calculation. If a student who was a dropout in any 938  
previous year returns to the same school district, that student 939  
shall be entered into the calculation as if the student had 940  
entered ninth grade four years before the graduation year of the 941  
graduating class that the student joins. 942

(4) "State scholarship programs" means the educational 943  
choice scholarship pilot program established under sections 944  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 945  
program established under section 3310.41 of the Revised Code, 946  
the Jon Peterson special needs scholarship program established 947  
under sections 3310.51 to 3310.64 of the Revised Code, and the 948  
pilot project scholarship program established under sections 949  
3313.974 to 3313.979 of the Revised Code. 950

**Sec. 3301.0712.** (A) The state board of education, the 951  
superintendent of public instruction, and the chancellor of the 952  
Ohio board of regents shall develop a system of college and work 953  
ready assessments as described in division (B) of this section 954  
to assess whether each student upon graduating from high school 955  
is ready to enter college or the workforce. Beginning with 956  
students who enter the ninth grade for the first time on or 957  
after July 1, 2014, the system shall replace the Ohio graduation 958  
tests prescribed in division (B) (1) of section 3301.0710 of the 959

Revised Code as a measure of student academic performance and 960  
one determinant of eligibility for a high school diploma in the 961  
manner prescribed by rule of the state board adopted under 962  
division (D) of this section. 963

(B) The college and work ready assessment system shall 964  
consist of the following: 965

(1) Nationally standardized assessments that measure 966  
college and career readiness and are used for college admission. 967  
The assessments shall be selected jointly by the state 968  
superintendent and the chancellor, and one of which shall be 969  
selected by each school district or school to administer to its 970  
students. The assessments prescribed under division (B) (1) of 971  
this section shall be administered to all eleventh-grade 972  
students in the spring of the school year. 973

(2) ~~Seven~~Five end-of-course examinations, one in each of 974  
the areas of English language arts I, ~~English language arts II,~~ 975  
science, Algebra I, ~~geometry,~~ American history, and American 976  
government. The end-of-course examinations shall be selected 977  
jointly by the state superintendent and the chancellor in 978  
consultation with faculty in the appropriate subject areas at 979  
institutions of higher education of the university system of 980  
Ohio. 981

Not later than March 1, 2016, the state board shall 982  
compile a list of multiple assessments that are equivalent to 983  
the end-of-course examinations prescribed under division (B) (2) 984  
of this section that school districts, public schools, and 985  
chartered nonpublic schools may use instead of the end-of-course 986  
examinations prescribed under that division. Not later than 987  
March 1, 2016, the state board also shall identify a table of 988  
corresponding score equivalents that correlate to the levels 989

listed in division (B) (5) (a) of this section for all end-of- 990  
course examinations adopted under division (B) (2) of this 991  
section. The state board may update or revise the list of 992  
equivalent examinations. Beginning with the 2016-2017 school 993  
year, a school district or school shall notify the department of 994  
education which assessment or assessments the district or school 995  
selects for each subject area not later than the fifteenth day 996  
of September of each school year. For any equivalent 997  
examination, the state board may require the entity that scores 998  
that examination to provide the student score data on that 999  
equivalent examination on behalf of the district or school, for 1000  
purposes of calculating measures for the state report card under 1001  
section 3302.03 of the Revised Code. 1002

Advanced placement examinations and international 1003  
baccalaureate examinations, as prescribed under section 1004  
3313.6013 of the Revised Code, in the areas of science, American 1005  
history, and American government may be used as substitute end- 1006  
of-course examinations in accordance with division (B) (4) (a) (i) 1007  
of this section. Final course grades for courses taken under any 1008  
other advanced standing program, as prescribed under section 1009  
3313.6013 of the Revised Code, in the areas of science, American 1010  
history, and American government may be used in lieu of end-of- 1011  
course examinations in accordance with division (B) (4) (a) (ii) of 1012  
this section. 1013

(3) (a) Not later than July 1, 2013, each school district 1014  
board of education shall adopt interim end-of-course 1015  
examinations that comply with the requirements of divisions (B) 1016  
(3) (b) (i) and (ii) of this section to assess mastery of American 1017  
history and American government standards adopted under division 1018  
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 1019  
required under division (M) of section 3313.603 of the Revised 1020

Code. Each high school of the district shall use the interim 1021  
examinations until the state superintendent and chancellor 1022  
select end-of-course examinations in American history and 1023  
American government under division (B) (2) of this section. 1024

(b) Not later than July 1, 2014, the state superintendent 1025  
and the chancellor shall select the end-of-course examinations 1026  
in American history and American government. 1027

(i) The end-of-course examinations in American history and 1028  
American government shall require demonstration of mastery of 1029  
the American history and American government content for social 1030  
studies standards adopted under division (A) (1) (b) of section 1031  
3301.079 of the Revised Code and the topics required under 1032  
division (M) of section 3313.603 of the Revised Code. 1033

(ii) At least twenty per cent of the end-of-course 1034  
examination in American government shall address the topics on 1035  
American history and American government described in division 1036  
(M) of section 3313.603 of the Revised Code. 1037

(4) (a) Notwithstanding anything to the contrary in this 1038  
section, beginning with the 2014-2015 school year, both of the 1039  
following shall apply: 1040

(i) If a student is enrolled in an appropriate advanced 1041  
placement or international baccalaureate course, that student 1042  
shall take the advanced placement or international baccalaureate 1043  
examination in lieu of the science, American history, or 1044  
American government end-of-course examinations prescribed under 1045  
division (B) (2) of this section. The state board shall specify 1046  
the score levels for each advanced placement examination and 1047  
international baccalaureate examination for purposes of 1048  
calculating the minimum cumulative performance score that 1049

demonstrates the level of academic achievement necessary to earn a high school diploma. 1050  
1051

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B) (2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma. 1052  
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Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses. 1064  
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(b) No student shall take a substitute examination or examination prescribed under division (B) (4) (a) of this section in place of the end-of-course examinations in English language arts I, ~~English language arts II~~, or Algebra I, ~~or geometry~~ prescribed under division (B) (2) of this section. 1068  
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(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B) (2) of this section. 1073  
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(5) The state board shall do all of the following: 1077

(a) Determine and designate at least five ranges of scores 1078

on each of the end-of-course examinations prescribed under 1079  
division (B) (2) of this section, and substitute examinations 1080  
prescribed under division (B) (4) of this section. Each range of 1081  
scores shall be considered to demonstrate a level of achievement 1082  
so that any student attaining a score within such range has 1083  
achieved one of the following: 1084

(i) An advanced level of skill; 1085

(ii) An accelerated level of skill; 1086

(iii) A proficient level of skill; 1087

(iv) A basic level of skill; 1088

(v) A limited level of skill. 1089

(b) Determine a method by which to calculate a cumulative 1090  
performance score based on the results of a student's end-of- 1091  
course examinations or substitute examinations; 1092

(c) Determine the minimum cumulative performance score 1093  
that demonstrates the level of academic achievement necessary to 1094  
earn a high school diploma; 1095

(d) Develop a table of corresponding score equivalents for 1096  
the end-of-course examinations ~~and, substitute examinations,~~ 1097  
and equivalent examinations in order to calculate student 1098  
performance consistently across the different examinations. 1099

A score of two on an advanced placement examination or a 1100  
score of three on an international baccalaureate examination 1101  
shall be considered equivalent to a proficient level of skill as 1102  
specified under division (B) (5) (a) (iii) of this section. 1103

(6) (a) A student who meets both of the following 1104  
conditions shall not be required to take an end-of-course 1105

examination:	1106
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	1107 1108 1109
(ii) The examination was not available for administration prior to July 1, 2015.	1110 1111
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	1112 1113 1114 1115 1116
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	1117 1118 1119 1120 1121
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	1122 1123 1124
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	1125 1126 1127
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	1128 1129 1130 1131 1132
(7) (a) Notwithstanding anything to the contrary in this	1133

section, the state board may replace the algebra I end-of-course 1134  
examination prescribed under division (B) (2) of this section 1135  
with an algebra II end-of-course examination, beginning with the 1136  
2016-2017 school year for students who enter ninth grade on or 1137  
after July 1, 2016. 1138

(b) If the state board replaces the algebra I end-of- 1139  
course examination with an algebra II end-of-course examination 1140  
as authorized under division (B) (7) (a) of this section, both of 1141  
the following shall apply: 1142

(i) A student who is enrolled in an advanced placement or 1143  
international baccalaureate course in algebra II shall take the 1144  
advanced placement or international baccalaureate examination in 1145  
lieu of the algebra II end-of-course examination. 1146

(ii) A student who is enrolled in an algebra II course 1147  
under any other advanced standing program, as described in 1148  
section 3313.6013 of the Revised Code, shall not be required to 1149  
take the algebra II end-of-course examination. Instead, that 1150  
student's final course grade shall be used in lieu of the 1151  
examination. 1152

(c) If a school district or school utilizes an integrated 1153  
approach to mathematics instruction, the district or school may 1154  
~~do either or both of the following:~~ 1155

~~(i) Administer administer an integrated mathematics I end- 1156  
of-course examination in lieu of the prescribed algebra I end- 1157  
of-course examination;~~ 1158

~~(ii) Administer an integrated mathematics II end-of-course 1159  
examination in lieu of the prescribed geometry end-of-course 1160  
examination.~~ 1161

(8) (a) For students entering the ninth grade for the first 1162

time on or after July 1, 2014, but prior to July 1, 2015, the 1163  
assessment in the area of science shall be physical science or 1164  
biology. For students entering the ninth grade for the first 1165  
time on or after July 1, 2015, the assessment in the area of 1166  
science shall be biology. 1167

