

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. Sub. S. B. No. 216**

**Senator Huffman**

**Cosponsors: Senators Terhar, Jordan, Coley, Gardner, Wilson, Bacon, Balderson, Beagle, Burke, Dolan, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Williams, Yuko Representatives Brenner, Cupp, Hambley, Henne, Blessing, Carfagna, Faber, Hagan, Riedel, Romanchuk, Schaffer, Seitz, Slaby, Wiggam, Speaker Smith**

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**A BILL**

To amend sections 103.49, 3301.078, 3301.0711, 1  
3301.0715, 3302.03, 3311.78, 3311.79, 3313.603, 2  
3313.814, 3314.02, 3314.03, 3314.08, 3317.141, 3  
3319.075, 3319.081, 3319.111, 3319.112, 3319.22, 4  
3319.229, 3319.283, 3323.022, 3323.11, 3324.07, 5  
3326.13, and 5705.391; to enact new sections 6  
3319.074 and 3319.226 and sections 3301.68, 7  
3302.101, 3302.102, 3314.043, 3314.231, 8  
3319.262, 3319.361, and 3357.022; and to repeal 9  
sections 3319.074, 3319.114, 3319.226, and 10  
3319.58 of the Revised Code to enact the "Ohio 11  
Public School Deregulation Act" regarding the 12  
administration of preschool and primary and 13  
secondary education programs, to add the 14  
territory of Summit County to the Stark State 15  
College District, and to prescribe procedures 16  
for appointing the board of trustees of the 17  
combined technical college district. 18

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

**Section 1.** That sections 103.49, 3301.078, 3301.0711, 19  
3301.0715, 3302.03, 3311.78, 3311.79, 3313.603, 3313.814, 20  
3314.02, 3314.03, 3314.08, 3317.141, 3319.075, 3319.081, 21  
3319.111, 3319.112, 3319.22, 3319.229, 3319.283, 3323.022, 22  
3323.11, 3324.07, 3326.13, and 5705.391 be amended and new 23  
sections 3319.074 and 3319.226 and sections 3301.68, 3302.101, 24  
3302.102, 3314.043, 3314.231, 3319.262, 3319.361, and 3357.022 25  
of the Revised Code be enacted to read as follows: 26

**Sec. 103.49.** (A) The chairperson of the joint education 27  
oversight committee may request any state agency or political 28  
subdivision to provide to the committee such data, statistics, 29  
and other information that is determined to be useful to the 30  
work of the committee pursuant to the committee's statutory 31  
purposes. ~~To~~ Subject to division (B) of this section, and to the 32  
extent permitted under section 3319.321 of the Revised Code and 33  
the "Family Educational Rights and Privacy Act of 1974," 88 34  
Stat. 571, 20 U.S.C. 1232g, as amended, any state agency or 35  
political subdivision shall provide the committee with the 36  
information requested. 37

(B) (1) Upon the joint written request of the chairperson 38  
and vice-chairperson of the committee, the superintendent of 39  
public instruction shall, within a reasonable time period, 40  
provide the committee with data and information that is in the 41  
superintendent's possession or is readily accessible to the 42  
superintendent. 43

(2) Upon receiving a written request from the chairperson 44  
and vice-chairperson of the committee, the state superintendent 45

may request clarification from the committee regarding the 46  
request in order to facilitate a timely response. The committee 47  
shall cooperate with the state superintendent to determine the 48  
scope of the data and information requested, taking into account 49  
the committee's need and urgency for the information, the 50  
superintendent's ease or difficulty of accessing the data and 51  
information, the quantity of the information requested, and any 52  
other practical considerations that apply. 53

(3) Except as provided in division (B)(4) of this section, 54  
if the state superintendent and the chairperson and vice- 55  
chairperson are unable to resolve their differences regarding a 56  
written request within thirty days of the state superintendent's 57  
receipt of the request from the chairperson and vice- 58  
chairperson, the chairperson and vice-chairperson may jointly 59  
insist in writing on receiving the data and information from the 60  
state superintendent, and the superintendent, upon receiving 61  
that written request, shall promptly make that information 62  
available to the chairperson and vice-chairperson. 63

(4) If the state superintendent requests clarification 64  
from the committee under division (B)(2) of this section 65  
regarding a written request for a large data set, as determined 66  
by the state superintendent, the state superintendent may inform 67  
the chairperson and vice-chairperson of the state 68  
superintendent's determination that the request is for a large 69  
data set and request that the period of time in which the state 70  
superintendent and the chairperson and vice-chairperson must 71  
resolve their differences regarding the request under division 72  
(B)(3) of this section be extended beyond thirty days of the 73  
state superintendent's receipt of the request. At no time, 74  
however, shall the time period in which the state superintendent 75  
and the chairperson and vice-chairperson must resolve their 76

differences regarding the request under division (B) (3) of this 77  
section be longer than ninety days following the state 78  
superintendent's receipt of the request. 79

**Sec. 3301.078.** (A) No official or board of this state, 80  
whether appointed or elected, shall enter into any agreement or 81  
memorandum of understanding with any federal or private entity 82  
that would require the state to cede any measure of control over 83  
the development, adoption, or revision of academic content 84  
standards. 85

(B) No funds appropriated from the general revenue fund 86  
shall be used to purchase an assessment developed by the 87  
partnership for assessment of readiness for college and careers 88  
for use as the assessments prescribed under sections 3301.0710 89  
and 3301.0712 of the Revised Code. 90

(C) The department of education shall request that each 91  
assessment vendor contracted by the department provide an 92  
analysis explaining how questions on each of the assessments 93  
prescribed under section 3301.0710 of the Revised Code and the 94  
end-of-course examinations prescribed under division (B) (2) of 95  
section 3301.0712 of the Revised Code developed by that vendor 96  
are aligned to the academic content standards adopted under 97  
section 3301.079 of the Revised Code. The analysis shall be 98  
provided to all school districts and schools for all grade 99  
levels for which assessments are prescribed under sections 100  
3301.0710 and 3301.0712 of the Revised Code. The analysis shall 101  
be produced beginning with the 2019-2020 school year and for 102  
each school year thereafter. 103

(D) The department shall request that each assessment 104  
vendor described in division (C) of this section provide 105  
information and materials to school districts and schools for 106

assistance with the state achievement assessments. The 107  
information and materials shall include practice assessments and 108  
other preparatory materials. The information and materials shall 109  
be distributed to districts and schools beginning with the 2019- 110  
2020 school year and for each school year thereafter. 111

**Sec. 3301.0711.** (A) The department of education shall: 112

(1) Annually furnish to, grade, and score all assessments 113  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 114  
the Revised Code to be administered by city, local, exempted 115  
village, and joint vocational school districts, except that each 116  
district shall score any assessment administered pursuant to 117  
division (B) (10) of this section. Each assessment so furnished 118  
shall include the data verification code of the student to whom 119  
the assessment will be administered, as assigned pursuant to 120  
division (D) (2) of section 3301.0714 of the Revised Code. In 121  
furnishing the practice versions of Ohio graduation tests 122  
prescribed by division (D) of section 3301.0710 of the Revised 123  
Code, the department shall make the tests available on its web 124  
site for reproduction by districts. In awarding contracts for 125  
grading assessments, the department shall give preference to 126  
Ohio-based entities employing Ohio residents. 127

(2) Adopt rules for the ethical use of assessments and 128  
prescribing the manner in which the assessments prescribed by 129  
section 3301.0710 of the Revised Code shall be administered to 130  
students. 131

(B) Except as provided in divisions (C) and (J) of this 132  
section, the board of education of each city, local, and 133  
exempted village school district shall, in accordance with rules 134  
adopted under division (A) of this section: 135

(1) Administer the English language arts assessments	136
prescribed under division (A) (1) (a) of section 3301.0710 of the	137
Revised Code twice annually to all students in the third grade	138
who have not attained the score designated for that assessment	139
under division (A) (2) (c) of section 3301.0710 of the Revised	140
Code.	141
(2) Administer the mathematics assessment prescribed under	142
division (A) (1) (a) of section 3301.0710 of the Revised Code at	143
least once annually to all students in the third grade.	144
(3) Administer the assessments prescribed under division	145
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	146
annually to all students in the fourth grade.	147
(4) Administer the assessments prescribed under division	148
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	149
annually to all students in the fifth grade.	150
(5) Administer the assessments prescribed under division	151
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	152
annually to all students in the sixth grade.	153
(6) Administer the assessments prescribed under division	154
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	155
annually to all students in the seventh grade.	156
(7) Administer the assessments prescribed under division	157
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	158
annually to all students in the eighth grade.	159
(8) Except as provided in division (B) (9) of this section,	160
administer any assessment prescribed under division (B) (1) of	161
section 3301.0710 of the Revised Code as follows:	162
(a) At least once annually to all tenth grade students and	163

at least twice annually to all students in eleventh or twelfth 164  
grade who have not yet attained the score on that assessment 165  
designated under that division; 166

(b) To any person who has successfully completed the 167  
curriculum in any high school or the individualized education 168  
program developed for the person by any high school pursuant to 169  
section 3323.08 of the Revised Code but has not received a high 170  
school diploma and who requests to take such assessment, at any 171  
time such assessment is administered in the district. 172

(9) In lieu of the board of education of any city, local, 173  
or exempted village school district in which the student is also 174  
enrolled, the board of a joint vocational school district shall 175  
administer any assessment prescribed under division (B)(1) of 176  
section 3301.0710 of the Revised Code at least twice annually to 177  
any student enrolled in the joint vocational school district who 178  
has not yet attained the score on that assessment designated 179  
under that division. A board of a joint vocational school 180  
district may also administer such an assessment to any student 181  
described in division (B)(8)(b) of this section. 182

(10) If the district has a three-year average graduation 183  
rate of not more than seventy-five per cent, administer each 184  
assessment prescribed by division (D) of section 3301.0710 of 185  
the Revised Code in September to all ninth grade students who 186  
entered ninth grade prior to July 1, 2014. 187

Except as provided in section 3313.614 of the Revised Code 188  
for administration of an assessment to a person who has 189  
fulfilled the curriculum requirement for a high school diploma 190  
but has not passed one or more of the required assessments, the 191  
assessments prescribed under division (B)(1) of section 192  
3301.0710 of the Revised Code shall not be administered after 193

the date specified in the rules adopted by the state board of 194  
education under division (D) (1) of section 3301.0712 of the 195  
Revised Code. 196

(11) (a) Except as provided in division (B) (11) (b) of this 197  
section, administer the assessments prescribed by division (B) 198  
(2) of section 3301.0710 and section 3301.0712 of the Revised 199  
Code in accordance with the timeline and plan for implementation 200  
of those assessments prescribed by rule of the state board 201  
adopted under division (D) (1) of section 3301.0712 of the 202  
Revised Code; 203

(b) A student who has presented evidence to the district 204  
or school of having satisfied the condition prescribed by 205  
division (A) (1) of section 3313.618 of the Revised Code to 206  
qualify for a high school diploma prior to the date of the 207  
administration of the assessment prescribed under division (B) 208  
(1) of section 3301.0712 of the Revised Code shall not be 209  
required to take that assessment. However, no board shall 210  
prohibit a student who is not required to take such assessment 211  
from taking the assessment. 212

(C) (1) (a) In the case of a student receiving special 213  
education services under Chapter 3323. of the Revised Code, the 214  
individualized education program developed for the student under 215  
that chapter shall specify the manner in which the student will 216  
participate in the assessments administered under this section, 217  
except that a student with significant cognitive disabilities to 218  
whom an alternate assessment is administered in accordance with 219  
division (C) (1) of this section and a student determined to have 220  
a disability that includes an intellectual disability as 221  
outlined in guidance issued by the department shall not be 222  
required to take the assessment prescribed under division (B) (1) 223



of section 3301.0712 of the Revised Code. The individualized 224  
education program may excuse the student from taking any 225  
particular assessment required to be administered under this 226  
section if it instead specifies an alternate assessment method 227  
approved by the department of education as conforming to 228  
requirements of federal law for receipt of federal funds for 229  
disadvantaged pupils. To the extent possible, the individualized 230  
education program shall not excuse the student from taking an 231  
assessment unless no reasonable accommodation can be made to 232  
enable the student to take the assessment. No board shall 233  
prohibit a student who is not required to take an assessment 234  
under division (C) (1) of this section from taking the 235  
assessment. 236

(b) Any alternate assessment approved by the department 237  
for a student under this division shall produce measurable 238  
results comparable to those produced by the assessment it 239  
replaces in order to allow for the student's results to be 240  
included in the data compiled for a school district or building 241  
under section 3302.03 of the Revised Code. 242

(c) (i) Any student enrolled in a chartered nonpublic 243  
school who has been identified, based on an evaluation conducted 244  
in accordance with section 3323.03 of the Revised Code or 245  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 246  
29 U.S.C.A. 794, as amended, as a child with a disability shall 247  
be excused from taking any particular assessment required to be 248  
administered under this section if a plan developed for the 249  
student pursuant to rules adopted by the state board excuses the 250  
student from taking that assessment. 251

(ii) A student with significant cognitive disabilities to 252  
whom an alternate assessment is administered in accordance with 253

division (C) (1) of this section and a student determined to have 254  
a disability that includes an intellectual disability as 255  
outlined in guidance issued by the department shall not be 256  
required to take the assessment prescribed under division (B) (1) 257  
of section 3301.0712 of the Revised Code. 258

(iii) In the case of any student so excused from taking an 259  
assessment under division (C) (1) (c) of this section, the 260  
chartered nonpublic school shall not prohibit the student from 261  
taking the assessment. 262

(2) A district board may, for medical reasons or other 263  
good cause, excuse a student from taking an assessment 264  
administered under this section on the date scheduled, but that 265  
assessment shall be administered to the excused student not 266  
later than nine days following the scheduled date. The district 267  
board shall annually report the number of students who have not 268  
taken one or more of the assessments required by this section to 269  
the state board not later than the thirtieth day of June. 270

(3) As used in this division, "limited English proficient 271  
student" has the same meaning as in 20 U.S.C. 7801. 272

No school district board shall excuse any limited English 273  
proficient student from taking any particular assessment 274  
required to be administered under this section, except as 275  
follows: 276

(a) Any limited English proficient student who has been 277  
enrolled in United States schools for less than two years and 278  
for whom no appropriate accommodations are available based on 279  
guidance issued by the department shall not be required to take 280  
the assessment prescribed under division (B) (1) of section 281  
3301.0712 of the Revised Code. 282

(b) Any limited English proficient student who has been 283  
enrolled in United States schools for less than one full school 284  
year shall not be required to take any reading, writing, or 285  
English language arts assessment. 286

However, no board shall prohibit a limited English 287  
proficient student who is not required to take an assessment 288  
under division (C) (3) of this section from taking the 289  
assessment. A board may permit any limited English proficient 290  
student to take an assessment required to be administered under 291  
this section with appropriate accommodations, as determined by 292  
the department. For each limited English proficient student, 293  
each school district shall annually assess that student's 294  
progress in learning English, in accordance with procedures 295  
approved by the department. 296

(4) (a) The governing authority of a chartered nonpublic 297  
school may excuse a limited English proficient student from 298  
taking any assessment administered under this section. 299

(b) No governing authority shall require a limited English 300  
proficient student who has been enrolled in United States 301  
schools for less than two years and for whom no appropriate 302  
accommodations are available based on guidance issued by the 303  
department to take the assessment prescribed under division (B) 304  
(1) of section 3301.0712 of the Revised Code. 305

(c) No governing authority shall prohibit a limited 306  
English proficient student from taking an assessment from which 307  
the student was excused under division (C) (4) of this section. 308

(D) (1) In the school year next succeeding the school year 309  
in which the assessments prescribed by division (A) (1) or (B) (1) 310  
of section 3301.0710 of the Revised Code or former division (A) 311

(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 312  
it existed prior to September 11, 2001, are administered to any 313  
student, the board of education of any school district in which 314  
the student is enrolled in that year shall provide to the 315  
student intervention services commensurate with the student's 316  
performance, including any intensive intervention required under 317  
section 3313.608 of the Revised Code, in any skill in which the 318  
student failed to demonstrate at least a score at the proficient 319  
level on the assessment. 320

(2) Following any administration of the assessments 321  
prescribed by division (D) of section 3301.0710 of the Revised 322  
Code to ninth grade students, each school district that has a 323  
three-year average graduation rate of not more than seventy-five 324  
per cent shall determine for each high school in the district 325  
whether the school shall be required to provide intervention 326  
services to any students who took the assessments. In 327  
determining which high schools shall provide intervention 328  
services based on the resources available, the district shall 329  
consider each school's graduation rate and scores on the 330  
practice assessments. The district also shall consider the 331  
scores received by ninth grade students on the English language 332  
arts and mathematics assessments prescribed under division (A) 333  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 334  
grade in determining which high schools shall provide 335  
intervention services. 336

Each high school selected to provide intervention services 337  
under this division shall provide intervention services to any 338  
student whose results indicate that the student is failing to 339  
make satisfactory progress toward being able to attain scores at 340  
the proficient level on the Ohio graduation tests. Intervention 341  
services shall be provided in any skill in which a student 342

demonstrates unsatisfactory progress and shall be commensurate 343  
with the student's performance. Schools shall provide the 344  
intervention services prior to the end of the school year, 345  
during the summer following the ninth grade, in the next 346  
succeeding school year, or at any combination of those times. 347

(E) Except as provided in section 3313.608 of the Revised 348  
Code and division (N) of this section, no school district board 349  
of education shall utilize any student's failure to attain a 350  
specified score on an assessment administered under this section 351  
as a factor in any decision to deny the student promotion to a 352  
higher grade level. However, a district board may choose not to 353  
promote to the next grade level any student who does not take an 354  
assessment administered under this section or make up an 355  
assessment as provided by division (C) (2) of this section and 356  
who is not exempt from the requirement to take the assessment 357  
under division (C) (3) of this section. 358

(F) No person shall be charged a fee for taking any 359  
assessment administered under this section. 360

(G) (1) Each school district board shall designate one 361  
location for the collection of assessments administered in the 362  
spring under division (B) (1) of this section and those 363  
administered under divisions (B) (2) to (7) of this section. Each 364  
district board shall submit the assessments to the entity with 365  
which the department contracts for the scoring of the 366  
assessments as follows: 367

(a) If the district's total enrollment in grades 368  
kindergarten through twelve during the first full school week of 369  
October was less than two thousand five hundred, not later than 370  
the Friday after all of the assessments have been administered; 371

(b) If the district's total enrollment in grades 372  
kindergarten through twelve during the first full school week of 373  
October was two thousand five hundred or more, but less than 374  
seven thousand, not later than the Monday after all of the 375  
assessments have been administered; 376

(c) If the district's total enrollment in grades 377  
kindergarten through twelve during the first full school week of 378  
October was seven thousand or more, not later than the Tuesday 379  
after all of the assessments have been administered. 380

However, any assessment that a student takes during the 381  
make-up period described in division (C) (2) of this section 382  
shall be submitted not later than the Friday following the day 383  
the student takes the assessment. 384

(2) The department or an entity with which the department 385  
contracts for the scoring of the assessment shall send to each 386  
school district board a list of the individual scores of all 387  
persons taking a state achievement assessment as follows: 388

(a) Except as provided in division (G) (2) (b) or (c) of 389  
this section, within forty-five days after the administration of 390  
the assessments prescribed by sections 3301.0710 and 3301.0712 391  
of the Revised Code, but in no case shall the scores be returned 392  
later than the thirtieth day of June following the 393  
administration; 394

(b) In the case of the third-grade English language arts 395  
assessment, within forty-five days after the administration of 396  
that assessment, but in no case shall the scores be returned 397  
later than the fifteenth day of June following the 398  
administration; 399

(c) In the case of the writing component of an assessment 400

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

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

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

(H) Individual scores on any assessments administered 431  
under this section shall be released by a district board only in 432  
accordance with section 3319.321 of the Revised Code and the 433  
rules adopted under division (A) of this section. No district 434  
board or its employees shall utilize individual or aggregate 435  
results in any manner that conflicts with rules for the ethical 436  
use of assessments adopted pursuant to division (A) of this 437  
section. 438

(I) Except as provided in division (G) of this section, 439  
the department or an entity with which the department contracts 440  
for the scoring of the assessment shall not release any 441  
individual scores on any assessment administered under this 442  
section. The state board shall adopt rules to ensure the 443  
protection of student confidentiality at all times. The rules 444  
may require the use of the data verification codes assigned to 445  
students pursuant to division (D)(2) of section 3301.0714 of the 446  
Revised Code to protect the confidentiality of student scores. 447

(J) Notwithstanding division (D) of section 3311.52 of the 448  
Revised Code, this section does not apply to the board of 449  
education of any cooperative education school district except as 450  
provided under rules adopted pursuant to this division. 451

(1) In accordance with rules that the state board shall 452  
adopt, the board of education of any city, exempted village, or 453  
local school district with territory in a cooperative education 454  
school district established pursuant to divisions (A) to (C) of 455  
section 3311.52 of the Revised Code may enter into an agreement 456  
with the board of education of the cooperative education school 457  
district for administering any assessment prescribed under this 458  
section to students of the city, exempted village, or local 459  
school district who are attending school in the cooperative 460



education school district. 461

(2) In accordance with rules that the state board shall 462  
adopt, the board of education of any city, exempted village, or 463  
local school district with territory in a cooperative education 464  
school district established pursuant to section 3311.521 of the 465  
Revised Code shall enter into an agreement with the cooperative 466  
district that provides for the administration of any assessment 467  
prescribed under this section to both of the following: 468

(a) Students who are attending school in the cooperative 469  
district and who, if the cooperative district were not 470  
established, would be entitled to attend school in the city, 471  
local, or exempted village school district pursuant to section 472  
3313.64 or 3313.65 of the Revised Code; 473

(b) Persons described in division (B) (8) (b) of this 474  
section. 475

Any assessment of students pursuant to such an agreement 476  
shall be in lieu of any assessment of such students or persons 477  
pursuant to this section. 478

(K) (1) Except as otherwise provided in division (K) (1) or 479  
(2) of this section, each chartered nonpublic school for which 480  
at least sixty-five per cent of its total enrollment is made up 481  
of students who are participating in state scholarship programs 482  
shall administer the elementary assessments prescribed by 483  
section 3301.0710 of the Revised Code. In accordance with 484  
procedures and deadlines prescribed by the department, the 485  
parent or guardian of a student enrolled in the school who is 486  
not participating in a state scholarship program may submit 487  
notice to the chief administrative officer of the school that 488  
the parent or guardian does not wish to have the student take 489

the elementary assessments prescribed for the student's grade 490  
level under division (A) of section 3301.0710 of the Revised 491  
Code. If a parent or guardian submits an opt-out notice, the 492  
school shall not administer the assessments to that student. 493  
This option does not apply to any assessment required for a high 494  
school diploma under section 3313.612 of the Revised Code. 495

(2) A chartered nonpublic school may submit to the 496  
superintendent of public instruction a request for a waiver from 497  
administering the elementary assessments prescribed by division 498  
(A) of section 3301.0710 of the Revised Code. The state 499  
superintendent shall approve or disapprove a request for a 500  
waiver submitted under division (K) (2) of this section. No 501  
waiver shall be approved for any school year prior to the 2015- 502  
2016 school year. 503

To be eligible to submit a request for a waiver, a 504  
chartered nonpublic school shall meet the following conditions: 505

(a) At least ninety-five per cent of the students enrolled 506  
in the school are children with disabilities, as defined under 507  
section 3323.01 of the Revised Code, or have received a 508  
diagnosis by a school district or from a physician, including a 509  
neuropsychiatrist or psychiatrist, or a psychologist who is 510  
authorized to practice in this or another state as having a 511  
condition that impairs academic performance, such as dyslexia, 512  
dyscalculia, attention deficit hyperactivity disorder, or 513  
Asperger's syndrome. 514

(b) The school has solely served a student population 515  
described in division (K) (1) (a) of this section for at least ten 516  
years. 517

(c) The school provides to the department at least five 518

years of records of internal testing conducted by the school 519  
that affords the department data required for accountability 520  
purposes, including diagnostic assessments and nationally 521  
standardized norm-referenced achievement assessments that 522  
measure reading and math skills. 523

(3) Any chartered nonpublic school that is not subject to 524  
division (K) (1) of this section may participate in the 525  
assessment program by administering any of the assessments 526  
prescribed by division (A) of section 3301.0710 of the Revised 527  
Code. The chief administrator of the school shall specify which 528  
assessments the school will administer. Such specification shall 529  
be made in writing to the superintendent of public instruction 530  
prior to the first day of August of any school year in which 531  
assessments are administered and shall include a pledge that the 532  
nonpublic school will administer the specified assessments in 533  
the same manner as public schools are required to do under this 534  
section and rules adopted by the department. 535

(4) The department of education shall furnish the 536  
assessments prescribed by section 3301.0710 of the Revised Code 537  
to each chartered nonpublic school that is subject to division 538  
(K) (1) of this section or participates under division (K) (3) of 539  
this section. 540

(L) If a chartered nonpublic school is educating students 541  
in grades nine through twelve, the following shall apply: 542

(1) For a student who is enrolled in a chartered nonpublic 543  
school that is accredited through the independent schools 544  
association of the central states and who is attending the 545  
school under a state scholarship program, the student shall 546  
either take all of the assessments prescribed by division (B) of 547  
section 3301.0712 of the Revised Code or take an alternative 548

assessment approved by the department under section 3313.619 of 549  
the Revised Code. However, a student who is excused from taking 550  
an assessment under division (C) of this section or has 551  
presented evidence to the chartered nonpublic school of having 552  
satisfied the condition prescribed by division (A) (1) of section 553  
3313.618 of the Revised Code to qualify for a high school 554  
diploma prior to the date of the administration of the 555  
assessment prescribed under division (B) (1) of section 3301.0712 556  
of the Revised Code shall not be required to take that 557  
assessment. No governing authority of a chartered nonpublic 558  
school shall prohibit a student who is not required to take such 559  
assessment from taking the assessment. 560

(2) For a student who is enrolled in a chartered nonpublic 561  
school that is accredited through the independent schools 562  
association of the central states, and who is not attending the 563  
school under a state scholarship program, the student shall not 564  
be required to take any assessment prescribed under section 565  
3301.0712 or 3313.619 of the Revised Code. 566

(3) (a) Except as provided in division (L) (3) (b) of this 567  
section, for a student who is enrolled in a chartered nonpublic 568  
school that is not accredited through the independent schools 569  
association of the central states, regardless of whether the 570  
student is attending or is not attending the school under a 571  
state scholarship program, the student shall do one of the 572  
following: 573

(i) Take all of the assessments prescribed by division (B) 574  
of section 3301.0712 of the Revised Code; 575

(ii) Take only the assessment prescribed by division (B) 576  
(1) of section 3301.0712 of the Revised Code, provided that the 577  
student's school publishes the results of that assessment for 578

each graduating class. The published results of that assessment 579  
shall include the overall composite scores, mean scores, twenty- 580  
fifth percentile scores, and seventy-fifth percentile scores for 581  
each subject area of the assessment. 582

(iii) Take an alternative assessment approved by the 583  
department under section 3313.619 of the Revised Code. 584

