

As Reported by the House Education and Career Readiness Committee

132nd General Assembly

Regular Session

2017-2018

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

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, 3321.191, 3323.022, 3323.11, 5
3324.07, 3326.13, and 5705.391; to enact new 6
sections 3319.074 and 3319.226 and sections 7
3301.68, 3302.101, 3314.043, 3314.231, 3319.262, 8
3319.361, and 3357.022; and to repeal sections 9
3319.074, 3319.114, 3319.226, and 3319.58 of the 10
Revised Code to enact the "Ohio Public School 11
Deregulation Act" regarding the administration 12
of preschool and primary and secondary education 13
programs, to add the territory of Summit County 14
to the Stark State College District, and to 15
prescribe procedures for appointing the board of 16
trustees of the combined technical college 17
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, 3321.191, 22
3323.022, 3323.11, 3324.07, 3326.13, and 5705.391 be amended and 23
new sections 3319.074 and 3319.226 and sections 3301.68, 24
3302.101, 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 section, administer the assessments prescribed by division (B) (2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D) (1) of section 3301.0712 of the Revised Code;

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

(C) (1) (a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C) (1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method

approved by the department 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 assessment under division (C) (1) (c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.	259 260 261 262
(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June.	263 264 265 266 267 268 269 270
(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801.	271 272
No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:	273 274 275 276
(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.	277 278 279 280 281 282
(b) Any limited English proficient student who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.	283 284 285 286

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

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

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

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

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

(c) If the district's total enrollment in grades 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 401
arts, except for the third-grade English language arts 402
assessment, the results may be sent after forty-five days of the 403
administration of the writing component, but in no case shall 404
the scores be returned later than the thirtieth day of June 405

following the administration. 406

(3) For assessments administered under this section by a 407
joint vocational school district, the department or entity shall 408
also send to each city, local, or exempted village school 409
district a list of the individual scores of any students of such 410
city, local, or exempted village school district who are 411
attending school in the joint vocational school district. 412

(4) Beginning with the 2019-2020 school year, a school 413
district, other public school, or chartered nonpublic school may 414
administer the third-grade English language arts or mathematics 415
assessment, or both, in a paper format in any school year for 416
which the district board of education or school governing body 417
adopts a resolution indicating that the district or school 418
chooses to administer the assessment in a paper format. The 419
board or governing body shall submit a copy of the resolution to 420
the department of education not later than the first day of May 421
prior to the school year for which it will apply. If the 422
resolution is submitted, the district or school shall administer 423
the assessment in a paper format to all students in the third 424
grade, except that any student whose individualized education 425
program or plan developed under section 504 of the 426
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 427
amended, specifies that taking the assessment in an online 428
format is an appropriate accommodation for the student may take 429
the assessment in an online format. 430

(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 Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

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

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

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

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

under sections 3310.51 to 3310.64 of the Revised Code, and the 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

(4) The establishment of a wellness committee; 872

(5) The reporting of a district's or school's compliance 873
with nutritional standards prescribed under section 3313.814 of 874
the Revised Code; 875

(6) Screening of pupils for hearing, vision, speech and 876

communications, and health or medical problems and for any 877
developmental disorders pursuant to section 3313.673 of the 878
Revised Code; 879

(7) Compliance with intradistrict and interdistrict open 880
enrollment provisions in sections 3313.97 and 3313.98 of the 881
Revised Code. 882

(C) Except as provided in division (D) of section 3313.814 883
of the Revised Code, the department shall not require a separate 884
report for any of the items listed in division (B) of this 885
section. 886

Sec. 3302.03. Annually, not later than the fifteenth day 887
of September or the preceding Friday when that day falls on a 888
Saturday or Sunday, the department of education shall assign a 889
letter grade for overall academic performance and for each 890
separate performance measure for each school district, and each 891
school building in a district, in accordance with this section. 892
The state board shall adopt rules pursuant to Chapter 119. of 893
the Revised Code to establish performance criteria for each 894
letter grade and prescribe a method by which the department 895
assigns each letter grade. For a school building to which any of 896
the performance measures do not apply, due to grade levels 897
served by the building, the state board shall designate the 898
performance measures that are applicable to the building and 899
that must be calculated separately and used to calculate the 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 990
building. Grades shall be awarded as a percentage of the total 991
possible points on the performance index system as created by 992
the department. In adopting benchmarks for assigning letter 993

grades under division (B) (1) (b) of this section, the state board 994
shall designate ninety per cent or higher for an "A," at least 995
seventy per cent but not more than eighty per cent for a "C," 996
and less than fifty per cent for an "F." 997

(c) The extent to which the school district or building 998
meets each of the applicable performance indicators established 999
by the state board under section 3302.03 of the Revised Code and 1000
the percentage of applicable performance indicators that have 1001
been achieved. In adopting benchmarks for assigning letter 1002
grades under division (B) (1) (c) of this section, the state board 1003
shall designate ninety per cent or higher for an "A." 1004

(d) The four- and five-year adjusted cohort graduation 1005
rates; 1006

(e) The overall score under the value-added progress 1007
dimension of a school district or building, for which the 1008
department shall use up to three years of value-added data as 1009
available. 1010

(f) The value-added progress dimension score for a school 1011
district or building disaggregated for each of the following 1012
subgroups: students identified as gifted in superior cognitive 1013
ability and specific academic ability fields under Chapter 3324. 1014
of the Revised Code, students with disabilities, and students 1015
whose performance places them in the lowest quintile for 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 1048
or building" means a school district or building where at least 1049
twenty-five per cent of its total enrollment is made up of 1050
students who have attended that school district or building for 1051
less than one year. 1052

(2) In addition to the graded measures in division (B) (1) 1053
of this section, the department shall include on a school 1054
district's or building's report card all of the following 1055
without an assigned letter grade: 1056

(a) The percentage of students enrolled in a district or 1057
building participating in advanced placement classes and the 1058
percentage of those students who received a score of three or 1059
better on advanced placement examinations; 1060

(b) The number of a district's or building's students who 1061
have earned at least three college credits through dual 1062
enrollment or advanced standing programs, such as the post- 1063
secondary enrollment options program under Chapter 3365. of the 1064
Revised Code and state-approved career-technical courses offered 1065
through dual enrollment or statewide articulation, that appear 1066
on a student's transcript or other official document, either of 1067
which is issued by the institution of higher education from 1068
which the student earned the college credit. The credits earned 1069
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1070
this section shall not include any that are remedial or 1071
developmental and shall include those that count toward the 1072
curriculum requirements established for completion of a degree. 1073

(c) The percentage of students enrolled in a district or 1074
building who have taken a national standardized test used for 1075
college admission determinations and the percentage of those 1076
students who are determined to be remediation-free in accordance 1077
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 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. 1083
1084
1085
1086
1087

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

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

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

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. 1105
1106
1107

(C) (1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C) (1) of this section. The 1108
1109
1110
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 1226
students who receive an honor's diploma under division (B) of 1227
section 3313.61 of the Revised Code; 1228

(e) The percentage of the district's or building's 1229

students who receive industry-recognized credentials as approved 1230
under section 3313.6113 of the Revised Code; 1231

(f) The percentage of students enrolled in a district or 1232
building who are participating in an international baccalaureate 1233
program and the percentage of those students who receive a score 1234
of four or better on the international baccalaureate 1235
examinations; 1236

(g) The results of the college and career-ready 1237
assessments administered under division (B) (1) of section 1238
3301.0712 of the Revised Code. 1239

(3) The state board shall adopt rules pursuant to Chapter 1240
119. of the Revised Code that establish a method to assign an 1241
overall grade for a school district or school building for the 1242
2017-2018 school year and each school year thereafter. The rules 1243
shall group the performance measures in divisions (C) (1) and (2) 1244
of this section into the following components: 1245

(a) Gap closing, which shall include the performance 1246
measure in division (C) (1) (a) of this section; 1247

(b) Achievement, which shall include the performance 1248
measures in divisions (C) (1) (b) and (c) of this section; 1249

(c) Progress, which shall include the performance measures 1250
in divisions (C) (1) (e) and (f) of this section; 1251

(d) Graduation, which shall include the performance 1252
measure in division (C) (1) (d) of this section; 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 1313
progress. 1314

(F) When reporting data on student achievement and 1315
progress, the department shall disaggregate that data according 1316

to the following categories:	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 identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department	1339 1340 1341 1342 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 created by the commission under division (D) of section 3302.10 of the Revised Code that exists as of the effective date of this section; 1490
1491
1492
1493

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

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

Sec. 3311.78. Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of sections 3317.13, 3317.14, and 3317.141 of the Revised Code. 1501
1502
1503
1504

(A) As used in this section, "principal" includes an assistant principal. 1505
1506

(B) The board of education of each municipal school district annually shall adopt a differentiated salary schedule for teachers based upon performance as described in division (D) of this section. The board also annually shall adopt a differentiated salary schedule for principals based upon performance as described in division (D) of this section. 1507
1508
1509
1510
1511
1512

For each teacher or principal hired on or after October 1, 2012, the board shall determine the teacher's or principal's initial placement on the applicable salary schedule based on years of experience and area of licensure and any other factors the board considers appropriate. For each teacher hired prior to October 1, 2012, the board shall initially place the teacher on 1513
1514
1515
1516
1517
1518

the applicable salary schedule so that the teacher's annual 1519
salary on the schedule is comparable to the teacher's annual 1520
salary for the school year immediately prior to the school year 1521
covered by the schedule. For each principal hired prior to 1522
October 1, 2012, the board shall initially place the principal 1523
on the applicable salary schedule consistent with the 1524
principal's employment contract. 1525

(C) The salary of a teacher shall not be reduced unless 1526
such reduction is accomplished as part of a negotiated 1527
collective bargaining agreement. The salary of a principal shall 1528
not be reduced during the term of the principal's employment 1529
contract unless such reduction is by mutual agreement of the 1530
board and the principal or is part of a uniform plan affecting 1531
the entire district. 1532

(D) For purposes of the schedules, the board shall measure 1533
a teacher's or principal's performance by considering all of the 1534
following: 1535

(1) The level of license issued under section 3319.22 of 1536
the Revised Code that the teacher or principal holds; 1537

(2) ~~Whether~~ In the case of a teacher, whether the teacher 1538
~~or principal is a highly qualified properly certified or~~ 1539
licensed teacher, as defined in section 3319.074 of the Revised 1540
Code; 1541

(3) Ratings received by the teacher or principal on 1542
performance evaluations conducted under section 3311.80 or 1543
3311.84 of the Revised Code; 1544

(4) Any specialized training and experience in the 1545
assigned position. 1546

(E) The salary schedules adopted under this section may 1547

provide for additional compensation for teachers or principals 1548
who perform duties, not contracted for under a supplemental 1549
contract, that the board determines warrant additional 1550
compensation. Those duties may include, but are not limited to, 1551
assignment to a school building eligible for funding under Title 1552
I of the "Elementary and Secondary Education Act of 1965," 20 1553
U.S.C. 6301 et seq.; assignment to a building in "school 1554
improvement" status under the "No Child Left Behind Act of 1555
2001," as defined in section 3302.01 of the Revised Code; 1556
teaching in a grade level or subject area in which the board has 1557
determined there is a shortage within the district; assignment 1558
to a hard-to-staff school, as determined by the board; or 1559
teaching in a school with an extended school day or school year. 1560