(b) Until July 1, 2019, the department of education shall 1168  
make available the end-of-course examination in physical science 1169  
for students who entered the ninth grade for the first time on 1170  
or after July 1, 2014, but prior to July 1, 2015, and who wish 1171  
to retake the examination. 1172

(c) Not later than July 1, 2016, the state board shall 1173  
adopt rules prescribing the requirements for the end-of-course 1174  
examination in science for students who entered the ninth grade 1175  
for the first time on or after July 1, 2014, but prior to July 1176  
1, 2015, and who have not met the requirement prescribed by 1177  
section 3313.618 of the Revised Code by July 1, 2019, due to a 1178  
student's failure to satisfy division (A)(2) of section 3313.618 1179  
of the Revised Code. 1180

(9) Neither the state board nor the department of 1181  
education shall develop or administer an end-of-course 1182  
examination in the area of world history. 1183

(C) The state board shall convene a group of national 1184  
experts, state experts, and local practitioners to provide 1185  
advice, guidance, and recommendations for the alignment of 1186  
standards and model curricula to the assessments and in the 1187  
design of the end-of-course examinations prescribed by this 1188  
section. 1189

(D) Upon completion of the development of the assessment 1190  
system, the state board shall adopt rules prescribing all of the 1191

following:	1192
(1) A timeline and plan for implementation of the	1193
assessment system, including a phased implementation if the	1194
state board determines such a phase-in is warranted;	1195
(2) The date after which a person shall meet the	1196
requirements of the entire assessment system as a prerequisite	1197
for a diploma of adult education under section 3313.611 of the	1198
Revised Code;	1199
(3) Whether and the extent to which a person may be	1200
excused from an American history end-of-course examination and	1201
an American government end-of-course examination under division	1202
(H) of section 3313.61 and division (B) (3) of section 3313.612	1203
of the Revised Code;	1204
(4) The date after which a person who has fulfilled the	1205
curriculum requirement for a diploma but has not passed one or	1206
more of the required assessments at the time the person	1207
fulfilled the curriculum requirement shall meet the requirements	1208
of the entire assessment system as a prerequisite for a high	1209
school diploma under division (B) of section 3313.614 of the	1210
Revised Code;	1211
(5) The extent to which the assessment system applies to	1212
students enrolled in a dropout recovery and prevention program	1213
for purposes of division (F) of section 3313.603 and section	1214
3314.36 of the Revised Code.	1215
(E) Not later than forty-five days prior to the state	1216
board's adoption of a resolution directing the department to	1217
file the rules prescribed by division (D) of this section in	1218
final form under section 119.04 of the Revised Code, the	1219
superintendent of public instruction shall present the	1220

assessment system developed under this section to the respective 1221  
committees of the house of representatives and senate that 1222  
consider education legislation. 1223

(F) (1) Any person enrolled in a nonchartered nonpublic 1224  
school or any person who has been excused from attendance at 1225  
school for the purpose of home instruction under section 3321.04 1226  
of the Revised Code may choose to participate in the system of 1227  
assessments administered under divisions (B) (1) and (2) of this 1228  
section. However, no such person shall be required to 1229  
participate in the system of assessments. 1230

(2) The department shall adopt rules for the 1231  
administration and scoring of any assessments under division (F) 1232  
(1) of this section. 1233

(G) Not later than December 31, 2014, the state board 1234  
shall select at least one nationally recognized job skills 1235  
assessment. The state board shall periodically revise the 1236  
assessments it selects under division (G) of this section with 1237  
input from individuals and educators who have a background in 1238  
career-technical education. Each school district shall 1239  
administer that assessment to those students who opt to take it. 1240  
The state shall reimburse a school district for the costs of 1241  
administering that assessment. The state board shall establish 1242  
the minimum score a student must attain on the job skills 1243  
assessment in order to demonstrate a student's workforce 1244  
readiness and employability. The administration of the job 1245  
skills assessment to a student under this division shall not 1246  
exempt a school district from administering the assessments 1247  
prescribed in division (B) of this section to that student. 1248

(H) (1) Except as provided in division (H) (2) of this 1249  
section, no school district shall charge a student for any 1250

assessment, end-of-course examination, substitute examination, 1251  
or equivalent examination administered under division (B) or (G) 1252  
of this section. 1253

(2) A school district or school may charge a student for 1254  
an advanced placement or international baccalaureate 1255  
examination. 1256

(I) Beginning with the 2016-2017 school year, a school 1257  
district may use the end-of-course examinations, substitute 1258  
examinations, or equivalent examinations, administered under 1259  
division (B) of this section as final examinations for the 1260  
related subject-area class or course of study. 1261

**Sec. 3301.0715.** (A) Except as otherwise required under 1262  
division (B) (1) of section 3313.608 of the Revised Code, the 1263  
board of education of each city, local, and exempted village 1264  
school district shall administer each applicable diagnostic 1265  
assessment developed and provided to the district in accordance 1266  
with section 3301.079 of the Revised Code to the following: 1267

(1) Any student who transfers into the district or to a 1268  
different school within the district if each applicable 1269  
diagnostic assessment was not administered by the district or 1270  
school the student previously attended in the current school 1271  
year, within thirty days after the date of transfer. If the 1272  
district or school into which the student transfers cannot 1273  
determine whether the student has taken any applicable 1274  
diagnostic assessment in the current school year, the district 1275  
or school may administer the diagnostic assessment to the 1276  
student. However, if a student transfers into the district prior 1277  
to the administration of the diagnostic assessments to all 1278  
students under division (B) of this section, the district may 1279  
administer the diagnostic assessments to that student on the 1280

date or dates determined under that division. 1281

(2) Each kindergarten student, not earlier than the first 1282  
day of ~~the school year August~~ and not later than the first day 1283  
of November, except that the language and reading skills portion 1284  
of the assessment shall be administered by the thirtieth day of 1285  
September to fulfill the requirements of division (B) of section 1286  
3313.608 of the Revised Code. 1287

For the purpose of division (A) (2) of this section, the 1288  
district shall administer the kindergarten readiness assessment 1289  
provided by the department of education. In no case shall the 1290  
results of the readiness assessment be used to prohibit a 1291  
student from enrolling in kindergarten. 1292

Not later than July 1, 2016, the department shall make 1293  
available to districts and schools a kindergarten literacy 1294  
assessment that the districts and schools may use in lieu of the 1295  
kindergarten readiness assessment required under division (A) (2) 1296  
of this section. The kindergarten literacy assessment shall be 1297  
similar in format, content, and administration to the 1298  
kindergarten literacy assessment administered in the 2013-2014 1299  
school year and be available for administration in both 1300  
electronic and paper formats. 1301

A district or school may administer the kindergarten 1302  
readiness diagnostic assessment all at one time or may 1303  
administer it in portions at different times, so long as the 1304  
assessment has been administered in its entirety not later than 1305  
the first day of November. The administration of the 1306  
kindergarten readiness assessment shall not exceed one hour. 1307

(3) Each student enrolled in first, second, or third 1308  
grade. 1309

Division (A) of this section does not apply to students 1310  
with significant cognitive disabilities, as defined by the 1311  
department of education. 1312

(B) Each district board shall administer each diagnostic 1313  
assessment when the board deems appropriate, provided the 1314  
administration complies with section 3313.608 of the Revised 1315  
Code. However, the board shall administer any diagnostic 1316  
assessment at least once annually to all students in the 1317  
appropriate grade level. A district board may administer any 1318  
diagnostic assessment in the fall and spring of a school year to 1319  
measure the amount of academic growth attributable to the 1320  
instruction received by students during that school year. 1321

(C) Any district that received a grade of "A" or "B" for 1322  
the performance index score under division (A) (1) (b), (B) (1) (b), 1323  
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 1324  
value-added progress dimension under division (A) (1) (e), (B) (1) 1325  
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 1326  
immediately preceding school year may use different diagnostic 1327  
assessments from those adopted under division (D) of section 1328  
3301.079 of the Revised Code in order to satisfy the 1329  
requirements of division (A) (3) of this section. 1330

(D) Each district board shall utilize and score any 1331  
diagnostic assessment administered under division (A) of this 1332  
section in accordance with rules established by the department. 1333  
After the administration of any diagnostic assessment, each 1334  
district shall provide a student's completed diagnostic 1335  
assessment, the results of such assessment, and any other 1336  
accompanying documents used during the administration of the 1337  
assessment to the parent of that student, and shall include all 1338  
such documents and information in any plan developed for the 1339

student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the measure prescribed by divisions (B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code.

(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

Sec. 3301.132. (A) Not later than ninety days after the effective date of this amendment, the department of education shall determine which components of the resident educator performance-based assessment, as prescribed by rule of the state board of education for purposes of the Ohio teacher residency program established under section 3319.223 of the Revised Code, may be used as part of the teacher evaluations required by section 3319.111 of the Revised Code.