(b) A student who is excused from taking an assessment 585  
under division (C) of this section or has presented evidence to 586  
the chartered nonpublic school of having satisfied the condition 587  
prescribed by division (A) (1) of section 3313.618 of the Revised 588  
Code to qualify for a high school diploma prior to the date of 589  
the administration of the assessment prescribed under division 590  
(B) (1) of section 3301.0712 of the Revised Code shall not be 591  
required to take that assessment. No governing authority of a 592  
chartered nonpublic school shall prohibit a student who is not 593  
required to take such assessment from taking the assessment. 594

(M) (1) The superintendent of the state school for the 595  
blind and the superintendent of the state school for the deaf 596  
shall administer the assessments described by sections 3301.0710 597  
and 3301.0712 of the Revised Code. Each superintendent shall 598  
administer the assessments in the same manner as district boards 599  
are required to do under this section and rules adopted by the 600  
department of education and in conformity with division (C) (1) 601  
(a) of this section. 602

(2) The department of education shall furnish the 603  
assessments described by sections 3301.0710 and 3301.0712 of the 604  
Revised Code to each superintendent. 605

(N) Notwithstanding division (E) of this section, a school 606  
district may use a student's failure to attain a score in at 607

least the proficient range on the mathematics assessment 608  
described by division (A) (1) (a) of section 3301.0710 of the 609  
Revised Code or on an assessment described by division (A) (1) 610  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 611  
Code as a factor in retaining that student in the current grade 612  
level. 613

(O) (1) In the manner specified in divisions (O) (3), (4), 614  
(6), and (7) of this section, the assessments required by 615  
division (A) (1) of section 3301.0710 of the Revised Code shall 616  
become public records pursuant to section 149.43 of the Revised 617  
Code on the thirty-first day of July following the school year 618  
that the assessments were administered. 619

(2) The department may field test proposed questions with 620  
samples of students to determine the validity, reliability, or 621  
appropriateness of questions for possible inclusion in a future 622  
year's assessment. The department also may use anchor questions 623  
on assessments to ensure that different versions of the same 624  
assessment are of comparable difficulty. 625

Field test questions and anchor questions shall not be 626  
considered in computing scores for individual students. Field 627  
test questions and anchor questions may be included as part of 628  
the administration of any assessment required by division (A) (1) 629  
or (B) of section 3301.0710 and division (B) of section 630  
3301.0712 of the Revised Code. 631

(3) Any field test question or anchor question 632  
administered under division (O) (2) of this section shall not be 633  
a public record. Such field test questions and anchor questions 634  
shall be redacted from any assessments which are released as a 635  
public record pursuant to division (O) (1) of this section. 636

(4) This division applies to the assessments prescribed by 637  
division (A) of section 3301.0710 of the Revised Code. 638

(a) The first administration of each assessment, as 639  
specified in former section 3301.0712 of the Revised Code, shall 640  
be a public record. 641

(b) For subsequent administrations of each assessment 642  
prior to the 2011-2012 school year, not less than forty per cent 643  
of the questions on the assessment that are used to compute a 644  
student's score shall be a public record. The department shall 645  
determine which questions will be needed for reuse on a future 646  
assessment and those questions shall not be public records and 647  
shall be redacted from the assessment prior to its release as a 648  
public record. However, for each redacted question, the 649  
department shall inform each city, local, and exempted village 650  
school district of the statewide academic standard adopted by 651  
the state board under section 3301.079 of the Revised Code and 652  
the corresponding benchmark to which the question relates. The 653  
preceding sentence does not apply to field test questions that 654  
are redacted under division (O)(3) of this section. 655

(c) The administrations of each assessment in the 2011- 656  
2012, 2012-2013, and 2013-2014 school years shall not be a 657  
public record. 658

(5) Each assessment prescribed by division (B)(1) of 659  
section 3301.0710 of the Revised Code shall not be a public 660  
record. 661

(6) (a) Except as provided in division (O)(6)(b) of this 662  
section, for the administrations in the 2014-2015, 2015-2016, 663  
and 2016-2017 school years, questions on the assessments 664  
prescribed under division (A) of section 3301.0710 and division 665

(B) (2) of section 3301.0712 of the Revised Code and the 666  
corresponding preferred answers that are used to compute a 667  
student's score shall become a public record as follows: 668

(i) Forty per cent of the questions and preferred answers 669  
on the assessments on the thirty-first day of July following the 670  
administration of the assessment; 671

(ii) Twenty per cent of the questions and preferred 672  
answers on the assessment on the thirty-first day of July one 673  
year after the administration of the assessment; 674

(iii) The remaining forty per cent of the questions and 675  
preferred answers on the assessment on the thirty-first day of 676  
July two years after the administration of the assessment. 677

The entire content of an assessment shall become a public 678  
record within three years of its administration. 679

The department shall make the questions that become a 680  
public record under this division readily accessible to the 681  
public on the department's web site. Questions on the spring 682  
administration of each assessment shall be released on an annual 683  
basis, in accordance with this division. 684

(b) No questions and corresponding preferred answers shall 685  
become a public record under division (O) (6) of this section 686  
after July 31, 2017. 687

(7) Division (O) (7) of this section applies to the 688  
assessments prescribed by division (A) of section 3301.0710 and 689  
division (B) (2) of section 3301.0712 of the Revised Code. 690

Beginning with the assessments administered in the spring 691  
of the 2017-2018 school year, not less than forty per cent of 692  
the questions on each assessment that are used to compute a 693



student's score shall be a public record. The department shall 694  
determine which questions will be needed for reuse on a future 695  
assessment and those questions shall not be public records and 696  
shall be redacted from the assessment prior to its release as a 697  
public record. However, for each redacted question, the 698  
department shall inform each city, local, and exempted village 699  
school district of the corresponding statewide academic standard 700  
adopted by the state board under section 3301.079 of the Revised 701  
Code and the corresponding benchmark to which the question 702  
relates. The department is not required to provide corresponding 703  
standards and benchmarks to field test questions that are 704  
redacted under division (O) (3) of this section. 705

(P) As used in this section: 706

(1) "Three-year average" means the average of the most 707  
recent consecutive three school years of data. 708

(2) "Dropout" means a student who withdraws from school 709  
before completing course requirements for graduation and who is 710  
not enrolled in an education program approved by the state board 711  
of education or an education program outside the state. 712  
"Dropout" does not include a student who has departed the 713  
country. 714

(3) "Graduation rate" means the ratio of students 715  
receiving a diploma to the number of students who entered ninth 716  
grade four years earlier. Students who transfer into the 717  
district are added to the calculation. Students who transfer out 718  
of the district for reasons other than dropout are subtracted 719  
from the calculation. If a student who was a dropout in any 720  
previous year returns to the same school district, that student 721  
shall be entered into the calculation as if the student had 722  
entered ninth grade four years before the graduation year of the 723

graduating class that the student joins. 724

(4) "State scholarship programs" means the educational 725  
choice scholarship pilot program established under sections 726  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 727  
program established under section 3310.41 of the Revised Code, 728  
the Jon Peterson special needs scholarship program established 729  
under sections 3310.51 to 3310.64 of the Revised Code, and the 730  
pilot project scholarship program established under sections 731  
3313.974 to 3313.979 of the Revised Code. 732

(5) "Other public school" means a community school 733  
established under Chapter 3314., a STEM school established under 734  
Chapter 3326., or a college-preparatory boarding school 735  
established under Chapter 3328. of the Revised Code. 736

**Sec. 3301.0715.** (A) Except as required under division (B) 737  
(1) of section 3313.608 or as specified in division (D) (3) of 738  
section 3301.079 of the Revised Code, the board of education of 739  
each city, local, and exempted village school district shall 740  
administer each applicable diagnostic assessment developed and 741  
provided to the district in accordance with section 3301.079 of 742  
the Revised Code to the following: 743

(1) Any student who transfers into the district or to a 744  
different school within the district if each applicable 745  
diagnostic assessment was not administered by the district or 746  
school the student previously attended in the current school 747  
year, within thirty days after the date of transfer. If the 748  
district or school into which the student transfers cannot 749  
determine whether the student has taken any applicable 750  
diagnostic assessment in the current school year, the district 751  
or school may administer the diagnostic assessment to the 752  
student. However, if a student transfers into the district prior 753

to the administration of the diagnostic assessments to all 754  
students under division (B) of this section, the district may 755  
administer the diagnostic assessments to that student on the 756  
date or dates determined under that division. 757

(2) Each kindergarten student, not earlier than the first 758  
day of the school year and not later than the first day of 759  
November. However, a board of education may administer the 760  
selected response and performance task items portion of the 761  
diagnostic assessment up to two weeks prior to the first day of 762  
the school year. 763

For the purpose of division (A) (2) of this section, the 764  
district shall administer the kindergarten readiness assessment 765  
provided by the department of education. In no case shall the 766  
results of the readiness assessment be used to prohibit a 767  
student from enrolling in kindergarten. 768

(3) Each student enrolled in first, second, or third 769  
grade. 770

Division (A) of this section does not apply to students 771  
with significant cognitive disabilities, as defined by the 772  
department of education. 773

(B) Each district board shall administer each diagnostic 774  
assessment when the board deems appropriate, provided the 775  
administration complies with section 3313.608 of the Revised 776  
Code. However, the board shall administer any diagnostic 777  
assessment at least once annually to all students in the 778  
appropriate grade level. A district board may administer any 779  
diagnostic assessment in the fall and spring of a school year to 780  
measure the amount of academic growth attributable to the 781  
instruction received by students during that school year. 782

(C) Any district that received a grade of "A" or "B" for 783  
the performance index score under division (A) (1) (b), (B) (1) (b), 784  
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 785  
value-added progress dimension under division (A) (1) (e), (B) (1) 786  
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 787  
immediately preceding school year may use different diagnostic 788  
assessments from those adopted under division (D) of section 789  
3301.079 of the Revised Code in order to satisfy the 790  
requirements of division (A) (3) of this section. 791

(D) Each district board shall utilize and score any 792  
diagnostic assessment administered under division (A) of this 793  
section in accordance with rules established by the department. 794  
After the administration of any diagnostic assessment, each 795  
district shall provide a student's completed diagnostic 796  
assessment, the results of such assessment, and any other 797  
accompanying documents used during the administration of the 798  
assessment to the parent of that student, and shall include all 799  
such documents and information in any plan developed for the 800  
student under division (C) of section 3313.608 of the Revised 801  
Code. Each district shall submit to the department, in the 802  
manner the department prescribes, the results of the diagnostic 803  
assessments administered under this section, regardless of the 804  
type of assessment used under section 3313.608 of the Revised 805  
Code. The department may issue reports with respect to the data 806  
collected. The department may report school and district level 807  
kindergarten diagnostic assessment data and use diagnostic 808  
assessment data to calculate the measure prescribed by divisions 809  
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 810

(E) Each district board shall provide intervention 811  
services to students whose diagnostic assessments show that they 812  
are failing to make satisfactory progress toward attaining the 813

academic standards for their grade level. 814

(F) Beginning in the 2018-2019 school year, any chartered 815  
nonpublic school may elect to administer the kindergarten 816  
readiness assessment to all kindergarten students enrolled in 817  
the school. If the school so elects, the chief administrator of 818  
the school shall notify the superintendent of public instruction 819  
not later than the thirty-first day of March prior to any school 820  
year in which the school will administer the assessment. The 821  
department shall furnish the assessment to the school at no cost 822  
to the school. In administering the assessment, the school shall 823  
do all of the following: 824

(1) Enter into a written agreement with the department 825  
specifying that the school will share each participating 826  
student's assessment data with the department and, that for the 827  
purpose of reporting the data to the department, each 828  
participating student will be assigned a data verification code 829  
as described in division (D) (2) of section 3301.0714 of the 830  
Revised Code; 831

(2) Require the assessment to be administered by a teacher 832  
certified under section 3301.071 of the Revised Code who either 833  
has completed training on administering the kindergarten 834  
readiness assessment provided by the department or has been 835  
trained by another person who has completed such training; 836

(3) Administer the assessment in the same manner as school 837  
districts are required to do under this section and the rules 838  
established under division (D) of this section. 839

(G) Beginning in the 2019-2020 school year, a school 840  
district in which less than eighty per cent of its students 841  
score at the proficient level or higher on the third-grade 842

English language arts assessment prescribed under section 843  
3301.0710 of the Revised Code shall establish a reading 844  
improvement plan supported by reading specialists. Prior to 845  
implementation, the plan shall be approved by the school 846  
district board of education. 847

**Sec. 3301.68.** (A) The department of education shall 848  
establish a consolidated school mandate report for school 849  
districts. The report shall be distributed and monitored by the 850  
department. Each district or school shall complete and file the 851  
report not later than the thirtieth day of November each year. 852  
The report shall require each district or school to denote "yes" 853  
to indicate compliance or "no" to indicate noncompliance with 854  
the items prescribed under division (B) of this section, and to 855  
provide any other information that the department requests 856  
regarding those items. If a district or school denotes "no" on 857  
any item, it shall provide, within thirty days, to its board of 858  
education a written explanation for why that item was not 859  
completed and a written plan of action for accurately and 860  
efficiently addressing the problem. 861

(B) The report shall contain the following items: 862

(1) Training on the use of physical restraint or seclusion 863  
on students pursuant to section 3319.46 of the Revised Code; 864

(2) Training on harassment, intimidation, or bullying 865  
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 866  
Revised Code; 867

(3) Training on the use of cardiopulmonary resuscitation 868  
and an automated external defibrillator under sections 3313.60, 869  
3313.6023, 3313.717, and 3314.16 of the Revised Code, and 870  
training on crisis prevention intervention; 871

<u>(4) The establishment of a wellness committee;</u>	872
<u>(5) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;</u>	873 874 875
<u>(6) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;</u>	876 877 878 879
<u>(7) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.</u>	880 881 882
<u>(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.</u>	883 884 885 886
<b>Sec. 3302.03.</b> Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the	887 888 889 890 891 892 893 894 895 896 897 898 899 900

building's overall grade. The department shall issue annual 901  
report cards reflecting the performance of each school district, 902  
each building within each district, and for the state as a whole 903  
using the performance measures and letter grade system described 904  
in this section. The department shall include on the report card 905  
for each district and each building within each district the 906  
most recent two-year trend data in student achievement for each 907  
subject and each grade. 908

(A) (1) For the 2012-2013 school year, the department shall 909  
issue grades as described in division (E) of this section for 910  
each of the following performance measures: 911

(a) Annual measurable objectives; 912

(b) Performance index score for a school district or 913  
building. Grades shall be awarded as a percentage of the total 914  
possible points on the performance index system as adopted by 915  
the state board. In adopting benchmarks for assigning letter 916  
grades under division (A) (1) (b) of this section, the state board 917  
of education shall designate ninety per cent or higher for an 918  
"A," at least seventy per cent but not more than eighty per cent 919  
for a "C," and less than fifty per cent for an "F." 920

(c) The extent to which the school district or building 921  
meets each of the applicable performance indicators established 922  
by the state board under section 3302.02 of the Revised Code and 923  
the percentage of applicable performance indicators that have 924  
been achieved. In adopting benchmarks for assigning letter 925  
grades under division (A) (1) (c) of this section, the state board 926  
shall designate ninety per cent or higher for an "A." 927

(d) The four- and five-year adjusted cohort graduation 928  
rates. 929



In adopting benchmarks for assigning letter grades under 930  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 931  
department shall designate a four-year adjusted cohort 932  
graduation rate of ninety-three per cent or higher for an "A" 933  
and a five-year cohort graduation rate of ninety-five per cent 934  
or higher for an "A." 935

(e) The overall score under the value-added progress 936  
dimension of a school district or building, for which the 937  
department shall use up to three years of value-added data as 938  
available. The letter grade assigned for this growth measure 939  
shall be as follows: 940

(i) A score that is at least two standard errors of 941  
measure above the mean score shall be designated as an "A." 942

(ii) A score that is at least one standard error of 943  
measure but less than two standard errors of measure above the 944  
mean score shall be designated as a "B." 945

(iii) A score that is less than one standard error of 946  
measure above the mean score but greater than or equal to one 947  
standard error of measure below the mean score shall be 948  
designated as a "C." 949

(iv) A score that is not greater than one standard error 950  
of measure below the mean score but is greater than or equal to 951  
two standard errors of measure below the mean score shall be 952  
designated as a "D." 953

(v) A score that is not greater than two standard errors 954  
of measure below the mean score shall be designated as an "F." 955

Whenever the value-added progress dimension is used as a 956  
graded performance measure, whether as an overall measure or as 957  
a measure of separate subgroups, the grades for the measure 958

shall be calculated in the same manner as prescribed in division 959  
(A) (1) (e) of this section. 960

(f) The value-added progress dimension score for a school 961  
district or building disaggregated for each of the following 962  
subgroups: students identified as gifted, students with 963  
disabilities, and students whose performance places them in the 964  
lowest quintile for achievement on a statewide basis. Each 965  
subgroup shall be a separate graded measure. 966

(2) Not later than April 30, 2013, the state board of 967  
education shall adopt a resolution describing the performance 968  
measures, benchmarks, and grading system for the 2012-2013 969  
school year and, not later than June 30, 2013, shall adopt rules 970  
in accordance with Chapter 119. of the Revised Code that 971  
prescribe the methods by which the performance measures under 972  
division (A) (1) of this section shall be assessed and assigned a 973  
letter grade, including performance benchmarks for each letter 974  
grade. 975

At least forty-five days prior to the state board's 976  
adoption of rules to prescribe the methods by which the 977  
performance measures under division (A) (1) of this section shall 978  
be assessed and assigned a letter grade, the department shall 979  
conduct a public presentation before the standing committees of 980  
the house of representatives and the senate that consider 981  
education legislation describing such methods, including 982  
performance benchmarks. 983

(3) There shall not be an overall letter grade for a 984  
school district or building for the 2012-2013 school year. 985

(B) (1) For the 2013-2014 and 2014-2015 school years, the 986  
department shall issue grades as described in division (E) of 987

this section for each of the following performance measures:	988
(a) Annual measurable objectives;	989
(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."	990 991 992 993 994 995 996 997
(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."	998 999 1000 1001 1002 1003 1004
(d) The four- and five-year adjusted cohort graduation rates;	1005 1006
(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.	1007 1008 1009 1010
(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	1011 1012 1013 1014 1015 1016

achievement on a statewide basis. Each subgroup shall be a 1017  
separate graded measure. 1018

(g) Whether a school district or building is making 1019  
progress in improving literacy in grades kindergarten through 1020  
three, as determined using a method prescribed by the state 1021  
board. The state board shall adopt rules to prescribe benchmarks 1022  
and standards for assigning grades to districts and buildings 1023  
for purposes of division (B) (1) (g) of this section. In adopting 1024  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1025  
and (C) (1) (g) of this section, the state board shall determine 1026  
progress made based on the reduction in the total percentage of 1027  
students scoring below grade level, or below proficient, 1028  
compared from year to year on the reading and writing diagnostic 1029  
assessments administered under section 3301.0715 of the Revised 1030  
Code and the third grade English language arts assessment under 1031  
section 3301.0710 of the Revised Code, as applicable. The state 1032  
board shall designate for a "C" grade a value that is not lower 1033  
than the statewide average value for this measure. No grade 1034  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1035  
section for a district or building in which less than five per 1036  
cent of students have scored below grade level on the diagnostic 1037  
assessment administered to students in kindergarten under 1038  
division (B) (1) of section 3313.608 of the Revised Code. 1039

(h) For a high mobility school district or building, an 1040  
additional value-added progress dimension score. For this 1041  
measure, the department shall use value-added data from the most 1042  
recent school year available and shall use assessment scores for 1043  
only those students to whom the district or building has 1044  
administered the assessments prescribed by section 3301.0710 of 1045  
the Revised Code for each of the two most recent consecutive 1046  
school years. 1047

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

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

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

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

(c) The percentage of students enrolled in a district or  
building who have taken a national standardized test used for  
college admission determinations and the percentage of those  
students who are determined to be remediation-free in accordance

with standards adopted under division (F) of section 3345.061 of 1078  
the Revised Code; 1079

(d) The percentage of the district's or the building's 1080  
students who receive industry-recognized credentials as approved 1081  
under section 3313.6113 of the Revised Code. 1082

(e) The percentage of students enrolled in a district or 1083  
building who are participating in an international baccalaureate 1084  
program and the percentage of those students who receive a score 1085  
of four or better on the international baccalaureate 1086  
examinations. 1087

(f) The percentage of the district's or building's 1088  
students who receive an honors diploma under division (B) of 1089  
section 3313.61 of the Revised Code. 1090

(3) Not later than December 31, 2013, the state board 1091  
shall adopt rules in accordance with Chapter 119. of the Revised 1092  
Code that prescribe the methods by which the performance 1093  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1094  
will be assessed and assigned a letter grade, including 1095  
performance benchmarks for each grade. 1096

At least forty-five days prior to the state board's 1097  
adoption of rules to prescribe the methods by which the 1098  
performance measures under division (B) (1) of this section shall 1099  
be assessed and assigned a letter grade, the department shall 1100  
conduct a public presentation before the standing committees of 1101  
the house of representatives and the senate that consider 1102  
education legislation describing such methods, including 1103  
performance benchmarks. 1104

(4) There shall not be an overall letter grade for a 1105  
school district or building for the 2013-2014, 2014-2015, 2015- 1106

2016, and 2016-2017 school years. 1107

(C) (1) For the 2014-2015 school year and each school year 1108  
thereafter, the department shall issue grades as described in 1109  
division (E) of this section for each of the performance 1110  
measures prescribed in division (C) (1) of this section. The 1111  
graded measures are as follows: 1112

(a) Annual measurable objectives~~r~~. For the 2017-2018 1113  
school year, the department shall not include any subgroup data 1114  
in the annual measurable objectives that includes data from 1115  
fewer than twenty-five students. For the 2018-2019 school year, 1116  
the department shall not include any subgroup data in the annual 1117  
measurable objectives that includes data from fewer than twenty 1118  
students. Beginning with the 2019-2020 school year, the 1119  
department shall not include any subgroup data in the annual 1120  
measurable objectives that includes data from fewer than fifteen 1121  
students. 1122

(b) Performance index score for a school district or 1123  
building. Grades shall be awarded as a percentage of the total 1124  
possible points on the performance index system as created by 1125  
the department. In adopting benchmarks for assigning letter 1126  
grades under division (C) (1) (b) of this section, the state board 1127  
shall designate ninety per cent or higher for an "A," at least 1128  
seventy per cent but not more than eighty per cent for a "C," 1129  
and less than fifty per cent for an "F." 1130

(c) The extent to which the school district or building 1131  
meets each of the applicable performance indicators established 1132  
by the state board under section 3302.03 of the Revised Code and 1133  
the percentage of applicable performance indicators that have 1134  
been achieved. In adopting benchmarks for assigning letter 1135  
grades under division (C) (1) (c) of this section, the state board 1136

shall designate ninety per cent or higher for an "A." 1137

(d) The four- and five-year adjusted cohort graduation 1138  
rates; 1139

(e) The overall score under the value-added progress 1140  
dimension, or another measure of student academic progress if 1141  
adopted by the state board, of a school district or building, 1142  
for which the department shall use up to three years of value- 1143  
added data as available. 1144

In adopting benchmarks for assigning letter grades for 1145  
overall score on value-added progress dimension under division 1146  
(C) (1) (e) of this section, the state board shall prohibit the 1147  
assigning of a grade of "A" for that measure unless the 1148  
district's or building's grade assigned for value-added progress 1149  
dimension for all subgroups under division (C) (1) (f) of this 1150  
section is a "B" or higher. 1151

For the metric prescribed by division (C) (1) (e) of this 1152  
section, the state board may adopt a student academic progress 1153  
measure to be used instead of the value-added progress 1154  
dimension. If the state board adopts such a measure, it also 1155  
shall prescribe a method for assigning letter grades for the new 1156  
measure that is comparable to the method prescribed in division 1157  
(A) (1) (e) of this section. 1158

(f) The value-added progress dimension score of a school 1159  
district or building disaggregated for each of the following 1160  
subgroups: students identified as gifted in superior cognitive 1161  
ability and specific academic ability fields under Chapter 3324. 1162  
of the Revised Code, students with disabilities, and students 1163  
whose performance places them in the lowest quintile for 1164  
achievement on a statewide basis, as determined by a method 1165



prescribed by the state board. Each subgroup shall be a separate 1166  
graded measure. 1167

The state board may adopt student academic progress 1168  
measures to be used instead of the value-added progress 1169  
dimension. If the state board adopts such measures, it also 1170  
shall prescribe a method for assigning letter grades for the new 1171  
measures that is comparable to the method prescribed in division 1172  
(A) (1) (e) of this section. 1173

(g) Whether a school district or building is making 1174  
progress in improving literacy in grades kindergarten through 1175  
three, as determined using a method prescribed by the state 1176  
board. The state board shall adopt rules to prescribe benchmarks 1177  
and standards for assigning grades to a district or building for 1178  
purposes of division (C) (1) (g) of this section. The state board 1179  
shall designate for a "C" grade a value that is not lower than 1180  
the statewide average value for this measure. No grade shall be 1181  
issued under division (C) (1) (g) of this section for a district 1182  
or building in which less than five per cent of students have 1183  
scored below grade level on the kindergarten diagnostic 1184  
assessment under division (B) (1) of section 3313.608 of the 1185  
Revised Code. 1186

(h) For a high mobility school district or building, an 1187  
additional value-added progress dimension score. For this 1188  
measure, the department shall use value-added data from the most 1189  
recent school year available and shall use assessment scores for 1190  
only those students to whom the district or building has 1191  
administered the assessments prescribed by section 3301.0710 of 1192  
the Revised Code for each of the two most recent consecutive 1193  
school years. 1194

As used in this division, "high mobility school district 1195

or building" means a school district or building where at least 1196  
twenty-five per cent of its total enrollment is made up of 1197  
students who have attended that school district or building for 1198  
less than one year. 1199

(2) In addition to the graded measures in division (C) (1) 1200  
of this section, the department shall include on a school 1201  
district's or building's report card all of the following 1202  
without an assigned letter grade: 1203

(a) The percentage of students enrolled in a district or 1204  
building who have taken a national standardized test used for 1205  
college admission determinations and the percentage of those 1206  
students who are determined to be remediation-free in accordance 1207  
with the standards adopted under division (F) of section 1208  
3345.061 of the Revised Code; 1209

(b) The percentage of students enrolled in a district or 1210  
building participating in advanced placement classes and the 1211  
percentage of those students who received a score of three or 1212  
better on advanced placement examinations; 1213

(c) The percentage of a district's or building's students 1214  
who have earned at least three college credits through advanced 1215  
standing programs, such as the college credit plus program under 1216  
Chapter 3365. of the Revised Code and state-approved career- 1217  
technical courses offered through dual enrollment or statewide 1218  
articulation, that appear on a student's college transcript 1219  
issued by the institution of higher education from which the 1220  
student earned the college credit. The credits earned that are 1221  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1222  
shall not include any that are remedial or developmental and 1223  
shall include those that count toward the curriculum 1224  
requirements established for completion of a degree. 1225