(F) The chief executive officer of the district, or the 1561
chief executive officer's designee, annually shall review the 1562
salary of each teacher and principal and make a recommendation 1563
to the board. Based on the recommendation, the board may 1564
increase a teacher's or principal's salary based on the 1565
teacher's or principal's performance and duties as provided for 1566
in divisions (D) and (E) of this section. The performance-based 1567
increase for a teacher or principal rated as accomplished shall 1568
be greater than the performance-based increase for a teacher or 1569
principal rated as skilled. Notwithstanding division (C) of this 1570
section, division (C) of section 3319.02, and section 3319.12 of 1571
the Revised Code, the board may decrease the teacher's or 1572
principal's salary if the teacher or principal will perform 1573
fewer or different duties described in division (E) of this 1574
section in the school year for which the salary is decreased. 1575

(G) Notwithstanding any provision to the contrary in 1576
Chapter 4117. of the Revised Code, the requirements of this 1577
section prevail over any conflicting provisions of a collective 1578

bargaining agreement entered into on or after October 1, 2012. 1579
However, the board and the teachers' labor organization shall 1580
negotiate the implementation of the differentiated salary 1581
schedule for teachers and may negotiate additional factors 1582
regarding teacher salaries, provided those factors are 1583
consistent with this section. 1584

Sec. 3311.79. (A) When assigning teachers to schools of a 1585
municipal school district prior to the start of a school year, 1586
teachers may apply for open positions. All applicants shall be 1587
considered. Applicants may be interviewed by a building level 1588
team comprised of the building principal, a representative of 1589
the district teachers' labor organization, a parent, a staff 1590
member in the same job classification as the posted position, 1591
and any other members mutually agreed upon by the principal and 1592
the labor organization representative. When openings occur, the 1593
principal and labor organization representative shall mutually 1594
select the members of the building level team. Interviews by the 1595
building level team shall not be delayed due to the 1596
unavailability of duly notified team members. The team shall 1597
make recommendations whether to assign a teacher to an open 1598
position in the building based on how suitably the teacher's 1599
credentials fulfill the needs of the particular school. For this 1600
purpose, the building level team shall consider the following 1601
credentials: 1602

(1) The level of license issued under section 3319.22 of 1603
the Revised Code that the teacher holds; 1604

(2) The number of subject areas the teacher is licensed to 1605
teach; 1606

(3) Whether the teacher ~~is~~ would be a ~~highly qualified~~ 1607
properly certified or licensed teacher, as defined in section 1608

3319.074 of the Revised Code, in the open position; 1609

(4) The results of the teacher's performance evaluations 1610
conducted under section 3311.80 of the Revised Code; 1611

(5) Whether the teacher has recently taught and been 1612
evaluated in the subject areas the teacher would teach at the 1613
school; 1614

(6) Any specialized training or experience the teacher 1615
possesses that are relevant to the open position; 1616

(7) Any other credentials established by the district 1617
chief executive officer or a building level team. 1618

(B) The building level team shall make its recommendations 1619
to the district chief executive officer or the chief executive 1620
officer's designee for the chief executive officer's or 1621
designee's final approval of the assignment. 1622

(C) In the event that open positions in one or more school 1623
buildings have not been filled through the procedures set forth 1624
in divisions (A) and (B) of this section, or if the building 1625
level team has not been able to reach a consensus on a 1626
candidate, by ten days prior to the first work day for teachers 1627
of the school year, the district chief executive officer or the 1628
chief executive officer's designee shall assign teachers to any 1629
of those open positions based on the best interests of the 1630
district. In making an assignment under this division, the chief 1631
executive officer or the chief executive officer's designee 1632
shall take into consideration all input from the building level 1633
team members. 1634

(D) In the event that a position opens after the first 1635
student day of the school year, the building level team 1636
interview and recommendation procedures set forth in divisions 1637

(A) and (B) of this section shall be used to fill the open 1638
position. If any positions remain open, or if the building level 1639
team has not been able to reach a consensus on a candidate, 1640
after a reasonable period of time as determined by the chief 1641
executive officer or the chief executive officer's designee, the 1642
chief executive officer or the chief executive officer's 1643
designee shall assign teachers to any of those open positions 1644
based on the best interests of the district. In making an 1645
assignment under this division, the chief executive officer or 1646
the chief executive officer's designee shall take into 1647
consideration all input from the building level team members. 1648

(E) In the event it becomes necessary to assign, reassign, 1649
or transfer a teacher, whether voluntarily or involuntarily on 1650
the part of the teacher, for the purpose of promoting the best 1651
interests of the district, the chief executive officer or the 1652
chief executive officer's designee shall first meet with the 1653
teacher, the principals of the affected buildings, and a 1654
representative of the district teachers' labor organization. The 1655
assignment, reassignment, or transfer shall not be delayed due 1656
to the unavailability of the meeting participants who have been 1657
duly notified. 1658

(F) The district chief executive officer or a building 1659
level team shall not use seniority or continuing contract status 1660
as the primary factor in determining any teacher's assignment to 1661
a school. 1662

(G) Notwithstanding any provision to the contrary in 1663
Chapter 4117. of the Revised Code, the requirements of this 1664
section prevail over any conflicting provisions of a collective 1665
bargaining agreement entered into on or after ~~the effective date~~ 1666
~~of this section~~ October 1, 2012. However, the board and the 1667

teachers' labor organization shall negotiate regarding the 1668
implementation of this section, including the processes by which 1669
each building level team conducts its interviews and makes 1670
recommendations, consistent with this section. 1671

Sec. 3313.603. (A) As used in this section: 1672

(1) "One unit" means a minimum of one hundred twenty hours 1673
of course instruction, except that for a laboratory course, "one 1674
unit" means a minimum of one hundred fifty hours of course 1675
instruction. 1676

(2) "One-half unit" means a minimum of sixty hours of 1677
course instruction, except that for physical education courses, 1678
"one-half unit" means a minimum of one hundred twenty hours of 1679
course instruction. 1680

(B) Beginning September 15, 2001, except as required in 1681
division (C) of this section and division (C) of section 1682
3313.614 of the Revised Code, the requirements for graduation 1683
from every high school shall include twenty units earned in 1684
grades nine through twelve and shall be distributed as follows: 1685

(1) English language arts, four units; 1686

(2) Health, one-half unit; 1687

(3) Mathematics, three units; 1688

(4) Physical education, one-half unit; 1689

(5) Science, two units until September 15, 2003, and three 1690
units thereafter, which at all times shall include both of the 1691
following: 1692

(a) Biological sciences, one unit; 1693

(b) Physical sciences, one unit. 1694

(6) History and government, one unit, which shall comply 1695
with division (M) of this section and shall include both of the 1696
following: 1697

(a) American history, one-half unit; 1698

(b) American government, one-half unit. 1699

(7) Social studies, two units. 1700

Beginning with students who enter ninth grade for the 1701
first time on or after July 1, 2017, the two units of 1702
instruction prescribed by division (B) (7) of this section shall 1703
include at least one-half unit of instruction in the study of 1704
world history and civilizations. 1705

(8) Elective units, seven units until September 15, 2003, 1706
and six units thereafter. 1707

Each student's electives shall include at least one unit, 1708
or two half units, chosen from among the areas of 1709
business/technology, fine arts, and/or foreign language. 1710

(C) Beginning with students who enter ninth grade for the 1711
first time on or after July 1, 2010, except as provided in 1712
divisions (D) to (F) of this section, the requirements for 1713
graduation from every public and chartered nonpublic high school 1714
shall include twenty units that are designed to prepare students 1715
for the workforce and college. The units shall be distributed as 1716
follows: 1717

(1) English language arts, four units; 1718

(2) Health, one-half unit, which shall include instruction 1719
in nutrition and the benefits of nutritious foods and physical 1720
activity for overall health; 1721

(3) Mathematics, four units, which shall include one unit 1722
of algebra II or the equivalent of algebra II, or one unit of 1723
advanced computer science as described in the standards adopted 1724
pursuant to division (A) (4) of section 3301.079 of the Revised 1725
Code. However, students who enter ninth grade for the first time 1726
on or after July 1, 2015, and who are pursuing a career- 1727
technical instructional track shall not be required to take 1728
algebra II or advanced computer science, and instead may 1729
complete a career-based pathway mathematics course approved by 1730
the department of education as an alternative. 1731

For students who choose to take advanced computer science 1732
in lieu of algebra II under division (C) (3) of this section, the 1733
school shall communicate to those students that some 1734
institutions of higher education may require algebra II for the 1735
purpose of college admission. Also, the parent, guardian, or 1736
legal custodian of each student who chooses to take advanced 1737
computer science in lieu of algebra II shall sign and submit to 1738
the school a document containing a statement acknowledging that 1739
not taking algebra II may have an adverse effect on college 1740
admission decisions. 1741

(4) Physical education, one-half unit; 1742

(5) Science, three units with inquiry-based laboratory 1743
experience that engages students in asking valid scientific 1744
questions and gathering and analyzing information, which shall 1745
include the following, or their equivalent: 1746

(a) Physical sciences, one unit; 1747

(b) Life sciences, one unit; 1748

(c) Advanced study in one or more of the following 1749
sciences, one unit: 1750

(i) Chemistry, physics, or other physical science;	1751
(ii) Advanced biology or other life science;	1752
(iii) Astronomy, physical geology, or other earth or space science;	1753 1754
(iv) Computer science.	1755
No student shall substitute a computer science course for a life sciences or biology course under division (C) (5) of this section.	1756 1757 1758
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	1759 1760 1761
(a) American history, one-half unit;	1762
(b) American government, one-half unit.	1763
(7) Social studies, two units.	1764
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	1765 1766 1767 1768 1769 1770 1771 1772 1773 1774 1775 1776 1777 1778

Beginning with students who enter ninth grade for the 1779
first time on or after July 1, 2017, the two units of 1780
instruction prescribed by division (C) (7) of this section shall 1781
include at least one-half unit of instruction in the study of 1782
world history and civilizations. 1783

(8) Five units consisting of one or any combination of 1784
foreign language, fine arts, business, career-technical 1785
education, family and consumer sciences, technology which may 1786
include computer science, agricultural education, a junior 1787
reserve officer training corps (JROTC) program approved by the 1788
congress of the United States under title 10 of the United 1789
States Code, or English language arts, mathematics, science, or 1790
social studies courses not otherwise required under division (C) 1791
of this section. 1792

Ohioans must be prepared to apply increased knowledge and 1793
skills in the workplace and to adapt their knowledge and skills 1794
quickly to meet the rapidly changing conditions of the twenty- 1795
first century. National studies indicate that all high school 1796
graduates need the same academic foundation, regardless of the 1797
opportunities they pursue after graduation. The goal of Ohio's 1798
system of elementary and secondary education is to prepare all 1799
students for and seamlessly connect all students to success in 1800
life beyond high school graduation, regardless of whether the 1801
next step is entering the workforce, beginning an 1802
apprenticeship, engaging in post-secondary training, serving in 1803
the military, or pursuing a college degree. 1804

The requirements for graduation prescribed in division (C) 1805
of this section are the standard expectation for all students 1806
entering ninth grade for the first time at a public or chartered 1807
nonpublic high school on or after July 1, 2010. A student may 1808

satisfy this expectation through a variety of methods, 1809
including, but not limited to, integrated, applied, career- 1810
technical, and traditional coursework. 1811