(B) The department shall develop a table of assessments that may be used for multiple purposes for which a measure of student performance or aptitude is required, in order to reduce the total number of assessments administered by a district or school. The table shall include achievement assessments, diagnostic assessments, end-of-course examinations, substitute examinations, examinations related to student academic growth measures, assessments used to identify students as gifted in

superior cognitive ability and specific academic ability fields 1370  
under Chapter 3324. of the Revised Code, and other assessments. 1371  
The department shall make the table available to school 1372  
districts, community schools established under Chapter 3314. of 1373  
the Revised Code, STEM schools established under Chapter 3326. 1374  
of the Revised Code, college-preparatory boarding schools 1375  
established under Chapter 3328. of the Revised Code, and 1376  
chartered nonpublic schools. 1377

**Sec. 3301.80.** The state board of education and the 1378  
department of education shall do both of the following when 1379  
adopting education policies or standards required by state 1380  
statutory law: 1381

(A) Develop a procedure to consult with teachers and 1382  
superintendents from rural, urban, and suburban school 1383  
districts. For purposes of this section, "urban" districts shall 1384  
include those that belong to the Ohio 8 coalition or its 1385  
successor. 1386

(B) Develop a procedure to collect public feedback, both 1387  
electronically and in person, for a period of not less than 1388  
sixty days. 1389

**Sec. 3302.02.** Not later than one year after the adoption 1390  
of rules under division (D) of section 3301.0712 of the Revised 1391  
Code and at least every sixth year thereafter, upon 1392  
recommendations of the superintendent of public instruction, the 1393  
state board of education shall establish a set of performance 1394  
indicators that considered as a unit will be used as one of the 1395  
performance categories for the report cards required by section 1396  
3302.03 of the Revised Code. In establishing these indicators, 1397  
the superintendent shall consider inclusion of student 1398  
performance on assessments prescribed under section 3301.0710 or 1399

3301.0712 of the Revised Code, rates of student improvement on 1400  
such assessments, the breadth of coursework available within the 1401  
district, and other indicators of student success. 1402

Beginning with the report card for the 2014-2015 school 1403  
year, the performance indicators shall include an indicator that 1404  
reflects the level of services provided to, and the performance 1405  
of, students identified as gifted under Chapter 3324. of the 1406  
Revised Code. The indicator shall include the performance of 1407  
students identified as gifted on state assessments and value- 1408  
added growth measure disaggregated for students identified as 1409  
gifted. 1410

For the 2013-2014 school year, except as otherwise 1411  
provided in this section, for any indicator based on the 1412  
percentage of students attaining a proficient score on the 1413  
assessments prescribed by divisions (A) and (B) (1) of section 1414  
3301.0710 of the Revised Code, a school district or building 1415  
shall be considered to have met the indicator if at least eighty 1416  
per cent of the tested students attain a score of proficient or 1417  
higher on the assessment. A school district or building shall be 1418  
considered to have met the indicator for the assessments 1419  
prescribed by division (B) (1) of section 3301.0710 of the 1420  
Revised Code and only as administered to eleventh grade 1421  
students, if at least eighty-five per cent of the tested 1422  
students attain a score of proficient or higher on the 1423  
assessment. ~~Not later than July 1, 2014, the~~ 1424

The state board ~~may~~ shall adopt rules, under Chapter 119. 1425  
of the Revised Code, to establish ~~different~~ proficiency 1426  
percentages to meet each indicator that is based on a state 1427  
assessment, prescribed under section 3301.0710 or 3301.0712 of 1428  
the Revised Code, for the 2014-2015 school year and thereafter 1429

by the following dates: 1430

(A) Not later than December 31, 2015, for the 2014-2015 1431  
school year; 1432

(B) Not later than July 1, 2016, for the 2015-2016 school 1433  
year; 1434

(C) Not later than July 1, 2017, for the 2016-2017 school 1435  
year, and for each school year thereafter. 1436

~~The superintendent shall not establish any performance-~~ 1437  
~~indicator for passage of the third or fourth grade English-~~ 1438  
~~language arts assessment that is solely based on the assessment-~~ 1439  
~~given in the fall for the purpose of determining whether-~~ 1440  
~~students have met the reading guarantee provisions of section-~~ 1441  
~~3313.608 of the Revised Code.~~ 1442

**Sec. 3302.03.** Annually, not later than the fifteenth day 1443  
of September or the preceding Friday when that day falls on a 1444  
Saturday or Sunday, the department of education shall assign a 1445  
letter grade for overall academic performance and for each 1446  
separate performance measure for each school district, and each 1447  
school building in a district, in accordance with this section. 1448  
The state board shall adopt rules pursuant to Chapter 119. of 1449  
the Revised Code to establish performance criteria for each 1450  
letter grade and prescribe a method by which the department 1451  
assigns each letter grade. For a school building to which any of 1452  
the performance measures do not apply, due to grade levels 1453  
served by the building, the state board shall designate the 1454  
performance measures that are applicable to the building and 1455  
that must be calculated separately and used to calculate the 1456  
building's overall grade. The department shall issue annual 1457  
report cards reflecting the performance of each school district, 1458

each building within each district, and for the state as a whole 1459  
using the performance measures and letter grade system described 1460  
in this section. The department shall include on the report card 1461  
for each district and each building within each district the 1462  
most recent two-year trend data in student achievement for each 1463  
subject and each grade. 1464

(A) (1) For the 2012-2013 school year, the department shall 1465  
issue grades as described in division (E) of this section for 1466  
each of the following performance measures: 1467

(a) Annual measurable objectives; 1468

(b) Performance index score for a school district or 1469  
building. Grades shall be awarded as a percentage of the total 1470  
possible points on the performance index system as adopted by 1471  
the state board. In adopting benchmarks for assigning letter 1472  
grades under division (A) (1) (b) of this section, the state board 1473  
of education shall designate ninety per cent or higher for an 1474  
"A," at least seventy per cent but not more than eighty per cent 1475  
for a "C," and less than fifty per cent for an "F." 1476

(c) The extent to which the school district or building 1477  
meets each of the applicable performance indicators established 1478  
by the state board under section 3302.02 of the Revised Code and 1479  
the percentage of applicable performance indicators that have 1480  
been achieved. In adopting benchmarks for assigning letter 1481  
grades under division (A) (1) (c) of this section, the state board 1482  
shall designate ninety per cent or higher for an "A." 1483

(d) The four- and five-year adjusted cohort graduation 1484  
rates. 1485

In adopting benchmarks for assigning letter grades under 1486  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1487

department shall designate a four-year adjusted cohort 1488  
graduation rate of ninety-three per cent or higher for an "A" 1489  
and a five-year cohort graduation rate of ninety-five per cent 1490  
or higher for an "A." 1491

(e) The overall score under the value-added progress 1492  
dimension of a school district or building, for which the 1493  
department shall use up to three years of value-added data as 1494  
available. The letter grade assigned for this growth measure 1495  
shall be as follows: 1496

(i) A score that is at least two standard errors of 1497  
measure above the mean score shall be designated as an "A." 1498

(ii) A score that is at least one standard error of 1499  
measure but less than two standard errors of measure above the 1500  
mean score shall be designated as a "B." 1501

(iii) A score that is less than one standard error of 1502  
measure above the mean score but greater than or equal to one 1503  
standard error of measure below the mean score shall be 1504  
designated as a "C." 1505

(iv) A score that is not greater than one standard error 1506  
of measure below the mean score but is greater than or equal to 1507  
two standard errors of measure below the mean score shall be 1508  
designated as a "D." 1509

(v) A score that is not greater than two standard errors 1510  
of measure below the mean score shall be designated as an "F." 1511

Whenever the value-added progress dimension is used as a 1512  
graded performance measure, whether as an overall measure or as 1513  
a measure of separate subgroups, the grades for the measure 1514  
shall be calculated in the same manner as prescribed in division 1515  
(A) (1) (e) of this section. 1516

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

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

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

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

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

(a) Annual measurable objectives;

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

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

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

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

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

(g) Whether a school district or building is making 1575  
progress in improving literacy in grades kindergarten through 1576  
three, as determined using a method prescribed by the state 1577  
board. The state board shall adopt rules to prescribe benchmarks 1578  
and standards for assigning grades to districts and buildings 1579  
for purposes of division (B) (1) (g) of this section. In adopting 1580  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1581  
and (C) (1) (g) of this section, the state board shall determine 1582  
progress made based on the reduction in the total percentage of 1583  
students scoring below grade level, or below proficient, 1584  
compared from year to year on the reading ~~and writing~~ diagnostic 1585  
assessments administered under section 3301.0715 of the Revised 1586  
Code and the third grade English language arts assessment under 1587  
section 3301.0710 of the Revised Code, as applicable. The state 1588  
board shall designate for a "C" grade a value that is not lower 1589  
than the statewide average value for this measure. No grade 1590  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1591  
section for a district or building in which less than five per 1592  
cent of students have scored below grade level on the diagnostic 1593  
assessment administered to students in kindergarten under 1594  
division (B) (1) of section 3313.608 of the Revised Code. 1595

(h) For a high mobility school district or building, an 1596  
additional value-added progress dimension score. For this 1597  
measure, the department shall use value-added data from the most 1598  
recent school year available and shall use assessment scores for 1599  
only those students to whom the district or building has 1600  
administered the assessments prescribed by section 3301.0710 of 1601  
the Revised Code for each of the two most recent consecutive 1602  
school years. 1603

As used in this division, "high mobility school district 1604  
or building" means a school district or building where at least 1605

twenty-five per cent of its total enrollment is made up of 1606  
students who have attended that school district or building for 1607  
less than one year. 1608

(2) In addition to the graded measures in division (B) (1) 1609  
of this section, the department shall include on a school 1610  
district's or building's report card all of the following 1611  
without an assigned letter grade: 1612

(a) The percentage of students enrolled in a district or 1613  
building participating in advanced placement classes and the 1614  
percentage of those students who received a score of three or 1615  
better on advanced placement examinations; 1616