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	1226 1227 1228
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	1229 1230 1231
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	1232 1233 1234 1235 1236
(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.	1237 1238 1239
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:	1240 1241 1242 1243 1244 1245
(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;	1246 1247
(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;	1248 1249
(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;	1250 1251
(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;	1252 1253

(e) Kindergarten through third-grade literacy, which shall 1254  
include the performance measure in division (C)(1)(g) of this 1255  
section; 1256

(f) Prepared for success, which shall include the 1257  
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1258  
and (f) of this section. The state board shall develop a method 1259  
to determine a grade for the component in division (C)(3)(f) of 1260  
this section using the performance measures in divisions (C)(2) 1261  
(a), (b), (c), (d), (e), and (f) of this section. When 1262  
available, the state board may incorporate the performance 1263  
measure under division (C)(2)(g) of this section into the 1264  
component under division (C)(3)(f) of this section. When 1265  
determining the overall grade for the prepared for success 1266  
component prescribed by division (C)(3)(f) of this section, no 1267  
individual student shall be counted in more than one performance 1268  
measure. However, if a student qualifies for more than one 1269  
performance measure in the component, the state board may, in 1270  
its method to determine a grade for the component, specify an 1271  
additional weight for such a student that is not greater than or 1272  
equal to 1.0. In determining the overall score under division 1273  
(C)(3)(f) of this section, the state board shall ensure that the 1274  
pool of students included in the performance measures aggregated 1275  
under that division are all of the students included in the 1276  
four- and five-year adjusted graduation cohort. 1277

In the rules adopted under division (C)(3) of this 1278  
section, the state board shall adopt a method for determining a 1279  
grade for each component in divisions (C)(3)(a) to (f) of this 1280  
section. The state board also shall establish a method to assign 1281  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1282  
assigned for each component. The method the state board adopts 1283  
for assigning an overall grade shall give equal weight to the 1284

components in divisions (C) (3) (b) and (c) of this section. 1285

At least forty-five days prior to the state board's 1286  
adoption of rules to prescribe the methods for calculating the 1287  
overall grade for the report card, as required by this division, 1288  
the department shall conduct a public presentation before the 1289  
standing committees of the house of representatives and the 1290  
senate that consider education legislation describing the format 1291  
for the report card, weights that will be assigned to the 1292  
components of the overall grade, and the method for calculating 1293  
the overall grade. 1294

(D) On or after July 1, 2015, the state board may develop 1295  
a measure of student academic progress for high school students 1296  
using only data from assessments in English language arts and 1297  
mathematics. If the state board develops this measure, each 1298  
school district and applicable school building shall be assigned 1299  
a separate letter grade for it not sooner than the 2017-2018 1300  
school year. The district's or building's grade for that measure 1301  
shall not be included in determining the district's or 1302  
building's overall letter grade. 1303

(E) The letter grades assigned to a school district or 1304  
building under this section shall be as follows: 1305

(1) "A" for a district or school making excellent 1306  
progress; 1307

(2) "B" for a district or school making above average 1308  
progress; 1309

(3) "C" for a district or school making average progress; 1310

(4) "D" for a district or school making below average 1311  
progress; 1312

(5) "F" for a district or school failing to meet minimum progress.	1313 1314
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	1315 1316 1317
(1) Performance of students by grade-level;	1318
(2) Performance of students by race and ethnic group;	1319
(3) Performance of students by gender;	1320
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1321 1322
(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;	1323 1324 1325
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1326 1327
(7) Performance of students grouped by those who are economically disadvantaged;	1328 1329
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1330 1331 1332
(9) Performance of students grouped by those who are classified as limited English proficient;	1333 1334
(10) Performance of students grouped by those who have disabilities;	1335 1336
(11) Performance of students grouped by those who are classified as migrants;	1337 1338

(12) Performance of students grouped by those who are 1339  
identified as gifted in superior cognitive ability and the 1340  
specific academic ability fields of reading and math pursuant to 1341  
Chapter 3324. of the Revised Code. In disaggregating specific 1342  
academic ability fields for gifted students, the department 1343  
shall use data for those students with specific academic ability 1344  
in math and reading. If any other academic field is assessed, 1345  
the department shall also include data for students with 1346  
specific academic ability in that field as well. 1347

(13) Performance of students grouped by those who perform 1348  
in the lowest quintile for achievement on a statewide basis, as 1349  
determined by a method prescribed by the state board. 1350

The department may disaggregate data on student 1351  
performance according to other categories that the department 1352  
determines are appropriate. To the extent possible, the 1353  
department shall disaggregate data on student performance 1354  
according to any combinations of two or more of the categories 1355  
listed in divisions (F)(1) to (13) of this section that it deems 1356  
relevant. 1357

In reporting data pursuant to division (F) of this 1358  
section, the department shall not include in the report cards 1359  
any data statistical in nature that is statistically unreliable 1360  
or that could result in the identification of individual 1361  
students. For this purpose, the department shall not report 1362  
student performance data for any group identified in division 1363  
(F) of this section that contains less than ten students. If the 1364  
department does not report student performance data for a group 1365  
because it contains less than ten students, the department shall 1366  
indicate on the report card that is why data was not reported. 1367

(G) The department may include with the report cards any 1368

additional education and fiscal performance data it deems 1369  
valuable. 1370

(H) The department shall include on each report card a 1371  
list of additional information collected by the department that 1372  
is available regarding the district or building for which the 1373  
report card is issued. When available, such additional 1374  
information shall include student mobility data disaggregated by 1375  
race and socioeconomic status, college enrollment data, and the 1376  
reports prepared under section 3302.031 of the Revised Code. 1377

The department shall maintain a site on the world wide 1378  
web. The report card shall include the address of the site and 1379  
shall specify that such additional information is available to 1380  
the public at that site. The department shall also provide a 1381  
copy of each item on the list to the superintendent of each 1382  
school district. The district superintendent shall provide a 1383  
copy of any item on the list to anyone who requests it. 1384

(I) (1) (a) Except as provided in division (I) (1) (b) of this 1385  
section, for any district that sponsors a conversion community 1386  
school under Chapter 3314. of the Revised Code, the department 1387  
shall combine data regarding the academic performance of 1388  
students enrolled in the community school with comparable data 1389  
from the schools of the district for the purpose of determining 1390  
the performance of the district as a whole on the report card 1391  
issued for the district under this section or section 3302.033 1392  
of the Revised Code. 1393

(b) The department shall not combine data from any 1394  
conversion community school that a district sponsors if a 1395  
majority of the students enrolled in the conversion community 1396  
school are enrolled in a dropout prevention and recovery program 1397  
that is operated by the school, as described in division (A) (4) 1398



(a) of section 3314.35 of the Revised Code. The department shall 1399  
include as an addendum to the district's report card the ratings 1400  
and performance measures that are required under section 1401  
3314.017 of the Revised Code for any community school to which 1402  
division (I)(1)(b) of this section applies. This addendum shall 1403  
include, at a minimum, the data specified in divisions (C)(1) 1404  
(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code. 1405

(2) Any district that leases a building to a community 1406  
school located in the district or that enters into an agreement 1407  
with a community school located in the district whereby the 1408  
district and the school endorse each other's programs may elect 1409  
to have data regarding the academic performance of students 1410  
enrolled in the community school combined with comparable data 1411  
from the schools of the district for the purpose of determining 1412  
the performance of the district as a whole on the district 1413  
report card. Any district that so elects shall annually file a 1414  
copy of the lease or agreement with the department. 1415

(3) Any municipal school district, as defined in section 1416  
3311.71 of the Revised Code, that sponsors a community school 1417  
located within the district's territory, or that enters into an 1418  
agreement with a community school located within the district's 1419  
territory whereby the district and the community school endorse 1420  
each other's programs, may exercise either or both of the 1421  
following elections: 1422

(a) To have data regarding the academic performance of 1423  
students enrolled in that community school combined with 1424  
comparable data from the schools of the district for the purpose 1425  
of determining the performance of the district as a whole on the 1426  
district's report card; 1427

(b) To have the number of students attending that 1428

community school noted separately on the district's report card. 1429

The election authorized under division (I) (3) (a) of this 1430  
section is subject to approval by the governing authority of the 1431  
community school. 1432

Any municipal school district that exercises an election 1433  
to combine or include data under division (I) (3) of this 1434  
section, by the first day of October of each year, shall file 1435  
with the department documentation indicating eligibility for 1436  
that election, as required by the department. 1437

(J) The department shall include on each report card the 1438  
percentage of teachers in the district or building who are 1439  
~~highly qualified~~ properly certified or licensed teachers, as 1440  
~~defined by the No Child Left Behind Act of 2001~~ in section 1441  
3319.074 of the Revised Code, and a comparison of that 1442  
percentage with the percentages of such teachers in similar 1443  
districts and buildings. 1444

(K) (1) In calculating English language arts, mathematics, 1445  
or science assessment passage rates used to determine school 1446  
district or building performance under this section, the 1447  
department shall include all students taking an assessment with 1448  
accommodation or to whom an alternate assessment is administered 1449  
pursuant to division (C) (1) or (3) of section 3301.0711 of the 1450  
Revised Code. 1451

(2) In calculating performance index scores, rates of 1452  
achievement on the performance indicators established by the 1453  
state board under section 3302.02 of the Revised Code, and 1454  
annual measurable objectives for determining adequate yearly 1455  
progress for school districts and buildings under this section, 1456  
the department shall do all of the following: 1457

(a) Include for each district or building only those 1458  
students who are included in the ADM certified for the first 1459  
full school week of October and are continuously enrolled in the 1460  
district or building through the time of the spring 1461  
administration of any assessment prescribed by division (A) (1) 1462  
or (B) (1) of section 3301.0710 or division (B) of section 1463  
3301.0712 of the Revised Code that is administered to the 1464  
student's grade level; 1465

(b) Include cumulative totals from both the fall and 1466  
spring administrations of the third grade English language arts 1467  
achievement assessment; 1468

(c) Except as required by the No Child Left Behind Act of 1469  
2001, exclude for each district or building any limited English 1470  
proficient student who has been enrolled in United States 1471  
schools for less than one full school year. 1472

(L) Beginning with the 2015-2016 school year and at least 1473  
once every three years thereafter, the state board of education 1474  
shall review and may adjust the benchmarks for assigning letter 1475  
grades to the performance measures and components prescribed 1476  
under divisions (C) (3) and (D) of this section. 1477

Sec. 3302.101. The superintendent of public instruction 1478  
shall review all policies and procedures regarding academic 1479  
distress commissions established under section 3302.10 of the 1480  
Revised Code and prepare a report of its findings. This report 1481  
shall include recommendations to improve all of the following 1482  
for each academic distress commission that exists as of the 1483  
effective date of this section: 1484

(A) The appointment of members of the commission; 1485

(B) The duties and powers of the chief executive officer 1486

of the commission, the officer's plan to improve the performance 1487  
of the district for which the commission was established, and 1488  
any innovative education programs established by the officer; 1489

(C) The efficiency of any high-quality school accelerator 1490  
created by the commission under division (D) of section 3302.10 1491  
of the Revised Code that exists as of the effective date of this 1492  
section; 1493

(D) The results of the most recent report card issued 1494  
under section 3302.03 of the Revised Code for the district for 1495  
which the commission has been established under section 3302.10 1496  
of the Revised Code. 1497

The state superintendent shall submit this report to the 1498  
general assembly in accordance with section 101.68 of the 1499  
Revised Code not later than May 1, 2019. 1500

**Sec. 3302.102.** Following the submission of the report 1501  
required under section 3302.101 of the Revised Code, the joint 1502  
education oversight committee shall review the report and hold 1503  
at least one public hearing on the report. 1504

**Sec. 3311.78.** Notwithstanding any provision of the Revised 1505  
Code to the contrary, a municipal school district shall be 1506  
subject to this section instead of sections 3317.13, 3317.14, 1507  
and 3317.141 of the Revised Code. 1508

(A) As used in this section, "principal" includes an 1509  
assistant principal. 1510

(B) The board of education of each municipal school 1511  
district annually shall adopt a differentiated salary schedule 1512  
for teachers based upon performance as described in division (D) 1513  
of this section. The board also annually shall adopt a 1514  
differentiated salary schedule for principals based upon 1515

performance as described in division (D) of this section. 1516

For each teacher or principal hired on or after October 1, 1517  
2012, the board shall determine the teacher's or principal's 1518  
initial placement on the applicable salary schedule based on 1519  
years of experience and area of licensure and any other factors 1520  
the board considers appropriate. For each teacher hired prior to 1521  
October 1, 2012, the board shall initially place the teacher on 1522  
the applicable salary schedule so that the teacher's annual 1523  
salary on the schedule is comparable to the teacher's annual 1524  
salary for the school year immediately prior to the school year 1525  
covered by the schedule. For each principal hired prior to 1526  
October 1, 2012, the board shall initially place the principal 1527  
on the applicable salary schedule consistent with the 1528  
principal's employment contract. 1529

(C) The salary of a teacher shall not be reduced unless 1530  
such reduction is accomplished as part of a negotiated 1531  
collective bargaining agreement. The salary of a principal shall 1532  
not be reduced during the term of the principal's employment 1533  
contract unless such reduction is by mutual agreement of the 1534  
board and the principal or is part of a uniform plan affecting 1535  
the entire district. 1536

(D) For purposes of the schedules, the board shall measure 1537  
a teacher's or principal's performance by considering all of the 1538  
following: 1539

(1) The level of license issued under section 3319.22 of 1540  
the Revised Code that the teacher or principal holds; 1541

(2) ~~Whether~~ In the case of a teacher, whether the teacher 1542  
~~or principal is a highly qualified properly certified or~~ 1543  
licensed teacher, as defined in section 3319.074 of the Revised 1544

Code;	1545
(3) Ratings received by the teacher or principal on performance evaluations conducted under section 3311.80 or 3311.84 of the Revised Code;	1546 1547 1548
(4) Any specialized training and experience in the assigned position.	1549 1550
(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year.	1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1561 1562 1563 1564
(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as skilled. Notwithstanding division (C) of this	1565 1566 1567 1568 1569 1570 1571 1572 1573 1574

section, division (C) of section 3319.02, and section 3319.12 of 1575  
the Revised Code, the board may decrease the teacher's or 1576  
principal's salary if the teacher or principal will perform 1577  
fewer or different duties described in division (E) of this 1578  
section in the school year for which the salary is decreased. 1579

(G) Notwithstanding any provision to the contrary in 1580  
Chapter 4117. of the Revised Code, the requirements of this 1581  
section prevail over any conflicting provisions of a collective 1582  
bargaining agreement entered into on or after October 1, 2012. 1583  
However, the board and the teachers' labor organization shall 1584  
negotiate the implementation of the differentiated salary 1585  
schedule for teachers and may negotiate additional factors 1586  
regarding teacher salaries, provided those factors are 1587  
consistent with this section. 1588

**Sec. 3311.79.** (A) When assigning teachers to schools of a 1589  
municipal school district prior to the start of a school year, 1590  
teachers may apply for open positions. All applicants shall be 1591  
considered. Applicants may be interviewed by a building level 1592  
team comprised of the building principal, a representative of 1593  
the district teachers' labor organization, a parent, a staff 1594  
member in the same job classification as the posted position, 1595  
and any other members mutually agreed upon by the principal and 1596  
the labor organization representative. When openings occur, the 1597  
principal and labor organization representative shall mutually 1598  
select the members of the building level team. Interviews by the 1599  
building level team shall not be delayed due to the 1600  
unavailability of duly notified team members. The team shall 1601  
make recommendations whether to assign a teacher to an open 1602  
position in the building based on how suitably the teacher's 1603  
credentials fulfill the needs of the particular school. For this 1604  
purpose, the building level team shall consider the following 1605

credentials:	1606
(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds;	1607 1608
(2) The number of subject areas the teacher is licensed to teach;	1609 1610
(3) Whether the teacher <del>is</del> <u>would be a highly qualified properly certified or licensed teacher</u> , as defined in section 3319.074 of the Revised Code, <u>in the open position</u> ;	1611 1612 1613
(4) The results of the teacher's performance evaluations conducted under section 3311.80 of the Revised Code;	1614 1615
(5) Whether the teacher has recently taught and been evaluated in the subject areas the teacher would teach at the school;	1616 1617 1618
(6) Any specialized training or experience the teacher possesses that are relevant to the open position;	1619 1620
(7) Any other credentials established by the district chief executive officer or a building level team.	1621 1622
(B) The building level team shall make its recommendations to the district chief executive officer or the chief executive officer's designee for the chief executive officer's or designee's final approval of the assignment.	1623 1624 1625 1626
(C) In the event that open positions in one or more school buildings have not been filled through the procedures set forth in divisions (A) and (B) of this section, or if the building level team has not been able to reach a consensus on a candidate, by ten days prior to the first work day for teachers of the school year, the district chief executive officer or the chief executive officer's designee shall assign teachers to any	1627 1628 1629 1630 1631 1632 1633



of those open positions based on the best interests of the 1634  
district. In making an assignment under this division, the chief 1635  
executive officer or the chief executive officer's designee 1636  
shall take into consideration all input from the building level 1637  
team members. 1638

(D) In the event that a position opens after the first 1639  
student day of the school year, the building level team 1640  
interview and recommendation procedures set forth in divisions 1641  
(A) and (B) of this section shall be used to fill the open 1642  
position. If any positions remain open, or if the building level 1643  
team has not been able to reach a consensus on a candidate, 1644  
after a reasonable period of time as determined by the chief 1645  
executive officer or the chief executive officer's designee, the 1646  
chief executive officer or the chief executive officer's 1647  
designee shall assign teachers to any of those open positions 1648  
based on the best interests of the district. In making an 1649  
assignment under this division, the chief executive officer or 1650  
the chief executive officer's designee shall take into 1651  
consideration all input from the building level team members. 1652

(E) In the event it becomes necessary to assign, reassign, 1653  
or transfer a teacher, whether voluntarily or involuntarily on 1654  
the part of the teacher, for the purpose of promoting the best 1655  
interests of the district, the chief executive officer or the 1656  
chief executive officer's designee shall first meet with the 1657  
teacher, the principals of the affected buildings, and a 1658  
representative of the district teachers' labor organization. The 1659  
assignment, reassignment, or transfer shall not be delayed due 1660  
to the unavailability of the meeting participants who have been 1661  
duly notified. 1662

(F) The district chief executive officer or a building 1663

level team shall not use seniority or continuing contract status 1664  
as the primary factor in determining any teacher's assignment to 1665  
a school. 1666

(G) Notwithstanding any provision to the contrary in 1667  
Chapter 4117. of the Revised Code, the requirements of this 1668  
section prevail over any conflicting provisions of a collective 1669  
bargaining agreement entered into on or after ~~the effective date~~ 1670  
~~of this section~~ October 1, 2012. However, the board and the 1671  
teachers' labor organization shall negotiate regarding the 1672  
implementation of this section, including the processes by which 1673  
each building level team conducts its interviews and makes 1674  
recommendations, consistent with this section. 1675

**Sec. 3313.603.** (A) As used in this section: 1676

(1) "One unit" means a minimum of one hundred twenty hours 1677  
of course instruction, except that for a laboratory course, "one 1678  
unit" means a minimum of one hundred fifty hours of course 1679  
instruction. 1680

(2) "One-half unit" means a minimum of sixty hours of 1681  
course instruction, except that for physical education courses, 1682  
"one-half unit" means a minimum of one hundred twenty hours of 1683  
course instruction. 1684

(B) Beginning September 15, 2001, except as required in 1685  
division (C) of this section and division (C) of section 1686  
3313.614 of the Revised Code, the requirements for graduation 1687  
from every high school shall include twenty units earned in 1688  
grades nine through twelve and shall be distributed as follows: 1689

(1) English language arts, four units; 1690

(2) Health, one-half unit; 1691

(3) Mathematics, three units;	1692
(4) Physical education, one-half unit;	1693
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	1694 1695 1696
(a) Biological sciences, one unit;	1697
(b) Physical sciences, one unit.	1698
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	1699 1700 1701
(a) American history, one-half unit;	1702
(b) American government, one-half unit.	1703
(7) Social studies, two units.	1704
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	1705 1706 1707 1708 1709
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	1710 1711
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	1712 1713 1714
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school	1715 1716 1717 1718

shall include twenty units that are designed to prepare students 1719  
for the workforce and college. The units shall be distributed as 1720  
follows: 1721

(1) English language arts, four units; 1722

(2) Health, one-half unit, which shall include instruction 1723  
in nutrition and the benefits of nutritious foods and physical 1724  
activity for overall health; 1725

(3) Mathematics, four units, which shall include one unit 1726  
of algebra II or the equivalent of algebra II, or one unit of 1727  
advanced computer science as described in the standards adopted 1728  
pursuant to division (A) (4) of section 3301.079 of the Revised 1729  
Code. However, students who enter ninth grade for the first time 1730  
on or after July 1, 2015, and who are pursuing a career- 1731  
technical instructional track shall not be required to take 1732  
algebra II or advanced computer science, and instead may 1733  
complete a career-based pathway mathematics course approved by 1734  
the department of education as an alternative. 1735

For students who choose to take advanced computer science 1736  
in lieu of algebra II under division (C) (3) of this section, the 1737  
school shall communicate to those students that some 1738  
institutions of higher education may require algebra II for the 1739  
purpose of college admission. Also, the parent, guardian, or 1740  
legal custodian of each student who chooses to take advanced 1741  
computer science in lieu of algebra II shall sign and submit to 1742  
the school a document containing a statement acknowledging that 1743  
not taking algebra II may have an adverse effect on college 1744  
admission decisions. 1745

(4) Physical education, one-half unit; 1746

(5) Science, three units with inquiry-based laboratory 1747

experience that engages students in asking valid scientific 1748  
questions and gathering and analyzing information, which shall 1749  
include the following, or their equivalent: 1750

(a) Physical sciences, one unit; 1751

(b) Life sciences, one unit; 1752

(c) Advanced study in one or more of the following 1753  
sciences, one unit: 1754

(i) Chemistry, physics, or other physical science; 1755

(ii) Advanced biology or other life science; 1756

(iii) Astronomy, physical geology, or other earth or space 1757  
science; 1758

(iv) Computer science. 1759

No student shall substitute a computer science course for 1760  
a life sciences or biology course under division (C) (5) of this 1761  
section. 1762

(6) History and government, one unit, which shall comply 1763  
with division (M) of this section and shall include both of the 1764  
following: 1765

(a) American history, one-half unit; 1766

(b) American government, one-half unit. 1767

(7) Social studies, two units. 1768

Each school shall integrate the study of economics and 1769  
financial literacy, as expressed in the social studies academic 1770  
content standards adopted by the state board of education under 1771  
division (A) (1) of section 3301.079 of the Revised Code and the 1772  
academic content standards for financial literacy and 1773

entrepreneurship adopted under division (A) (2) of that section, 1774  
into one or more existing social studies credits required under 1775  
division (C) (7) of this section, or into the content of another 1776  
class, so that every high school student receives instruction in 1777  
those concepts. In developing the curriculum required by this 1778  
paragraph, schools shall use available public-private 1779  
partnerships and resources and materials that exist in business, 1780  
industry, and through the centers for economics education at 1781  
institutions of higher education in the state. 1782

Beginning with students who enter ninth grade for the 1783  
first time on or after July 1, 2017, the two units of 1784  
instruction prescribed by division (C) (7) of this section shall 1785  
include at least one-half unit of instruction in the study of 1786  
world history and civilizations. 1787

(8) Five units consisting of one or any combination of 1788  
foreign language, fine arts, business, career-technical 1789  
education, family and consumer sciences, technology which may 1790  
include computer science, agricultural education, a junior 1791  
reserve officer training corps (JROTC) program approved by the 1792  
congress of the United States under title 10 of the United 1793  
States Code, or English language arts, mathematics, science, or 1794  
social studies courses not otherwise required under division (C) 1795  
of this section. 1796

Ohioans must be prepared to apply increased knowledge and 1797  
skills in the workplace and to adapt their knowledge and skills 1798  
quickly to meet the rapidly changing conditions of the twenty- 1799  
first century. National studies indicate that all high school 1800  
graduates need the same academic foundation, regardless of the 1801  
opportunities they pursue after graduation. The goal of Ohio's 1802  
system of elementary and secondary education is to prepare all 1803

students for and seamlessly connect all students to success in 1804  
life beyond high school graduation, regardless of whether the 1805  
next step is entering the workforce, beginning an 1806  
apprenticeship, engaging in post-secondary training, serving in 1807  
the military, or pursuing a college degree. 1808

The requirements for graduation prescribed in division (C) 1809  
of this section are the standard expectation for all students 1810  
entering ninth grade for the first time at a public or chartered 1811  
nonpublic high school on or after July 1, 2010. A student may 1812  
satisfy this expectation through a variety of methods, 1813  
including, but not limited to, integrated, applied, career- 1814  
technical, and traditional coursework. 1815

~~Whereas teacher quality is essential for student success~~ 1816  
~~when completing the requirements for graduation, the general~~ 1817  
~~assembly shall appropriate funds for strategic initiatives~~ 1818  
~~designed to strengthen schools' capacities to hire and retain~~ 1819  
~~highly qualified teachers in the subject areas required by the~~ 1820  
~~curriculum. Such initiatives are expected to require an~~ 1821  
~~investment of \$120,000,000 over five years.~~ 1822

Stronger coordination between high schools and 1823  
institutions of higher education is necessary to prepare 1824  
students for more challenging academic endeavors and to lessen 1825  
the need for academic remediation in college, thereby reducing 1826  
the costs of higher education for Ohio's students, families, and 1827  
the state. The state board and the chancellor of higher 1828  
education shall develop policies to ensure that only in rare 1829  
instances will students who complete the requirements for 1830  
graduation prescribed in division (C) of this section require 1831  
academic remediation after high school. 1832

School districts, community schools, and chartered 1833

nonpublic schools shall integrate technology into learning 1834  
experiences across the curriculum in order to maximize 1835  
efficiency, enhance learning, and prepare students for success 1836  
in the technology-driven twenty-first century. Districts and 1837  
schools shall use distance and web-based course delivery as a 1838  
method of providing or augmenting all instruction required under 1839  
this division, including laboratory experience in science. 1840  
Districts and schools shall utilize technology access and 1841  
electronic learning opportunities provided by the broadcast 1842  
educational media commission, chancellor, the Ohio learning 1843  
network, education technology centers, public television 1844  
stations, and other public and private providers. 1845

(D) Except as provided in division (E) of this section, a 1846  
student who enters ninth grade on or after July 1, 2010, and 1847  
before July 1, 2016, may qualify for graduation from a public or 1848  
chartered nonpublic high school even though the student has not 1849  
completed the requirements for graduation prescribed in division 1850  
(C) of this section if all of the following conditions are 1851  
satisfied: 1852

(1) During the student's third year of attending high 1853  
school, as determined by the school, the student and the 1854  
student's parent, guardian, or custodian sign and file with the 1855  
school a written statement asserting the parent's, guardian's, 1856  
or custodian's consent to the student's graduating without 1857  
completing the requirements for graduation prescribed in 1858  
division (C) of this section and acknowledging that one 1859  
consequence of not completing those requirements is 1860  
ineligibility to enroll in most state universities in Ohio 1861  
without further coursework. 1862