~~Whereas teacher quality is essential for student success~~ 1812
~~when completing the requirements for graduation, the general~~ 1813
~~assembly shall appropriate funds for strategic initiatives~~ 1814
~~designed to strengthen schools' capacities to hire and retain~~ 1815
~~highly qualified teachers in the subject areas required by the~~ 1816
~~curriculum. Such initiatives are expected to require an~~ 1817
~~investment of \$120,000,000 over five years.~~ 1818

Stronger coordination between high schools and 1819
institutions of higher education is necessary to prepare 1820
students for more challenging academic endeavors and to lessen 1821
the need for academic remediation in college, thereby reducing 1822
the costs of higher education for Ohio's students, families, and 1823
the state. The state board and the chancellor of higher 1824
education shall develop policies to ensure that only in rare 1825
instances will students who complete the requirements for 1826
graduation prescribed in division (C) of this section require 1827
academic remediation after high school. 1828

School districts, community schools, and chartered 1829
nonpublic schools shall integrate technology into learning 1830
experiences across the curriculum in order to maximize 1831
efficiency, enhance learning, and prepare students for success 1832
in the technology-driven twenty-first century. Districts and 1833
schools shall use distance and web-based course delivery as a 1834
method of providing or augmenting all instruction required under 1835
this division, including laboratory experience in science. 1836
Districts and schools shall utilize technology access and 1837
electronic learning opportunities provided by the broadcast 1838

educational media commission, chancellor, the Ohio learning 1839
network, education technology centers, public television 1840
stations, and other public and private providers. 1841

(D) Except as provided in division (E) of this section, a 1842
student who enters ninth grade on or after July 1, 2010, and 1843
before July 1, 2016, may qualify for graduation from a public or 1844
chartered nonpublic high school even though the student has not 1845
completed the requirements for graduation prescribed in division 1846
(C) of this section if all of the following conditions are 1847
satisfied: 1848

(1) During the student's third year of attending high 1849
school, as determined by the school, the student and the 1850
student's parent, guardian, or custodian sign and file with the 1851
school a written statement asserting the parent's, guardian's, 1852
or custodian's consent to the student's graduating without 1853
completing the requirements for graduation prescribed in 1854
division (C) of this section and acknowledging that one 1855
consequence of not completing those requirements is 1856
ineligibility to enroll in most state universities in Ohio 1857
without further coursework. 1858

(2) The student and parent, guardian, or custodian fulfill 1859
any procedural requirements the school stipulates to ensure the 1860
student's and parent's, guardian's, or custodian's informed 1861
consent and to facilitate orderly filing of statements under 1862
division (D)(1) of this section. Annually, each district or 1863
school shall notify the department of the number of students who 1864
choose to qualify for graduation under division (D) of this 1865
section and the number of students who complete the student's 1866
success plan and graduate from high school. 1867

(3) The student and the student's parent, guardian, or 1868

custodian and a representative of the student's high school 1869
jointly develop a student success plan for the student in the 1870
manner described in division (C) (1) of section 3313.6020 of the 1871
Revised Code that specifies the student matriculating to a two- 1872
year degree program, acquiring a business and industry- 1873
recognized credential, or entering an apprenticeship. 1874

(4) The student's high school provides counseling and 1875
support for the student related to the plan developed under 1876
division (D) (3) of this section during the remainder of the 1877
student's high school experience. 1878

(5) (a) Except as provided in division (D) (5) (b) of this 1879
section, the student successfully completes, at a minimum, the 1880
curriculum prescribed in division (B) of this section. 1881

(b) Beginning with students who enter ninth grade for the 1882
first time on or after July 1, 2014, a student shall be required 1883
to complete successfully, at the minimum, the curriculum 1884
prescribed in division (B) of this section, except as follows: 1885

(i) Mathematics, four units, one unit which shall be one 1886
of the following: 1887

(I) Probability and statistics; 1888

(II) Computer science; 1889

(III) Applied mathematics or quantitative reasoning; 1890

(IV) Any other course approved by the department using 1891
standards established by the superintendent not later than 1892
October 1, 2014. 1893

(ii) Elective units, five units; 1894

(iii) Science, three units as prescribed by division (B) 1895

of this section which shall include inquiry-based laboratory 1896
experience that engages students in asking valid scientific 1897
questions and gathering and analyzing information. 1898

The department, in collaboration with the chancellor, 1899
shall analyze student performance data to determine if there are 1900
mitigating factors that warrant extending the exception 1901
permitted by division (D) of this section to high school classes 1902
beyond those entering ninth grade before July 1, 2016. The 1903
department shall submit its findings and any recommendations not 1904
later than December 1, 2015, to the speaker and minority leader 1905
of the house of representatives, the president and minority 1906
leader of the senate, the chairpersons and ranking minority 1907
members of the standing committees of the house of 1908
representatives and the senate that consider education 1909
legislation, the state board of education, and the 1910
superintendent of public instruction. 1911

(E) Each school district and chartered nonpublic school 1912
retains the authority to require an even more challenging 1913
minimum curriculum for high school graduation than specified in 1914
division (B) or (C) of this section. A school district board of 1915
education, through the adoption of a resolution, or the 1916
governing authority of a chartered nonpublic school may 1917
stipulate any of the following: 1918

(1) A minimum high school curriculum that requires more 1919
than twenty units of academic credit to graduate; 1920

(2) An exception to the district's or school's minimum 1921
high school curriculum that is comparable to the exception 1922
provided in division (D) of this section but with additional 1923
requirements, which may include a requirement that the student 1924
successfully complete more than the minimum curriculum 1925

prescribed in division (B) of this section;	1926
(3) That no exception comparable to that provided in	1927
division (D) of this section is available.	1928
(F) A student enrolled in a dropout prevention and	1929
recovery program, which program has received a waiver from the	1930
department, may qualify for graduation from high school by	1931
successfully completing a competency-based instructional program	1932
administered by the dropout prevention and recovery program in	1933
lieu of completing the requirements for graduation prescribed in	1934
division (C) of this section. The department shall grant a	1935
waiver to a dropout prevention and recovery program, within	1936
sixty days after the program applies for the waiver, if the	1937
program meets all of the following conditions:	1938
(1) The program serves only students not younger than	1939
sixteen years of age and not older than twenty-one years of age.	1940
(2) The program enrolls students who, at the time of their	1941
initial enrollment, either, or both, are at least one grade	1942
level behind their cohort age groups or experience crises that	1943
significantly interfere with their academic progress such that	1944
they are prevented from continuing their traditional programs.	1945
(3) The program requires students to attain at least the	1946
applicable score designated for each of the assessments	1947
prescribed under division (B)(1) of section 3301.0710 of the	1948
Revised Code or, to the extent prescribed by rule of the state	1949
board under division (D)(5) of section 3301.0712 of the Revised	1950
Code, division (B)(2) of that section.	1951
(4) The program develops a student success plan for the	1952
student in the manner described in division (C)(1) of section	1953
3313.6020 of the Revised Code that specifies the student's	1954

matriculating to a two-year degree program, acquiring a business 1955
and industry-recognized credential, or entering an 1956
apprenticeship. 1957

(5) The program provides counseling and support for the 1958
student related to the plan developed under division (F)(4) of 1959
this section during the remainder of the student's high school 1960
experience. 1961

(6) The program requires the student and the student's 1962
parent, guardian, or custodian to sign and file, in accordance 1963
with procedural requirements stipulated by the program, a 1964
written statement asserting the parent's, guardian's, or 1965
custodian's consent to the student's graduating without 1966
completing the requirements for graduation prescribed in 1967
division (C) of this section and acknowledging that one 1968
consequence of not completing those requirements is 1969
ineligibility to enroll in most state universities in Ohio 1970
without further coursework. 1971

(7) Prior to receiving the waiver, the program has 1972
submitted to the department an instructional plan that 1973
demonstrates how the academic content standards adopted by the 1974
state board under section 3301.079 of the Revised Code will be 1975
taught and assessed. 1976

(8) Prior to receiving the waiver, the program has 1977
submitted to the department a policy on career advising that 1978
satisfies the requirements of section 3313.6020 of the Revised 1979
Code, with an emphasis on how every student will receive career 1980
advising. 1981

(9) Prior to receiving the waiver, the program has 1982
submitted to the department a written agreement outlining the 1983

future cooperation between the program and any combination of 1984
local job training, postsecondary education, nonprofit, and 1985
health and social service organizations to provide services for 1986
students in the program and their families. 1987

Divisions (F) (8) and (9) of this section apply only to 1988
waivers granted on or after July 1, 2015. 1989

If the department does not act either to grant the waiver 1990
or to reject the program application for the waiver within sixty 1991
days as required under this section, the waiver shall be 1992
considered to be granted. 1993

(G) Every high school may permit students below the ninth 1994
grade to take advanced work. If a high school so permits, it 1995
shall award high school credit for successful completion of the 1996
advanced work and shall count such advanced work toward the 1997
graduation requirements of division (B) or (C) of this section 1998
if the advanced work was both: 1999

(1) Taught by a person who possesses a license or 2000
certificate issued under section 3301.071, 3319.22, or 3319.222 2001
of the Revised Code that is valid for teaching high school; 2002

(2) Designated by the board of education of the city, 2003
local, or exempted village school district, the board of the 2004
cooperative education school district, or the governing 2005
authority of the chartered nonpublic school as meeting the high 2006
school curriculum requirements. 2007

Each high school shall record on the student's high school 2008
transcript all high school credit awarded under division (G) of 2009
this section. In addition, if the student completed a seventh- 2010
or eighth-grade fine arts course described in division (K) of 2011
this section and the course qualified for high school credit 2012

under that division, the high school shall record that course on 2013
the student's high school transcript. 2014

(H) The department shall make its individual academic 2015
career plan available through its Ohio career information system 2016
web site for districts and schools to use as a tool for 2017
communicating with and providing guidance to students and 2018
families in selecting high school courses. 2019

(I) A school district or chartered nonpublic school may 2020
integrate academic content in a subject area for which the state 2021
board has adopted standards under section 3301.079 of the 2022
Revised Code into a course in a different subject area, 2023
including a career-technical education course, in accordance 2024
with guidance for integrated coursework developed by the 2025
department. Upon successful completion of an integrated course, 2026
a student may receive credit for both subject areas that were 2027
integrated into the course. Units earned for subject area 2028
content delivered through integrated academic and career- 2029
technical instruction are eligible to meet the graduation 2030
requirements of division (B) or (C) of this section. 2031

For purposes of meeting graduation requirements, if an 2032
end-of-course examination has been prescribed under section 2033
3301.0712 of the Revised Code for the subject area delivered 2034
through integrated instruction, the school district or school 2035
may administer the related subject area examinations upon the 2036
student's completion of the integrated course. 2037

Nothing in division (I) of this section shall be 2038
construed to excuse any school district, chartered nonpublic 2039
school, or student from any requirement in the Revised Code 2040
related to curriculum, assessments, or the awarding of a high 2041
school diploma. 2042

(J) (1) The state board, in consultation with the 2043
chancellor, shall adopt a statewide plan implementing methods 2044
for students to earn units of high school credit based on a 2045
demonstration of subject area competency, instead of or in 2046
combination with completing hours of classroom instruction. The 2047
state board shall adopt the plan not later than March 31, 2009, 2048
and commence phasing in the plan during the 2009-2010 school 2049
year. The plan shall include a standard method for recording 2050
demonstrated proficiency on high school transcripts. Each school 2051
district and community school shall comply with the state 2052
board's plan adopted under this division and award units of high 2053
school credit in accordance with the plan. The state board may 2054
adopt existing methods for earning high school credit based on a 2055
demonstration of subject area competency as necessary prior to 2056
the 2009-2010 school year. 2057