(b) The number of a district's or building's students who 1617  
have earned at least three college credits through dual 1618  
enrollment or advanced standing programs, such as the post- 1619  
secondary enrollment options program under Chapter 3365. of the 1620  
Revised Code and state-approved career-technical courses offered 1621  
through dual enrollment or statewide articulation, that appear 1622  
on a student's transcript or other official document, either of 1623  
which is issued by the institution of higher education from 1624  
which the student earned the college credit. The credits earned 1625  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1626  
this section shall not include any that are remedial or 1627  
developmental and shall include those that count toward the 1628  
curriculum requirements established for completion of a degree. 1629

(c) The percentage of students enrolled in a district or 1630  
building who have taken a national standardized test used for 1631  
college admission determinations and the percentage of those 1632  
students who are determined to be remediation-free in accordance 1633  
with standards adopted under division (F) of section 3345.061 of 1634  
the Revised Code; 1635

(d) The percentage of the district's or the building's 1636  
students who receive industry-recognized credentials. The state 1637  
board shall adopt criteria for acceptable industry-recognized 1638  
credentials. 1639

(e) The percentage of students enrolled in a district or 1640  
building who are participating in an international baccalaureate 1641  
program and the percentage of those students who receive a score 1642  
of four or better on the international baccalaureate 1643  
examinations. 1644

(f) The percentage of the district's or building's 1645  
students who receive an honors diploma under division (B) of 1646  
section 3313.61 of the Revised Code. 1647

(3) Not later than December 31, 2013, the state board 1648  
shall adopt rules in accordance with Chapter 119. of the Revised 1649  
Code that prescribe the methods by which the performance 1650  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1651  
will be assessed and assigned a letter grade, including 1652  
performance benchmarks for each grade. 1653

At least forty-five days prior to the state board's 1654  
adoption of rules to prescribe the methods by which the 1655  
performance measures under division (B) (1) of this section shall 1656  
be assessed and assigned a letter grade, the department shall 1657  
conduct a public presentation before the standing committees of 1658  
the house of representatives and the senate that consider 1659  
education legislation describing such methods, including 1660  
performance benchmarks. 1661

(4) There shall not be an overall letter grade for a 1662  
school district or building for the 2013-2014 school year. 1663

(C) (1) For the 2014-2015 school year and each school year 1664

thereafter, the department shall issue grades as described in 1665  
division (E) of this section for each of the performance 1666  
measures prescribed in division (C) (1) of this section and an 1667  
overall letter grade based on an aggregate of those measures, 1668  
except for the performance measure set forth in division (C) (1) 1669  
(h) of this section. The graded measures are as follows: 1670

(a) Annual measurable objectives; 1671

(b) Performance index score for a school district or 1672  
building. Grades shall be awarded as a percentage of the total 1673  
possible points on the performance index system as created by 1674  
the department. In adopting benchmarks for assigning letter 1675  
grades under division (C) (1) (b) of this section, the state board 1676  
shall designate ninety per cent or higher for an "A," at least 1677  
seventy per cent but not more than eighty per cent for a "C," 1678  
and less than fifty per cent for an "F." 1679

(c) The extent to which the school district or building 1680  
meets each of the applicable performance indicators established 1681  
by the state board under section 3302.03 of the Revised Code and 1682  
the percentage of applicable performance indicators that have 1683  
been achieved. In adopting benchmarks for assigning letter 1684  
grades under division (C) (1) (c) of this section, the state board 1685  
shall designate ninety per cent or higher for an "A." 1686

(d) The four- and five-year adjusted cohort graduation 1687  
rates; 1688

(e) The overall score under the value-added progress 1689  
dimension, or another measure of student academic progress if 1690  
adopted by the state board, of a school district or building, 1691  
for which the department shall use up to three years of value- 1692  
added data as available. 1693

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C) (1) (f) of this section is a "B" or higher.

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

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

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

(g) Whether a school district or building is making

progress in improving literacy in grades kindergarten through 1724  
three, as determined using a method prescribed by the state 1725  
board. The state board shall adopt rules to prescribe benchmarks 1726  
and standards for assigning grades to a district or building for 1727  
purposes of division (C) (1) (g) of this section. The state board 1728  
shall designate for a "C" grade a value that is not lower than 1729  
the statewide average value for this measure. No grade shall be 1730  
issued under division (C) (1) (g) of this section for a district 1731  
or building in which less than five per cent of students have 1732  
scored below grade level on the kindergarten diagnostic 1733  
assessment under division (B) (1) of section 3313.608 of the 1734  
Revised Code. 1735

(h) For a high mobility school district or building, an 1736  
additional value-added progress dimension score. For this 1737  
measure, the department shall use value-added data from the most 1738  
recent school year available and shall use assessment scores for 1739  
only those students to whom the district or building has 1740  
administered the assessments prescribed by section 3301.0710 of 1741  
the Revised Code for each of the two most recent consecutive 1742  
school years. 1743

As used in this division, "high mobility school district 1744  
or building" means a school district or building where at least 1745  
twenty-five per cent of its total enrollment is made up of 1746  
students who have attended that school district or building for 1747  
less than one year. 1748

(2) In addition to the graded measures in division (C) (1) 1749  
of this section, the department shall include on a school 1750  
district's or building's report card all of the following 1751  
without an assigned letter grade: 1752

(a) The percentage of students enrolled in a district or 1753

building who have taken a national standardized test used for 1754  
college admission determinations and the percentage of those 1755  
students who are determined to be remediation-free in accordance 1756  
with the standards adopted under division (F) of section 1757  
3345.061 of the Revised Code; 1758

(b) The percentage of students enrolled in a district or 1759  
building participating in advanced placement classes and the 1760  
percentage of those students who received a score of three or 1761  
better on advanced placement examinations; 1762

(c) The percentage of a district's or building's students 1763  
who have earned at least three college credits through advanced 1764  
standing programs, such as the college credit plus program under 1765  
Chapter 3365. of the Revised Code and state-approved career- 1766  
technical courses offered through dual enrollment or statewide 1767  
articulation, that appear on a student's college transcript 1768  
issued by the institution of higher education from which the 1769  
student earned the college credit. The credits earned that are 1770  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1771  
shall not include any that are remedial or developmental and 1772  
shall include those that count toward the curriculum 1773  
requirements established for completion of a degree. 1774

(d) The percentage of the district's or building's 1775  
students who receive an honor's diploma under division (B) of 1776  
section 3313.61 of the Revised Code; 1777

(e) The percentage of the district's or building's 1778  
students who receive industry-recognized credentials; 1779

(f) The percentage of students enrolled in a district or 1780  
building who are participating in an international baccalaureate 1781  
program and the percentage of those students who receive a score 1782

of four or better on the international baccalaureate	1783
examinations;	1784
(g) The results of the college and career-ready	1785
assessments administered under division (B)(1) of section	1786
3301.0712 of the Revised Code.	1787
(3) The state board shall adopt rules pursuant to Chapter	1788
119. of the Revised Code that establish a method to assign an	1789
overall grade for a school district or school building for the	1790
2014-2015 school year and each school year thereafter. The rules	1791
shall group the performance measures in divisions (C)(1) and (2)	1792
of this section into the following components:	1793
(a) Gap closing, which shall include the performance	1794
measure in division (C)(1)(a) of this section;	1795
(b) Achievement, which shall include the performance	1796
measures in divisions (C)(1)(b) and (c) of this section;	1797
(c) Progress, which shall include the performance measures	1798
in divisions (C)(1)(e) and (f) of this section;	1799
(d) Graduation, which shall include the performance	1800
measure in division (C)(1)(d) of this section;	1801
(e) Kindergarten through third-grade literacy, which shall	1802
include the performance measure in division (C)(1)(g) of this	1803
section;	1804
(f) Prepared for success, which shall include the	1805
performance measures in divisions (C)(2)(a), (b), (c), (d), (e),	1806
and (f) of this section. The state board shall develop a method	1807
to determine a grade for the component in division (C)(3)(f) of	1808
this section using the performance measures in divisions (C)(2)	1809
(a), (b), (c), (d), (e), and (f) of this section. When	1810

available, the state board may incorporate the performance 1811  
measure under division (C) (2) (g) of this section into the 1812  
component under division (C) (3) (f) of this section. When 1813  
determining the overall grade for the prepared for success 1814  
component prescribed by division (C) (3) (f) of this section, no 1815  
individual student shall be counted in more than one performance 1816  
measure. However, if a student qualifies for more than one 1817  
performance measure in the component, the state board may, in 1818  
its method to determine a grade for the component, specify an 1819  
additional weight for such a student that is not greater than or 1820  
equal to 1.0. In determining the overall score under division 1821  
(C) (3) (f) of this section, the state board shall ensure that the 1822  
pool of students included in the performance measures aggregated 1823  
under that division are all of the students included in the 1824  
four- and five-year adjusted graduation cohort. 1825

In the rules adopted under division (C) (3) of this 1826  
section, the state board shall adopt a method for determining a 1827  
grade for each component in divisions (C) (3) (a) to (f) of this 1828  
section. The state board also shall establish a method to assign 1829  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1830  
assigned for each component. The method the state board adopts 1831  
for assigning an overall grade shall give equal weight to the 1832  
components in divisions (C) (3) (b) and (c) of this section. 1833