(2) The student and parent, guardian, or custodian fulfill 1863



any procedural requirements the school stipulates to ensure the 1864  
student's and parent's, guardian's, or custodian's informed 1865  
consent and to facilitate orderly filing of statements under 1866  
division (D) (1) of this section. Annually, each district or 1867  
school shall notify the department of the number of students who 1868  
choose to qualify for graduation under division (D) of this 1869  
section and the number of students who complete the student's 1870  
success plan and graduate from high school. 1871

(3) The student and the student's parent, guardian, or 1872  
custodian and a representative of the student's high school 1873  
jointly develop a student success plan for the student in the 1874  
manner described in division (C) (1) of section 3313.6020 of the 1875  
Revised Code that specifies the student matriculating to a two- 1876  
year degree program, acquiring a business and industry- 1877  
recognized credential, or entering an apprenticeship. 1878

(4) The student's high school provides counseling and 1879  
support for the student related to the plan developed under 1880  
division (D) (3) of this section during the remainder of the 1881  
student's high school experience. 1882

(5) (a) Except as provided in division (D) (5) (b) of this 1883  
section, the student successfully completes, at a minimum, the 1884  
curriculum prescribed in division (B) of this section. 1885

(b) Beginning with students who enter ninth grade for the 1886  
first time on or after July 1, 2014, a student shall be required 1887  
to complete successfully, at the minimum, the curriculum 1888  
prescribed in division (B) of this section, except as follows: 1889

(i) Mathematics, four units, one unit which shall be one 1890  
of the following: 1891

(I) Probability and statistics; 1892

(II) Computer science;	1893
(III) Applied mathematics or quantitative reasoning;	1894
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	1895 1896 1897
(ii) Elective units, five units;	1898
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	1899 1900 1901 1902
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.	1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may	1916 1917 1918 1919 1920 1921

stipulate any of the following:	1922
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	1923 1924
(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;	1925 1926 1927 1928 1929 1930
(3) That no exception comparable to that provided in division (D) of this section is available.	1931 1932
(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:	1933 1934 1935 1936 1937 1938 1939 1940 1941 1942
(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	1943 1944
(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.	1945 1946 1947 1948 1949
(3) The program requires students to attain at least the	1950

applicable score designated for each of the assessments 1951  
prescribed under division (B) (1) of section 3301.0710 of the 1952  
Revised Code or, to the extent prescribed by rule of the state 1953  
board under division (D) (5) of section 3301.0712 of the Revised 1954  
Code, division (B) (2) of that section. 1955

(4) The program develops a student success plan for the 1956  
student in the manner described in division (C) (1) of section 1957  
3313.6020 of the Revised Code that specifies the student's 1958  
matriculating to a two-year degree program, acquiring a business 1959  
and industry-recognized credential, or entering an 1960  
apprenticeship. 1961

(5) The program provides counseling and support for the 1962  
student related to the plan developed under division (F) (4) of 1963  
this section during the remainder of the student's high school 1964  
experience. 1965

(6) The program requires the student and the student's 1966  
parent, guardian, or custodian to sign and file, in accordance 1967  
with procedural requirements stipulated by the program, a 1968  
written statement asserting the parent's, guardian's, or 1969  
custodian's consent to the student's graduating without 1970  
completing the requirements for graduation prescribed in 1971  
division (C) of this section and acknowledging that one 1972  
consequence of not completing those requirements is 1973  
ineligibility to enroll in most state universities in Ohio 1974  
without further coursework. 1975

(7) Prior to receiving the waiver, the program has 1976  
submitted to the department an instructional plan that 1977  
demonstrates how the academic content standards adopted by the 1978  
state board under section 3301.079 of the Revised Code will be 1979  
taught and assessed. 1980

(8) Prior to receiving the waiver, the program has 1981  
submitted to the department a policy on career advising that 1982  
satisfies the requirements of section 3313.6020 of the Revised 1983  
Code, with an emphasis on how every student will receive career 1984  
advising. 1985

(9) Prior to receiving the waiver, the program has 1986  
submitted to the department a written agreement outlining the 1987  
future cooperation between the program and any combination of 1988  
local job training, postsecondary education, nonprofit, and 1989  
health and social service organizations to provide services for 1990  
students in the program and their families. 1991

Divisions (F) (8) and (9) of this section apply only to 1992  
waivers granted on or after July 1, 2015. 1993

If the department does not act either to grant the waiver 1994  
or to reject the program application for the waiver within sixty 1995  
days as required under this section, the waiver shall be 1996  
considered to be granted. 1997

(G) Every high school may permit students below the ninth 1998  
grade to take advanced work. If a high school so permits, it 1999  
shall award high school credit for successful completion of the 2000  
advanced work and shall count such advanced work toward the 2001  
graduation requirements of division (B) or (C) of this section 2002  
if the advanced work was both: 2003

(1) Taught by a person who possesses a license or 2004  
certificate issued under section 3301.071, 3319.22, or 3319.222 2005  
of the Revised Code that is valid for teaching high school; 2006

(2) Designated by the board of education of the city, 2007  
local, or exempted village school district, the board of the 2008  
cooperative education school district, or the governing 2009

authority of the chartered nonpublic school as meeting the high school curriculum requirements. 2010  
2011

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript. 2012  
2013  
2014  
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(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses. 2019  
2020  
2021  
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(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section. 2024  
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For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school 2036  
2037  
2038  
2039

may administer the related subject area examinations upon the 2040  
student's completion of the integrated course. 2041

Nothing in division (I) of this section shall be 2042  
construed to excuse any school district, chartered nonpublic 2043  
school, or student from any requirement in the Revised Code 2044  
related to curriculum, assessments, or the awarding of a high 2045  
school diploma. 2046

(J)(1) The state board, in consultation with the 2047  
chancellor, shall adopt a statewide plan implementing methods 2048  
for students to earn units of high school credit based on a 2049  
demonstration of subject area competency, instead of or in 2050  
combination with completing hours of classroom instruction. The 2051  
state board shall adopt the plan not later than March 31, 2009, 2052  
and commence phasing in the plan during the 2009-2010 school 2053  
year. The plan shall include a standard method for recording 2054  
demonstrated proficiency on high school transcripts. Each school 2055  
district and community school shall comply with the state 2056  
board's plan adopted under this division and award units of high 2057  
school credit in accordance with the plan. The state board may 2058  
adopt existing methods for earning high school credit based on a 2059  
demonstration of subject area competency as necessary prior to 2060  
the 2009-2010 school year. 2061

(2) Not later than December 31, 2015, the state board 2062  
shall update the statewide plan adopted pursuant to division (J) 2063  
(1) of this section to also include methods for students 2064  
enrolled in seventh and eighth grade to meet curriculum 2065  
requirements based on a demonstration of subject area 2066  
competency, instead of or in combination with completing hours 2067  
of classroom instruction. Beginning with the 2017-2018 school 2068  
year, each school district and community school also shall 2069

comply with the updated plan adopted pursuant to this division 2070  
and permit students enrolled in seventh and eighth grade to meet 2071  
curriculum requirements based on subject area competency in 2072  
accordance with the plan. 2073

(3) Not later than December 31, 2017, the department shall 2074  
develop a framework for school districts and community schools 2075  
to use in granting units of high school credit to students who 2076  
demonstrate subject area competency through work-based learning 2077  
experiences, internships, or cooperative education. Beginning 2078  
with the 2018-2019 school year, each district and community 2079  
school shall comply with the framework. Each district and 2080  
community school also shall review any policy it has adopted 2081  
regarding the demonstration of subject area competency to 2082  
identify ways to incorporate work-based learning experiences, 2083  
internships, and cooperative education into the policy in order 2084  
to increase student engagement and opportunities to earn units 2085  
of high school credit. 2086

(K) This division does not apply to students who qualify 2087  
for graduation from high school under division (D) or (F) of 2088  
this section, or to students pursuing a career-technical 2089  
instructional track as determined by the school district board 2090  
of education or the chartered nonpublic school's governing 2091  
authority. Nevertheless, the general assembly encourages such 2092  
students to consider enrolling in a fine arts course as an 2093  
elective. 2094

Beginning with students who enter ninth grade for the 2095  
first time on or after July 1, 2010, each student enrolled in a 2096  
public or chartered nonpublic high school shall complete two 2097  
semesters or the equivalent of fine arts to graduate from high 2098  
school. The coursework may be completed in any of grades seven 2099



to twelve. Each student who completes a fine arts course in 2100  
grade seven or eight may elect to count that course toward the 2101  
five units of electives required for graduation under division 2102  
(C) (8) of this section, if the course satisfied the requirements 2103  
of division (G) of this section. In that case, the high school 2104  
shall award the student high school credit for the course and 2105  
count the course toward the five units required under division 2106  
(C) (8) of this section. If the course in grade seven or eight 2107  
did not satisfy the requirements of division (G) of this 2108  
section, the high school shall not award the student high school 2109  
credit for the course but shall count the course toward the two 2110  
semesters or the equivalent of fine arts required by this 2111  
division. 2112

(L) Notwithstanding anything to the contrary in this 2113  
section, the board of education of each school district and the 2114  
governing authority of each chartered nonpublic school may adopt 2115  
a policy to excuse from the high school physical education 2116  
requirement each student who, during high school, has 2117  
participated in interscholastic athletics, marching band, or 2118  
cheerleading for at least two full seasons or in the junior 2119  
reserve officer training corps for at least two full school 2120  
years. If the board or authority adopts such a policy, the board 2121  
or authority shall not require the student to complete any 2122  
physical education course as a condition to graduate. However, 2123  
the student shall be required to complete one-half unit, 2124  
consisting of at least sixty hours of instruction, in another 2125  
course of study. In the case of a student who has participated 2126  
in the junior reserve officer training corps for at least two 2127  
full school years, credit received for that participation may be 2128  
used to satisfy the requirement to complete one-half unit in 2129  
another course of study. 2130

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a

professional development program determined to be appropriate by 2160  
the district board. 2161

If a student applies more than one computer science course 2162  
to satisfy curriculum requirements under that division, the 2163  
courses shall be sequential and progressively more difficult or 2164  
cover different subject areas within computer science. 2165

**Sec. 3313.814.** (A) As used in this section and sections 2166  
3313.816 and 3313.817 of the Revised Code: 2167

(1) "A la carte item" means an individually priced food or 2168  
beverage item that is available for sale to students through any 2169  
of the following: 2170

(a) A school food service program; 2171

(b) A vending machine located on school property; 2172

(c) A store operated by the school, a student association, 2173  
or other school-sponsored organization. 2174

"A la carte item" does not include any food or beverage 2175  
item available for sale in connection with a school-sponsored 2176  
fundraiser held outside of the regular school day, any other 2177  
school-sponsored event held outside of the regular school day, 2178  
or an interscholastic athletic event. "A la carte item" also 2179  
does not include any food or beverage item that is part of a 2180  
reimbursable meal and that is available for sale as an 2181  
individually priced item in a serving portion of the same size 2182  
as in the reimbursable meal, regardless of whether the food or 2183  
beverage item is included in the reimbursable meal served on a 2184  
particular school day. 2185

(2) "Added sweeteners" means any additives that enhance 2186  
the sweetness of a beverage, including processed sugar. "Added 2187

sweeteners" do not include any natural sugars found in fruit 2188  
juices that are a component of the beverage. 2189

(3) "Extended school day" means the period before and 2190  
after the regular school day during which students participate 2191  
in school-sponsored extracurricular activities, latchkey 2192  
programs as defined in section 3313.207 of the Revised Code, or 2193  
other academic or enrichment programs. 2194

(4) "Regular school day" means the period each school day 2195  
between the designated arrival time for students and the end of 2196  
the final instructional period. 2197

(5) "Reimbursable meal" means a meal that is provided to 2198  
students through a school breakfast or lunch program established 2199  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 2200  
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 2201  
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 2202  
criteria for reimbursement established by the United States 2203  
department of agriculture. 2204

(6) "School food service program" means a school food 2205  
service program operated under section 3313.81 or 3313.813 of 2206  
the Revised Code. 2207

(B) Each school district board of education and each 2208  
chartered nonpublic school governing authority shall adopt and 2209  
enforce nutrition standards governing the types of food and 2210  
beverages that may be sold on the premises of its schools, and 2211  
specifying the time and place each type of food or beverage may 2212  
be sold. 2213

(1) In adopting the standards, the board or governing 2214  
authority shall do all of the following: 2215

(a) Consider the nutritional value of each food or 2216

beverage; 2217

(b) Consult with a dietitian licensed under Chapter 4759. 2218  
of the Revised Code, a dietetic technician registered by the 2219  
commission on dietetic registration, or a school nutrition 2220  
specialist certified or credentialed by the school nutrition 2221  
association. The person with whom the board or governing 2222  
authority consults may be an employee of the board or governing 2223  
authority, a person contracted by the board or governing 2224  
authority, or a volunteer, provided the person meets the 2225  
requirements of this division. 2226

(c) Consult the dietary guidelines for Americans jointly 2227  
developed by the United States department of agriculture and the 2228  
United States department of health and human services and, to 2229  
the maximum extent possible, incorporate the guidelines into the 2230  
standards. 2231

(2) No food or beverage may be sold on any school premises 2232  
except in accordance with the standards adopted by the board or 2233  
governing authority. 2234

(3) The standards shall comply with sections 3313.816 and 2235  
3313.817 of the Revised Code, but nothing in this section shall 2236  
prohibit the standards from being more restrictive than 2237  
otherwise required by those sections. 2238

(C) The nutrition standards adopted under this section 2239  
shall prohibit the placement of vending machines in any 2240  
classroom where students are provided instruction, unless the 2241  
classroom also is used to serve students meals. This division 2242  
does not apply to vending machines that sell only milk, 2243  
reimbursable meals, or food and beverage items that are part of 2244  
a reimbursable meal and are available for sale as individually 2245

priced items in serving portions of the same size as in the 2246  
reimbursable meal. 2247

(D) Each board or governing authority shall designate 2248  
staff to be responsible for ensuring that the school district or 2249  
school meets the nutrition standards adopted under this section. 2250  
The staff shall prepare an annual report regarding the 2251  
district's or school's compliance with the standards and ~~submit~~ 2252  
include it in the report to the department of education 2253  
prescribed in section 3301.68 of the Revised Code. The board or 2254  
governing authority annually shall schedule a presentation on 2255  
the nutrition standards report at one of its regular meetings. 2256  
Each district or school shall make copies of the nutrition 2257  
standards report available to the public upon request. 2258

(E) The state board of education shall formulate and adopt 2259  
guidelines, which boards of education and chartered nonpublic 2260  
schools may follow in enforcing and implementing this section. 2261

**Sec. 3314.02.** (A) As used in this chapter: 2262

(1) "Sponsor" means the board of education of a school 2263  
district or the governing board of an educational service center 2264  
that agrees to the conversion of all or part of a school or 2265  
building under division (B) of this section, or an entity listed 2266  
in division (C) (1) of this section, which has been approved by 2267  
the department of education to sponsor community schools or is 2268  
exempted by section 3314.021 or 3314.027 of the Revised Code 2269  
from obtaining approval, and with which the governing authority 2270  
of a community school enters into a contract under section 2271  
3314.03 of the Revised Code. 2272

(2) "Pilot project area" means the school districts 2273  
included in the territory of the former community school pilot 2274

project established by former Section 50.52 of Am. Sub. H.B. No. 2275  
215 of the 122nd general assembly. 2276

(3) "Challenged school district" means any of the 2277  
following: 2278

(a) A school district that is part of the pilot project 2279  
area; 2280

(b) A school district that meets one of the following 2281  
conditions: 2282

(i) On March 22, 2013, the district was in a state of 2283  
academic emergency or in a state of academic watch under section 2284  
3302.03 of the Revised Code, as that section existed prior to 2285  
March 22, 2013; 2286

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2287  
2015-2016 school years, the district received a grade of "D" or 2288  
"F" for the performance index score and a grade of "F" for the 2289  
value-added progress dimension under section 3302.03 of the 2290  
Revised Code; 2291

(iii) For the 2016-2017 school year and for any school 2292  
year thereafter, the district has received an overall grade of 2293  
"D" or "F" under division (C) (3) of section 3302.03 of the 2294  
Revised Code, or, for at least two of the three most recent 2295  
school years, the district received a grade of "F" for the 2296  
value-added progress dimension under division (C) (1) (e) of that 2297  
section. 2298

(c) A big eight school district; 2299

(d) A school district ranked in the lowest five per cent 2300  
of school districts according to performance index score under 2301  
section 3302.21 of the Revised Code. 2302

- (4) "Big eight school district" means a school district 2303  
that for fiscal year 1997 had both of the following: 2304
- (a) A percentage of children residing in the district and 2305  
participating in the predecessor of Ohio works first greater 2306  
than thirty per cent, as reported pursuant to section 3317.10 of 2307  
the Revised Code; 2308
- (b) An average daily membership greater than twelve 2309  
thousand, as reported pursuant to former division (A) of section 2310  
3317.03 of the Revised Code. 2311
- (5) "New start-up school" means a community school other 2312  
than one created by converting all or part of an existing public 2313  
school or educational service center building, as designated in 2314  
the school's contract pursuant to division (A)(17) of section 2315  
3314.03 of the Revised Code. 2316
- (6) "Urban school district" means one of the state's 2317  
twenty-one urban school districts as defined in division (O) of 2318  
section 3317.02 of the Revised Code as that section existed 2319  
prior to July 1, 1998. 2320
- (7) "Internet- or computer-based community school" means a 2321  
community school established under this chapter in which the 2322  
enrolled students work primarily from their residences on 2323  
assignments in nonclassroom-based learning opportunities 2324  
provided via an internet- or other computer-based instructional 2325  
method that does not rely on regular classroom instruction or 2326  
via comprehensive instructional methods that include internet- 2327  
based, other computer-based, and noncomputer-based learning 2328  
opportunities unless a student receives career-technical 2329  
education under section 3314.086 of the Revised Code. 2330
- A community school that operates mainly as an internet- or 2331



computer-based community school and provides career-technical 2332  
education under section 3314.086 of the Revised Code shall be 2333  
considered an internet- or computer-based community school, even 2334  
if it provides some classroom-based instruction, so long as it 2335  
provides instruction via the methods described in this division. 2336

(8) "Operator" or "management company" means either of the 2337  
following: 2338

(a) An individual or organization that manages the daily 2339  
operations of a community school pursuant to a contract between 2340  
the operator or management company and the school's governing 2341  
authority; 2342

(b) A nonprofit organization that provides programmatic 2343  
oversight and support to a community school under a contract 2344  
with the school's governing authority and that retains the right 2345  
to terminate its affiliation with the school if the school fails 2346  
to meet the organization's quality standards. 2347

(9) "Alliance municipal school district" has the same 2348  
meaning as in section 3311.86 of the Revised Code. 2349

(B)(1) Any person or group of individuals may initially 2350  
propose under this division the conversion of all or a portion 2351  
of a public school to a community school. The proposal shall be 2352  
made to the board of education of the city, local, exempted 2353  
village, or joint vocational school district in which the public 2354  
school is proposed to be converted. 2355

(2) Any person or group of individuals may initially 2356  
propose under this division the conversion of all or a portion 2357  
of a building operated by an educational service center to a 2358  
community school. The proposal shall be made to the governing 2359  
board of the service center. 2360

On or after July 1, 2017, except as provided in section 2361  
3314.027 of the Revised Code, any educational service center 2362  
that sponsors a community school shall be approved by and enter 2363  
into a written agreement with the department as described in 2364  
section 3314.015 of the Revised Code. 2365

(3) Upon receipt of a proposal, and after an agreement has 2366  
been entered into pursuant to section 3314.015 of the Revised 2367  
Code, a board may enter into a preliminary agreement with the 2368  
person or group proposing the conversion of the public school or 2369  
service center building, indicating the intention of the board 2370  
to support the conversion to a community school. A proposing 2371  
person or group that has a preliminary agreement under this 2372  
division may proceed to finalize plans for the school, establish 2373  
a governing authority for the school, and negotiate a contract 2374  
with the board. Provided the proposing person or group adheres 2375  
to the preliminary agreement and all provisions of this chapter, 2376  
the board shall negotiate in good faith to enter into a contract 2377  
in accordance with section 3314.03 of the Revised Code and 2378  
division (C) of this section. 2379

(4) The sponsor of a conversion community school proposed 2380  
to open in an alliance municipal school district shall be 2381  
subject to approval by the department of education for 2382  
sponsorship of that school using the criteria established under 2383  
division (A) of section 3311.87 of the Revised Code. 2384

Division (B) (4) of this section does not apply to a 2385  
sponsor that, on or before September 29, 2015, was exempted 2386  
under section 3314.021 or 3314.027 of the Revised Code from the 2387  
requirement to be approved for sponsorship under divisions (A) 2388  
(2) and (B) (1) of section 3314.015 of the Revised Code. 2389

(C) (1) Any person or group of individuals may propose 2390

under this division the establishment of a new start-up school 2391  
to be located in a challenged school district. The proposal may 2392  
be made to any of the following entities: 2393

(a) The board of education of the district in which the 2394  
school is proposed to be located; 2395

(b) The board of education of any joint vocational school 2396  
district with territory in the county in which is located the 2397  
majority of the territory of the district in which the school is 2398  
proposed to be located; 2399

(c) The board of education of any other city, local, or 2400  
exempted village school district having territory in the same 2401  
county where the district in which the school is proposed to be 2402  
located has the major portion of its territory; 2403

(d) The governing board of any educational service center, 2404  
regardless of the location of the proposed school, may sponsor a 2405  
new start-up school in any challenged school district in the 2406  
state if all of the following are satisfied: 2407

(i) If applicable, it satisfies the requirements of 2408  
division (E) of section 3311.86 of the Revised Code; 2409

(ii) It is approved to do so by the department; 2410

(iii) It enters into an agreement with the department 2411  
under section 3314.015 of the Revised Code. 2412

(e) A sponsoring authority designated by the board of 2413  
trustees of any of the thirteen state universities listed in 2414  
section 3345.011 of the Revised Code or the board of trustees 2415  
itself as long as a mission of the proposed school to be 2416  
specified in the contract under division (A) (2) of section 2417  
3314.03 of the Revised Code and as approved by the department 2418

under division (B) (3) of section 3314.015 of the Revised Code 2419  
will be the practical demonstration of teaching methods, 2420  
educational technology, or other teaching practices that are 2421  
included in the curriculum of the university's teacher 2422  
preparation program approved by the state board of education; 2423

(f) Any qualified tax-exempt entity under section 501(c) 2424  
(3) of the Internal Revenue Code as long as all of the following 2425  
conditions are satisfied: 2426

(i) The entity has been in operation for at least five 2427  
years prior to applying to be a community school sponsor. 2428

(ii) The entity has assets of at least five hundred 2429  
thousand dollars and a demonstrated record of financial 2430  
responsibility. 2431

(iii) The department has determined that the entity is an 2432  
education-oriented entity under division (B) (4) of section 2433  
3314.015 of the Revised Code and the entity has a demonstrated 2434  
record of successful implementation of educational programs. 2435

(iv) The entity is not a community school. 2436

(g) The mayor of a city in which the majority of the 2437  
territory of a school district to which section 3311.60 of the 2438  
Revised Code applies is located, regardless of whether that 2439  
district has created the position of independent auditor as 2440  
prescribed by that section. The mayor's sponsorship authority 2441  
under this division is limited to community schools that are 2442  
located in that school district. Such mayor may sponsor 2443  
community schools only with the approval of the city council of 2444  
that city, after establishing standards with which community 2445  
schools sponsored by the mayor must comply, and after entering 2446  
into a sponsor agreement with the department as prescribed under 2447

section 3314.015 of the Revised Code. The mayor shall establish 2448  
the standards for community schools sponsored by the mayor not 2449  
later than one hundred eighty days after July 15, 2013, and 2450  
shall submit them to the department upon their establishment. 2451  
The department shall approve the mayor to sponsor community 2452  
schools in the district, upon receipt of an application by the 2453  
mayor to do so. Not later than ninety days after the 2454  
department's approval of the mayor as a community school 2455  
sponsor, the department shall enter into the sponsor agreement 2456  
with the mayor. 2457

Any entity described in division (C) (1) of this section 2458  
may enter into a preliminary agreement pursuant to division (C) 2459  
(2) of this section with the proposing person or group, provided 2460  
that entity has been approved by and entered into a written 2461  
agreement with the department pursuant to section 3314.015 of 2462  
the Revised Code. 2463

(2) A preliminary agreement indicates the intention of an 2464  
entity described in division (C) (1) of this section to sponsor 2465  
the community school. A proposing person or group that has such 2466  
a preliminary agreement may proceed to finalize plans for the 2467  
school, establish a governing authority as described in division 2468  
(E) of this section for the school, and negotiate a contract 2469  
with the entity. Provided the proposing person or group adheres 2470  
to the preliminary agreement and all provisions of this chapter, 2471  
the entity shall negotiate in good faith to enter into a 2472  
contract in accordance with section 3314.03 of the Revised Code. 2473

(3) A new start-up school that is established in a school 2474  
district described in either division (A) (3) (b) or (d) of this 2475  
section may continue in existence once the school district no 2476  
longer meets the conditions described in either division, 2477

provided there is a valid contract between the school and a 2478  
sponsor. 2479

(4) A copy of every preliminary agreement entered into 2480  
under this division shall be filed with the superintendent of 2481  
public instruction. 2482

(D) A majority vote of the board of a sponsoring entity 2483  
and a majority vote of the members of the governing authority of 2484  
a community school shall be required to adopt a contract and 2485  
convert the public school or educational service center building 2486  
to a community school or establish the new start-up school. 2487  
Beginning September 29, 2005, adoption of the contract shall 2488  
occur not later than the fifteenth day of March, and signing of 2489  
the contract shall occur not later than the fifteenth day of 2490  
May, prior to the school year in which the school will open. The 2491  
governing authority shall notify the department of education 2492  
when the contract has been signed. Subject to sections 3314.013 2493  
and 3314.016 of the Revised Code, an unlimited number of 2494  
community schools may be established in any school district 2495  
provided that a contract is entered into for each community 2496  
school pursuant to this chapter. 2497

(E) (1) As used in this division, "immediate relatives" are 2498  
limited to spouses, children, parents, grandparents, and 2499  
siblings, as well as in-laws residing in the same household as 2500  
the person serving on the governing authority. 2501

Each new start-up community school established under this 2502  
chapter shall be under the direction of a governing authority 2503  
which shall consist of a board of not less than five 2504  
individuals. 2505

(2) (a) No person shall serve on the governing authority or 2506

operate the community school under contract with the governing authority under any of the following circumstances: 2507  
2508

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed. 2509  
2510  
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(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator. 2512  
2513  
2514  
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(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state. 2516  
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2518  
2519

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code. 2520  
2521  
2522  
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(c) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any individual or individuals who propose to create a community school or any member of the governing authority, the operator, or any employee of each community school. 2525  
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2527  
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(3) No person shall serve on the governing authorities of more than five start-up community schools at the same time. 2531  
2532