(2) Not later than December 31, 2015, the state board 2058
shall update the statewide plan adopted pursuant to division (J) 2059
(1) of this section to also include methods for students 2060
enrolled in seventh and eighth grade to meet curriculum 2061
requirements based on a demonstration of subject area 2062
competency, instead of or in combination with completing hours 2063
of classroom instruction. Beginning with the 2017-2018 school 2064
year, each school district and community school also shall 2065
comply with the updated plan adopted pursuant to this division 2066
and permit students enrolled in seventh and eighth grade to meet 2067
curriculum requirements based on subject area competency in 2068
accordance with the plan. 2069

(3) Not later than December 31, 2017, the department shall 2070
develop a framework for school districts and community schools 2071
to use in granting units of high school credit to students who 2072
demonstrate subject area competency through work-based learning 2073

experiences, internships, or cooperative education. Beginning 2074
with the 2018-2019 school year, each district and community 2075
school shall comply with the framework. Each district and 2076
community school also shall review any policy it has adopted 2077
regarding the demonstration of subject area competency to 2078
identify ways to incorporate work-based learning experiences, 2079
internships, and cooperative education into the policy in order 2080
to increase student engagement and opportunities to earn units 2081
of high school credit. 2082

(K) This division does not apply to students who qualify 2083
for graduation from high school under division (D) or (F) of 2084
this section, or to students pursuing a career-technical 2085
instructional track as determined by the school district board 2086
of education or the chartered nonpublic school's governing 2087
authority. Nevertheless, the general assembly encourages such 2088
students to consider enrolling in a fine arts course as an 2089
elective. 2090

Beginning with students who enter ninth grade for the 2091
first time on or after July 1, 2010, each student enrolled in a 2092
public or chartered nonpublic high school shall complete two 2093
semesters or the equivalent of fine arts to graduate from high 2094
school. The coursework may be completed in any of grades seven 2095
to twelve. Each student who completes a fine arts course in 2096
grade seven or eight may elect to count that course toward the 2097
five units of electives required for graduation under division 2098
(C) (8) of this section, if the course satisfied the requirements 2099
of division (G) of this section. In that case, the high school 2100
shall award the student high school credit for the course and 2101
count the course toward the five units required under division 2102
(C) (8) of this section. If the course in grade seven or eight 2103
did not satisfy the requirements of division (G) of this 2104

section, the high school shall not award the student high school 2105
credit for the course but shall count the course toward the two 2106
semesters or the equivalent of fine arts required by this 2107
division. 2108

(L) Notwithstanding anything to the contrary in this 2109
section, the board of education of each school district and the 2110
governing authority of each chartered nonpublic school may adopt 2111
a policy to excuse from the high school physical education 2112
requirement each student who, during high school, has 2113
participated in interscholastic athletics, marching band, or 2114
cheerleading for at least two full seasons or in the junior 2115
reserve officer training corps for at least two full school 2116
years. If the board or authority adopts such a policy, the board 2117
or authority shall not require the student to complete any 2118
physical education course as a condition to graduate. However, 2119
the student shall be required to complete one-half unit, 2120
consisting of at least sixty hours of instruction, in another 2121
course of study. In the case of a student who has participated 2122
in the junior reserve officer training corps for at least two 2123
full school years, credit received for that participation may be 2124
used to satisfy the requirement to complete one-half unit in 2125
another course of study. 2126

(M) It is important that high school students learn and 2127
understand United States history and the governments of both the 2128
United States and the state of Ohio. Therefore, beginning with 2129
students who enter ninth grade for the first time on or after 2130
July 1, 2012, the study of American history and American 2131
government required by divisions (B) (6) and (C) (6) of this 2132
section shall include the study of all of the following 2133
documents: 2134

(1) The Declaration of Independence;	2135
(2) The Northwest Ordinance;	2136
(3) The Constitution of the United States with emphasis on the Bill of Rights;	2137 2138
(4) The Ohio Constitution.	2139
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.	2140 2141 2142
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.	2143 2144 2145 2146 2147 2148
(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 the district board.	2149 2150 2151 2152 2153 2154 2155 2156 2157
If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.	2158 2159 2160 2161
Sec. 3313.814. (A) As used in this section and sections	2162

3313.816 and 3313.817 of the Revised Code:	2163
(1) "A la carte item" means an individually priced food or beverage item that is available for sale to students through any of the following:	2164 2165 2166
(a) A school food service program;	2167
(b) A vending machine located on school property;	2168
(c) A store operated by the school, a student association, or other school-sponsored organization.	2169 2170
"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.	2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181
(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.	2182 2183 2184 2185
(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.	2186 2187 2188 2189 2190

(4) "Regular school day" means the period each school day 2191
between the designated arrival time for students and the end of 2192
the final instructional period. 2193

(5) "Reimbursable meal" means a meal that is provided to 2194
students through a school breakfast or lunch program established 2195
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 2196
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 2197
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 2198
criteria for reimbursement established by the United States 2199
department of agriculture. 2200

(6) "School food service program" means a school food 2201
service program operated under section 3313.81 or 3313.813 of 2202
the Revised Code. 2203

(B) Each school district board of education and each 2204
chartered nonpublic school governing authority shall adopt and 2205
enforce nutrition standards governing the types of food and 2206
beverages that may be sold on the premises of its schools, and 2207
specifying the time and place each type of food or beverage may 2208
be sold. 2209

(1) In adopting the standards, the board or governing 2210
authority shall do all of the following: 2211

(a) Consider the nutritional value of each food or 2212
beverage; 2213

(b) Consult with a dietitian licensed under Chapter 4759. 2214
of the Revised Code, a dietetic technician registered by the 2215
commission on dietetic registration, or a school nutrition 2216
specialist certified or credentialed by the school nutrition 2217
association. The person with whom the board or governing 2218
authority consults may be an employee of the board or governing 2219

authority, a person contracted by the board or governing 2220
authority, or a volunteer, provided the person meets the 2221
requirements of this division. 2222

(c) Consult the dietary guidelines for Americans jointly 2223
developed by the United States department of agriculture and the 2224
United States department of health and human services and, to 2225
the maximum extent possible, incorporate the guidelines into the 2226
standards. 2227

(2) No food or beverage may be sold on any school premises 2228
except in accordance with the standards adopted by the board or 2229
governing authority. 2230

(3) The standards shall comply with sections 3313.816 and 2231
3313.817 of the Revised Code, but nothing in this section shall 2232
prohibit the standards from being more restrictive than 2233
otherwise required by those sections. 2234

(C) The nutrition standards adopted under this section 2235
shall prohibit the placement of vending machines in any 2236
classroom where students are provided instruction, unless the 2237
classroom also is used to serve students meals. This division 2238
does not apply to vending machines that sell only milk, 2239
reimbursable meals, or food and beverage items that are part of 2240
a reimbursable meal and are available for sale as individually 2241
priced items in serving portions of the same size as in the 2242
reimbursable meal. 2243

(D) Each board or governing authority shall designate 2244
staff to be responsible for ensuring that the school district or 2245
school meets the nutrition standards adopted under this section. 2246
The staff shall prepare an annual report regarding the 2247
district's or school's compliance with the standards and ~~submit~~ 2248

include it in the report to the department of education 2249
prescribed in section 3301.68 of the Revised Code. The board or 2250
governing authority annually shall schedule a presentation on 2251
the nutrition standards report at one of its regular meetings. 2252
Each district or school shall make copies of the nutrition 2253
standards report available to the public upon request. 2254

(E) The state board of education shall formulate and adopt 2255
guidelines, which boards of education and chartered nonpublic 2256
schools may follow in enforcing and implementing this section. 2257

Sec. 3314.02. (A) As used in this chapter: 2258

(1) "Sponsor" means the board of education of a school 2259
district or the governing board of an educational service center 2260
that agrees to the conversion of all or part of a school or 2261
building under division (B) of this section, or an entity listed 2262
in division (C) (1) of this section, which has been approved by 2263
the department of education to sponsor community schools or is 2264
exempted by section 3314.021 or 3314.027 of the Revised Code 2265
from obtaining approval, and with which the governing authority 2266
of a community school enters into a contract under section 2267
3314.03 of the Revised Code. 2268

(2) "Pilot project area" means the school districts 2269
included in the territory of the former community school pilot 2270
project established by former Section 50.52 of Am. Sub. H.B. No. 2271
215 of the 122nd general assembly. 2272

(3) "Challenged school district" means any of the 2273
following: 2274

(a) A school district that is part of the pilot project 2275
area; 2276

(b) A school district that meets one of the following 2277

conditions:	2278
(i) On March 22, 2013, the district was in a state of	2279
academic emergency or in a state of academic watch under section	2280
3302.03 of the Revised Code, as that section existed prior to	2281
March 22, 2013;	2282
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and	2283
2015-2016 school years, the district received a grade of "D" or	2284
"F" for the performance index score and a grade of "F" for the	2285
value-added progress dimension under section 3302.03 of the	2286
Revised Code;	2287
(iii) For the 2016-2017 school year and for any school	2288
year thereafter, the district has received an overall grade of	2289
"D" or "F" under division (C) (3) of section 3302.03 of the	2290
Revised Code, or, for at least two of the three most recent	2291
school years, the district received a grade of "F" for the	2292
value-added progress dimension under division (C) (1) (e) of that	2293
section.	2294
(c) A big eight school district;	2295
(d) A school district ranked in the lowest five per cent	2296
of school districts according to performance index score under	2297
section 3302.21 of the Revised Code.	2298
(4) "Big eight school district" means a school district	2299
that for fiscal year 1997 had both of the following:	2300
(a) A percentage of children residing in the district and	2301
participating in the predecessor of Ohio works first greater	2302
than thirty per cent, as reported pursuant to section 3317.10 of	2303
the Revised Code;	2304
(b) An average daily membership greater than twelve	2305

thousand, as reported pursuant to former division (A) of section 2306
3317.03 of the Revised Code. 2307

(5) "New start-up school" means a community school other 2308
than one created by converting all or part of an existing public 2309
school or educational service center building, as designated in 2310
the school's contract pursuant to division (A)(17) of section 2311
3314.03 of the Revised Code. 2312

(6) "Urban school district" means one of the state's 2313
twenty-one urban school districts as defined in division (O) of 2314
section 3317.02 of the Revised Code as that section existed 2315
prior to July 1, 1998. 2316

(7) "Internet- or computer-based community school" means a 2317
community school established under this chapter in which the 2318
enrolled students work primarily from their residences on 2319
assignments in nonclassroom-based learning opportunities 2320
provided via an internet- or other computer-based instructional 2321
method that does not rely on regular classroom instruction or 2322
via comprehensive instructional methods that include internet- 2323
based, other computer-based, and noncomputer-based learning 2324
opportunities unless a student receives career-technical 2325
education under section 3314.086 of the Revised Code. 2326

A community school that operates mainly as an internet- or 2327
computer-based community school and provides career-technical 2328
education under section 3314.086 of the Revised Code shall be 2329
considered an internet- or computer-based community school, even 2330
if it provides some classroom-based instruction, so long as it 2331
provides instruction via the methods described in this division. 2332