At least forty-five days prior to the state board's 1834  
adoption of rules to prescribe the methods for calculating the 1835  
overall grade for the report card, as required by this division, 1836  
the department shall conduct a public presentation before the 1837  
standing committees of the house of representatives and the 1838  
senate that consider education legislation describing the format 1839  
for the report card, weights that will be assigned to the 1840  
components of the overall grade, and the method for calculating 1841

the overall grade. 1842

(4) For the overall letter grade assigned under division (C) (3) of this section, each component grade assigned under division (C) (3) of this section, and each performance measure grade assigned under division (C) (1) of this section for a district or school, the department also shall express that grade as a percentage of the total number of points possible for the respective overall grade, component grade, or performance measure grade. 1843  
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(D) Not later than July 1, ~~2015~~2017, the state board shall develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. For the 2014-2015, 2015-2016, and 2016-2017 school ~~year~~years, the department ~~shall~~may include this measure on a school district or building's report card, as applicable, without an assigned letter grade. Beginning with the report card for the ~~2015-2016-2017-2018~~ school year, each school district and applicable school building shall be assigned a separate letter grade for this measure and the district's or building's grade for that measure shall be included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C) (3) (c) of this section in the calculation for the overall letter grade. 1851  
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(E) The letter grades assigned to a school district or building under this section shall be as follows: 1866  
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(1) "A" for a district or school making excellent progress; 1868  
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(2) "B" for a district or school making above average 1870

progress;	1871
(3) "C" for a district or school making average progress;	1872
(4) "D" for a district or school making below average progress;	1873
(5) "F" for a district or school failing to meet minimum progress.	1874
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1875
(1) Performance of students by grade-level;	1876
(2) Performance of students by race and ethnic group;	1877
(3) Performance of students by gender;	1878
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1879
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1880
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1881
(7) Performance of students grouped by those who are economically disadvantaged;	1882
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1883
(9) Performance of students grouped by those who are classified as limited English proficient;	1884

(10) Performance of students grouped by those who have disabilities; 1897  
1898

(11) Performance of students grouped by those who are classified as migrants; 1899  
1900

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well. 1901  
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(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. 1910  
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The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant. 1913  
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In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division 1920  
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(F) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

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

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

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

(I) Division (I) of this section does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

(1) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of

students enrolled in the community school with comparable data 1955  
from the schools of the district for the purpose of determining 1956  
the performance of the district as a whole on the report card 1957  
issued for the district under this section or section 3302.033 1958  
of the Revised Code. 1959

(2) Any district that leases a building to a community 1960  
school located in the district or that enters into an agreement 1961  
with a community school located in the district whereby the 1962  
district and the school endorse each other's programs may elect 1963  
to have data regarding the academic performance of students 1964  
enrolled in the community school combined with comparable data 1965  
from the schools of the district for the purpose of determining 1966  
the performance of the district as a whole on the district 1967  
report card. Any district that so elects shall annually file a 1968  
copy of the lease or agreement with the department. 1969

(3) Any municipal school district, as defined in section 1970  
3311.71 of the Revised Code, that sponsors a community school 1971  
located within the district's territory, or that enters into an 1972  
agreement with a community school located within the district's 1973  
territory whereby the district and the community school endorse 1974  
each other's programs, may exercise either or both of the 1975  
following elections: 1976

(a) To have data regarding the academic performance of 1977  
students enrolled in that community school combined with 1978  
comparable data from the schools of the district for the purpose 1979  
of determining the performance of the district as a whole on the 1980  
district's report card; 1981

(b) To have the number of students attending that 1982  
community school noted separately on the district's report card. 1983

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

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

(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K) (1) In calculating English language arts, mathematics, social studies, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C) (1) or (3) of section 3301.0711 of the Revised Code.

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

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the

district or building through the time of the spring 2013  
administration of any assessment prescribed by division (A) (1) 2014  
or (B) (1) of section 3301.0710 or division (B) of section 2015  
3301.0712 of the Revised Code that is administered to the 2016  
student's grade level; 2017

(b) ~~Include~~ Until the 2015-2016 school year, include 2018  
cumulative totals from both the fall and spring administrations 2019  
of the third grade English language arts achievement assessment; 2020

(c) Except as required by the No Child Left Behind Act of 2021  
2001, exclude for each district or building any limited English 2022  
proficient student who has been enrolled in United States 2023  
schools for less than one full school year. 2024

(L) Beginning with the 2015-2016 school year and at least 2025  
once every three years thereafter, the state board of education 2026  
shall review and may adjust the benchmarks for assigning letter 2027  
grades to the performance measures and components prescribed 2028  
under divisions (C) (3) and (D) of this section. 2029

**Sec. 3302.13.** (A) This section applies to any school 2030  
district or community school that meets both of the following 2031  
criteria, as reported on the past two consecutive report cards 2032  
issued for that district or school under section 3302.03 of the 2033  
Revised Code: 2034

(1) The district or school received a grade of "D" or "F" 2035  
on the kindergarten through third-grade literacy progress 2036  
measure under division (C) (3) (e) of section 3302.03 of the 2037  
Revised Code. 2038

(2) Less than sixty per cent of the district's students 2039  
who took the third grade English language arts assessment 2040  
prescribed under section 3301.0710 of the Revised Code ~~during~~ 2041

~~the most recent fall and spring administrations of that~~ 2042  
~~assessment for that school year~~ attained at least a proficient 2043  
score on that assessment. 2044

(B) By December 31, 2016, and by the thirty-first day of 2045  
each December thereafter, any school district or community 2046  
school that meets the criteria set forth in division (A) of this 2047  
section shall submit to the department of education a school or 2048  
district reading achievement improvement plan, which shall 2049  
include all requirements prescribed by the state board of 2050  
education pursuant to division (C) of this section. 2051

(C) Not later than December 31, 2014, the state board 2052  
shall adopt rules in accordance with Chapter 119. of the Revised 2053  
Code prescribing the content of and deadlines for the reading 2054  
achievement improvement plans required under division (B) of 2055  
this section. The rules shall prescribe that each plan include, 2056  
at a minimum, an analysis of relevant student performance data, 2057  
measurable student performance goals, strategies to meet 2058  
specific student needs, a staffing and professional development 2059  
plan, and instructional strategies for improving literacy. 2060

(D) Any school district or community school to which this 2061  
section applies shall no longer be required to submit an 2062  
improvement plan pursuant to division (B) of this section when 2063  
that district or school meets either of the following criteria, 2064  
as reported on the most recent report card issued for that 2065  
district or school under section 3302.03 of the Revised Code: 2066

(1) The district or school received a grade of "C" or 2067  
higher on the kindergarten through third-grade literacy progress 2068  
measure under division (C) (3) (e) of section 3302.03 of the 2069  
Revised Code. 2070

(2) Not less than sixty per cent of the district's 2071  
students who took the third grade English language arts 2072  
assessment prescribed under section 3301.0710 of the Revised 2073  
Code ~~during the most recent fall and spring administrations of~~ 2074  
~~that assessment attain for that school year attained~~ at least a 2075  
proficient score on that assessment. 2076

(E) The department of education shall post in a prominent 2077  
location on its web site all plans submitted pursuant to this 2078  
section. 2079

**Sec. 3313.608.** (A) (1) Beginning with students who enter 2080  
third grade in the school year that starts July 1, 2009, and 2081  
until June 30, 2013, unless the student is excused under 2082  
division (C) of section 3301.0711 of the Revised Code from 2083  
taking the assessment described in this section, for any student 2084  
who does not attain at least the equivalent level of achievement 2085  
designated under division (A) (3) of section 3301.0710 of the 2086  
Revised Code on the assessment prescribed under that section to 2087  
measure skill in English language arts expected at the end of 2088  
third grade, each school district, in accordance with the policy 2089  
adopted under section 3313.609 of the Revised Code, shall do one 2090  
of the following: 2091

(a) Promote the student to fourth grade if the student's 2092  
principal and reading teacher agree that other evaluations of 2093  
the student's skill in reading demonstrate that the student is 2094  
academically prepared to be promoted to fourth grade; 2095

(b) Promote the student to fourth grade but provide the 2096  
student with intensive intervention services in fourth grade; 2097

(c) Retain the student in third grade. 2098

(2) Beginning with students who enter third grade in the 2099

2013-2014 school year, unless the student is excused under 2100  
division (C) of section 3301.0711 of the Revised Code from 2101  
taking the assessment described in this section, no school 2102  
district shall promote to fourth grade any student who does not 2103  
attain at least the equivalent level of achievement designated 2104  
under division (A) (3) of section 3301.0710 of the Revised Code 2105  
on the assessment prescribed under that section to measure skill 2106  
in English language arts expected at the end of third grade, 2107  
unless one of the following applies: 2108

(a) The student is a limited English proficient student 2109  
who has been enrolled in United States schools for less than 2110  
three full school years and has had less than three years of 2111  
instruction in an English as a second language program. 2112

(b) The student is a child with a disability entitled to 2113  
special education and related services under Chapter 3323. of 2114  
the Revised Code and the student's individualized education 2115  
program exempts the student from retention under this division. 2116

(c) The student demonstrates an acceptable level of 2117  
performance on an alternative standardized reading assessment as 2118  
determined by the department of education. 2119

(d) All of the following apply: 2120

(i) The student is a child with a disability entitled to 2121  
special education and related services under Chapter 3323. of 2122  
the Revised Code. 2123

(ii) The student has taken the third grade English 2124  
language arts achievement assessment prescribed under section 2125  
3301.0710 of the Revised Code. 2126

(iii) The student's individualized education program or 2127  
plan under section 504 of the "Rehabilitation Act of 1973," 87 2128

Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 2129  
received intensive remediation in reading for two school years 2130  
but still demonstrates a deficiency in reading. 2131

(iv) The student previously was retained in any of grades 2132  
kindergarten to three. 2133

(e) (i) The student received intensive remediation for 2134  
reading for two school years but still demonstrates a deficiency 2135  
in reading and was previously retained in any of grades 2136  
kindergarten to three. 2137