(4) (a) For a community school established under this chapter that is not sponsored by a school district or an educational service center, no present or former member, or 2533  
2534  
2535

immediate relative of a present or former member, of the 2536  
governing authority shall be an owner, employee, or consultant 2537  
of the community school's sponsor or operator, unless at least 2538  
one year has elapsed since the conclusion of the person's 2539  
membership on the governing authority. 2540

(b) For a community school established under this chapter 2541  
that is sponsored by a school district or an educational service 2542  
center, no present or former member, or immediate relative of a 2543  
present or former member, of the governing authority shall: 2544

(i) Be an officer of the district board or service center 2545  
governing board that serves as the community school's sponsor, 2546  
unless at least one year has elapsed since the conclusion of the 2547  
person's membership on the governing authority; 2548

(ii) Serve as an employee of, or a consultant for, the 2549  
department, division, or section of the sponsoring district or 2550  
service center that is directly responsible for sponsoring 2551  
community schools, or have supervisory authority over such a 2552  
department, division, or section, unless at least one year has 2553  
elapsed since the conclusion of the person's membership on the 2554  
governing authority. 2555

(5) The governing authority of a start-up or conversion 2556  
community school may provide by resolution for the compensation 2557  
of its members. However, no individual who serves on the 2558  
governing authority of a start-up or conversion community school 2559  
shall be compensated more than one hundred twenty-five dollars 2560  
per meeting of that governing authority and no such individual 2561  
shall be compensated more than a total amount of five thousand 2562  
dollars per year for all governing authorities upon which the 2563  
individual serves. Each member of the governing authority may be 2564  
paid compensation for attendance at an approved training 2565



program, provided that such compensation shall not exceed sixty 2566  
dollars a day for attendance at a training program three hours 2567  
or less in length and one hundred twenty-five dollars a day for 2568  
attendance at a training program longer than three hours in 2569  
length. 2570

(6) No person who is the employee of a school district or 2571  
educational service center shall serve on the governing 2572  
authority of any community school sponsored by that school 2573  
district or service center. 2574

(7) Each member of the governing authority of a community 2575  
school shall annually file a disclosure statement setting forth 2576  
the names of any immediate relatives or business associates 2577  
employed by any of the following within the previous three 2578  
years: 2579

(a) The sponsor or operator of that community school; 2580

(b) A school district or educational service center that 2581  
has contracted with that community school; 2582

(c) A vendor that is or has engaged in business with that 2583  
community school. 2584

(8) No person who is a member of a school district board 2585  
of education shall serve on the governing authority of any 2586  
community school. 2587

(F) (1) A new start-up school that is established prior to 2588  
August 15, 2003, in an urban school district that is not also a 2589  
big-eight school district may continue to operate after that 2590  
date and the contract between the school's governing authority 2591  
and the school's sponsor may be renewed, as provided under this 2592  
chapter, after that date, but no additional new start-up schools 2593  
may be established in such a district unless the district is a 2594

challenged school district as defined in this section as it 2595  
exists on and after that date. 2596

(2) A community school that was established prior to June 2597  
29, 1999, and is located in a county contiguous to the pilot 2598  
project area and in a school district that is not a challenged 2599  
school district may continue to operate after that date, 2600  
provided the school complies with all provisions of this 2601  
chapter. The contract between the school's governing authority 2602  
and the school's sponsor may be renewed, but no additional 2603  
start-up community school may be established in that district 2604  
unless the district is a challenged school district. 2605

(3) Any educational service center that, on June 30, 2007, 2606  
sponsors a community school that is not located in a county 2607  
within the territory of the service center or in a county 2608  
contiguous to such county may continue to sponsor that community 2609  
school on and after June 30, 2007, and may renew its contract 2610  
with the school. However, the educational service center shall 2611  
not enter into a contract with any additional community school, 2612  
unless the governing board of the service center has entered 2613  
into an agreement with the department authorizing the service 2614  
center to sponsor a community school in any challenged school 2615  
district in the state. 2616

**Sec. 3314.03.** A copy of every contract entered into under 2617  
this section shall be filed with the superintendent of public 2618  
instruction. The department of education shall make available on 2619  
its web site a copy of every approved, executed contract filed 2620  
with the superintendent under this section. 2621

(A) Each contract entered into between a sponsor and the 2622  
governing authority of a community school shall specify the 2623  
following: 2624

(1) That the school shall be established as either of the following:	2625 2626
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	2627 2628 2629
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	2630 2631
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	2632 2633 2634 2635
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	2636 2637 2638 2639
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	2640 2641 2642 2643
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2644 2645 2646
(6) (a) Dismissal procedures;	2647
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in <del>one hundred five</del> <u>seventy-two</u> consecutive hours of the learning opportunities	2648 2649 2650 2651 2652

offered to the student. 2653

(7) The ways by which the school will achieve racial and 2654  
ethnic balance reflective of the community it serves; 2655

(8) Requirements for financial audits by the auditor of 2656  
state. The contract shall require financial records of the 2657  
school to be maintained in the same manner as are financial 2658  
records of school districts, pursuant to rules of the auditor of 2659  
state. Audits shall be conducted in accordance with section 2660  
117.10 of the Revised Code. 2661

(9) An addendum to the contract outlining the facilities 2662  
to be used that contains at least the following information: 2663

(a) A detailed description of each facility used for 2664  
instructional purposes; 2665

(b) The annual costs associated with leasing each facility 2666  
that are paid by or on behalf of the school; 2667

(c) The annual mortgage principal and interest payments 2668  
that are paid by the school; 2669

(d) The name of the lender or landlord, identified as 2670  
such, and the lender's or landlord's relationship to the 2671  
operator, if any. 2672

(10) Qualifications of teachers, including a requirement 2673  
that the school's classroom teachers be licensed in accordance 2674  
with sections 3319.22 to 3319.31 of the Revised Code, except 2675  
that a community school may engage noncertificated persons to 2676  
teach up to twelve hours per week pursuant to section 3319.301 2677  
of the Revised Code. 2678

(11) That the school will comply with the following 2679  
requirements: 2680

(a) The school will provide learning opportunities to a 2681  
minimum of twenty-five students for a minimum of nine hundred 2682  
twenty hours per school year. 2683

(b) The governing authority will purchase liability 2684  
insurance, or otherwise provide for the potential liability of 2685  
the school. 2686

(c) The school will be nonsectarian in its programs, 2687  
admission policies, employment practices, and all other 2688  
operations, and will not be operated by a sectarian school or 2689  
religious institution. 2690

(d) The school will comply with sections 9.90, 9.91, 2691  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2692  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 2693  
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 2694  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 2695  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 2696  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 2697  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 2698  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 2699  
3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 3319.39, 2700  
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 2701  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 2702  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 2703  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 2704  
a school district and will comply with section 3301.0714 of the 2705  
Revised Code in the manner specified in section 3314.17 of the 2706  
Revised Code. 2707

(e) The school shall comply with Chapter 102. and section 2708  
2921.42 of the Revised Code. 2709

(f) The school will comply with sections 3313.61, 2710  
3313.611, and 3313.614 of the Revised Code, except that for 2711  
students who enter ninth grade for the first time before July 1, 2712  
2010, the requirement in sections 3313.61 and 3313.611 of the 2713  
Revised Code that a person must successfully complete the 2714  
curriculum in any high school prior to receiving a high school 2715  
diploma may be met by completing the curriculum adopted by the 2716  
governing authority of the community school rather than the 2717  
curriculum specified in Title XXXVIII of the Revised Code or any 2718  
rules of the state board of education. Beginning with students 2719  
who enter ninth grade for the first time on or after July 1, 2720  
2010, the requirement in sections 3313.61 and 3313.611 of the 2721  
Revised Code that a person must successfully complete the 2722  
curriculum of a high school prior to receiving a high school 2723  
diploma shall be met by completing the requirements prescribed 2724  
in division (C) of section 3313.603 of the Revised Code, unless 2725  
the person qualifies under division (D) or (F) of that section. 2726  
Each school shall comply with the plan for awarding high school 2727  
credit based on demonstration of subject area competency, and 2728  
beginning with the 2017-2018 school year, with the updated plan 2729  
that permits students enrolled in seventh and eighth grade to 2730  
meet curriculum requirements based on subject area competency 2731  
adopted by the state board of education under divisions (J) (1) 2732  
and (2) of section 3313.603 of the Revised Code. Beginning with 2733  
the 2018-2019 school year, the school shall comply with the 2734  
framework for granting units of high school credit to students 2735  
who demonstrate subject area competency through work-based 2736  
learning experiences, internships, or cooperative education 2737  
developed by the department under division (J) (3) of section 2738  
3313.603 of the Revised Code. 2739

(g) The school governing authority will submit within four 2740

months after the end of each school year a report of its 2741  
activities and progress in meeting the goals and standards of 2742  
divisions (A) (3) and (4) of this section and its financial 2743  
status to the sponsor and the parents of all students enrolled 2744  
in the school. 2745

(h) The school, unless it is an internet- or computer- 2746  
based community school, will comply with section 3313.801 of the 2747  
Revised Code as if it were a school district. 2748

(i) If the school is the recipient of moneys from a grant 2749  
awarded under the federal race to the top program, Division (A), 2750  
Title XIV, Sections 14005 and 14006 of the "American Recovery 2751  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2752  
the school will pay teachers based upon performance in 2753  
accordance with section 3317.141 and will comply with section 2754  
3319.111 of the Revised Code as if it were a school district. 2755

(j) If the school operates a preschool program that is 2756  
licensed by the department of education under sections 3301.52 2757  
to 3301.59 of the Revised Code, the school shall comply with 2758  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 2759  
standards for preschool programs prescribed in rules adopted by 2760  
the state board under section 3301.53 of the Revised Code. 2761

(k) The school will comply with sections 3313.6021 and 2762  
3313.6023 of the Revised Code as if it were a school district 2763  
unless it is either of the following: 2764

(i) An internet- or computer-based community school; 2765

(ii) A community school in which a majority of the 2766  
enrolled students are children with disabilities as described in 2767  
division (A) (4) (b) of section 3314.35 of the Revised Code. 2768

(12) Arrangements for providing health and other benefits 2769

to employees;	2770
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	2771 2772 2773 2774
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	2775 2776
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	2777 2778 2779
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	2780 2781 2782 2783
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	2795 2796 2797
(19) A provision requiring the governing authority to	2798



adopt a policy regarding the admission of students who reside 2799  
outside the district in which the school is located. That policy 2800  
shall comply with the admissions procedures specified in 2801  
sections 3314.06 and 3314.061 of the Revised Code and, at the 2802  
sole discretion of the authority, shall do one of the following: 2803

(a) Prohibit the enrollment of students who reside outside 2804  
the district in which the school is located; 2805

(b) Permit the enrollment of students who reside in 2806  
districts adjacent to the district in which the school is 2807  
located; 2808

(c) Permit the enrollment of students who reside in any 2809  
other district in the state. 2810

(20) A provision recognizing the authority of the 2811  
department of education to take over the sponsorship of the 2812  
school in accordance with the provisions of division (C) of 2813  
section 3314.015 of the Revised Code; 2814

(21) A provision recognizing the sponsor's authority to 2815  
assume the operation of a school under the conditions specified 2816  
in division (B) of section 3314.073 of the Revised Code; 2817

(22) A provision recognizing both of the following: 2818

(a) The authority of public health and safety officials to 2819  
inspect the facilities of the school and to order the facilities 2820  
closed if those officials find that the facilities are not in 2821  
compliance with health and safety laws and regulations; 2822

(b) The authority of the department of education as the 2823  
community school oversight body to suspend the operation of the 2824  
school under section 3314.072 of the Revised Code if the 2825  
department has evidence of conditions or violations of law at 2826

the school that pose an imminent danger to the health and safety 2827  
of the school's students and employees and the sponsor refuses 2828  
to take such action. 2829

(23) A description of the learning opportunities that will 2830  
be offered to students including both classroom-based and non- 2831  
classroom-based learning opportunities that is in compliance 2832  
with criteria for student participation established by the 2833  
department under division (H) (2) of section 3314.08 of the 2834  
Revised Code; 2835

(24) The school will comply with sections 3302.04 and 2836  
3302.041 of the Revised Code, except that any action required to 2837  
be taken by a school district pursuant to those sections shall 2838  
be taken by the sponsor of the school. However, the sponsor 2839  
shall not be required to take any action described in division 2840  
(F) of section 3302.04 of the Revised Code. 2841

(25) Beginning in the 2006-2007 school year, the school 2842  
will open for operation not later than the thirtieth day of 2843  
September each school year, unless the mission of the school as 2844  
specified under division (A) (2) of this section is solely to 2845  
serve dropouts. In its initial year of operation, if the school 2846  
fails to open by the thirtieth day of September, or within one 2847  
year after the adoption of the contract pursuant to division (D) 2848  
of section 3314.02 of the Revised Code if the mission of the 2849  
school is solely to serve dropouts, the contract shall be void. 2850

(26) Whether the school's governing authority is planning 2851  
to seek designation for the school as a STEM school equivalent 2852  
under section 3326.032 of the Revised Code; 2853

(27) That the school's attendance and participation 2854  
policies will be available for public inspection; 2855

(28) That the school's attendance and participation 2856  
records shall be made available to the department of education, 2857  
auditor of state, and school's sponsor to the extent permitted 2858  
under and in accordance with the "Family Educational Rights and 2859  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 2860  
and any regulations promulgated under that act, and section 2861  
3319.321 of the Revised Code; 2862

(29) If a school operates using the blended learning 2863  
model, as defined in section 3301.079 of the Revised Code, all 2864  
of the following information: 2865

(a) An indication of what blended learning model or models 2866  
will be used; 2867

(b) A description of how student instructional needs will 2868  
be determined and documented; 2869

(c) The method to be used for determining competency, 2870  
granting credit, and promoting students to a higher grade level; 2871

(d) The school's attendance requirements, including how 2872  
the school will document participation in learning 2873  
opportunities; 2874

(e) A statement describing how student progress will be 2875  
monitored; 2876

(f) A statement describing how private student data will 2877  
be protected; 2878

(g) A description of the professional development 2879  
activities that will be offered to teachers. 2880

(30) A provision requiring that all moneys the school's 2881  
operator loans to the school, including facilities loans or cash 2882  
flow assistance, must be accounted for, documented, and bear 2883

interest at a fair market rate; 2884

(31) A provision requiring that, if the governing 2885  
authority contracts with an attorney, accountant, or entity 2886  
specializing in audits, the attorney, accountant, or entity 2887  
shall be independent from the operator with which the school has 2888  
contracted. 2889

(B) The community school shall also submit to the sponsor 2890  
a comprehensive plan for the school. The plan shall specify the 2891  
following: 2892

(1) The process by which the governing authority of the 2893  
school will be selected in the future; 2894

(2) The management and administration of the school; 2895

(3) If the community school is a currently existing public 2896  
school or educational service center building, alternative 2897  
arrangements for current public school students who choose not 2898  
to attend the converted school and for teachers who choose not 2899  
to teach in the school or building after conversion; 2900

(4) The instructional program and educational philosophy 2901  
of the school; 2902

(5) Internal financial controls. 2903

When submitting the plan under this division, the school 2904  
shall also submit copies of all policies and procedures 2905  
regarding internal financial controls adopted by the governing 2906  
authority of the school. 2907

(C) A contract entered into under section 3314.02 of the 2908  
Revised Code between a sponsor and the governing authority of a 2909  
community school may provide for the community school governing 2910  
authority to make payments to the sponsor, which is hereby 2911

authorized to receive such payments as set forth in the contract 2912  
between the governing authority and the sponsor. The total 2913  
amount of such payments for monitoring, oversight, and technical 2914  
assistance of the school shall not exceed three per cent of the 2915  
total amount of payments for operating expenses that the school 2916  
receives from the state. 2917

(D) The contract shall specify the duties of the sponsor 2918  
which shall be in accordance with the written agreement entered 2919  
into with the department of education under division (B) of 2920  
section 3314.015 of the Revised Code and shall include the 2921  
following: 2922

(1) Monitor the community school's compliance with all 2923  
laws applicable to the school and with the terms of the 2924  
contract; 2925

(2) Monitor and evaluate the academic and fiscal 2926  
performance and the organization and operation of the community 2927  
school on at least an annual basis; 2928

(3) Report on an annual basis the results of the 2929  
evaluation conducted under division (D) (2) of this section to 2930  
the department of education and to the parents of students 2931  
enrolled in the community school; 2932

(4) Provide technical assistance to the community school 2933  
in complying with laws applicable to the school and terms of the 2934  
contract; 2935

(5) Take steps to intervene in the school's operation to 2936  
correct problems in the school's overall performance, declare 2937  
the school to be on probationary status pursuant to section 2938  
3314.073 of the Revised Code, suspend the operation of the 2939  
school pursuant to section 3314.072 of the Revised Code, or 2940

terminate the contract of the school pursuant to section 3314.07 2941  
of the Revised Code as determined necessary by the sponsor; 2942

(6) Have in place a plan of action to be undertaken in the 2943  
event the community school experiences financial difficulties or 2944  
closes prior to the end of a school year. 2945

(E) Upon the expiration of a contract entered into under 2946  
this section, the sponsor of a community school may, with the 2947  
approval of the governing authority of the school, renew that 2948  
contract for a period of time determined by the sponsor, but not 2949  
ending earlier than the end of any school year, if the sponsor 2950  
finds that the school's compliance with applicable laws and 2951  
terms of the contract and the school's progress in meeting the 2952  
academic goals prescribed in the contract have been 2953  
satisfactory. Any contract that is renewed under this division 2954  
remains subject to the provisions of sections 3314.07, 3314.072, 2955  
and 3314.073 of the Revised Code. 2956

(F) If a community school fails to open for operation 2957  
within one year after the contract entered into under this 2958  
section is adopted pursuant to division (D) of section 3314.02 2959  
of the Revised Code or permanently closes prior to the 2960  
expiration of the contract, the contract shall be void and the 2961  
school shall not enter into a contract with any other sponsor. A 2962  
school shall not be considered permanently closed because the 2963  
operations of the school have been suspended pursuant to section 2964  
3314.072 of the Revised Code. 2965

Sec. 3314.043. In the case there exists any business or 2966  
familial relationship between a governing authority of a 2967  
community school or any of its officers or employees and a 2968  
management company contracted by the school or any of that 2969  
company's officers or employees, other than the operator 2970

agreement itself, the management company shall agree to 2971  
indemnify the school for financial losses to the community 2972  
school up to the amount of the moneys received by the management 2973  
company. 2974

**Sec. 3314.08.** (A) As used in this section: 2975

(1) (a) "Category one career-technical education student" 2976  
means a student who is receiving the career-technical education 2977  
services described in division (A) of section 3317.014 of the 2978  
Revised Code. 2979

(b) "Category two career-technical student" means a 2980  
student who is receiving the career-technical education services 2981  
described in division (B) of section 3317.014 of the Revised 2982  
Code. 2983

(c) "Category three career-technical student" means a 2984  
student who is receiving the career-technical education services 2985  
described in division (C) of section 3317.014 of the Revised 2986  
Code. 2987

(d) "Category four career-technical student" means a 2988  
student who is receiving the career-technical education services 2989  
described in division (D) of section 3317.014 of the Revised 2990  
Code. 2991

(e) "Category five career-technical education student" 2992  
means a student who is receiving the career-technical education 2993  
services described in division (E) of section 3317.014 of the 2994  
Revised Code. 2995

(2) (a) "Category one limited English proficient student" 2996  
means a limited English proficient student described in division 2997  
(A) of section 3317.016 of the Revised Code. 2998

(b) "Category two limited English proficient student"	2999
means a limited English proficient student described in division	3000
(B) of section 3317.016 of the Revised Code.	3001
(c) "Category three limited English proficient student"	3002
means a limited English proficient student described in division	3003
(C) of section 3317.016 of the Revised Code.	3004
(3) (a) "Category one special education student" means a	3005
student who is receiving special education services for a	3006
disability specified in division (A) of section 3317.013 of the	3007
Revised Code.	3008
(b) "Category two special education student" means a	3009
student who is receiving special education services for a	3010
disability specified in division (B) of section 3317.013 of the	3011
Revised Code.	3012
(c) "Category three special education student" means a	3013
student who is receiving special education services for a	3014
disability specified in division (C) of section 3317.013 of the	3015
Revised Code.	3016
(d) "Category four special education student" means a	3017
student who is receiving special education services for a	3018
disability specified in division (D) of section 3317.013 of the	3019
Revised Code.	3020
(e) "Category five special education student" means a	3021
student who is receiving special education services for a	3022
disability specified in division (E) of section 3317.013 of the	3023
Revised Code.	3024
(f) "Category six special education student" means a	3025
student who is receiving special education services for a	3026
disability specified in division (F) of section 3317.013 of the	3027



Revised Code.	3028
(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	3029 3030
(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	3031 3032
(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	3033 3034 3035
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	3036 3037
(B) The state board of education shall adopt rules requiring both of the following:	3038 3039
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.	3040 3041 3042 3043 3044 3045
(2) The governing authority of each community school established under this chapter to annually report all of the following:	3046 3047 3048
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	3049 3050 3051 3052
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related	3053 3054 3055

services pursuant to an IEP;	3056
(c) The number of students reported under division (B) (2)	3057
(b) of this section receiving special education and related	3058
services pursuant to an IEP for a disability described in each	3059
of divisions (A) to (F) of section 3317.013 of the Revised Code;	3060
(d) The full-time equivalent number of students reported	3061
under divisions (B) (2) (a) and (b) of this section who are	3062
enrolled in career-technical education programs or classes	3063
described in each of divisions (A) to (E) of section 3317.014 of	3064
the Revised Code that are provided by the community school;	3065
(e) The number of students reported under divisions (B) (2)	3066
(a) and (b) of this section who are not reported under division	3067
(B) (2) (d) of this section but who are enrolled in career-	3068
technical education programs or classes described in each of	3069
divisions (A) to (E) of section 3317.014 of the Revised Code at	3070
a joint vocational school district or another district in the	3071
career-technical planning district to which the school is	3072
assigned;	3073
(f) The number of students reported under divisions (B) (2)	3074
(a) and (b) of this section who are category one to three	3075
limited English proficient students described in each of	3076
divisions (A) to (C) of section 3317.016 of the Revised Code;	3077
(g) The number of students reported under divisions (B) (2)	3078
(a) and (b) of this section who are economically disadvantaged,	3079
as defined by the department. A student shall not be	3080
categorically excluded from the number reported under division	3081
(B) (2) (g) of this section based on anything other than family	3082
income.	3083
(h) For each student, the city, exempted village, or local	3084

school district in which the student is entitled to attend 3085  
school under section 3313.64 or 3313.65 of the Revised Code. 3086

(i) The number of students enrolled in a preschool program 3087  
operated by the school that is licensed by the department of 3088  
education under sections 3301.52 to 3301.59 of the Revised Code 3089  
who are not receiving special education and related services 3090  
pursuant to an IEP. 3091

A school district board and a community school governing 3092  
authority shall include in their respective reports under 3093  
division (B) of this section any child admitted in accordance 3094  
with division (A) (2) of section 3321.01 of the Revised Code. 3095

A governing authority of a community school shall not 3096  
include in its report under divisions (B) (2) (a) to (h) of this 3097  
section any student for whom tuition is charged under division 3098  
(F) of this section. 3099

(C) (1) Except as provided in division (C) (2) of this 3100  
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 3101  
of this section, on a full-time equivalency basis, for each 3102  
student enrolled in a community school established under this 3103  
chapter, the department of education annually shall deduct from 3104  
the state education aid of a student's resident district and, if 3105  
necessary, from the payment made to the district under sections 3106  
321.24 and 323.156 of the Revised Code and pay to the community 3107  
school the sum of the following: 3108

(a) An opportunity grant in an amount equal to the formula 3109  
amount; 3110

(b) The per pupil amount of targeted assistance funds 3111  
calculated under division (A) of section 3317.0217 of the 3112  
Revised Code for the student's resident district, as determined 3113

by the department, X 0.25;	3114
(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	3115 3116 3117
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	3118 3119 3120
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	3121 3122 3123
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	3124 3125 3126
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	3127 3128 3129
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	3130 3131 3132
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	3133 3134 3135
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	3136 3137
(e) If the student is economically disadvantaged, an additional amount equal to the following:	3138 3139
\$272 X the resident district's economically disadvantaged	3140

index	3141
(f) Limited English proficiency funds as follows:	3142
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	3143 3144 3145
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	3146 3147 3148
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	3149 3150 3151
(g) If the student is reported under division (B) (2) (d) of this section, career-technical education funds as follows:	3152 3153
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	3154 3155 3156
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	3157 3158 3159
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	3160 3161 3162
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	3163 3164 3165
(v) If the student is a category five career-technical education student, the amount specified in division (E) of	3166 3167

section 3317.014 of the Revised Code. 3168

Deduction and payment of funds under division (C) (1) (g) of 3169  
this section is subject to approval by the lead district of a 3170  
career-technical planning district or the department of 3171  
education under section 3317.161 of the Revised Code. 3172

(2) When deducting from the state education aid of a 3173  
student's resident district for students enrolled in an 3174  
internet- or computer-based community school and making payments 3175  
to such school under this section, the department shall make the 3176  
deductions and payments described in only divisions (C) (1) (a), 3177  
(c), and (g) of this section. 3178

No deductions or payments shall be made for a student 3179  
enrolled in such school under division (C) (1) (b), (d), (e), or 3180  
(f) of this section. 3181

(3) (a) If a community school's costs for a fiscal year for 3182  
a student receiving special education and related services 3183  
pursuant to an IEP for a disability described in divisions (B) 3184  
to (F) of section 3317.013 of the Revised Code exceed the 3185  
threshold catastrophic cost for serving the student as specified 3186  
in division (B) of section 3317.0214 of the Revised Code, the 3187  
school may submit to the superintendent of public instruction 3188  
documentation, as prescribed by the superintendent, of all its 3189  
costs for that student. Upon submission of documentation for a 3190  
student of the type and in the manner prescribed, the department 3191  
shall pay to the community school an amount equal to the 3192  
school's costs for the student in excess of the threshold 3193  
catastrophic costs. 3194

(b) The community school shall report under division (C) 3195  
(3) (a) of this section, and the department shall pay for, only 3196

the costs of educational expenses and the related services 3197  
provided to the student in accordance with the student's 3198  
individualized education program. Any legal fees, court costs, 3199  
or other costs associated with any cause of action relating to 3200  
the student may not be included in the amount. 3201

(4) In any fiscal year, a community school receiving funds 3202  
under division (C) (1) (g) of this section shall spend those funds 3203  
only for the purposes that the department designates as approved 3204  
for career-technical education expenses. Career-technical 3205  
education expenses approved by the department shall include only 3206  
expenses connected to the delivery of career-technical 3207  
programming to career-technical students. The department shall 3208  
require the school to report data annually so that the 3209  
department may monitor the school's compliance with the 3210  
requirements regarding the manner in which funding received 3211  
under division (C) (1) (g) of this section may be spent. 3212

(5) Notwithstanding anything to the contrary in section 3213  
3313.90 of the Revised Code, except as provided in division (C) 3214  
(9) of this section, all funds received under division (C) (1) (g) 3215  
of this section shall be spent in the following manner: 3216