(8) "Operator" or "management company" means either of the 2333
following: 2334

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

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

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

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

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

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

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised

Code, a board may enter into a preliminary agreement with the 2364
person or group proposing the conversion of the public school or 2365
service center building, indicating the intention of the board 2366
to support the conversion to a community school. A proposing 2367
person or group that has a preliminary agreement under this 2368
division may proceed to finalize plans for the school, establish 2369
a governing authority for the school, and negotiate a contract 2370
with the board. Provided the proposing person or group adheres 2371
to the preliminary agreement and all provisions of this chapter, 2372
the board shall negotiate in good faith to enter into a contract 2373
in accordance with section 3314.03 of the Revised Code and 2374
division (C) of this section. 2375

(4) The sponsor of a conversion community school proposed 2376
to open in an alliance municipal school district shall be 2377
subject to approval by the department of education for 2378
sponsorship of that school using the criteria established under 2379
division (A) of section 3311.87 of the Revised Code. 2380

Division (B) (4) of this section does not apply to a 2381
sponsor that, on or before September 29, 2015, was exempted 2382
under section 3314.021 or 3314.027 of the Revised Code from the 2383
requirement to be approved for sponsorship under divisions (A) 2384
(2) and (B) (1) of section 3314.015 of the Revised Code. 2385

(C) (1) Any person or group of individuals may propose 2386
under this division the establishment of a new start-up school 2387
to be located in a challenged school district. The proposal may 2388
be made to any of the following entities: 2389

(a) The board of education of the district in which the 2390
school is proposed to be located; 2391

(b) The board of education of any joint vocational school 2392

district with territory in the county in which is located the 2393
majority of the territory of the district in which the school is 2394
proposed to be located; 2395

(c) The board of education of any other city, local, or 2396
exempted village school district having territory in the same 2397
county where the district in which the school is proposed to be 2398
located has the major portion of its territory; 2399

(d) The governing board of any educational service center, 2400
regardless of the location of the proposed school, may sponsor a 2401
new start-up school in any challenged school district in the 2402
state if all of the following are satisfied: 2403

(i) If applicable, it satisfies the requirements of 2404
division (E) of section 3311.86 of the Revised Code; 2405

(ii) It is approved to do so by the department; 2406

(iii) It enters into an agreement with the department 2407
under section 3314.015 of the Revised Code. 2408

(e) A sponsoring authority designated by the board of 2409
trustees of any of the thirteen state universities listed in 2410
section 3345.011 of the Revised Code or the board of trustees 2411
itself as long as a mission of the proposed school to be 2412
specified in the contract under division (A) (2) of section 2413
3314.03 of the Revised Code and as approved by the department 2414
under division (B) (3) of section 3314.015 of the Revised Code 2415
will be the practical demonstration of teaching methods, 2416
educational technology, or other teaching practices that are 2417
included in the curriculum of the university's teacher 2418
preparation program approved by the state board of education; 2419

(f) Any qualified tax-exempt entity under section 501(c) 2420
(3) of the Internal Revenue Code as long as all of the following 2421

conditions are satisfied: 2422

(i) The entity has been in operation for at least five 2423
years prior to applying to be a community school sponsor. 2424

(ii) The entity has assets of at least five hundred 2425
thousand dollars and a demonstrated record of financial 2426
responsibility. 2427

(iii) The department has determined that the entity is an 2428
education-oriented entity under division (B) (4) of section 2429
3314.015 of the Revised Code and the entity has a demonstrated 2430
record of successful implementation of educational programs. 2431

(iv) The entity is not a community school. 2432

(g) The mayor of a city in which the majority of the 2433
territory of a school district to which section 3311.60 of the 2434
Revised Code applies is located, regardless of whether that 2435
district has created the position of independent auditor as 2436
prescribed by that section. The mayor's sponsorship authority 2437
under this division is limited to community schools that are 2438
located in that school district. Such mayor may sponsor 2439
community schools only with the approval of the city council of 2440
that city, after establishing standards with which community 2441
schools sponsored by the mayor must comply, and after entering 2442
into a sponsor agreement with the department as prescribed under 2443
section 3314.015 of the Revised Code. The mayor shall establish 2444
the standards for community schools sponsored by the mayor not 2445
later than one hundred eighty days after July 15, 2013, and 2446
shall submit them to the department upon their establishment. 2447
The department shall approve the mayor to sponsor community 2448
schools in the district, upon receipt of an application by the 2449
mayor to do so. Not later than ninety days after the 2450

department's approval of the mayor as a community school 2451
sponsor, the department shall enter into the sponsor agreement 2452
with the mayor. 2453

Any entity described in division (C)(1) of this section 2454
may enter into a preliminary agreement pursuant to division (C) 2455
(2) of this section with the proposing person or group, provided 2456
that entity has been approved by and entered into a written 2457
agreement with the department pursuant to section 3314.015 of 2458
the Revised Code. 2459

(2) A preliminary agreement indicates the intention of an 2460
entity described in division (C)(1) of this section to sponsor 2461
the community school. A proposing person or group that has such 2462
a preliminary agreement may proceed to finalize plans for the 2463
school, establish a governing authority as described in division 2464
(E) of this section for the school, and negotiate a contract 2465
with the entity. Provided the proposing person or group adheres 2466
to the preliminary agreement and all provisions of this chapter, 2467
the entity shall negotiate in good faith to enter into a 2468
contract in accordance with section 3314.03 of the Revised Code. 2469

(3) A new start-up school that is established in a school 2470
district described in either division (A)(3)(b) or (d) of this 2471
section may continue in existence once the school district no 2472
longer meets the conditions described in either division, 2473
provided there is a valid contract between the school and a 2474
sponsor. 2475

(4) A copy of every preliminary agreement entered into 2476
under this division shall be filed with the superintendent of 2477
public instruction. 2478

(D) A majority vote of the board of a sponsoring entity 2479

and a majority vote of the members of the governing authority of 2480
a community school shall be required to adopt a contract and 2481
convert the public school or educational service center building 2482
to a community school or establish the new start-up school. 2483
Beginning September 29, 2005, adoption of the contract shall 2484
occur not later than the fifteenth day of March, and signing of 2485
the contract shall occur not later than the fifteenth day of 2486
May, prior to the school year in which the school will open. The 2487
governing authority shall notify the department of education 2488
when the contract has been signed. Subject to sections 3314.013 2489
and 3314.016 of the Revised Code, an unlimited number of 2490
community schools may be established in any school district 2491
provided that a contract is entered into for each community 2492
school pursuant to this chapter. 2493

(E) (1) As used in this division, "immediate relatives" are 2494
limited to spouses, children, parents, grandparents, and 2495
siblings, as well as in-laws residing in the same household as 2496
the person serving on the governing authority. 2497

Each new start-up community school established under this 2498
chapter shall be under the direction of a governing authority 2499
which shall consist of a board of not less than five 2500
individuals. 2501

(2) (a) No person shall serve on the governing authority or 2502
operate the community school under contract with the governing 2503
authority under any of the following circumstances: 2504

(i) The person owes the state any money or is in a dispute 2505
over whether the person owes the state any money concerning the 2506
operation of a community school that has closed. 2507

(ii) The person would otherwise be subject to division (B) 2508

of section 3319.31 of the Revised Code with respect to refusal, 2509
limitation, or revocation of a license to teach, if the person 2510
were a licensed educator. 2511

(iii) The person has pleaded guilty to or been convicted 2512
of theft in office under section 2921.41 of the Revised Code, or 2513
has pleaded guilty to or been convicted of a substantially 2514
similar offense in another state. 2515

(b) No person shall serve on the governing authority or 2516
engage in the financial day-to-day management of the community 2517
school under contract with the governing authority unless and 2518
until that person has submitted to a criminal records check in 2519
the manner prescribed by section 3319.39 of the Revised Code. 2520

(c) Each sponsor of a community school shall annually 2521
verify that a finding for recovery has not been issued by the 2522
auditor of state against any individual or individuals who 2523
propose to create a community school or any member of the 2524
governing authority, the operator, or any employee of each 2525
community school. 2526

(3) No person shall serve on the governing authorities of 2527
more than five start-up community schools at the same time. 2528

(4) (a) For a community school established under this 2529
chapter that is not sponsored by a school district or an 2530
educational service center, no present or former member, or 2531
immediate relative of a present or former member, of the 2532
governing authority shall be an owner, employee, or consultant 2533
of the community school's sponsor or operator, unless at least 2534
one year has elapsed since the conclusion of the person's 2535
membership on the governing authority. 2536

(b) For a community school established under this chapter 2537

that is sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall:

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

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

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or

educational service center shall serve on the governing 2568
authority of any community school sponsored by that school 2569
district or service center. 2570

(7) Each member of the governing authority of a community 2571
school shall annually file a disclosure statement setting forth 2572
the names of any immediate relatives or business associates 2573
employed by any of the following within the previous three 2574
years: 2575

(a) The sponsor or operator of that community school; 2576

(b) A school district or educational service center that 2577
has contracted with that community school; 2578

(c) A vendor that is or has engaged in business with that 2579
community school. 2580

(8) No person who is a member of a school district board 2581
of education shall serve on the governing authority of any 2582
community school. 2583

(F) (1) A new start-up school that is established prior to 2584
August 15, 2003, in an urban school district that is not also a 2585
big-eight school district may continue to operate after that 2586
date and the contract between the school's governing authority 2587
and the school's sponsor may be renewed, as provided under this 2588
chapter, after that date, but no additional new start-up schools 2589
may be established in such a district unless the district is a 2590
challenged school district as defined in this section as it 2591
exists on and after that date. 2592

(2) A community school that was established prior to June 2593
29, 1999, and is located in a county contiguous to the pilot 2594
project area and in a school district that is not a challenged 2595
school district may continue to operate after that date, 2596

provided the school complies with all provisions of this 2597
chapter. The contract between the school's governing authority 2598
and the school's sponsor may be renewed, but no additional 2599
start-up community school may be established in that district 2600
unless the district is a challenged school district. 2601

(3) Any educational service center that, on June 30, 2007, 2602
sponsors a community school that is not located in a county 2603
within the territory of the service center or in a county 2604
contiguous to such county may continue to sponsor that community 2605
school on and after June 30, 2007, and may renew its contract 2606
with the school. However, the educational service center shall 2607
not enter into a contract with any additional community school, 2608
unless the governing board of the service center has entered 2609
into an agreement with the department authorizing the service 2610
center to sponsor a community school in any challenged school 2611
district in the state. 2612

Sec. 3314.03. A copy of every contract entered into under 2613
this section shall be filed with the superintendent of public 2614
instruction. The department of education shall make available on 2615
its web site a copy of every approved, executed contract filed 2616
with the superintendent under this section. 2617

(A) Each contract entered into between a sponsor and the 2618
governing authority of a community school shall specify the 2619
following: 2620

(1) That the school shall be established as either of the 2621
following: 2622

(a) A nonprofit corporation established under Chapter 2623
1702. of the Revised Code, if established prior to April 8, 2624
2003; 2625

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	2626 2627
(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;	2628 2629 2630 2631
(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;	2632 2633 2634 2635
(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;	2636 2637 2638 2639
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2640 2641 2642
(6) (a) Dismissal procedures;	2643
(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 one hundred five <u>seventy-two</u> consecutive hours of the learning opportunities offered to the student.	2644 2645 2646 2647 2648 2649
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2650 2651
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the	2652 2653

school to be maintained in the same manner as are financial 2654
records of school districts, pursuant to rules of the auditor of 2655
state. Audits shall be conducted in accordance with section 2656
117.10 of the Revised Code. 2657