(ii) A student who is promoted under division (A) (2) (e) (i) 2138  
of this section shall continue to receive intensive reading 2139  
instruction in grade four. The instruction shall include an 2140  
altered instructional day that includes specialized diagnostic 2141  
information and specific research-based reading strategies for 2142  
the student that have been successful in improving reading among 2143  
low-performing readers. 2144

(B) (1) Beginning in the 2012-2013 school year, to assist 2145  
students in meeting the third grade guarantee established by 2146  
this section, each school district board of education shall 2147  
adopt policies and procedures with which it annually shall 2148  
assess the reading skills of each student, except those students 2149  
with significant cognitive disabilities or other disabilities as 2150  
authorized by the department on a case-by-case basis, enrolled 2151  
in kindergarten to third grade and shall identify students who 2152  
are reading below their grade level. The reading skills 2153  
assessment shall be completed by the thirtieth day of September 2154  
for students in grades one to three, and by the first day of 2155  
November for students in kindergarten. Each district shall use 2156  
the diagnostic assessment to measure reading ability for the 2157  
appropriate grade level adopted under section 3301.079 of the 2158

Revised Code, or a comparable tool approved by the department of 2159  
education, to identify such students. The policies and 2160  
procedures shall require the students' classroom teachers to be 2161  
involved in the assessment and the identification of students 2162  
reading below grade level. 2163

(2) For each student identified by the diagnostic 2164  
assessment prescribed under this section as having reading 2165  
skills below grade level, the district shall do both of the 2166  
following: 2167

(a) Provide to the student's parent or guardian, in 2168  
writing, all of the following: 2169

(i) Notification that the student has been identified as 2170  
having a substantial deficiency in reading; 2171

(ii) A description of the current services that are 2172  
provided to the student; 2173

(iii) A description of the proposed supplemental 2174  
instructional services and supports that will be provided to the 2175  
student that are designed to remediate the identified areas of 2176  
reading deficiency; 2177

(iv) Notification that if the student attains a score in 2178  
the range designated under division (A) (3) of section 3301.0710 2179  
of the Revised Code on the assessment prescribed under that 2180  
section to measure skill in English language arts expected at 2181  
the end of third grade, the student shall be retained unless the 2182  
student is exempt under division (A) of this section. The 2183  
notification shall specify that the assessment under section 2184  
3301.0710 of the Revised Code is not the sole determinant of 2185  
promotion and that additional evaluations and assessments are 2186  
available to the student to assist parents and the district in 2187

knowing when a student is reading at or above grade level and	2188
ready for promotion.	2189
(b) Provide intensive reading instruction services and	2190
regular diagnostic assessments to the student immediately	2191
following identification of a reading deficiency until the	2192
development of the reading improvement and monitoring plan	2193
required by division (C) of this section. These intervention	2194
services shall include research-based reading strategies that	2195
have been shown to be successful in improving reading among low-	2196
performing readers and instruction targeted at the student's	2197
identified reading deficiencies.	2198
(3) For each student retained under division (A) of this	2199
section, the district shall do all of the following:	2200
(a) Provide intense remediation services until the student	2201
is able to read at grade level. The remediation services shall	2202
include intensive interventions in reading that address the	2203
areas of deficiencies identified under this section including,	2204
but not limited to, not less than ninety minutes of reading	2205
instruction per day, and may include any of the following:	2206
(i) Small group instruction;	2207
(ii) Reduced teacher-student ratios;	2208
(iii) More frequent progress monitoring;	2209
(iv) Tutoring or mentoring;	2210
(v) Transition classes containing third and fourth grade	2211
students;	2212
(vi) Extended school day, week, or year;	2213
(vii) Summer reading camps.	2214

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

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

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

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

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

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan	2244
shall include all of the following:	2245
(1) Identification of the student's specific reading	2246
deficiencies;	2247
(2) A description of the additional instructional services	2248
and support that will be provided to the student to remediate	2249
the identified reading deficiencies;	2250
(3) Opportunities for the student's parent or guardian to	2251
be involved in the instructional services and support described	2252
in division (C) (2) of this section;	2253
(4) A process for monitoring the extent to which the	2254
student receives the instructional services and support	2255
described in division (C) (2) of this section;	2256
(5) A reading curriculum during regular school hours that	2257
does all of the following:	2258
(a) Assists students to read at grade level;	2259
(b) Provides scientifically based and reliable assessment;	2260
(c) Provides initial and ongoing analysis of each	2261
student's reading progress.	2262
(6) A statement that if the student does not attain at	2263
least the equivalent level of achievement designated under	2264
division (A) (3) of section 3301.0710 of the Revised Code on the	2265
assessment prescribed under that section to measure skill in	2266
English language arts expected by the end of third grade, the	2267
student may be retained in third grade.	2268
Each student with a reading improvement and monitoring	2269
plan under this division who enters third grade after July 1,	2270

2013, shall be assigned to a teacher who satisfies one or more 2271  
of the criteria set forth in division (H) of this section. 2272

The district shall report any information requested by the 2273  
department about the reading improvement monitoring plans 2274  
developed under this division in the manner required by the 2275  
department. 2276

(D) Each school district shall report annually to the 2277  
department on its implementation and compliance with this 2278  
section using guidelines prescribed by the superintendent of 2279  
public instruction. The superintendent of public instruction 2280  
annually shall report to the governor and general assembly the 2281  
number and percentage of students in grades kindergarten through 2282  
four reading below grade level based on the diagnostic 2283  
assessments administered under division (B) of this section and 2284  
the achievement assessments administered under divisions (A)(1) 2285  
(a) and (b) of section 3301.0710 of the Revised Code in English 2286  
language arts, aggregated by school district and building; the 2287  
types of intervention services provided to students; and, if 2288  
available, an evaluation of the efficacy of the intervention 2289  
services provided. 2290

(E) Any summer remediation services funded in whole or in 2291  
part by the state and offered by school districts to students 2292  
under this section shall meet the following conditions: 2293

(1) The remediation methods are based on reliable 2294  
educational research. 2295

(2) The school districts conduct assessment before and 2296  
after students participate in the program to facilitate 2297  
monitoring results of the remediation services. 2298

(3) The parents of participating students are involved in 2299

programming decisions. 2300

(F) Any intervention or remediation services required by 2301  
this section shall include intensive, explicit, and systematic 2302  
instruction. 2303

(G) This section does not create a new cause of action or 2304  
a substantive legal right for any person. 2305

(H) (1) Except as provided under divisions (H) (2), (3), and 2306  
(4) of this section, each student described in division (B) (3) 2307  
or (C) of this section who enters third grade for the first time 2308  
on or after July 1, 2013, shall be assigned a teacher who has at 2309  
least one year of teaching experience and who satisfies one or 2310  
more of the following criteria: 2311

(a) The teacher holds a reading endorsement on the 2312  
teacher's license and has attained a passing score on the 2313  
corresponding assessment for that endorsement, as applicable. 2314

(b) The teacher has completed a master's degree program 2315  
with a major in reading. 2316

(c) The teacher was rated "most effective" for reading 2317  
instruction consecutively for the most recent two years based on 2318  
assessments of student growth measures developed by a vendor and 2319  
that is on the list of student assessments approved by the state 2320  
board under division (B) (2) of section 3319.112 of the Revised 2321  
Code. 2322

(d) The teacher was rated "above expected value added," in 2323  
reading instruction, as determined by criteria established by 2324  
the department, for the most recent, consecutive two years. 2325

(e) The teacher has earned a passing score on a rigorous 2326  
test of principles of scientifically research-based reading 2327

instruction as approved by the state board. 2328

(f) The teacher holds an educator license for teaching 2329  
grades pre-kindergarten through three or four through nine 2330  
issued on or after July 1, 2017. 2331

(2) Notwithstanding division (H) (1) of this section, a 2332  
student described in division (B) (3) or (C) of this section who 2333  
enters third grade for the first time on or after July 1, 2013, 2334  
may be assigned to a teacher with less than one year of teaching 2335  
experience provided that the teacher meets one or more of the 2336  
criteria described in divisions (H) (1) (a) to (f) of this section 2337  
and that teacher is assigned a teacher mentor who meets the 2338  
qualifications of division (H) (1) of this section. 2339

(3) Notwithstanding division (H) (1) of this section, a 2340  
student described in division (B) (3) or (C) of this section who 2341  
enters third grade for the first time on or after July 1, 2013, 2342  
but prior to July 1, 2016, may be assigned to a teacher who 2343  
holds an alternative credential approved by the department or 2344  
who has successfully completed training that is based on 2345  
principles of scientifically research-based reading instruction 2346  
that has been approved by the department. Beginning on July 1, 2347  
2014, the alternative credentials and training described in 2348  
division (H) (3) of this section shall be aligned with the 2349  
reading competencies adopted by the state board of education 2350  
under section 3301.077 of the Revised Code. 2351

(4) Notwithstanding division (H) (1) of this section, a 2352  
student described in division (B) (3) or (C) of this section who 2353  
enters third grade for the first time on or after July 1, 2013, 2354  
may receive reading intervention or remediation services under 2355  
this section from an individual employed as a speech-language 2356  
pathologist who holds a license issued by the board of speech- 2357

language pathology and audiology under Chapter 4753. of the 2358  
Revised Code and a professional pupil services license as a 2359  
school speech-language pathologist issued by the state board of 2360  
education. 2361

(5) A teacher, other than a student's teacher of record, 2362  
may provide any services required under this section, so long as 2363  
that other teacher meets the requirements of division (H) of 2364  
this section and the teacher of record and the school principal 2365  
agree to the assignment. Any such assignment shall be documented 2366  
in the student's reading improvement and monitoring plan. 2367