(a) At least seventy-five per cent of the funds shall be 3217  
spent on curriculum development, purchase, and implementation; 3218  
instructional resources and supplies; industry-based program 3219  
certification; student assessment, credentialing, and placement; 3220  
curriculum specific equipment purchases and leases; career- 3221  
technical student organization fees and expenses; home and 3222  
agency linkages; work-based learning experiences; professional 3223  
development; and other costs directly associated with career- 3224  
technical education programs including development of new 3225  
programs. 3226

(b) Not more than twenty-five per cent of the funds shall 3227  
be used for personnel expenditures. 3228

(6) A community school shall spend the funds it receives 3229  
under division (C) (1) (e) of this section in accordance with 3230  
section 3317.25 of the Revised Code. 3231

(7) If the sum of the payments computed under divisions 3232  
(C) (1) and (8) (a) of this section for the students entitled to 3233  
attend school in a particular school district under sections 3234  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 3235  
district's state education aid and its payment under sections 3236  
321.24 and 323.156 of the Revised Code, the department shall 3237  
calculate and apply a proration factor to the payments to all 3238  
community schools under that division for the students entitled 3239  
to attend school in that district. 3240

(8) (a) Subject to division (C) (7) of this section, the 3241  
department annually shall pay to each community school, 3242  
including each internet- or computer-based community school, an 3243  
amount equal to the following: 3244

(The number of students reported by the community school 3245  
under division (B) (2) (e) of this section X the formula amount 3246  
X .20) 3247

(b) For each payment made to a community school under 3248  
division (C) (8) (a) of this section, the department shall deduct 3249  
from the state education aid of each city, local, and exempted 3250  
village school district and, if necessary, from the payment made 3251  
to the district under sections 321.24 and 323.156 of the Revised 3252  
Code an amount equal to the following: 3253

(The number of the district's students reported by the 3254  
community school under division (B) (2) (e) of this section X the 3255



formula amount X .20)	3256
(9) The department may waive the requirement in division	3257
(C) (5) of this section for any community school that exclusively	3258
provides one or more career-technical workforce development	3259
programs in arts and communications that are not equipment-	3260
intensive, as determined by the department.	3261
(D) A board of education sponsoring a community school may	3262
utilize local funds to make enhancement grants to the school or	3263
may agree, either as part of the contract or separately, to	3264
provide any specific services to the community school at no cost	3265
to the school.	3266
(E) A community school may not levy taxes or issue bonds	3267
secured by tax revenues.	3268
(F) No community school shall charge tuition for the	3269
enrollment of any student who is a resident of this state. A	3270
community school may charge tuition for the enrollment of any	3271
student who is not a resident of this state.	3272
(G) (1) (a) A community school may borrow money to pay any	3273
necessary and actual expenses of the school in anticipation of	3274
the receipt of any portion of the payments to be received by the	3275
school pursuant to division (C) of this section. The school may	3276
issue notes to evidence such borrowing. The proceeds of the	3277
notes shall be used only for the purposes for which the	3278
anticipated receipts may be lawfully expended by the school.	3279
(b) A school may also borrow money for a term not to	3280
exceed fifteen years for the purpose of acquiring facilities.	3281
(2) Except for any amount guaranteed under section 3318.50	3282
of the Revised Code, the state is not liable for debt incurred	3283
by the governing authority of a community school.	3284

(H) The department of education shall adjust the amounts 3285  
subtracted and paid under division (C) of this section to 3286  
reflect any enrollment of students in community schools for less 3287  
than the equivalent of a full school year. The state board of 3288  
education within ninety days after April 8, 2003, shall adopt in 3289  
accordance with Chapter 119. of the Revised Code rules governing 3290  
the payments to community schools under this section including 3291  
initial payments in a school year and adjustments and reductions 3292  
made in subsequent periodic payments to community schools and 3293  
corresponding deductions from school district accounts as 3294  
provided under division (C) of this section. For purposes of 3295  
this section: 3296

(1) A student shall be considered enrolled in the 3297  
community school for any portion of the school year the student 3298  
is participating at a college under Chapter 3365. of the Revised 3299  
Code. 3300

(2) A student shall be considered to be enrolled in a 3301  
community school for the period of time beginning on the later 3302  
of the date on which the school both has received documentation 3303  
of the student's enrollment from a parent and the student has 3304  
commenced participation in learning opportunities as defined in 3305  
the contract with the sponsor, or thirty days prior to the date 3306  
on which the student is entered into the education management 3307  
information system established under section 3301.0714 of the 3308  
Revised Code. For purposes of applying this division and 3309  
divisions (H) (3) and (4) of this section to a community school 3310  
student, "learning opportunities" shall be defined in the 3311  
contract, which shall describe both classroom-based and non- 3312  
classroom-based learning opportunities and shall be in 3313  
compliance with criteria and documentation requirements for 3314  
student participation which shall be established by the 3315

department. Any student's instruction time in non-classroom- 3316  
based learning opportunities shall be certified by an employee 3317  
of the community school. A student's enrollment shall be 3318  
considered to cease on the date on which any of the following 3319  
occur: 3320

(a) The community school receives documentation from a 3321  
parent terminating enrollment of the student. 3322

(b) The community school is provided documentation of a 3323  
student's enrollment in another public or private school. 3324

(c) The community school ceases to offer learning 3325  
opportunities to the student pursuant to the terms of the 3326  
contract with the sponsor or the operation of any provision of 3327  
this chapter. 3328

Except as otherwise specified in this paragraph, beginning 3329  
in the 2011-2012 school year, any student who completed the 3330  
prior school year in an internet- or computer-based community 3331  
school shall be considered to be enrolled in the same school in 3332  
the subsequent school year until the student's enrollment has 3333  
ceased as specified in division (H) (2) of this section. The 3334  
department shall continue subtracting and paying amounts for the 3335  
student under division (C) of this section without interruption 3336  
at the start of the subsequent school year. However, if the 3337  
student without a legitimate excuse fails to participate in the 3338  
first ~~one hundred five~~ seventy-two consecutive hours of learning 3339  
opportunities offered to the student in that subsequent school 3340  
year, the student shall be considered not to have re-enrolled in 3341  
the school for that school year and the department shall 3342  
recalculate the payments to the school for that school year to 3343  
account for the fact that the student is not enrolled. 3344

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H) (3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under this section to reflect payments made to colleges

under section 3365.07 of the Revised Code. 3376

(J) (1) No student shall be considered enrolled in any 3377  
internet- or computer-based community school or, if applicable 3378  
to the student, in any community school that is required to 3379  
provide the student with a computer pursuant to division (C) of 3380  
section 3314.22 of the Revised Code, unless both of the 3381  
following conditions are satisfied: 3382

(a) The student possesses or has been provided with all 3383  
required hardware and software materials and all such materials 3384  
are operational so that the student is capable of fully 3385  
participating in the learning opportunities specified in the 3386  
contract between the school and the school's sponsor as required 3387  
by division (A) (23) of section 3314.03 of the Revised Code; 3388

(b) The school is in compliance with division (A) of 3389  
section 3314.22 of the Revised Code, relative to such student. 3390

(2) In accordance with policies adopted jointly by the 3391  
superintendent of public instruction and the auditor of state, 3392  
the department shall reduce the amounts otherwise payable under 3393  
division (C) of this section to any community school that 3394  
includes in its program the provision of computer hardware and 3395  
software materials to any student, if such hardware and software 3396  
materials have not been delivered, installed, and activated for 3397  
each such student in a timely manner or other educational 3398  
materials or services have not been provided according to the 3399  
contract between the individual community school and its 3400  
sponsor. 3401

The superintendent of public instruction and the auditor 3402  
of state shall jointly establish a method for auditing any 3403  
community school to which this division pertains to ensure 3404

compliance with this section. 3405

The superintendent, auditor of state, and the governor 3406  
shall jointly make recommendations to the general assembly for 3407  
legislative changes that may be required to assure fiscal and 3408  
academic accountability for such schools. 3409

(K) (1) If the department determines that a review of a 3410  
community school's enrollment is necessary, such review shall be 3411  
completed and written notice of the findings shall be provided 3412  
to the governing authority of the community school and its 3413  
sponsor within ninety days of the end of the community school's 3414  
fiscal year, unless extended for a period not to exceed thirty 3415  
additional days for one of the following reasons: 3416

(a) The department and the community school mutually agree 3417  
to the extension. 3418

(b) Delays in data submission caused by either a community 3419  
school or its sponsor. 3420

(2) If the review results in a finding that additional 3421  
funding is owed to the school, such payment shall be made within 3422  
thirty days of the written notice. If the review results in a 3423  
finding that the community school owes moneys to the state, the 3424  
following procedure shall apply: 3425

(a) Within ten business days of the receipt of the notice 3426  
of findings, the community school may appeal the department's 3427  
determination to the state board of education or its designee. 3428

(b) The board or its designee shall conduct an informal 3429  
hearing on the matter within thirty days of receipt of such an 3430  
appeal and shall issue a decision within fifteen days of the 3431  
conclusion of the hearing. 3432

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two 3462  
years, except for veterans of the armed services whose 3463  
attendance was interrupted before completing the recognized 3464  
twelve-year course of the public schools by reason of induction 3465  
or enlistment in the armed forces and who apply for enrollment 3466  
in a community school not later than four years after 3467  
termination of war or their honorable discharge. If, however, 3468  
any such veteran elects to enroll in special courses organized 3469  
for veterans for whom tuition is paid under federal law, or 3470  
otherwise, the department shall not subtract from a school 3471  
district's state aid account and shall not pay to a community 3472  
school under division (C) of this section any amount for that 3473  
veteran. 3474

Sec. 3314.231. (A) With regard to the use of the 3475  
department's manual for determining full-time equivalency for 3476  
student enrollment in an internet- or computer-based community 3477  
school to determine student attendance and engagement, the 3478  
superintendent of public instruction shall recommend to the 3479  
joint education oversight committee definitions for all of the 3480  
following terms: 3481

(1) "Documentation of online learning"; 3482

(2) "Idle time"; 3483

(3) "Educational" and "noneducational"; 3484

(4) "Participation"; 3485

(5) "Classroom." 3486

(B) The recommendations made under division (A) of this 3487  
section shall include alternatives and options, and shall 3488  
include the advantages and disadvantages of each alternative and 3489  
option. 3490



(C) In developing the proposed recommendations, the state superintendent shall do all of the following: 3491  
3492

(1) Review the methods and procedures used in other states; 3493  
3494

(2) Analyze the feasibility of each recommendation to be proposed; 3495  
3496

(3) Consider whether each recommendation is effective in assuring participation by internet- or computer-based community school students; 3497  
3498  
3499

(4) Research the availability, effectiveness, and affordability of monitoring technology; and 3500  
3501

(5) Consider any other matters that the superintendent determines necessary to provide a clear and accurate analysis of the effects of the proposed recommendations. 3502  
3503  
3504

(D) The state superintendent shall submit the recommended definitions to the joint education oversight committee not later than November 30, 2018. 3505  
3506  
3507

(E) The joint education oversight committee shall conduct one or more hearings on the recommended definitions. On or before December 31, 2018, the committee may make any recommendations the committee determines appropriate with respect to definitions for the terms described in divisions (A) (1) to (5) of this section. 3508  
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**Sec. 3317.141.** The board of education of any city, 3514  
exempted village, local, or joint vocational school district 3515  
that is the recipient of moneys from a grant awarded under the 3516  
federal race to the top program, Division (A), Title XIV, 3517  
Sections 14005 and 14006 of the "American Recovery and 3518

Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 3519  
shall comply with this section in accordance with the timeline 3520  
contained in the board's scope of work, as approved by the 3521  
superintendent of public instruction, and shall not be subject 3522  
to sections 3317.13 and 3317.14 of the Revised Code. The board 3523  
of education of any other school district, and the governing 3524  
board of each educational service center, shall comply with 3525  
either this section or sections 3317.13 and 3317.14 of the 3526  
Revised Code. 3527

(A) The board annually shall adopt a salary schedule for 3528  
teachers based upon performance as described in division (B) of 3529  
this section. 3530

(B) For purposes of the schedule, a board shall measure a 3531  
teacher's performance by considering all of the following: 3532

(1) The level of license issued under section 3319.22 of 3533  
the Revised Code that the teacher holds; 3534

(2) Whether the teacher is a ~~highly qualified~~ properly 3535  
certified or licensed teacher, as defined in section 3319.074 of 3536  
the Revised Code; 3537

(3) Ratings received by the teacher on performance 3538  
evaluations conducted under section 3319.111 of the Revised 3539  
Code. 3540

(C) The schedule shall provide for annual adjustments 3541  
based on performance on the evaluations conducted under section 3542  
3319.111 of the Revised Code. The annual performance-based 3543  
adjustment for a teacher rated as accomplished shall be greater 3544  
than the annual performance-based adjustment for a teacher rated 3545  
as skilled. 3546

(D) The salary schedule adopted under this section may 3547

provide for additional compensation for teachers who agree to 3548  
perform duties, not contracted for under a supplemental 3549  
contract, that the employing board determines warrant additional 3550  
compensation. Those duties may include, but are not limited to, 3551  
assignment to a school building eligible for funding under Title 3552  
I of the "Elementary and Secondary Education Act of 1965," 20 3553  
U.S.C. 6301 et seq.; assignment to a building in "school 3554  
improvement" status under the "No Child Left Behind Act of 3555  
2001," as defined in section 3302.01 of the Revised Code; 3556  
teaching in a grade level or subject area in which the board has 3557  
determined there is a shortage within the district or service 3558  
center; or assignment to a hard-to-staff school, as determined 3559  
by the board. 3560

Sec. 3319.074. (A) As used in this section: 3561

(1) "Core subject area" means reading and English language 3562  
arts, mathematics, science, social studies, foreign language, 3563  
and fine arts. 3564

(2) "Properly certified or licensed teacher" means a 3565  
classroom teacher who has successfully completed all 3566  
requirements for certification or licensure under this chapter 3567  
applicable to the subject areas and grade levels in which the 3568  
teacher provides instruction and the students to whom the 3569  
teacher provides the instruction. 3570

(3) "Properly certified paraprofessional" means a 3571  
paraprofessional who holds an educational aide permit issued 3572  
under section 3319.088 of the Revised Code and satisfies at 3573  
least one of the following conditions: 3574

(a) Has a designation of "ESEA qualified" on the 3575  
educational aide permit; 3576

(b) Has successfully completed at least two years of 3577  
coursework at an accredited institution of higher education; 3578

(c) Holds an associate degree or higher from an accredited 3579  
institution of higher education; 3580

(d) Meets a rigorous standard of quality as demonstrated 3581  
by attainment of a qualifying score on an academic assessment 3582  
specified by the department of education. 3583

(B) Beginning July 1, 2019, no city, exempted village, 3584  
local, joint vocational, or cooperative education school 3585  
district shall do either of the following: 3586

(1) Employ any classroom teacher to provide instruction in 3587  
a core subject area to any student, unless such teacher is a 3588  
properly certified or licensed teacher; 3589

(2) Employ any paraprofessional to provide academic 3590  
support in a core subject area to any student, unless such 3591  
paraprofessional is a properly certified paraprofessional. 3592

(C) At the start of each school year, each school district 3593  
shall notify the parent or guardian of each student enrolled in 3594  
the district that the parent or guardian may request information 3595  
on the professional qualifications of each classroom teacher who 3596  
provides instruction to the student. The district shall provide 3597  
the information on each applicable teacher in a timely manner to 3598  
any parent or guardian who requests it. Such information shall 3599  
include at least the following: 3600

(1) Whether the teacher has satisfied all requirements for 3601  
certification or licensure under this chapter applicable to the 3602  
subject areas and grade levels in which the teacher provides 3603  
instruction and the students to whom the teacher provides the 3604  
instruction, or whether the teacher provides instruction under a 3605

waiver of any such requirements; 3606

(2) Whether a paraprofessional provides any services to 3607  
the student and, if so, the qualifications of the 3608  
paraprofessional. 3609

**Sec. 3319.075.** Once the state board of education adopts 3610  
professional development standards pursuant to section 3319.61 3611  
of the Revised Code, the board of education of each school 3612  
district shall use the standards for the following purposes: 3613

(A) To guide the design of teacher education programs 3614  
serving both teacher candidates and experienced teachers; 3615

(B) To guide school-based professional development that is 3616  
aligned with student achievement; 3617

(C) To determine what types of professional development 3618  
the school district and the schools within the district should 3619  
provide; 3620

(D) To guide how state and federal funding for 3621  
professional development should be spent; 3622

(E) To develop criteria for decision making by the local 3623  
professional development committees established under section 3624  
3319.22 of the Revised Code; 3625

(F) To guide the school district in the hiring of third- 3626  
party providers of instructional services who use or meet the 3627  
professional development standards; 3628

(G) To guide all licensed school personnel in developing 3629  
their own plans for professional growth; 3630

(H) To guide the development of professional growth plans 3631  
and improvement plans resulting from the teacher evaluations 3632

conducted under section 3319.111 of the Revised Code. 3633

**Sec. 3319.081.** Except as otherwise provided in division 3634  
(G) of this section, in all school districts wherein the 3635  
provisions of Chapter 124. of the Revised Code do not apply, the 3636  
following employment contract system shall control for employees 3637  
whose contracts of employment are not otherwise provided by law: 3638

(A) Newly hired regular nonteaching school employees, 3639  
including regular hourly rate and per diem employees, shall 3640  
enter into written contracts for their employment which shall be 3641  
for a period of not more than one year. If such employees are 3642  
rehired, their three subsequent ~~contract~~-contracts shall be for 3643  
a period of two years each. 3644

(B) After the termination of the third two-year contract 3645  
provided in division (A) of this section, if the contract of a 3646  
nonteaching employee is renewed, the employee shall be continued 3647  
in employment, and the salary provided in the contract may be 3648  
increased but not reduced unless such reduction is a part of a 3649  
uniform plan affecting the nonteaching employees of the entire 3650  
district. 3651

(C) The contracts as provided for in this section may be 3652  
terminated by a majority vote of the board of education. Except 3653  
as provided in sections 3319.0810 and 3319.172 of the Revised 3654  
Code, the contracts may be terminated only for violation of 3655  
written rules and regulations as set forth by the board of 3656  
education or for incompetency, inefficiency, dishonesty, 3657  
drunkenness, immoral conduct, insubordination, discourteous 3658  
treatment of the public, neglect of duty, or any other acts of 3659  
misfeasance, malfeasance, or nonfeasance. In addition to the 3660  
right of the board of education to terminate the contract of an 3661  
employee, the board may suspend an employee for a definite 3662

period of time or demote the employee for the reasons set forth 3663  
in this division. The action of the board of education 3664  
terminating the contract of an employee or suspending or 3665  
demoting the employee shall be served upon the employee by 3666  
certified mail. Within ten days following the receipt of such 3667  
notice by the employee, the employee may file an appeal, in 3668  
writing, with the court of common pleas of the county in which 3669  
such school board is situated. After hearing the appeal the 3670  
common pleas court may affirm, disaffirm, or modify the action 3671  
of the school board. 3672

A violation of division (A) (7) of section 2907.03 of the 3673  
Revised Code is grounds for termination of employment of a 3674  
nonteaching employee under this division. 3675

(D) All employees who have been employed by a school 3676  
district where the provisions of Chapter 124. of the Revised 3677  
Code do not apply, for a period of at least three years on 3678  
November 24, 1967, shall hold continuing contracts of employment 3679  
pursuant to this section. 3680

(E) Any nonteaching school employee may terminate the 3681  
nonteaching school employee's contract of employment thirty days 3682  
subsequent to the filing of a written notice of such termination 3683  
with the treasurer of the board. 3684

(F) A person hired exclusively for the purpose of 3685  
replacing a nonteaching school employee while such employee is 3686  
on leave of absence granted under section 3319.13 of the Revised 3687  
Code is not a regular nonteaching school employee under this 3688  
section. 3689

(G) All nonteaching employees employed pursuant to this 3690  
section and Chapter 124. of the Revised Code shall be paid for 3691

all time lost when the schools in which they are employed are 3692  
closed owing to an epidemic or other public calamity. Nothing in 3693  
this division shall be construed as requiring payment in excess 3694  
of an employee's regular wage rate or salary for any time worked 3695  
while the school in which the employee is employed is officially 3696  
closed for the reasons set forth in this division. 3697

**Sec. 3319.111.** Notwithstanding section 3319.09 of the 3698  
Revised Code, this section applies to any person who is employed 3699  
under a teacher license issued under this chapter, or under a 3700  
professional or permanent teacher's certificate issued under 3701  
former section 3319.222 of the Revised Code, and who spends at 3702  
least fifty per cent of the time employed providing student 3703  
instruction. However, this section does not apply to any person 3704  
who is employed as a substitute teacher or as an instructor of 3705  
adult education. 3706

(A) Not later than July 1, ~~2013~~ 2020, the board of 3707  
education of each school district, in consultation with teachers 3708  
employed by the board, shall ~~adopt a~~ update its standards-based 3709  
teacher evaluation policy ~~that conforms to conform~~ with the 3710  
framework for evaluation of teachers ~~developed~~ adopted under 3711  
section 3319.112 of the Revised Code. The policy shall become 3712  
operative at the expiration of any collective bargaining 3713  
agreement covering teachers employed by the board that is in 3714  
effect on ~~September 29, 2011~~ the effective date of this 3715  
amendment, and shall be included in any renewal or extension of 3716  
such an agreement. 3717

(B) When using measures of student ~~academic growth as a~~ 3718  
~~component of~~ performance as evidence in a teacher's evaluation, 3719  
those measures shall ~~include the value added progress dimension~~ 3720  
~~prescribed by section 3302.021 of the Revised Code or an~~ 3721



~~alternative student academic progress measure if adopted under~~ 3722  
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 3723  
~~teachers of grade levels and subjects for which the value-added~~ 3724  
~~progress dimension or alternative student academic progress~~ 3725  
~~measure is not applicable, the board shall administer~~ 3726  
~~assessments on the list developed under division (B) (2) of~~ 3727  
~~section 3319.112 of the Revised Code~~ be high-quality student 3728  
data. The board of education of each school district may use 3729  
data from the assessments on the list developed under division 3730  
(B) (2) of section 3319.112 of the Revised Code as high-quality 3731  
student data. 3732

(C) (1) The board shall conduct an evaluation of each 3733  
teacher employed by the board at least once each school year, 3734  
except as provided in division (C) (2) of this section. The 3735  
evaluation shall be completed by the first day of May and the 3736  
teacher shall receive a written report of the results of the 3737  
evaluation by the tenth day of May. 3738

(2) (a) The board may evaluate each teacher who received a 3739  
rating of accomplished on the teacher's most recent evaluation 3740  
conducted under this section once every three school years, so 3741  
long as the ~~teacher's student academic growth measure, for the~~ 3742  
~~most recent school year for which data is available, is average~~ 3743  
~~or higher, as determined by the department of education~~ teacher 3744  
submits a self-directed professional growth plan to the 3745  
evaluator that focuses on specific areas identified in the 3746  
observations and evaluation and the evaluator determines that 3747  
the teacher is making progress on that plan. 3748

(b) The board may evaluate each teacher who received a 3749  
rating of skilled on the teacher's most recent evaluation 3750  
conducted under this section once every two years, so long as 3751

~~the teacher's student academic growth measure, for the most-~~ 3752  
~~recent school year for which data is available, is average or-~~ 3753  
~~higher, as determined by the department of education.~~ 3754  
teacher and  
evaluator jointly develop a professional growth plan for the 3755  
teacher that focuses on specific areas identified in the 3756  
observations and evaluation and the evaluator determines that 3757  
the teacher is making progress on that plan. 3758

(c) For each teacher who is evaluated pursuant to division 3759  
(C) (2) of this section, the evaluation shall be completed by the 3760  
first day of May of the applicable school year, and the teacher 3761  
shall receive a written report of the results of the evaluation 3762  
by the tenth day of May of that school year. 3763

~~(d) Beginning with the 2014-2015 school year, the~~ 3764  
~~The~~  
board may elect not to conduct an evaluation of a teacher who 3765  
meets one of the following requirements: 3766

(i) The teacher was on leave from the school district for 3767  
fifty per cent or more of the school year, as calculated by the 3768  
board. 3769

(ii) The teacher has submitted notice of retirement and 3770  
that notice has been accepted by the board not later than the 3771  
first day of December of the school year in which the evaluation 3772  
is otherwise scheduled to be conducted. 3773

~~(e) Beginning with the 2017-2018 school year, the~~ 3774  
~~The~~  
board may elect not to conduct an evaluation of a teacher who is 3775  
participating in the teacher residency program established under 3776  
section 3319.223 of the Revised Code for the year during which 3777  
that teacher takes, for the first time, at least half of the 3778  
performance-based assessment prescribed by the state board of 3779  
education for resident educators. 3780

(3) In any year that a teacher is not formally evaluated 3781  
pursuant to division (C) of this section as a result of 3782  
receiving a rating of accomplished or skilled on the teacher's 3783  
most recent evaluation, an individual qualified to evaluate a 3784  
teacher under division (D) of this section shall conduct at 3785  
least one observation of the teacher and hold at least one 3786  
conference with the teacher. The conference shall include a 3787  
discussion of progress on the teacher's professional growth 3788  
plan. 3789

(D) Each evaluation conducted pursuant to this section 3790  
shall be conducted by one or more of the following persons who 3791  
hold a credential established by the department of education for 3792  
being an evaluator: 3793

(1) A person who is under contract with the board pursuant 3794  
to section 3319.01 or 3319.02 of the Revised Code and holds a 3795  
license designated for being a superintendent, assistant 3796  
superintendent, or principal issued under section 3319.22 of the 3797  
Revised Code; 3798

(2) A person who is under contract with the board pursuant 3799  
to section 3319.02 of the Revised Code and holds a license 3800  
designated for being a vocational director, administrative 3801  
specialist, or supervisor in any educational area issued under 3802  
section 3319.22 of the Revised Code; 3803

(3) A person designated to conduct evaluations under an 3804  
agreement entered into by the board, including an agreement 3805  
providing for peer review entered into by the board and 3806  
representatives of teachers employed by the board; 3807

(4) A person who is employed by an entity contracted by 3808  
the board to conduct evaluations and who holds a license 3809

designated for being a superintendent, assistant superintendent, 3810  
principal, vocational director, administrative specialist, or 3811  
supervisor in any educational area issued under section 3319.22 3812  
of the Revised Code or is qualified to conduct evaluations. 3813

(E) Notwithstanding division (A) (3) of section 3319.112 of 3814  
the Revised Code: 3815

~~(1) The~~, the board shall require at least three formal 3816  
observations of each teacher who is under consideration for 3817  
nonrenewal and with whom the board has entered into a limited 3818  
contract or an extended limited contract under section 3319.11 3819  
of the Revised Code. 3820

~~(2) The board may elect, by adoption of a resolution, to 3821  
require only one formal observation of a teacher who received a 3822  
rating of accomplished on the teacher's most recent evaluation 3823  
conducted under this section, provided the teacher completes a 3824  
project that has been approved by the board to demonstrate the 3825  
teacher's continued growth and practice at the accomplished- 3826  
level. 3827~~