(9) An addendum to the contract outlining the facilities 2658
to be used that contains at least the following information: 2659

(a) A detailed description of each facility used for 2660
instructional purposes; 2661

(b) The annual costs associated with leasing each facility 2662
that are paid by or on behalf of the school; 2663

(c) The annual mortgage principal and interest payments 2664
that are paid by the school; 2665

(d) The name of the lender or landlord, identified as 2666
such, and the lender's or landlord's relationship to the 2667
operator, if any. 2668

(10) Qualifications of teachers, including a requirement 2669
that the school's classroom teachers be licensed in accordance 2670
with sections 3319.22 to 3319.31 of the Revised Code, except 2671
that a community school may engage noncertificated persons to 2672
teach up to twelve hours per week pursuant to section 3319.301 2673
of the Revised Code. 2674

(11) That the school will comply with the following 2675
requirements: 2676

(a) The school will provide learning opportunities to a 2677
minimum of twenty-five students for a minimum of nine hundred 2678
twenty hours per school year. 2679

(b) The governing authority will purchase liability 2680
insurance, or otherwise provide for the potential liability of 2681

the school. 2682

(c) The school will be nonsectarian in its programs, 2683
admission policies, employment practices, and all other 2684
operations, and will not be operated by a sectarian school or 2685
religious institution. 2686

(d) The school will comply with sections 9.90, 9.91, 2687
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 2688
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 2689
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 2690
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 2691
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 2692
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 2693
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 2694
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 2695
3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 3319.39, 2696
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 2697
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 2698
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 2699
4112., 4123., 4141., and 4167. of the Revised Code as if it were 2700
a school district and will comply with section 3301.0714 of the 2701
Revised Code in the manner specified in section 3314.17 of the 2702
Revised Code. 2703

(e) The school shall comply with Chapter 102. and section 2704
2921.42 of the Revised Code. 2705

(f) The school will comply with sections 3313.61, 2706
3313.611, and 3313.614 of the Revised Code, except that for 2707
students who enter ninth grade for the first time before July 1, 2708
2010, the requirement in sections 3313.61 and 3313.611 of the 2709
Revised Code that a person must successfully complete the 2710
curriculum in any high school prior to receiving a high school 2711

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

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

(h) The school, unless it is an internet- or computer-

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

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

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

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

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

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

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

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

- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 2771
2772
- (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. 2773
2774
2775
- (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; 2776
2777
2778
2779
- (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; 2780
2781
2782
2783
2784
2785
2786
2787
2788
2789
2790
- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 2791
2792
2793
- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 2794
2795
2796
2797
2798
2799

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	2800 2801
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	2802 2803 2804
(c) Permit the enrollment of students who reside in any other district in the state.	2805 2806
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	2807 2808 2809 2810
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	2811 2812 2813
(22) A provision recognizing both of the following:	2814
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	2815 2816 2817 2818
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	2819 2820 2821 2822 2823 2824 2825
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	2826 2827

classroom-based learning opportunities that is in compliance 2828
with criteria for student participation established by the 2829
department under division (H) (2) of section 3314.08 of the 2830
Revised Code; 2831

(24) The school will comply with sections 3302.04 and 2832
3302.041 of the Revised Code, except that any action required to 2833
be taken by a school district pursuant to those sections shall 2834
be taken by the sponsor of the school. However, the sponsor 2835
shall not be required to take any action described in division 2836
(F) of section 3302.04 of the Revised Code. 2837

(25) Beginning in the 2006-2007 school year, the school 2838
will open for operation not later than the thirtieth day of 2839
September each school year, unless the mission of the school as 2840
specified under division (A) (2) of this section is solely to 2841
serve dropouts. In its initial year of operation, if the school 2842
fails to open by the thirtieth day of September, or within one 2843
year after the adoption of the contract pursuant to division (D) 2844
of section 3314.02 of the Revised Code if the mission of the 2845
school is solely to serve dropouts, the contract shall be void. 2846

(26) Whether the school's governing authority is planning 2847
to seek designation for the school as a STEM school equivalent 2848
under section 3326.032 of the Revised Code; 2849

(27) That the school's attendance and participation 2850
policies will be available for public inspection; 2851

(28) That the school's attendance and participation 2852
records shall be made available to the department of education, 2853
auditor of state, and school's sponsor to the extent permitted 2854
under and in accordance with the "Family Educational Rights and 2855
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 2856

and any regulations promulgated under that act, and section 2857
3319.321 of the Revised Code; 2858

(29) If a school operates using the blended learning 2859
model, as defined in section 3301.079 of the Revised Code, all 2860
of the following information: 2861

(a) An indication of what blended learning model or models 2862
will be used; 2863

(b) A description of how student instructional needs will 2864
be determined and documented; 2865

(c) The method to be used for determining competency, 2866
granting credit, and promoting students to a higher grade level; 2867

(d) The school's attendance requirements, including how 2868
the school will document participation in learning 2869
opportunities; 2870

(e) A statement describing how student progress will be 2871
monitored; 2872

(f) A statement describing how private student data will 2873
be protected; 2874

(g) A description of the professional development 2875
activities that will be offered to teachers. 2876

(30) A provision requiring that all moneys the school's 2877
operator loans to the school, including facilities loans or cash 2878
flow assistance, must be accounted for, documented, and bear 2879
interest at a fair market rate; 2880

(31) A provision requiring that, if the governing 2881
authority contracts with an attorney, accountant, or entity 2882
specializing in audits, the attorney, accountant, or entity 2883

shall be independent from the operator with which the school has 2884
contracted. 2885

(B) The community school shall also submit to the sponsor 2886
a comprehensive plan for the school. The plan shall specify the 2887
following: 2888

(1) The process by which the governing authority of the 2889
school will be selected in the future; 2890

(2) The management and administration of the school; 2891

(3) If the community school is a currently existing public 2892
school or educational service center building, alternative 2893
arrangements for current public school students who choose not 2894
to attend the converted school and for teachers who choose not 2895
to teach in the school or building after conversion; 2896

(4) The instructional program and educational philosophy 2897
of the school; 2898

(5) Internal financial controls. 2899

When submitting the plan under this division, the school 2900
shall also submit copies of all policies and procedures 2901
regarding internal financial controls adopted by the governing 2902
authority of the school. 2903

(C) A contract entered into under section 3314.02 of the 2904
Revised Code between a sponsor and the governing authority of a 2905
community school may provide for the community school governing 2906
authority to make payments to the sponsor, which is hereby 2907
authorized to receive such payments as set forth in the contract 2908
between the governing authority and the sponsor. The total 2909
amount of such payments for monitoring, oversight, and technical 2910
assistance of the school shall not exceed three per cent of the 2911

total amount of payments for operating expenses that the school 2912
receives from the state. 2913

(D) The contract shall specify the duties of the sponsor 2914
which shall be in accordance with the written agreement entered 2915
into with the department of education under division (B) of 2916
section 3314.015 of the Revised Code and shall include the 2917
following: 2918

(1) Monitor the community school's compliance with all 2919
laws applicable to the school and with the terms of the 2920
contract; 2921

(2) Monitor and evaluate the academic and fiscal 2922
performance and the organization and operation of the community 2923
school on at least an annual basis; 2924

(3) Report on an annual basis the results of the 2925
evaluation conducted under division (D) (2) of this section to 2926
the department of education and to the parents of students 2927
enrolled in the community school; 2928

(4) Provide technical assistance to the community school 2929
in complying with laws applicable to the school and terms of the 2930
contract; 2931

(5) Take steps to intervene in the school's operation to 2932
correct problems in the school's overall performance, declare 2933
the school to be on probationary status pursuant to section 2934
3314.073 of the Revised Code, suspend the operation of the 2935
school pursuant to section 3314.072 of the Revised Code, or 2936
terminate the contract of the school pursuant to section 3314.07 2937
of the Revised Code as determined necessary by the sponsor; 2938

(6) Have in place a plan of action to be undertaken in the 2939
event the community school experiences financial difficulties or 2940

closes prior to the end of a school year. 2941

(E) Upon the expiration of a contract entered into under 2942
this section, the sponsor of a community school may, with the 2943
approval of the governing authority of the school, renew that 2944
contract for a period of time determined by the sponsor, but not 2945
ending earlier than the end of any school year, if the sponsor 2946
finds that the school's compliance with applicable laws and 2947
terms of the contract and the school's progress in meeting the 2948
academic goals prescribed in the contract have been 2949
satisfactory. Any contract that is renewed under this division 2950
remains subject to the provisions of sections 3314.07, 3314.072, 2951
and 3314.073 of the Revised Code. 2952

(F) If a community school fails to open for operation 2953
within one year after the contract entered into under this 2954
section is adopted pursuant to division (D) of section 3314.02 2955
of the Revised Code or permanently closes prior to the 2956
expiration of the contract, the contract shall be void and the 2957
school shall not enter into a contract with any other sponsor. A 2958
school shall not be considered permanently closed because the 2959
operations of the school have been suspended pursuant to section 2960
3314.072 of the Revised Code. 2961

Sec. 3314.043. In the case there exists any business or 2962
familial relationship between a governing authority of a 2963
community school or any of its officers or employees and a 2964
management company contracted by the school or any of that 2965
company's officers or employees, other than the operator 2966
agreement itself, the management company shall agree to 2967
indemnify the school for financial losses to the community 2968
school up to the amount of the moneys received by the management 2969
company. 2970

Sec. 3314.08. (A) As used in this section:	2971
(1) (a) "Category one career-technical education student"	2972
means a student who is receiving the career-technical education	2973
services described in division (A) of section 3317.014 of the	2974
Revised Code.	2975
(b) "Category two career-technical student" means a	2976
student who is receiving the career-technical education services	2977
described in division (B) of section 3317.014 of the Revised	2978
Code.	2979
(c) "Category three career-technical student" means a	2980
student who is receiving the career-technical education services	2981
described in division (C) of section 3317.014 of the Revised	2982
Code.	2983
(d) "Category four career-technical student" means a	2984
student who is receiving the career-technical education services	2985
described in division (D) of section 3317.014 of the Revised	2986
Code.	2987
(e) "Category five career-technical education student"	2988
means a student who is receiving the career-technical education	2989
services described in division (E) of section 3317.014 of the	2990
Revised Code.	2991
(2) (a) "Category one limited English proficient student"	2992
means a limited English proficient student described in division	2993
(A) of section 3317.016 of the Revised Code.	2994
(b) "Category two limited English proficient student"	2995
means a limited English proficient student described in division	2996
(B) of section 3317.016 of the Revised Code.	2997
(c) "Category three limited English proficient student"	2998

means a limited English proficient student described in division	2999
(C) of section 3317.016 of the Revised Code.	3000
(3) (a) "Category one special education student" means a	3001
student who is receiving special education services for a	3002
disability specified in division (A) of section 3317.013 of the	3003
Revised Code.	3004
(b) "Category two special education student" means a	3005
student who is receiving special education services for a	3006
disability specified in division (B) of section 3317.013 of the	3007
Revised Code.	3008
(c) "Category three special education student" means a	3009
student who is receiving special education services for a	3010
disability specified in division (C) of section 3317.013 of the	3011
Revised Code.	3012
(d) "Category four special education student" means a	3013
student who is receiving special education services for a	3014
disability specified in division (D) of section 3317.013 of the	3015
Revised Code.	3016
(e) "Category five special education student" means a	3017
student who is receiving special education services for a	3018
disability specified in division (E) of section 3317.013 of the	3019
Revised Code.	3020
(f) "Category six special education student" means a	3021
student who is receiving special education services for a	3022
disability specified in division (F) of section 3317.013 of the	3023
Revised Code.	3024
(4) "Formula amount" has the same meaning as in section	3025
3317.02 of the Revised Code.	3026