As used in this division, "teacher of record" means the 2368  
classroom teacher to whom a student is assigned. 2369

(I) Notwithstanding division (H) of this section, a 2370  
teacher may teach reading to any student who is an English 2371  
language learner, and has been in the United States for three 2372  
years or less, or to a student who has an individualized 2373  
education program developed under Chapter 3323. of the Revised 2374  
Code if that teacher holds an alternative credential approved by 2375  
the department or has successfully completed training that is 2376  
based on principles of scientifically research-based reading 2377  
instruction that has been approved by the department. Beginning 2378  
on July 1, 2014, the alternative credentials and training 2379  
described in this division shall be aligned with the reading 2380  
competencies adopted by the state board of education under 2381  
section 3301.077 of the Revised Code. 2382

(J) If, on or after June 4, 2013, a school district or 2383  
community school cannot furnish the number of teachers needed 2384  
who satisfy one or more of the criteria set forth in division 2385  
(H) of this section for the 2013-2014 school year, the school 2386  
district or community school shall develop and submit a staffing 2387

plan by June 30, 2013. The staffing plan shall include criteria 2388  
that will be used to assign a student described in division (B) 2389  
(3) or (C) of this section to a teacher, credentials or training 2390  
held by teachers currently teaching at the school, and how the 2391  
school district or community school will meet the requirements 2392  
of this section. The school district or community school shall 2393  
post the staffing plan on its web site for the applicable school 2394  
year. 2395

Not later than March 1, 2014, and on the first day of 2396  
March in each year thereafter, a school district or community 2397  
school that has submitted a plan under this division shall 2398  
submit to the department a detailed report of the progress the 2399  
district or school has made in meeting the requirements under 2400  
this section. 2401

A school district or community school may request an 2402  
extension of a staffing plan beyond the 2013-2014 school year. 2403  
Extension requests must be submitted to the department not later 2404  
than the thirtieth day of April prior to the start of the 2405  
applicable school year. The department may grant extensions 2406  
valid through the 2015-2016 school year. 2407

Until June 30, 2015, the department annually shall review 2408  
all staffing plans and report to the state board not later than 2409  
the thirtieth day of June of each year the progress of school 2410  
districts and community schools in meeting the requirements of 2411  
this section. 2412

(K) The department of education shall designate one or 2413  
more staff members to provide guidance and assistance to school 2414  
districts and community schools in implementing the third grade 2415  
guarantee established by this section, including any standards 2416  
or requirements adopted to implement the guarantee and to 2417

provide information and support for reading instruction and 2418  
achievement. 2419

Sec. 3313.903. Except as otherwise required under federal 2420  
law, the department of education shall consider an industry- 2421  
recognized credential, as described under division (B)(2)(d) of 2422  
section 3302.03 of the Revised Code, or a license issued by a 2423  
state agency or board for practice in a vocation that requires 2424  
an examination for issuance of that license as an acceptable 2425  
measure of technical skill attainment and shall not require a 2426  
student to take additional technical assessments regardless of 2427  
whether the student has earned the credential or taken the 2428  
licensure examination at the time the technical assessments 2429  
would otherwise be administered. 2430

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 2431  
Revised Code, this section applies to any person who is employed 2432  
under a teacher license issued under this chapter, or under a 2433  
professional or permanent teacher's certificate issued under 2434  
former section 3319.222 of the Revised Code, and who spends at 2435  
least fifty per cent of the time employed providing student 2436  
instruction. However, this section does not apply to any person 2437  
who is employed as a substitute teacher or as an instructor of 2438  
adult education. 2439

(A) Not later than July 1, 2013, the board of education of 2440  
each school district, in consultation with teachers employed by 2441  
the board, shall adopt a standards-based teacher evaluation 2442  
policy that conforms with the framework for evaluation of 2443  
teachers developed under section 3319.112 of the Revised Code. 2444  
The policy shall become operative at the expiration of any 2445  
collective bargaining agreement covering teachers employed by 2446  
the board that is in effect on September 29, 2011, and shall be 2447

included in any renewal or extension of such an agreement. 2448

(B) When using measures of student academic growth as a 2449  
component of a teacher's evaluation, ~~those measures shall~~ 2450  
~~include the value-added progress dimension prescribed by section~~ 2451  
~~3302.021 of the Revised Code or an alternative student academic~~ 2452  
~~progress measure if adopted under division (C) (1) (e) of section~~ 2453  
~~3302.03 of the Revised Code. For teachers of grade levels and~~ 2454  
~~subjects for which the value-added progress dimension or~~ 2455  
~~alternative student academic progress measure is not applicable,~~ 2456  
the board shall do the following: 2457

(1) For teachers who teach English language arts or 2458  
mathematics in any of grades four through eight for which the 2459  
value-added progress dimension prescribed by section 3302.021 of 2460  
the Revised Code or an alternative student academic progress 2461  
measure, if adopted under division (C) (1) (e) of section 3302.03 2462  
of the Revised Code, is applicable, the board shall use the 2463  
value-added progress dimension or the alternative student 2464  
academic progress measure. 2465

(2) For teachers who teach English language arts, 2466  
mathematics, science, or social studies in any of grades four 2467  
through twelve for which the value-added progress dimension or 2468  
alternative student academic progress measure is not applicable, 2469  
the board shall administer assessments on the list developed 2470  
under division (B) (2) of section 3319.112 of the Revised Code. 2471

(3) For teachers who teach in a subject area other than 2472  
English language arts, mathematics, science, or social studies 2473  
in any of grades four through twelve for which the value-added 2474  
progress dimension or alternative student academic progress 2475  
measure is not applicable, the board shall establish and use a 2476  
method for determining the student academic growth measure. 2477

(4) For teachers who teach English language arts or mathematics in any of grades one through three, the board shall administer assessments on the list developed under division (B) (2) of section 3319.112 of the Revised Code. 2478  
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(5) For teachers who teach kindergarten or teach in a subject area other than English language arts or mathematics in any of grades one through three, the board shall establish and use a method for determining the student academic growth measure. 2482  
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Not later than thirty days after the effective date of this amendment, the state board of education shall provide guidance to districts for the evaluation of the student academic growth of a teacher under divisions (B) (3) and (5) of this section. 2487  
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(C) (1) The board shall conduct an evaluation of each teacher employed by the board at least once each school year, except as provided in division (C) (2) of this section. The evaluation shall be completed by the first day of May and the teacher shall receive a written report of the results of the evaluation by the tenth day of May. 2492  
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(2) (a) The board may evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every three school years, so long as the teacher's student academic growth measure, for the most recent school year for which data is available, is average or higher, as determined by the department of education. 2498  
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(b) The board may evaluate each teacher who received a rating of skilled on the teacher's most recent evaluation conducted under this section once every two years, so long as 2504  
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the teacher's student academic growth measure, for the most 2507  
recent school year for which data is available, is average or 2508  
higher, as determined by the department of education. 2509

(c) For each teacher who is evaluated pursuant to division 2510  
(C) (2) of this section, the evaluation shall be completed by the 2511  
first day of May of the applicable school year, and the teacher 2512  
shall receive a written report of the results of the evaluation 2513  
by the tenth day of May of that school year. 2514

(d) Beginning with the 2014-2015 school year, the board 2515  
may elect not to conduct an evaluation of a teacher who meets 2516  
one of the following requirements: 2517

(i) The teacher was on leave from the school district for 2518  
fifty per cent or more of the school year, as calculated by the 2519  
board. 2520

(ii) The teacher has submitted notice of retirement and 2521  
that notice has been accepted by the board not later than the 2522  
first day of December of the school year in which the evaluation 2523  
is otherwise scheduled to be conducted. 2524

(3) In any year that a teacher is not formally evaluated 2525  
pursuant to division (C) of this section as a result of 2526  
receiving a rating of accomplished or skilled on the teacher's 2527  
most recent evaluation, an individual qualified to evaluate a 2528  
teacher under division (D) of this section shall conduct at 2529  
least one observation of the teacher and hold at least one 2530  
conference with the teacher. 2531

(D) Each evaluation conducted pursuant to this section 2532  
shall be conducted by one or more of the following persons who 2533  
hold a credential established by the department of education for 2534  
being an evaluator: 2535

(1) A person who is under contract with the board pursuant 2536  
to section 3319.01 or 3319.02 of the Revised Code and holds a 2537  
license designated for being a superintendent, assistant 2538  
superintendent, or principal issued under section 3319.22 of the 2539  
Revised Code; 2540

(2) A person who is under contract with the board pursuant 2541  
to section 3319.02 of the Revised Code and holds a license 2542  
designated for being a vocational director, administrative 2543  
specialist, or supervisor in any educational area issued under 2544  
section 3319.22 of the Revised Code; 2545

(3) A person designated to conduct evaluations under an 2546  
agreement entered into by the board, including an agreement 2547  
providing for peer review entered into by the board and 2548  
representatives of teachers employed by the board; 2549

(4) A person who is employed by an entity contracted by 2550  
the board to conduct evaluations and who holds a license 2551  
designated for being a superintendent, assistant superintendent, 2552  
principal, vocational director, administrative specialist, or 2553  
supervisor in any educational area issued under section 3319.22 2554  
of the Revised Code or is qualified to conduct evaluations. 2555

(E) Notwithstanding division (A) (3) of section 3319.112 of 2556  
the Revised Code: 2557