(F) The board shall include in its evaluation policy 3828  
procedures for using the evaluation results for retention and 3829  
promotion decisions and for removal of poorly performing 3830  
teachers. Seniority shall not be the basis for a decision to 3831  
retain a teacher, except when making a decision between teachers 3832  
who have comparable evaluations. 3833

(G) For purposes of section 3333.0411 of the Revised Code, 3834  
the board annually shall report to the department of education 3835  
the number of teachers for whom an evaluation was conducted 3836  
under this section and the number of teachers assigned each 3837  
rating prescribed under division (B) (1) of section 3319.112 of 3838

the Revised Code, aggregated by the teacher preparation programs 3839  
from which and the years in which the teachers graduated. The 3840  
department shall establish guidelines for reporting the 3841  
information required by this division. The guidelines shall not 3842  
permit or require that the name of, or any other personally 3843  
identifiable information about, any teacher be reported under 3844  
this division. 3845

(H) Notwithstanding any provision to the contrary in 3846  
Chapter 4117. of the Revised Code, the requirements of this 3847  
section prevail over any conflicting provisions of a collective 3848  
bargaining agreement entered into on or after ~~September 24, 2012~~ 3849  
the effective date of this amendment. 3850

**Sec. 3319.112.** (A) ~~Not later than December 31, 2011, the~~ 3851  
The state board of education shall develop a revise the 3852  
standards-based state framework for the evaluation of teachers 3853  
based on the recommendations of the educator standards board 3854  
established under section 3319.60 of the Revised Code. The state 3855  
board shall hold at least one public hearing on the revised 3856  
framework and shall make the full text of the revised framework 3857  
available at each hearing it holds on the revised framework. Not 3858  
later than May 1, 2020, the state board shall adopt the revised 3859  
framework. The state board may update the framework periodically 3860  
by adoption of a resolution. The framework shall establish an 3861  
evaluation system that does the following: 3862

(1) Provides for multiple evaluation factors. ~~One factor~~ 3863  
~~shall be student academic growth which shall account for fifty~~ 3864  
~~per cent of each evaluation, except as otherwise prescribed by~~ 3865  
~~the alternative framework under section 3319.114 of the Revised~~ 3866  
~~Code. When applicable to the grade level or subject area taught~~ 3867  
~~by a teacher, the value added progress dimension established~~ 3868

~~under section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code shall be used in the student academic growth portion of an evaluation in proportion to the part of a teacher's schedule of courses or subjects for which the value added progress dimension is applicable.~~

~~If a teacher's schedule is comprised only of courses or subjects for which the value added progress dimension is applicable, one of the following applies:~~

~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value added progress dimension.~~

~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty five or more excused or unexcused absences during the full academic year.;~~

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom ~~walkthroughs~~ walk-throughs;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised Code, whichever is applicable;~~

(5) Requires each teacher to be provided with a written

report of the results of the teacher's evaluation; 3898

~~(6) Identifies measures of student academic growth for  
grade levels and subjects for which the value added progress  
dimension prescribed by section 3302.021 of the Revised Code or  
an alternative student academic progress measure if adopted  
under division (C)(1)(e) of section 3302.03 of the Revised Code  
does not apply;~~ 3899  
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~~(7) Implements a classroom level, value added program  
developed by a nonprofit organization described in division (B)  
of section 3302.021 of the Revised Code or an alternative  
student academic progress measure if adopted under division (C)  
(1)(e) of section 3302.03 of the Revised Code;~~ 3905  
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(8) Uses at least two measures of high-quality student  
data to provide evidence of student learning attributable to the  
teacher being evaluated. The state board shall define "high-  
quality student data" for this purpose. When applicable to the  
grade level or subject area taught by a teacher, high-quality  
student data shall include the value-added progress dimension  
established under section 3302.021 of the Revised Code, but the  
teacher or evaluator shall use at least one other measure of  
high-quality student data to demonstrate student learning. In  
accordance with the guidance described in division (D)(3) of  
this section, high-quality student data may be used as evidence  
in any component of the evaluation related to the following: 3910  
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(a) Knowledge of the students to whom the teacher provides  
instruction; 3922  
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(b) The teacher's use of differentiated instructional  
practices based on the needs or abilities of individual  
students; 3924  
3925  
3926

<u>(c) Assessment of student learning;</u>	3927
<u>(d) The teacher's use of assessment data;</u>	3928
<u>(e) Professional responsibility and growth.</u>	3929
<u>(7) Prohibits the shared attribution of student</u>	3930
<u>performance data among all teachers in a district, building,</u>	3931
<u>grade, content area, or other group;</u>	3932
<u>(8) Includes development of a professional growth plan or</u>	3933
<u>improvement plan for the teacher that is based on the results of</u>	3934
<u>the evaluation and is aligned to any school district or building</u>	3935
<u>improvement plan required for the teacher's district or building</u>	3936
<u>under the "Elementary and Secondary Education Act of 1965," as</u>	3937
<u>amended by the "Every Student Succeeds Act of 2015," Pub. L. No.</u>	3938
<u>114-95, 20 U.S.C. 6301 et seq.;</u>	3939
<u>(9) Provides for professional development to accelerate</u>	3940
<u>and continue teacher growth and provide support to poorly</u>	3941
<u>performing teachers;</u>	3942
<del>(9)</del> <u>(10) Provides for the allocation of financial</u>	3943
<u>resources to support professional development;</u>	3944
<u>(11) Prohibits the use of student learning objectives.</u>	3945
<u>(B) For purposes of the framework <del>developed</del> adopted under</u>	3946
<u>this section, the state board also shall do the following:</u>	3947
<u>(1) <del>Develop</del> Revise, as necessary, specific standards and</u>	3948
<u>criteria that distinguish between the following levels of</u>	3949
<u>performance for teachers and principals for the purpose of</u>	3950
<u>assigning ratings on the evaluations conducted under sections</u>	3951
<u>3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:</u>	3952
<u>(a) Accomplished;</u>	3953



(b) Skilled;	3954
(c) Developing;	3955
(d) Ineffective.	3956
(2) <del>For grade levels and subjects for which the</del>	3957
<del>assessments prescribed under sections 3301.0710 and 3301.0712 of</del>	3958
<del>the Revised Code and the value-added progress dimension</del>	3959
<del>prescribed by section 3302.021 of the Revised Code, or</del>	3960
<del>alternative student academic progress measure, do not apply,</del>	3961
<del>develop</del> <u>Develop</u> a list of student assessments that measure	3962
mastery of the course content for the appropriate grade level,	3963
which may include nationally normed standardized assessments,	3964
industry certification examinations, or end-of-course	3965
examinations. <u>The data from these assessments may be considered</u>	3966
<u>high-quality student data.</u>	3967
(C) The state board shall consult with experts, teachers	3968
and principals employed in public schools, <u>the educator</u>	3969
<u>standards board</u> , and representatives of stakeholder groups in	3970
<del>developing</del> <u>revising</u> the standards and criteria required by	3971
division (B) (1) of this section.	3972
(D) To assist school districts in developing evaluation	3973
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111	3974
of the Revised Code, the department shall do <del>both</del> <u>all</u> of the	3975
following:	3976
(1) Serve as a clearinghouse of promising evaluation	3977
procedures and evaluation models that districts may use;	3978
(2) Provide technical assistance to districts in creating	3979
evaluation policies;	3980
<u>(3) Provide guidance to districts on how high-quality</u>	3981

student data may be used as evidence of student learning 3982  
attributable to a particular teacher, including examples of 3983  
appropriate use of that data within the framework adopted under 3984  
this section; 3985

(4) Provide guidance to districts on how information from 3986  
student surveys, student portfolios, peer review evaluations, 3987  
teacher self-evaluations, and other components determined 3988  
appropriate by the district may be used as part of the 3989  
evaluation process. 3990

(E) Not later than ~~June 30, 2013~~ July 1, 2020, the state 3991  
board, in consultation with state agencies that employ teachers, 3992  
shall ~~develop a~~ update its standards-based framework for the 3993  
evaluation of teachers employed by those agencies. Each state 3994  
agency that employs teachers shall adopt a standards-based 3995  
teacher evaluation policy ~~that conforms to~~ conform with the 3996  
framework ~~developed under this division~~. The policy shall become 3997  
operative at the expiration of any collective bargaining 3998  
agreement covering teachers employed by the agency that is in 3999  
effect on ~~September 24, 2012~~ the effective date of this 4000  
amendment, and shall be included in any renewal or extension of 4001  
such an agreement. However, this division does not apply to any 4002  
person who is employed as a substitute teacher or as an 4003  
instructor of adult education. 4004

**Sec. 3319.22.** (A) (1) The state board of education shall 4005  
issue the following educator licenses: 4006

(a) A resident educator license, which shall be valid for 4007  
four years and shall be renewable for reasons specified by rules 4008  
adopted by the state board pursuant to division (A) (3) of this 4009  
section. The state board, on a case-by-case basis, may extend 4010  
the license's duration as necessary to enable the license holder 4011

to complete the Ohio teacher residency program established under 4012  
section 3319.223 of the Revised Code; 4013

(b) A professional educator license, which shall be valid 4014  
for five years and shall be renewable; 4015

(c) A senior professional educator license, which shall be 4016  
valid for five years and shall be renewable; 4017

(d) A lead professional educator license, which shall be 4018  
valid for five years and shall be renewable. 4019

Licenses issued under division (A)(1) of this section on 4020  
and after the effective date of this amendment shall specify 4021  
whether the educator is licensed to teach grades pre- 4022  
kindergarten through five, grades four through nine, or grades 4023  
seven through twelve. The changes to the grade band 4024  
specifications under this amendment shall not apply to a person 4025  
who holds a license under division (A)(1) of this section prior 4026  
to the effective date of this amendment. Further, the changes to 4027  
the grade band specifications under this amendment shall not 4028  
apply to any license issued to teach in the area of computer 4029  
information science, bilingual education, dance, drama or 4030  
theater, world language, health, library or media, music, 4031  
physical education, teaching English to speakers of other 4032  
languages, career-technical education, or visual arts or to any 4033  
license issued to an intervention specialist, including a gifted 4034  
intervention specialist, or to any other license that does not 4035  
align to the grade band specifications. 4036

(2) The state board may issue any additional educator 4037  
licenses of categories, types, and levels the board elects to 4038  
provide. 4039

(3) The state board shall adopt rules establishing the 4040

standards and requirements for obtaining each educator license 4041  
issued under this section. The rules shall also include the 4042  
reasons for which a resident educator license may be renewed 4043  
under division (A) (1) (a) of this section. 4044

(B) The rules adopted under this section shall require at 4045  
least the following standards and qualifications for the 4046  
educator licenses described in division (A) (1) of this section: 4047

(1) An applicant for a resident educator license shall 4048  
hold at least a bachelor's degree from an accredited teacher 4049  
preparation program or be a participant in the teach for America 4050  
program and meet the qualifications required under section 4051  
3319.227 of the Revised Code. 4052

(2) An applicant for a professional educator license 4053  
shall: 4054

(a) Hold at least a bachelor's degree from an institution 4055  
of higher education accredited by a regional accrediting 4056  
organization; 4057

(b) Have successfully completed the Ohio teacher residency 4058  
program established under section 3319.223 of the Revised Code, 4059  
if the applicant's current or most recently issued license is a 4060  
resident educator license issued under this section or an 4061  
alternative resident educator license issued under section 4062  
3319.26 of the Revised Code. 4063

(3) An applicant for a senior professional educator 4064  
license shall: 4065

(a) Hold at least a master's degree from an institution of 4066  
higher education accredited by a regional accrediting 4067  
organization; 4068

(b) Have previously held a professional educator license 4069  
issued under this section or section 3319.222 or under former 4070  
section 3319.22 of the Revised Code; 4071

(c) Meet the criteria for the accomplished or 4072  
distinguished level of performance, as described in the 4073  
standards for teachers adopted by the state board under section 4074  
3319.61 of the Revised Code. 4075

(4) An applicant for a lead professional educator license 4076  
shall: 4077

(a) Hold at least a master's degree from an institution of 4078  
higher education accredited by a regional accrediting 4079  
organization; 4080

(b) Have previously held a professional educator license 4081  
or a senior professional educator license issued under this 4082  
section or a professional educator license issued under section 4083  
3319.222 or former section 3319.22 of the Revised Code; 4084

(c) Meet the criteria for the distinguished level of 4085  
performance, as described in the standards for teachers adopted 4086  
by the state board under section 3319.61 of the Revised Code; 4087

(d) Either hold a valid certificate issued by the national 4088  
board for professional teaching standards or meet the criteria 4089  
for a master teacher or other criteria for a lead teacher 4090  
adopted by the educator standards board under division (F) (4) or 4091  
(5) of section 3319.61 of the Revised Code. 4092

(C) The state board shall align the standards and 4093  
qualifications for obtaining a principal license with the 4094  
standards for principals adopted by the state board under 4095  
section 3319.61 of the Revised Code. 4096

(D) If the state board requires any examinations for 4097  
educator licensure, the department of education shall provide 4098  
the results of such examinations received by the department to 4099  
the chancellor of higher education, in the manner and to the 4100  
extent permitted by state and federal law. 4101

(E) Any rules the state board of education adopts, amends, 4102  
or rescinds for educator licenses under this section, division 4103  
(D) of section 3301.07 of the Revised Code, or any other law 4104  
shall be adopted, amended, or rescinded under Chapter 119. of 4105  
the Revised Code except as follows: 4106

(1) Notwithstanding division (E) of section 119.03 and 4107  
division (A)(1) of section 119.04 of the Revised Code, in the 4108  
case of the adoption of any rule or the amendment or rescission 4109  
of any rule that necessitates institutions' offering preparation 4110  
programs for educators and other school personnel that are 4111  
approved by the chancellor of higher education under section 4112  
3333.048 of the Revised Code to revise the curriculum of those 4113  
programs, the effective date shall not be as prescribed in 4114  
division (E) of section 119.03 and division (A)(1) of section 4115  
119.04 of the Revised Code. Instead, the effective date of such 4116  
rules, or the amendment or rescission of such rules, shall be 4117  
the date prescribed by section 3333.048 of the Revised Code. 4118

(2) Notwithstanding the authority to adopt, amend, or 4119  
rescind emergency rules in division (G) of section 119.03 of the 4120  
Revised Code, this authority shall not apply to the state board 4121  
of education with regard to rules for educator licenses. 4122

(F)(1) The rules adopted under this section establishing 4123  
standards requiring additional coursework for the renewal of any 4124  
educator license shall require a school district and a chartered 4125  
nonpublic school to establish local professional development 4126

committees. In a nonpublic school, the chief administrative 4127  
officer shall establish the committees in any manner acceptable 4128  
to such officer. The committees established under this division 4129  
shall determine whether coursework that a district or chartered 4130  
nonpublic school teacher proposes to complete meets the 4131  
requirement of the rules. The department of education shall 4132  
provide technical assistance and support to committees as the 4133  
committees incorporate the professional development standards 4134  
adopted by the state board of education pursuant to section 4135  
3319.61 of the Revised Code into their review of coursework that 4136  
is appropriate for license renewal. The rules shall establish a 4137  
procedure by which a teacher may appeal the decision of a local 4138  
professional development committee. 4139

(2) In any school district in which there is no exclusive 4140  
representative established under Chapter 4117. of the Revised 4141  
Code, the professional development committees shall be 4142  
established as described in division (F)(2) of this section. 4143

Not later than the effective date of the rules adopted 4144  
under this section, the board of education of each school 4145  
district shall establish the structure for one or more local 4146  
professional development committees to be operated by such 4147  
school district. The committee structure so established by a 4148  
district board shall remain in effect unless within thirty days 4149  
prior to an anniversary of the date upon which the current 4150  
committee structure was established, the board provides notice 4151  
to all affected district employees that the committee structure 4152  
is to be modified. Professional development committees may have 4153  
a district-level or building-level scope of operations, and may 4154  
be established with regard to particular grade or age levels for 4155  
which an educator license is designated. 4156

Each professional development committee shall consist of 4157  
at least three classroom teachers employed by the district, one 4158  
principal employed by the district, and one other employee of 4159  
the district appointed by the district superintendent. For 4160  
committees with a building-level scope, the teacher and 4161  
principal members shall be assigned to that building, and the 4162  
teacher members shall be elected by majority vote of the 4163  
classroom teachers assigned to that building. For committees 4164  
with a district-level scope, the teacher members shall be 4165  
elected by majority vote of the classroom teachers of the 4166  
district, and the principal member shall be elected by a 4167  
majority vote of the principals of the district, unless there 4168  
are two or fewer principals employed by the district, in which 4169  
case the one or two principals employed shall serve on the 4170  
committee. If a committee has a particular grade or age level 4171  
scope, the teacher members shall be licensed to teach such grade 4172  
or age levels, and shall be elected by majority vote of the 4173  
classroom teachers holding such a license and the principal 4174  
shall be elected by all principals serving in buildings where 4175  
any such teachers serve. The district superintendent shall 4176  
appoint a replacement to fill any vacancy that occurs on a 4177  
professional development committee, except in the case of 4178  
vacancies among the elected classroom teacher members, which 4179  
shall be filled by vote of the remaining members of the 4180  
committee so selected. 4181

Terms of office on professional development committees 4182  
shall be prescribed by the district board establishing the 4183  
committees. The conduct of elections for members of professional 4184  
development committees shall be prescribed by the district board 4185  
establishing the committees. A professional development 4186  
committee may include additional members, except that the 4187



majority of members on each such committee shall be classroom 4188  
teachers employed by the district. Any member appointed to fill 4189  
a vacancy occurring prior to the expiration date of the term for 4190  
which a predecessor was appointed shall hold office as a member 4191  
for the remainder of that term. 4192

The initial meeting of any professional development 4193  
committee, upon election and appointment of all committee 4194  
members, shall be called by a member designated by the district 4195  
superintendent. At this initial meeting, the committee shall 4196  
select a chairperson and such other officers the committee deems 4197  
necessary, and shall adopt rules for the conduct of its 4198  
meetings. Thereafter, the committee shall meet at the call of 4199  
the chairperson or upon the filing of a petition with the 4200  
district superintendent signed by a majority of the committee 4201  
members calling for the committee to meet. 4202

(3) In the case of a school district in which an exclusive 4203  
representative has been established pursuant to Chapter 4117. of 4204  
the Revised Code, professional development committees shall be 4205  
established in accordance with any collective bargaining 4206  
agreement in effect in the district that includes provisions for 4207  
such committees. 4208

If the collective bargaining agreement does not specify a 4209  
different method for the selection of teacher members of the 4210  
committees, the exclusive representative of the district's 4211  
teachers shall select the teacher members. 4212

If the collective bargaining agreement does not specify a 4213  
different structure for the committees, the board of education 4214  
of the school district shall establish the structure, including 4215  
the number of committees and the number of teacher and 4216  
administrative members on each committee; the specific 4217

administrative members to be part of each committee; whether the 4218  
scope of the committees will be district levels, building 4219  
levels, or by type of grade or age levels for which educator 4220  
licenses are designated; the lengths of terms for members; the 4221  
manner of filling vacancies on the committees; and the frequency 4222  
and time and place of meetings. However, in all cases, except as 4223  
provided in division (F)(4) of this section, there shall be a 4224  
majority of teacher members of any professional development 4225  
committee, there shall be at least five total members of any 4226  
professional development committee, and the exclusive 4227  
representative shall designate replacement members in the case 4228  
of vacancies among teacher members, unless the collective 4229  
bargaining agreement specifies a different method of selecting 4230  
such replacements. 4231

(4) Whenever an administrator's coursework plan is being 4232  
discussed or voted upon, the local professional development 4233  
committee shall, at the request of one of its administrative 4234  
members, cause a majority of the committee to consist of 4235  
administrative members by reducing the number of teacher members 4236  
voting on the plan. 4237

(G)(1) The department of education, educational service 4238  
centers, county boards of developmental disabilities, regional 4239  
professional development centers, special education regional 4240  
resource centers, college and university departments of 4241  
education, head start programs, and the Ohio education computer 4242  
network may establish local professional development committees 4243  
to determine whether the coursework proposed by their employees 4244  
who are licensed or certificated under this section or section 4245  
3319.222 of the Revised Code, or under the former version of 4246  
either section as it existed prior to October 16, 2009, meet the 4247  
requirements of the rules adopted under this section. They may 4248

establish local professional development committees on their own 4249  
or in collaboration with a school district or other agency 4250  
having authority to establish them. 4251

Local professional development committees established by 4252  
county boards of developmental disabilities shall be structured 4253  
in a manner comparable to the structures prescribed for school 4254  
districts in divisions (F) (2) and (3) of this section, as shall 4255  
the committees established by any other entity specified in 4256  
division (G) (1) of this section that provides educational 4257  
services by employing or contracting for services of classroom 4258  
teachers licensed or certificated under this section or section 4259  
3319.222 of the Revised Code, or under the former version of 4260  
either section as it existed prior to October 16, 2009. All 4261  
other entities specified in division (G) (1) of this section 4262  
shall structure their committees in accordance with guidelines 4263  
which shall be issued by the state board. 4264

(2) Any public agency that is not specified in division 4265  
(G) (1) of this section but provides educational services and 4266  
employs or contracts for services of classroom teachers licensed 4267  
or certificated under this section or section 3319.222 of the 4268  
Revised Code, or under the former version of either section as 4269  
it existed prior to October 16, 2009, may establish a local 4270  
professional development committee, subject to the approval of 4271  
the department of education. The committee shall be structured 4272  
in accordance with guidelines issued by the state board. 4273

(H) Not later than July 1, 2016, the state board, in 4274  
accordance with Chapter 119. of the Revised Code, shall adopt 4275  
rules pursuant to division (A) (3) of this section that do both 4276  
of the following: 4277

(1) Exempt consistently high-performing teachers from the 4278

requirement to complete any additional coursework for the 4279  
renewal of an educator license issued under this section or 4280  
section 3319.26 of the Revised Code. The rules also shall 4281  
specify that such teachers are exempt from any requirements 4282  
prescribed by professional development committees established 4283  
under divisions (F) and (G) of this section. 4284

(2) For purposes of division (H)(1) of this section, the 4285  
state board shall define the term "consistently high-performing 4286  
teacher." 4287

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 4288  
of education shall issue educator licenses for substitute 4289  
teaching only under this section. 4290

(B) The state board shall adopt rules establishing 4291  
standards and requirements for obtaining a license under this 4292  
section and for renewal of the license. Except as provided in 4293  
division (F) of section 3319.229 of the Revised Code, the rules 4294  
shall require an applicant to hold a post-secondary degree, but 4295  
not in any specified subject area. The rules also shall allow 4296  
the holder of a license issued under this section to work: 4297

(1) For an unlimited number of school days if the license 4298  
holder has a post-secondary degree in either education or a 4299  
subject area directly related to the subject of the class the 4300  
license holder will teach; 4301

(2) For one full semester, subject to the approval of the 4302  
employing school district board of education, if the license 4303  
holder has a post-secondary degree in a subject area that is not 4304  
directly related to the subject of the class that the license 4305  
holder will teach. 4306

The district superintendent may request that the board 4307

approve one or more additional subsequent semester-long periods 4308  
of teaching for the license holder. 4309

(C) Any license issued or renewed under former section 4310  
3319.226 of the Revised Code that was still in force on the 4311  
effective date of this section shall remain in force for the 4312  
remainder of the term for which it was issued or renewed. Upon 4313  
the expiration of that term, the holder of that license shall be 4314  
subject to licensure under the rules adopted under this section. 4315

**Sec. 3319.229.** (A) (1) Notwithstanding the repeal of former 4316  
section 3319.229 of the Revised Code by this act, the state 4317  
board of education shall accept applications for new, and for 4318  
renewal of, professional career-technical teaching licenses 4319  
through June 30, 2019, and issue them on the basis of the 4320  
applications received by that date in accordance with the rules 4321  
described in that former section. Except as otherwise provided 4322  
in divisions (A) (2) and (3) of this section, beginning July 1, 4323  
2019, the state board shall issue career-technical workforce 4324  
development educator licenses only under this section. 4325

(2) An individual who, on July 1, 2019, holds a 4326  
professional career-technical teaching license issued under the 4327  
rules described in former section 3319.229 of the Revised Code, 4328  
may continue to renew that license in accordance with those 4329  
rules for the remainder of the individual's teaching career. 4330  
However, nothing in this division shall be construed to prohibit 4331  
the individual from applying to the state board for a career- 4332  
technical workforce development educator license under this 4333  
section. 4334

(3) An individual who, on July 1, 2019, holds an 4335  
alternative resident educator license for teaching career- 4336  
technical education issued under section 3319.26 of the Revised 4337

Code may, upon the expiration of the license, apply for a 4338  
professional career-technical teaching license issued under the 4339  
rules described in former section 3319.229 of the Revised Code. 4340  
Such an individual may continue to renew the professional 4341  
license in accordance with those rules for the remainder of the 4342  
individual's teaching career. However, nothing in this division 4343  
shall be construed to prohibit the individual from applying to 4344  
the state board for a career-technical workforce development 4345  
educator license under this section. 4346

(B) The state board, in collaboration with the chancellor 4347  
of higher education, shall adopt rules establishing standards 4348  
and requirements for obtaining a two-year initial career- 4349  
technical workforce development educator license and a five-year 4350  
advanced career-technical workforce development educator 4351  
license. Each license shall be valid for teaching career- 4352  
technical education or workforce development programs in grades 4353  
four through twelve. The rules shall require applicants for 4354  
either license to have a high school diploma. 4355

(C) (1) The state board shall issue an initial career- 4356  
technical workforce development educator license to an applicant 4357  
upon request from the superintendent of a school district that 4358  
has agreed to employ the applicant. In making the request, the 4359  
superintendent shall provide documentation, in accordance with 4360  
procedures prescribed by the department of education, showing 4361  
that the applicant has at least five years of work experience, 4362  
or the equivalent, in the subject area in which the applicant 4363  
will teach. The license shall be valid for teaching only in the 4364  
requesting district. The superintendent also shall provide 4365  
documentation, in accordance with procedures prescribed by the 4366  
department, that the applicant is enrolled in a career-technical 4367  
workforce development educator preparation program offered by an 4368

institution of higher education that has an existing teacher 4369  
preparatory program in place that meets all of the following 4370  
criteria: 4371

(a) Is approved by the chancellor of higher education to 4372  
provide instruction in teaching methods and principles; 4373

(b) Provides classroom support to the license holder; 4374

(c) Includes at least three semester hours of coursework 4375  
in the teaching of reading in the subject area; 4376

(d) Is aligned with career-technical education and 4377  
workforce development competencies developed by the department; 4378

(e) Uses a summative performance-based assessment 4379  
developed by the program and aligned to the competencies 4380  
described in division (C) (1) (d) of this section to evaluate the 4381  
license holder's knowledge and skills; 4382

(f) Consists of not less than twenty-four semester hours 4383  
of coursework, or the equivalent. 4384

(2) As a condition of continuing to hold the initial 4385  
career-technical workforce development license, the holder of 4386  
the license shall be participating in a career-technical 4387  
workforce development educator preparation program described in 4388  
division (C) (1) of this section. 4389