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	3027 3028
(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.	3029 3030 3031
(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	3032 3033
(B) The state board of education shall adopt rules requiring both of the following:	3034 3035
(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.	3036 3037 3038 3039 3040 3041
(2) The governing authority of each community school established under this chapter to annually report all of the following:	3042 3043 3044
(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;	3045 3046 3047 3048
(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 services pursuant to an IEP;	3049 3050 3051 3052
(c) The number of students reported under division (B) (2) (b) of this section receiving special education and related	3053 3054

services pursuant to an IEP for a disability described in each	3055
of divisions (A) to (F) of section 3317.013 of the Revised Code;	3056
(d) The full-time equivalent number of students reported	3057
under divisions (B)(2)(a) and (b) of this section who are	3058
enrolled in career-technical education programs or classes	3059
described in each of divisions (A) to (E) of section 3317.014 of	3060
the Revised Code that are provided by the community school;	3061
(e) The number of students reported under divisions (B)(2)	3062
(a) and (b) of this section who are not reported under division	3063
(B)(2)(d) of this section but who are enrolled in career-	3064
technical education programs or classes described in each of	3065
divisions (A) to (E) of section 3317.014 of the Revised Code at	3066
a joint vocational school district or another district in the	3067
career-technical planning district to which the school is	3068
assigned;	3069
(f) The number of students reported under divisions (B)(2)	3070
(a) and (b) of this section who are category one to three	3071
limited English proficient students described in each of	3072
divisions (A) to (C) of section 3317.016 of the Revised Code;	3073
(g) The number of students reported under divisions (B)(2)	3074
(a) and (b) of this section who are economically disadvantaged,	3075
as defined by the department. A student shall not be	3076
categorically excluded from the number reported under division	3077
(B)(2)(g) of this section based on anything other than family	3078
income.	3079
(h) For each student, the city, exempted village, or local	3080
school district in which the student is entitled to attend	3081
school under section 3313.64 or 3313.65 of the Revised Code.	3082
(i) The number of students enrolled in a preschool program	3083

operated by the school that is licensed by the department of 3084
education under sections 3301.52 to 3301.59 of the Revised Code 3085
who are not receiving special education and related services 3086
pursuant to an IEP. 3087

A school district board and a community school governing 3088
authority shall include in their respective reports under 3089
division (B) of this section any child admitted in accordance 3090
with division (A) (2) of section 3321.01 of the Revised Code. 3091

A governing authority of a community school shall not 3092
include in its report under divisions (B) (2) (a) to (h) of this 3093
section any student for whom tuition is charged under division 3094
(F) of this section. 3095

(C) (1) Except as provided in division (C) (2) of this 3096
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 3097
of this section, on a full-time equivalency basis, for each 3098
student enrolled in a community school established under this 3099
chapter, the department of education annually shall deduct from 3100
the state education aid of a student's resident district and, if 3101
necessary, from the payment made to the district under sections 3102
321.24 and 323.156 of the Revised Code and pay to the community 3103
school the sum of the following: 3104

(a) An opportunity grant in an amount equal to the formula 3105
amount; 3106

(b) The per pupil amount of targeted assistance funds 3107
calculated under division (A) of section 3317.0217 of the 3108
Revised Code for the student's resident district, as determined 3109
by the department, X 0.25; 3110

(c) Additional state aid for special education and related 3111
services provided under Chapter 3323. of the Revised Code as 3112

follows:	3113
(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;	3114 3115 3116
(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;	3117 3118 3119
(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;	3120 3121 3122
(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;	3123 3124 3125
(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;	3126 3127 3128
(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.	3129 3130 3131
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	3132 3133
(e) If the student is economically disadvantaged, an additional amount equal to the following:	3134 3135
\$272 X the resident district's economically disadvantaged index	3136 3137
(f) Limited English proficiency funds as follows:	3138
(i) If the student is a category one limited English	3139

proficient student, the amount specified in division (A) of	3140
section 3317.016 of the Revised Code;	3141
(ii) If the student is a category two limited English	3142
proficient student, the amount specified in division (B) of	3143
section 3317.016 of the Revised Code;	3144
(iii) If the student is a category three limited English	3145
proficient student, the amount specified in division (C) of	3146
section 3317.016 of the Revised Code.	3147
(g) If the student is reported under division (B) (2) (d) of	3148
this section, career-technical education funds as follows:	3149
(i) If the student is a category one career-technical	3150
education student, the amount specified in division (A) of	3151
section 3317.014 of the Revised Code;	3152
(ii) If the student is a category two career-technical	3153
education student, the amount specified in division (B) of	3154
section 3317.014 of the Revised Code;	3155
(iii) If the student is a category three career-technical	3156
education student, the amount specified in division (C) of	3157
section 3317.014 of the Revised Code;	3158
(iv) If the student is a category four career-technical	3159
education student, the amount specified in division (D) of	3160
section 3317.014 of the Revised Code;	3161
(v) If the student is a category five career-technical	3162
education student, the amount specified in division (E) of	3163
section 3317.014 of the Revised Code.	3164
Deduction and payment of funds under division (C) (1) (g) of	3165
this section is subject to approval by the lead district of a	3166
career-technical planning district or the department of	3167

education under section 3317.161 of the Revised Code. 3168

(2) When deducting from the state education aid of a 3169
student's resident district for students enrolled in an 3170
internet- or computer-based community school and making payments 3171
to such school under this section, the department shall make the 3172
deductions and payments described in only divisions (C) (1) (a), 3173
(c), and (g) of this section. 3174

No deductions or payments shall be made for a student 3175
enrolled in such school under division (C) (1) (b), (d), (e), or 3176
(f) of this section. 3177

(3) (a) If a community school's costs for a fiscal year for 3178
a student receiving special education and related services 3179
pursuant to an IEP for a disability described in divisions (B) 3180
to (F) of section 3317.013 of the Revised Code exceed the 3181
threshold catastrophic cost for serving the student as specified 3182
in division (B) of section 3317.0214 of the Revised Code, the 3183
school may submit to the superintendent of public instruction 3184
documentation, as prescribed by the superintendent, of all its 3185
costs for that student. Upon submission of documentation for a 3186
student of the type and in the manner prescribed, the department 3187
shall pay to the community school an amount equal to the 3188
school's costs for the student in excess of the threshold 3189
catastrophic costs. 3190

(b) The community school shall report under division (C) 3191
(3) (a) of this section, and the department shall pay for, only 3192
the costs of educational expenses and the related services 3193
provided to the student in accordance with the student's 3194
individualized education program. Any legal fees, court costs, 3195
or other costs associated with any cause of action relating to 3196
the student may not be included in the amount. 3197

(4) In any fiscal year, a community school receiving funds 3198
under division (C) (1) (g) of this section shall spend those funds 3199
only for the purposes that the department designates as approved 3200
for career-technical education expenses. Career-technical 3201
education expenses approved by the department shall include only 3202
expenses connected to the delivery of career-technical 3203
programming to career-technical students. The department shall 3204
require the school to report data annually so that the 3205
department may monitor the school's compliance with the 3206
requirements regarding the manner in which funding received 3207
under division (C) (1) (g) of this section may be spent. 3208

(5) Notwithstanding anything to the contrary in section 3209
3313.90 of the Revised Code, except as provided in division (C) 3210
(9) of this section, all funds received under division (C) (1) (g) 3211
of this section shall be spent in the following manner: 3212

(a) At least seventy-five per cent of the funds shall be 3213
spent on curriculum development, purchase, and implementation; 3214
instructional resources and supplies; industry-based program 3215
certification; student assessment, credentialing, and placement; 3216
curriculum specific equipment purchases and leases; career- 3217
technical student organization fees and expenses; home and 3218
agency linkages; work-based learning experiences; professional 3219
development; and other costs directly associated with career- 3220
technical education programs including development of new 3221
programs. 3222

(b) Not more than twenty-five per cent of the funds shall 3223
be used for personnel expenditures. 3224

(6) A community school shall spend the funds it receives 3225
under division (C) (1) (e) of this section in accordance with 3226
section 3317.25 of the Revised Code. 3227

(7) If the sum of the payments computed under divisions 3228
(C) (1) and (8) (a) of this section for the students entitled to 3229
attend school in a particular school district under sections 3230
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 3231
district's state education aid and its payment under sections 3232
321.24 and 323.156 of the Revised Code, the department shall 3233
calculate and apply a proration factor to the payments to all 3234
community schools under that division for the students entitled 3235
to attend school in that district. 3236

(8) (a) Subject to division (C) (7) of this section, the 3237
department annually shall pay to each community school, 3238
including each internet- or computer-based community school, an 3239
amount equal to the following: 3240

(The number of students reported by the community school 3241
under division (B) (2) (e) of this section X the formula amount 3242
X .20) 3243

(b) For each payment made to a community school under 3244
division (C) (8) (a) of this section, the department shall deduct 3245
from the state education aid of each city, local, and exempted 3246
village school district and, if necessary, from the payment made 3247
to the district under sections 321.24 and 323.156 of the Revised 3248
Code an amount equal to the following: 3249

(The number of the district's students reported by the 3250
community school under division (B) (2) (e) of this section X the 3251
formula amount X .20) 3252

(9) The department may waive the requirement in division 3253
(C) (5) of this section for any community school that exclusively 3254
provides one or more career-technical workforce development 3255
programs in arts and communications that are not equipment- 3256

intensive, as determined by the department. 3257

(D) A board of education sponsoring a community school may 3258
utilize local funds to make enhancement grants to the school or 3259
may agree, either as part of the contract or separately, to 3260
provide any specific services to the community school at no cost 3261
to the school. 3262

(E) A community school may not levy taxes or issue bonds 3263
secured by tax revenues. 3264

(F) No community school shall charge tuition for the 3265
enrollment of any student who is a resident of this state. A 3266
community school may charge tuition for the enrollment of any 3267
student who is not a resident of this state. 3268

(G) (1) (a) A community school may borrow money to pay any 3269
necessary and actual expenses of the school in anticipation of 3270
the receipt of any portion of the payments to be received by the 3271
school pursuant to division (C) of this section. The school may 3272
issue notes to evidence such borrowing. The proceeds of the 3273
notes shall be used only for the purposes for which the 3274
anticipated receipts may be lawfully expended by the school. 3275

(b) A school may also borrow money for a term not to 3276
exceed fifteen years for the purpose of acquiring facilities. 3277

(2) Except for any amount guaranteed under section 3318.50 3278
of the Revised Code, the state is not liable for debt incurred 3279
by the governing authority of a community school. 3280

(H) The department of education shall adjust the amounts 3281
subtracted and paid under division (C) of this section to 3282
reflect any enrollment of students in community schools for less 3283
than the equivalent of a full school year. The state board of 3284
education within ninety days after April 8, 2003, shall adopt in 3285

accordance with Chapter 119. of the Revised Code rules governing 3286
the payments to community schools under this section including 3287
initial payments in a school year and adjustments and reductions 3288
made in subsequent periodic payments to community schools and 3289
corresponding deductions from school district accounts as 3290
provided under division (C) of this section. For purposes of 3291
this section: 3292