(1) The board shall require at least three formal 2558  
observations of each teacher who is under consideration for 2559  
nonrenewal and with whom the board has entered into a limited 2560  
contract or an extended limited contract under section 3319.11 2561  
of the Revised Code. 2562

(2) The board may elect, by adoption of a resolution, to 2563  
require only one formal observation of a teacher who received a 2564

rating of accomplished on the teacher's most recent evaluation 2565  
conducted under this section, provided the teacher completes a 2566  
project that has been approved by the board to demonstrate the 2567  
teacher's continued growth and practice at the accomplished 2568  
level. 2569

(F) The board shall include in its evaluation policy 2570  
procedures for using the evaluation results for retention and 2571  
promotion decisions and for removal of poorly performing 2572  
teachers. Seniority shall not be the basis for a decision to 2573  
retain a teacher, except when making a decision between teachers 2574  
who have comparable evaluations. 2575

(G) For purposes of section 3333.0411 of the Revised Code, 2576  
the board annually shall report to the department of education 2577  
the number of teachers for whom an evaluation was conducted 2578  
under this section and the number of teachers assigned each 2579  
rating prescribed under division (B) (1) of section 3319.112 of 2580  
the Revised Code, aggregated by the teacher preparation programs 2581  
from which and the years in which the teachers graduated. The 2582  
department shall establish guidelines for reporting the 2583  
information required by this division. The guidelines shall not 2584  
permit or require that the name of, or any other personally 2585  
identifiable information about, any teacher be reported under 2586  
this division. 2587

(H) Notwithstanding any provision to the contrary in 2588  
Chapter 4117. of the Revised Code, the requirements of this 2589  
section prevail over any conflicting provisions of a collective 2590  
bargaining agreement entered into on or after September 24, 2591  
2012. 2592

**Section 2.** That existing sections 3301.079, 3301.0710, 2593  
3301.0711, 3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 2594

3313.608, and 3319.111 of the Revised Code are hereby repealed. 2595

**Section 3.** That Sections 10 and 13 of Am. Sub. H.B. 487 of 2596  
the 130th General Assembly be amended to read as follows: 2597

**Sec. 10.** (A) For the 2014-2015 and 2015-2016 school 2598  
~~year~~years, no school district, community school, STEM school, 2599  
college-preparatory boarding school, or chartered nonpublic 2600  
school shall be required to administer in an online format any 2601  
assessments prescribed by sections 3301.0710 and 3301.0712 of 2602  
the Revised Code. However, a district or school may administer 2603  
any of those assessments in an online format at the discretion 2604  
of the district board or school governing authority, or in any 2605  
combination of online and paper formats. The Department of 2606  
Education shall furnish, free of charge, all such assessments 2607  
for ~~that those~~ school year ~~years~~ regardless of the format 2608  
selected by the district or school. 2609

(B) Not later than December 31, 2014, the Department shall 2610  
submit a report to the Governor and the General Assembly, in 2611  
accordance with section 101.68 of the Revised Code, on the 2612  
security of student data with regard to the administration of 2613  
online assessments. 2614

(C) Not later than July 1, 2015, the Department shall 2615  
publish the number of districts and schools that administered 2616  
the assessments required under sections 3301.0710 and 3301.0712 2617  
of the Revised Code in all of the following formats: 2618

- (1) Completely in an online format; 2619
- (2) Completely in a paper format; 2620
- (3) In any combination of online and paper formats. 2621

**Sec. 13.** Notwithstanding anything in the Revised Code to 2622

the contrary, the board of education of a school district, the 2623  
governing authority of a community school established under 2624  
Chapter 3314. of the Revised Code, or the governing body of a 2625  
STEM school established under Chapter 3326. of the Revised Code 2626  
that has entered into a collective bargaining agreement with its 2627  
teachers under Chapter 4117. of the Revised Code may enter into 2628  
a separate memorandum of understanding with the exclusive 2629  
representative of its teachers stipulating that the value-added 2630  
progress dimension rating that is based on the results of the 2631  
assessments prescribed under sections 3301.0710 and 3301.0712 of 2632  
the Revised Code administered in the 2014-2015 school year and 2633  
is used to assess student academic growth for purposes of 2634  
teacher evaluations under sections 3311.80, 3319.111, and 2635  
3319.112 of the Revised Code will not be used when making 2636  
decisions regarding the dismissal, retention, tenure, or 2637  
compensation of the district's or school's teachers. If such a 2638  
memorandum of understanding is entered into, the district or 2639  
school shall use a different measure of student progress, 2640  
approved by the Department of Education, for purposes of teacher 2641  
evaluations under sections 3311.80, 3319.111, and 3319.112 of 2642  
the Revised Code. 2643

As used in this section, "value-added progress dimension" 2644  
means the value-added progress dimension prescribed by section 2645  
3302.021 of the Revised Code or an alternative student academic 2646  
progress measure if adopted under division (C)(1)(e) of section 2647  
3303.03 of the Revised Code. 2648

**Section 4.** That existing Sections 10 and 13 of Am. Sub. 2649  
H.B. 487 of the 130th General Assembly are hereby repealed. 2650

**Section 5.** The Department of Education shall study the 2651  
impact on student performance of the online administration of 2652

the state assessments prescribed under sections 3301.0710 and 2653  
3301.0712 of the Revised Code. Not later than June 30, 2016, the 2654  
Department shall submit the results of its study to the General 2655  
Assembly, in accordance with section 101.68 of the Revised Code, 2656  
and to the Governor. 2657

**Section 6.** Not later than July 1, 2016, the State Board of 2658  
Education shall submit recommendations to the Governor, the 2659  
chairpersons and ranking members of the education committees of 2660  
the Senate and House of Representatives, and the State Board of 2661  
Education on how to revise the framework for evaluation of 2662  
teachers prescribed under sections 3319.111, 3319.112, and 2663  
3319.114 of the Revised Code to reduce the estimated time 2664  
necessary to complete teacher evaluations. 2665

**Section 7.** The Department of Education shall conduct a 2666  
comprehensive survey of the capacity and readiness of each 2667  
school district for online administration of the assessments 2668  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 2669  
Code based on recommended specifications for such administration 2670  
of the assessments. The survey conducted under this section 2671  
shall include information regarding hardware, software, 2672  
bandwidth, technical support, security requirements, training 2673  
for teachers regarding the administration of assessments, and 2674  
training for students regarding taking the assessments. 2675

Not later than ninety days after the effective date of 2676  
this section, the Department shall compile and present to the 2677  
Governor, the chairpersons and ranking members of the education 2678  
committees of the Senate and House of Representatives, and the 2679  
State Board of Education the results of the survey conducted 2680  
under this section and a detailed implementation plan to address 2681  
any issues or problems identified in the survey. 2682

**Section 8.** (A) Not later than thirty days after the 2683  
effective date of this section, the State Board of Education 2684  
shall provide on the web site of the Department of Education an 2685  
online opportunity to make comments on specific academic content 2686  
standards adopted under section 3301.079 of the Revised Code as 2687  
part of the process established for the academic standards 2688  
review committees under division (I) of that section. 2689

(B) Not later than June 30, 2016, the State Board of 2690  
Education shall do the following: 2691

(1) Review the current academic content standards taking 2692  
into consideration the input from the academic standards review 2693  
committees and comments posted on the Department's web site 2694  
under division (A) of this section; 2695

(2) Adopt revised academic content standards for each of 2696  
grades kindergarten through twelve in English language arts, 2697  
mathematics, science, and social studies. 2698

**Section 9.** Not later than thirty days after the effective 2699  
date of this section, the Department of Education shall issue a 2700  
request for proposals to provide the elementary assessments 2701  
prescribed by section 3301.0710 of the Revised Code and the end- 2702  
of-course examinations prescribed by section 3301.0712 of the 2703  
Revised Code for administration by school districts and schools 2704  
beginning with the 2015-2016 school year. In developing the 2705  
request for proposals the Department shall consider, at a 2706  
minimum, ease of administration, validity, reliability, content, 2707  
format, overall quality, performance benchmarks, a preference 2708  
for assessments that are nationally normed, and cost. The 2709  
Department shall solicit input from teachers and administrators 2710  
when reviewing proposals. Multistate consortia, a subsidiary of 2711  
multistate consortia, or agent acting on behalf of multistate 2712

consortia that received funds under the "American Recovery and 2713  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2714  
shall not be eligible to submit a proposal. 2715

**Section 10.** (A) Not later than December 31, 2016, the 2716  
Department of Education shall complete a study comparing all of 2717  
the following: 2718

(1) Nationally normed, standardized assessments approved 2719  
by the Department for school districts and schools to use for 2720  
diagnostic purposes, for identifying students as gifted under 2721  
Chapter 3324. of the Revised Code, and for student growth 2722  
measures; 2723

(2) The elementary assessments prescribed under division 2724  
(A) (1) of section 3301.0710 of the Revised Code that were 2725  
administered in the 2013-2014 school year; 2726

(3) The elementary assessments prescribed under that 2727  
division that were administered in the 2014-2015 school year. 2728

(B) The study completed under this section shall include 2729  
at least a comparison of ease of administration, overall 2730  
quality, performance levels, cost, and type of analysis 2731  
available to school districts and schools. 2732

**Section 11.** Not later than November 1, 2015, the State 2733  
Board of Education shall make a recommendation on whether or not 2734  
to extend by one year the safe harbor provisions prescribed by 2735  
section 3302.036 of the Revised Code, Section 13 of Am. Sub. 2736  
H.B. 487 of the 130th General Assembly, and Section 5 of Am. 2737  
Sub. H.B. 7 of the 131st General Assembly. 2738