(3) The state board shall renew an initial career- 4390  
technical workforce development educator license if the 4391  
supervisor of the program described in division (C) (1) of this 4392  
section and the superintendent of the employing school district 4393  
indicate that the applicant is making sufficient progress in 4394  
both the program and the teaching position. 4395

(D) The state board shall issue an advanced career- 4396

technical workforce development educator license to an applicant 4397  
who has successfully completed the program described in division 4398  
(C) (1) of this section, as indicated by the supervisor of the 4399  
program, and who demonstrates mastery of the applicable career- 4400  
technical education and workforce development competencies 4401  
described in division (C) (1) (d) of this section in the teaching 4402  
position, as indicated by the superintendent of the employing 4403  
school district. 4404

(E) The holder of an advanced career-technical workforce 4405  
development educator license shall work with a local 4406  
professional development committee established under section 4407  
3319.22 of the Revised Code in meeting requirements for renewal 4408  
of the license. 4409

(F) Notwithstanding the provisions of section 3319.226 of 4410  
the Revised Code, the state board shall not require any 4411  
applicant for an educator license for substitute teaching who 4412  
holds a license issued under this section to hold a post- 4413  
secondary degree in order to be issued a license under section 4414  
3319.226 of the Revised Code to work as a substitute teacher for 4415  
career-technical education classes. 4416

**Sec. 3319.262.** (A) Notwithstanding any other provision of 4417  
the Revised Code or any rule adopted by the state board of 4418  
education to the contrary, the state board shall adopt rules 4419  
establishing standards and requirements for obtaining a 4420  
nonrenewable four-year initial early college high school 4421  
educator license for teaching grades seven through twelve at an 4422  
early college high school described in section 3313.6013 of the 4423  
Revised Code to any applicant who meets the following 4424  
conditions: 4425

(1) Has a graduate or terminal degree from an accredited 4426



institution of higher education in a field related to the 4427  
subject area to be taught, as determined by the department of 4428  
education; 4429

(2) Has obtained a passing score on an examination in the 4430  
subject area to be taught, as prescribed by the state board; 4431

(3) Has experience teaching students at any grade level, 4432  
including post-secondary students; 4433

(4) Has proof that an early college high school intends to 4434  
employ the applicant pending a valid license under this section. 4435

An individual licensed under this section shall be subject 4436  
to sections 3319.291 and 3319.39 of the Revised Code. An initial 4437  
educator license issued under division (A) of this section shall 4438  
be valid for teaching only at the employing school described in 4439  
division (A) (4) of this section. 4440

(B) After four years of teaching under an initial early 4441  
college high school educator license issued under this section, 4442  
an individual may apply for a renewable five-year professional 4443  
educator license in the same subject area named in the initial 4444  
license. The state board shall issue the applicant a 4445  
professional educator license if the applicant attains a passing 4446  
score on an assessment of professional knowledge prescribed by 4447  
the state board. Nothing in division (B) of this section shall 4448  
be construed to prohibit an individual from applying for a 4449  
professional education license under section 3319.22 of the 4450  
Revised Code. 4451

**Sec. 3319.283.** (A) The board of education of any school 4452  
district may employ an individual who is not certificated or 4453  
licensed as required by Chapter 3319. of the Revised Code, but 4454  
who meets the following qualifications, as a teacher in the 4455

schools of the district: 4456

(1) The individual is a veteran of the armed forces of the 4457  
United States and was honorably discharged within three years of 4458  
June 30, 1997; 4459

(2) While in the armed forces the individual had 4460  
meaningful teaching or other instructional experience; 4461

(3) The individual holds at least a baccalaureate degree. 4462

(B) An individual employed under this section shall be 4463  
deemed to hold a teaching certificate or educator license for 4464  
the purposes of state and federal law and rules and regulations 4465  
and school district policies, rules, and regulations. However, 4466  
an individual employed under this section is not a ~~highly-~~ 4467  
~~qualified properly certified or licensed~~ teacher for purposes of 4468  
the school district's compliance with section 3319.074 of the 4469  
Revised Code. Each individual employed under this section shall 4470  
meet the requirement to successfully complete fifteen hours, or 4471  
the equivalent, of coursework every five years that is approved 4472  
by the local professional development committee as is required 4473  
of other teachers licensed in accordance with Chapter 3319. of 4474  
the Revised Code. 4475

(C) The superintendent of public instruction may revoke 4476  
the right of an individual employed under division (A) of this 4477  
section to teach if, after an investigation and an adjudication 4478  
conducted pursuant to Chapter 119. of the Revised Code, the 4479  
superintendent finds that the person is not competent to teach 4480  
the subject the person has been employed to teach or did not 4481  
fulfill the requirements of division (A) of this section. No 4482  
individual whose right to teach has been revoked under this 4483  
division shall teach in a public school, and no board of 4484

education may engage such an individual to teach in the schools 4485  
of its district. 4486

Notwithstanding division (B) of this section, a board of 4487  
education is not required to comply with the provisions of 4488  
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 4489  
Code with regard to termination of employment if the 4490  
superintendent, after an investigation and an adjudication, has 4491  
revoked the individual's right to teach. 4492

Sec. 3319.361. (A) The state board of education shall 4493  
establish rules for the issuance of a supplemental teaching 4494  
license. This license shall be issued at the request of the 4495  
superintendent of a city, local, exempted village, or joint 4496  
vocational school district, educational service center, or the 4497  
governing authority of a STEM school, chartered nonpublic 4498  
school, or community school to an individual who meets all of 4499  
the following criteria: 4500

(1) Holds a current professional or permanent Ohio 4501  
teaching certificate or resident educator license, professional 4502  
educator license, senior professional educator license, or lead 4503  
professional educator license, as issued under section 3319.22 4504  
or 3319.26 of the Revised Code; 4505

(2) Is of good moral character; 4506

(3) Is employed in a supplemental licensure area or 4507  
teaching field, as defined by the state board; 4508

(4) Completes an examination prescribed by the state board 4509  
in the licensure area; 4510

(5) Completes, while employed under the supplemental 4511  
teaching license and subsequent renewals thereof, additional 4512  
coursework, if applicable, and testing requirements for full 4513

licensure in the supplemental area as a condition of holding and 4514  
teaching under a supplemental teaching license. 4515

(B) The employing school district, service center, or 4516  
school shall assign a mentor to the individual holding a 4517  
supplemental teaching license. The assigned mentor shall be an 4518  
experienced teacher who currently holds a license in the same, 4519  
or a related, content area as the supplemental license. 4520

(C) Before the department of education will issue an 4521  
individual a supplemental teaching license in another area, the 4522  
supplemental licensee must complete the supplemental licensure 4523  
program, or its equivalent, and be issued a standard teaching 4524  
license in the area of the currently held supplemental license. 4525

(D) An individual may advance from a supplemental teaching 4526  
license to a standard teaching license upon: 4527

(1) Verification from the employing superintendent or 4528  
governing authority that the individual holding the supplemental 4529  
teaching license has taught successfully in the licensure area 4530  
for a minimum of two years; and 4531

(2) Completing requirements as applicable to the licensure 4532  
area or teaching field as established by the state board. 4533

(E) A licensee who has filed an application under this 4534  
section may work in the supplemental licensure area for up to 4535  
sixty school days while completing the requirements in division 4536  
(A) (4) of this section. If the requirements are not completed 4537  
within sixty days, the application shall be declined. 4538

**Sec. 3323.022.** The rules of the state board of education 4539  
for staffing ratios for programs with preschool children with 4540  
disabilities shall require the following: 4541

(A) A full-time staff member shall be provided when there 4542  
are eight full-day or sixteen half-day preschool children 4543  
eligible for special education enrolled in a center-based 4544  
preschool special education program. 4545

(B) Staff ratios of one teacher for every eight children 4546  
shall be maintained at all times for a program with a center- 4547  
based teacher, and a second adult shall be present when there 4548  
are nine or more children, including nondisabled children 4549  
enrolled in a class session. 4550

(C) Unless otherwise specified in the individualized 4551  
education program, a minimum of ten hours of services per week 4552  
shall be provided for each child served by a center-based 4553  
teacher. 4554

**Sec. 3323.11.** Each school district shall employ, as 4555  
necessary, the personnel to meet the needs of the children with 4556  
disabilities enrolled in its schools. Personnel shall possess 4557  
appropriate qualifications and certificates or licenses as 4558  
prescribed in rules of the state board of education. ~~Teachers~~ 4559  
~~shall be "highly qualified," as that term is defined in section~~ 4560  
~~602(10) of the "Individuals with Disabilities Education~~ 4561  
~~Improvement Act of 2004," 20 U.S.C.1401(10).-~~ 4562

**Sec. 3324.07.** (A) The board of education of each school 4563  
district shall develop a plan for the service of gifted students 4564  
enrolled in the district that are identified under section 4565  
3324.03 of the Revised Code. Services specified in the plan 4566  
developed by each board may include such options as the 4567  
following: 4568

- (1) A differentiated curriculum; 4569
- (2) Cluster grouping; 4570

(3) Mentorships;	4571
(4) Accelerated course work;	4572
(5) The college credit plus program under Chapter 3365. of the Revised Code;	4573 4574
(6) Advanced placement;	4575
(7) Honors classes;	4576
(8) Magnet schools;	4577
(9) Self-contained classrooms;	4578
(10) Independent study;	4579
(11) <u>International baccalaureate;</u>	4580
<u>(12)</u> Other options identified in rules adopted by the department of education.	4581 4582
(B) Each board shall file the plan developed under division (A) of this section with the department of education by December 15, 2000. The department shall review and analyze each plan to determine if it is adequate and to make funding estimates.	4583 4584 4585 4586 4587
(C) Unless otherwise required by law, rule, or as a condition for receipt of funds, school boards may implement the plans developed under division (A) of this section, but shall not be required to do so until further action by the general assembly or the state superintendent of public instruction.	4588 4589 4590 4591 4592
<b>Sec. 3326.13.</b> (A) Teachers employed by a science, technology, engineering, and mathematics school shall be <del>highly-</del> <del>qualified</del> <u>properly certified or licensed</u> teachers, as defined in section 3319.074 of the Revised Code, and shall be licensed under sections 3319.22 to 3319.31 of the Revised Code and rules	4593 4594 4595 4596 4597

of the state board of education implementing those sections. 4598

(B) No STEM school shall employ any classroom teacher 4599  
initially hired on or after July 1, 2013, to provide instruction 4600  
in physical education unless the teacher holds a valid license 4601  
issued pursuant to section 3319.22 of the Revised Code for 4602  
teaching physical education. 4603

Sec. 3357.022. (A) The provisions of this section prevail 4604  
over conflicting provisions of this chapter; however, except as 4605  
otherwise provided in this section, the stark state college 4606  
district and its board of trustees shall comply with the 4607  
provisions of this chapter. 4608

(B) The territory of Summit county is hereby added to the 4609  
territory of the technical college district of Stark county, 4610  
creating a new technical college district to replace the former 4611  
technical college district of Stark county. The district created 4612  
under this section shall be known as and operate under the name 4613  
of "stark state college district," and its charter shall be 4614  
amended to reflect this name. The Stark county campus is hereby 4615  
part of the stark state college district and shall remain in 4616  
operation unless otherwise specified by the board of trustees of 4617  
the technical college. 4618

(C) On the effective date of this section, the government 4619  
of the stark state college district shall be vested in a board 4620  
of nine trustees. Appointees shall be qualified electors 4621  
residing in the stark state college district and shall not be 4622  
employees of the college. No new trustee may be appointed who is 4623  
a member of any board of education or educational service center 4624  
governing board. The term of office shall be three years. Each 4625  
trustee shall hold office from the date of appointment until the 4626  
end of the appointed term. Any trustee appointed to fill a 4627

vacancy occurring prior to the expiration of the term for which 4628  
the trustee's predecessor was appointed shall hold office for 4629  
the remainder of such term. Any trustee shall continue in office 4630  
subsequent to the expiration date of the trustee's term until a 4631  
successor takes office, or until a period of sixty days has 4632  
elapsed, whichever occurs first. 4633

(1) Three trustees shall be appointed by the governor with 4634  
the advice and consent of the senate. 4635

The governor shall appoint members of the board of 4636  
trustees that are residents of the stark state college district. 4637  
Not more than one member of the board of trustees appointed by 4638  
the governor shall be an employee of a government agency. The 4639  
members of the board of trustees of the former technical college 4640  
district of Stark county shall remain members of the board until 4641  
the expiration of their terms as each existed prior to the 4642  
effective date of this section. 4643

(2) Six trustees shall be appointed by the presidents, or 4644  
their representatives, of the city and exempted village school 4645  
district boards of education and of the educational service 4646  
center governing boards whose territories are included in the 4647  
stark state college district. Prior to the appointment of 4648  
trustees, the president of the governing board of the 4649  
educational service center serving Stark county or, if more than 4650  
one service center serves the county, the president of the 4651  
governing board of the educational service center serving the 4652  
largest portion of Stark county shall call a caucus of those 4653  
board presidents at a time and place designated by the service 4654  
center board president. At such caucus, the board presidents or 4655  
their representatives shall select trustees by majority vote of 4656  
those attending. Not more than one member of the board of 4657



trustees selected in this manner shall be a resident of Summit 4658  
county, and not more than two members of the board of trustees 4659  
selected in this manner shall be employees of government 4660  
agencies. The members of the board of trustees of the former 4661  
technical college district of Stark county shall remain members 4662  
of the board until the expiration of their terms as each existed 4663  
prior to the effective date of this section. 4664

(D) The board of trustees of the stark state college 4665  
district shall continue to comply with division (G) of section 4666  
3357.09 of the Revised Code regarding tuition for students who 4667  
are residents of Ohio, but not residents of the district, and 4668  
for students who are nonresidents of Ohio. The tuition rate 4669  
shall be based on the student's county of residence and shall 4670  
apply to all stark state college district classes in all 4671  
district locations. 4672

(E) Each member of the board of trustees shall have full 4673  
voting rights on all matters that come before the board. 4674

**Sec. 5705.391.** (A) ~~No later than July 1, 1998, the~~ The 4675  
department of education and the auditor of state shall jointly 4676  
adopt rules requiring boards of education to submit five-year 4677  
projections of operational revenues and expenditures. The rules 4678  
shall provide for the auditor of state or the department to 4679  
examine the five-year projections and to determine whether any 4680  
further fiscal analysis is needed to ascertain whether a 4681  
district has the potential to incur a deficit during the first 4682  
three years of the five-year period. 4683

The auditor of state or the department may conduct any 4684  
further audits or analyses necessary to assess any district's 4685  
fiscal condition. If further audits or analyses are conducted by 4686  
the auditor of state, the auditor of state shall notify the 4687

department of the district's fiscal condition, and the 4688  
department shall immediately notify the district of any 4689  
potential to incur a deficit in the current fiscal year or of 4690  
any strong indications that a deficit will be incurred in either 4691  
of the ensuing two years. If such audits or analyses are 4692  
conducted by the department, the department shall immediately 4693  
notify the district and the auditor of state of such potential 4694  
deficit or strong indications thereof. 4695

A district notified under this section shall take 4696  
immediate steps to eliminate any deficit in the current fiscal 4697  
year and shall begin to plan to avoid the projected future 4698  
deficits. 4699

(B) The state board of education, in accordance with 4700  
sections 3319.31 and 3319.311 of the Revised Code, may limit, 4701  
suspend, or revoke a license as defined under section 3319.31 of 4702  
the Revised Code that has been issued to any school employee 4703  
found to have willfully contributed erroneous, inaccurate, or 4704  
incomplete data required for the submission of the five-year 4705  
projection required by this section. 4706

(C) The department and the auditor of state, in their 4707  
joint adoption of rules under division (A) of this section, 4708  
shall not require a board of education to submit its five-year 4709  
projection of operational revenues and expenditures prior to the 4710  
thirtieth day of November of any fiscal year. 4711

**Section 2.** That existing sections 103.49, 3301.078, 4712  
3301.0711, 3301.0715, 3302.03, 3311.78, 3311.79, 3313.603, 4713  
3313.814, 3314.02, 3314.03, 3314.08, 3317.141, 3319.075, 4714  
3319.081, 3319.111, 3319.112, 3319.22, 3319.229, 3319.283, 4715  
3323.022, 3323.11, 3324.07, 3326.13, and 5705.391 and sections 4716  
3319.074, 3319.114, 3319.226, and 3319.58 of the Revised Code 4717

are hereby repealed. 4718

**Section 3.** Not later than one year after the effective 4719  
date of this section, the Department of Education shall conduct 4720  
a study on the results and cost-effectiveness of the College 4721  
Credit Plus Program, established under Chapter 3365. of the 4722  
Revised Code, and submit a report of its findings to the 4723  
Governor, the Chancellor of Higher Education, each member of the 4724  
General Assembly, and the superintendent of each school district 4725  
and each educational service center. The study shall include the 4726  
cost-effectiveness for secondary schools and participants under 4727  
the program, as well as whether participants in the program save 4728  
money on college tuition and reduce the amount of time to degree 4729  
completion. 4730

**Section 4.** Not later than July 1, 2019, the State Board of 4731  
Education shall revise any rule it has adopted regarding 4732  
operating standards for identifying and serving gifted students 4733  
to specify all of the following: 4734

(A) If a general education teacher is designated as the 4735  
provider of gifted services but is not an Advanced Placement or 4736  
International Baccalaureate teacher, that teacher shall 4737  
participate in at least fifteen hours of ongoing gifted 4738  
professional development during the first year in which the 4739  
teacher has that designation and forty-five hours of ongoing 4740  
professional development by the end of the fourth year in which 4741  
the teacher has that designation. 4742

(B) If a general education teacher is designated as the 4743  
provider of gifted services and is an Advanced Placement or 4744  
International Baccalaureate teacher who has earned at least 4745  
twenty-four hours of certified Advanced Placement or 4746  
International Baccalaureate development within the five years 4747

prior to receiving that designation, that teacher shall 4748  
participate in at least seven and one-half hours of ongoing 4749  
professional development during the first year in which the 4750  
teacher has that designation and twenty-two and one-half hours 4751  
of ongoing professional development by the end of the fourth 4752  
year in which the teacher has that designation. 4753

(C) If a teacher satisfies the hour requirement under 4754  
division (A) or (B) of this section, that teacher may be 4755  
reported as providing services to gifted students in the 4756  
teacher's classroom for that year. 4757

(D) Any documented clock hours earned in the twenty-four 4758  
months prior to the revision of any rule adopted by the State 4759  
Board regarding operating standards for identifying and serving 4760  
students who are gifted in accordance with this section shall 4761  
count toward the requirements specified in divisions (A) and (B) 4762  
of this section. 4763

**Section 5.** (A) The Early Childhood Comprehensive 4764  
Assessment Advisory Group, as convened by the Department of 4765  
Education, shall submit recommendations to the Superintendent of 4766  
Public Instruction regarding ways to improve the use and 4767  
administration of the kindergarten readiness assessment required 4768  
under division (A) (2) of section 3301.0715 of the Revised Code. 4769  
In developing its recommendations, the Advisory Group shall 4770  
consider appropriate areas of content for the assessment and 4771  
efficient procedures for administering the assessment. 4772

(B) The State Superintendent shall review the 4773  
recommendations submitted under division (A) of this section and 4774  
shall report final recommendations regarding the assessment to 4775  
the General Assembly in accordance with section 101.68 of the 4776  
Revised Code not later than September 1, 2019. 4777

**Section 6.** (A) For the 2019-2020 school year, the 4778  
Department of Education shall establish a pilot program to guide 4779  
implementation of the framework for the evaluation of teachers 4780  
revised under section 3319.112 of the Revised Code, as amended 4781  
by this act. The Department shall issue a request for school 4782  
districts to volunteer to participate in the pilot program. 4783  
However, the Department may designate a district to participate 4784  
only with the approval and consent of the district's board of 4785  
education. The Department shall make a good faith effort to 4786  
ensure a participant pool of adequate size and diversity. 4787

(B) The Department shall provide professional development 4788  
and technical assistance to teachers and evaluators in 4789  
participating school districts prior to their use of the revised 4790  
teacher evaluation framework. The Department shall collect 4791  
feedback from participating districts, teachers, and evaluators 4792  
on the implementation of the framework, and shall use such 4793  
feedback to make recommendations on the framework and to improve 4794  
professional development on the framework. 4795

(C) The Department shall work with stakeholder groups in 4796  
conducting the pilot program. 4797

**Section 7.** Notwithstanding the amendment or repeal of 4798  
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 4799  
this act, for the 2018-2019 and 2019-2020 school years, the 4800  
following shall apply: 4801

(A) Each school district, other than a district 4802  
participating in the pilot program established under Section 6 4803  
of this act, shall conduct teacher evaluations in accordance 4804  
with those sections as they existed prior to the effective date 4805  
of this section. 4806

(B) Each state agency that employs teachers shall conduct 4807  
teacher evaluations in accordance with its teacher evaluation 4808  
policy developed under former division (E) of section 3319.112 4809  
of the Revised Code, as it existed prior to the effective date 4810  
of this section. 4811

(C) Any reference in law to evaluations conducted under 4812  
section 3319.111 of the Revised Code shall be construed to 4813  
include evaluations conducted as required by this section. 4814

(D) References to "evaluation procedures" in section 4815  
3319.11 of the Revised Code shall be construed to include the 4816  
evaluation procedures required by this section. 4817

**Section 8.** Not later than thirty days after the effective 4818  
date of this section: 4819

(A) The Governor, with the advice and consent of the 4820  
Senate, shall appoint one member to the Stark State College 4821  
District Board of Trustees as provided under division (C)(1) of 4822  
section 3357.022 of the Revised Code. The member so appointed 4823  
shall serve a term of three years commencing on the date of the 4824  
appointment by the Governor. 4825

(B) The president of the governing board of the Stark 4826  
County Educational Service Center shall call a caucus of the 4827  
presidents of the city and exempted village school district 4828  
boards of education and of the educational service center 4829  
governing boards whose territories are included in the Stark 4830  
State College District, as described in division (B) of section 4831  
3357.022 of the Revised Code. At that caucus the presidents 4832  
shall appoint one member to the Stark State College District 4833  
Board of Trustees as provided under division (C)(2) of that 4834  
section to serve a term of three years commencing on the date of 4835

the appointment by the caucus. 4836

Thereafter, the appointment of all members of the Board of 4837  
Trustees of the Stark State College District and the operation 4838  
of the college shall be in accordance with Chapter 3357. of the 4839  
Revised Code. 4840

**Section 9.** The Department of Education shall submit a 4841  
report to the General Assembly, in accordance with section 4842  
101.68 of the Revised Code, comparing the results of state 4843  
assessments administered online and in a paper format using data 4844  
from the 2019-2020 and 2020-2021 school years, as soon after the 4845  
end of the 2020-2021 school year as possible. 4846

**Section 10.** (A) There is hereby created a joint committee 4847  
to study and report to the General Assembly, in accordance with 4848  
section 101.68 of the Revised Code, specific recommendations 4849  
for: 4850

(1) A funding system for internet- and computer-based 4851  
community schools that bases payments to a school on a student's 4852  
demonstration of competency of subject matter, in addition to, 4853  
or instead of, full-time enrollment in coursework and log-on and 4854  
log-off times; 4855

(2) The categories of expenses for which a community 4856  
school management company must provide a detailed accounting 4857  
under section 3314.024 of the Revised Code as amended by this 4858  
act. 4859

In considering the issue described in division (A) (1) of 4860  
this section, the committee shall examine funding models of 4861  
other states. 4862

(B) The committee shall consist of: 4863

(1) Two members of the House of Representatives, appointed 4864  
by the Speaker of the House of Representatives, one of whom 4865  
shall serve as co-chairperson of the committee as determined by 4866  
the Speaker; 4867

(2) One member of the House of Representatives, appointed 4868  
by the Minority Leader of the House of Representatives; 4869

(3) Two members of the Senate, appointed by the President 4870  
of the Senate, one of whom shall serve as the co-chairperson of 4871  
the committee as determined by the President; and 4872

(4) One member of the Senate, appointed by the Minority 4873  
Leader of the Senate. 4874

(C) The committee shall submit its report not later than 4875  
November 15, 2018. Upon the submission of this report, the 4876  
committee shall be abolished. 4877

**Section 11.** (A) As used in this section: 4878

(1) "Community school" means a community school 4879  
established under Chapter 3314. of the Revised Code. 4880

(2) "Internet- or computer-based community school" and 4881  
"sponsor" have the same meanings as in section 3314.02 of the 4882  
Revised Code. 4883

(3) "Displaced enrollee" means a student who meets both of 4884  
the following conditions: 4885

(a) For any time during the 2017-2018 school year, the 4886  
student was enrolled in an internet- or computer-based community 4887  
school that prior to the end of that school year had its 4888  
operations suspended by the school's sponsor under section 4889  
3314.072 of the Revised Code. 4890



(b) At any time during the 2017-2018 school year, prior to 4891  
the suspension of operations of the internet- or computer-based 4892  
community school described in division (A) (3) (a) of this 4893  
section, or after the suspension of operations of that school, 4894  
the student enrolled in a different community school or a school 4895  
operated by a school district board of education. 4896

(B) Notwithstanding anything in the Revised Code to the 4897  
contrary: 4898

(1) For purposes of the community school sponsor 4899  
evaluations conducted under section 3314.016 of the Revised Code 4900  
for the 2017-2018 and 2018-2019 school years, the Department of 4901  
Education shall exclude any displaced enrollee from the average 4902  
daily membership of the community schools in a sponsor's 4903  
portfolio when calculating the academic performance component of 4904  
the evaluation prescribed by division (B) (1) (a) of that section. 4905

(2) If displaced enrollees cause the enrollment of a 4906  
community school to increase by more than ten per cent in the 4907  
2017-2018 school year, the community school shall not be subject 4908  
to closure under section 3314.35 of the Revised Code in the 4909  
2017-2018, 2018-2019, or 2019-2020 school year, unless the 4910  
school satisfies the criteria for closure under division (A) (3) 4911  
of that section for three consecutive years. 4912

(C) Notwithstanding anything in the Revised Code to the 4913  
contrary, for the 2018-2019 and 2019-2020 school years only, a 4914  
school district that experiences an increase in enrollment of 4915  
more than ten per cent in the 2017-2018 school year as a result 4916  
of the enrollment of displaced enrollees shall not be considered 4917  
a new challenged school district where new start-up community 4918  
schools may be located under division (A) (3) of section 3314.02 4919  
of the Revised Code. 4920

**Section 12.** This act shall be known as the "Ohio Public School Deregulation Act." 4921  
4922

**Section 13.** Section 3313.603 of the Revised Code is 4923  
presented in this act as a composite of the section as amended 4924  
by both Am. Sub. H.B. 49 and Sub. H.B. 170 of the 132nd General 4925  
Assembly. The General Assembly, applying the principle stated in 4926  
division (B) of section 1.52 of the Revised Code that amendments 4927  
are to be harmonized if reasonably capable of simultaneous 4928  
operation, finds that the composite is the resulting version of 4929  
the section in effect prior to the effective date of the section 4930  
as presented in this act. 4931