(1) A student shall be considered enrolled in the 3293
community school for any portion of the school year the student 3294
is participating at a college under Chapter 3365. of the Revised 3295
Code. 3296

(2) A student shall be considered to be enrolled in a 3297
community school for the period of time beginning on the later 3298
of the date on which the school both has received documentation 3299
of the student's enrollment from a parent and the student has 3300
commenced participation in learning opportunities as defined in 3301
the contract with the sponsor, or thirty days prior to the date 3302
on which the student is entered into the education management 3303
information system established under section 3301.0714 of the 3304
Revised Code. For purposes of applying this division and 3305
divisions (H) (3) and (4) of this section to a community school 3306
student, "learning opportunities" shall be defined in the 3307
contract, which shall describe both classroom-based and non- 3308
classroom-based learning opportunities and shall be in 3309
compliance with criteria and documentation requirements for 3310
student participation which shall be established by the 3311
department. Any student's instruction time in non-classroom- 3312
based learning opportunities shall be certified by an employee 3313
of the community school. A student's enrollment shall be 3314
considered to cease on the date on which any of the following 3315
occur: 3316

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

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

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

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

(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- 3347
based community school shall be credited for any time a student 3348
spends participating in learning opportunities beyond ten hours 3349
within any period of twenty-four consecutive hours. Whether it 3350
reports hours or days of learning opportunities, each community 3351
school shall offer not less than nine hundred twenty hours of 3352
learning opportunities during the school year. 3353

(4) With respect to the calculation of full-time 3354
equivalency under division (H) (3) of this section, the 3355
department shall waive the number of hours or days of learning 3356
opportunities not offered to a student because the community 3357
school was closed during the school year due to disease 3358
epidemic, hazardous weather conditions, law enforcement 3359
emergencies, inoperability of school buses or other equipment 3360
necessary to the school's operation, damage to a school 3361
building, or other temporary circumstances due to utility 3362
failure rendering the school building unfit for school use, so 3363
long as the school was actually open for instruction with 3364
students in attendance during that school year for not less than 3365
the minimum number of hours required by this chapter. The 3366
department shall treat the school as if it were open for 3367
instruction with students in attendance during the hours or days 3368
waived under this division. 3369

(I) The department of education shall reduce the amounts 3370
paid under this section to reflect payments made to colleges 3371
under section 3365.07 of the Revised Code. 3372

(J) (1) No student shall be considered enrolled in any 3373
internet- or computer-based community school or, if applicable 3374
to the student, in any community school that is required to 3375
provide the student with a computer pursuant to division (C) of 3376

section 3314.22 of the Revised Code, unless both of the 3377
following conditions are satisfied: 3378

(a) The student possesses or has been provided with all 3379
required hardware and software materials and all such materials 3380
are operational so that the student is capable of fully 3381
participating in the learning opportunities specified in the 3382
contract between the school and the school's sponsor as required 3383
by division (A) (23) of section 3314.03 of the Revised Code; 3384

(b) The school is in compliance with division (A) of 3385
section 3314.22 of the Revised Code, relative to such student. 3386

(2) In accordance with policies adopted jointly by the 3387
superintendent of public instruction and the auditor of state, 3388
the department shall reduce the amounts otherwise payable under 3389
division (C) of this section to any community school that 3390
includes in its program the provision of computer hardware and 3391
software materials to any student, if such hardware and software 3392
materials have not been delivered, installed, and activated for 3393
each such student in a timely manner or other educational 3394
materials or services have not been provided according to the 3395
contract between the individual community school and its 3396
sponsor. 3397

The superintendent of public instruction and the auditor 3398
of state shall jointly establish a method for auditing any 3399
community school to which this division pertains to ensure 3400
compliance with this section. 3401

The superintendent, auditor of state, and the governor 3402
shall jointly make recommendations to the general assembly for 3403
legislative changes that may be required to assure fiscal and 3404
academic accountability for such schools. 3405

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

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

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

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

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

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

(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. 3435

(3) If it is decided that the community school owes moneys 3436
to the state, the department shall deduct such amount from the 3437
school's future payments in accordance with guidelines issued by 3438
the superintendent of public instruction. 3439

(L) The department shall not subtract from a school 3440
district's state aid account and shall not pay to a community 3441
school under division (C) of this section any amount for any of 3442
the following: 3443

(1) Any student who has graduated from the twelfth grade 3444
of a public or nonpublic high school; 3445

(2) Any student who is not a resident of the state; 3446

(3) Any student who was enrolled in the community school 3447
during the previous school year when assessments were 3448
administered under section 3301.0711 of the Revised Code but did 3449
not take one or more of the assessments required by that section 3450
and was not excused pursuant to division (C)(1) or (3) of that 3451
section, unless the superintendent of public instruction grants 3452
the student a waiver from the requirement to take the assessment 3453
and a parent is not paying tuition for the student pursuant to 3454
section 3314.26 of the Revised Code. The superintendent may 3455
grant a waiver only for good cause in accordance with rules 3456
adopted by the state board of education. 3457

(4) Any student who has attained the age of twenty-two 3458
years, except for veterans of the armed services whose 3459
attendance was interrupted before completing the recognized 3460
twelve-year course of the public schools by reason of induction 3461
or enlistment in the armed forces and who apply for enrollment 3462
in a community school not later than four years after 3463

termination of war or their honorable discharge. If, however, 3464
any such veteran elects to enroll in special courses organized 3465
for veterans for whom tuition is paid under federal law, or 3466
otherwise, the department shall not subtract from a school 3467
district's state aid account and shall not pay to a community 3468
school under division (C) of this section any amount for that 3469
veteran. 3470

Sec. 3314.231. (A) With regard to the use of the 3471
department's manual for determining full-time equivalency for 3472
student enrollment in an internet- or computer-based community 3473
school to determine student attendance and engagement, the 3474
superintendent of public instruction shall recommend to the 3475
joint education oversight committee definitions for all of the 3476
following terms: 3477

(1) "Documentation of online learning"; 3478

(2) "Idle time"; 3479

(3) "Educational" and "noneducational"; 3480

(4) "Participation"; 3481

(5) "Classroom." 3482

(B) The recommendations made under division (A) of this 3483
section shall include alternatives and options, and shall 3484
include the advantages and disadvantages of each alternative and 3485
option. 3486

(C) In developing the proposed recommendations, the state 3487
superintendent shall do all of the following: 3488

(1) Review the methods and procedures used in other 3489
states; 3490

(2) Analyze the feasibility of each recommendation to be proposed; 3491
3492

(3) Consider whether each recommendation is effective in assuring participation by internet- or computer-based community school students; 3493
3494
3495

(4) Research the availability, effectiveness, and affordability of monitoring technology; and 3496
3497

(5) Consider any other matters that the superintendent determines necessary to provide a clear and accurate analysis of the effects of the proposed recommendations. 3498
3499
3500

(D) The state superintendent shall submit the recommended definitions to the joint education oversight committee not later than November 30, 2018. 3501
3502
3503

(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. 3504
3505
3506
3507
3508
3509

Sec. 3317.141. The board of education of any city, 3510
exempted village, local, or joint vocational school district 3511
that is the recipient of moneys from a grant awarded under the 3512
federal race to the top program, Division (A), Title XIV, 3513
Sections 14005 and 14006 of the "American Recovery and 3514
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 3515
shall comply with this section in accordance with the timeline 3516
contained in the board's scope of work, as approved by the 3517
superintendent of public instruction, and shall not be subject 3518
to sections 3317.13 and 3317.14 of the Revised Code. The board 3519

of education of any other school district, and the governing 3520
board of each educational service center, shall comply with 3521
either this section or sections 3317.13 and 3317.14 of the 3522
Revised Code. 3523

(A) The board annually shall adopt a salary schedule for 3524
teachers based upon performance as described in division (B) of 3525
this section. 3526

(B) For purposes of the schedule, a board shall measure a 3527
teacher's performance by considering all of the following: 3528

(1) The level of license issued under section 3319.22 of 3529
the Revised Code that the teacher holds; 3530

(2) Whether the teacher is a ~~highly qualified~~ properly 3531
certified or licensed teacher, as defined in section 3319.074 of 3532
the Revised Code; 3533

(3) Ratings received by the teacher on performance 3534
evaluations conducted under section 3319.111 of the Revised 3535
Code. 3536

(C) The schedule shall provide for annual adjustments 3537
based on performance on the evaluations conducted under section 3538
3319.111 of the Revised Code. The annual performance-based 3539
adjustment for a teacher rated as accomplished shall be greater 3540
than the annual performance-based adjustment for a teacher rated 3541
as skilled. 3542

(D) The salary schedule adopted under this section may 3543
provide for additional compensation for teachers who agree to 3544
perform duties, not contracted for under a supplemental 3545
contract, that the employing board determines warrant additional 3546
compensation. Those duties may include, but are not limited to, 3547
assignment to a school building eligible for funding under Title 3548

I of the "Elementary and Secondary Education Act of 1965," 20 3549
U.S.C. 6301 et seq.; assignment to a building in "school 3550
improvement" status under the "No Child Left Behind Act of 3551
2001," as defined in section 3302.01 of the Revised Code; 3552
teaching in a grade level or subject area in which the board has 3553
determined there is a shortage within the district or service 3554
center; or assignment to a hard-to-staff school, as determined 3555
by the board. 3556

Sec. 3319.074. (A) As used in this section: 3557

(1) "Core subject area" means reading and English language 3558
arts, mathematics, science, social studies, foreign language, 3559
and fine arts. 3560

(2) "Properly certified or licensed teacher" means a 3561
classroom teacher who has successfully completed all 3562
requirements for certification or licensure under this chapter 3563
applicable to the subject areas and grade levels in which the 3564
teacher provides instruction and the students to whom the 3565
teacher provides the instruction. 3566

(3) "Properly certified paraprofessional" means a 3567
paraprofessional who holds an educational aide permit issued 3568
under section 3319.088 of the Revised Code and satisfies at 3569
least one of the following conditions: 3570

(a) Has a designation of "ESEA qualified" on the 3571
educational aide permit; 3572

(b) Has successfully completed at least two years of 3573
coursework at an accredited institution of higher education; 3574

(c) Holds an associate degree or higher from an accredited 3575
institution of higher education; 3576

(d) Meets a rigorous standard of quality as demonstrated 3577
by attainment of a qualifying score on an academic assessment 3578
specified by the department of education. 3579

(B) Beginning July 1, 2019, no city, exempted village, 3580
local, joint vocational, or cooperative education school 3581
district shall do either of the following: 3582

(1) Employ any classroom teacher to provide instruction in 3583
a core subject area to any student, unless such teacher is a 3584
properly certified or licensed teacher; 3585

(2) Employ any paraprofessional to provide academic 3586
support in a core subject area to any student, unless such 3587
paraprofessional is a properly certified paraprofessional. 3588

(C) At the start of each school year, each school district 3589
shall notify the parent or guardian of each student enrolled in 3590
the district that the parent or guardian may request information 3591
on the professional qualifications of each classroom teacher who 3592
provides instruction to the student. The district shall provide 3593
the information on each applicable teacher in a timely manner to 3594
any parent or guardian who requests it. Such information shall 3595
include at least the following: 3596

(1) Whether the teacher has satisfied all requirements for 3597
certification or licensure under this chapter applicable to the 3598
subject areas and grade levels in which the teacher provides 3599
instruction and the students to whom the teacher provides the 3600
instruction, or whether the teacher provides instruction under a 3601
waiver of any such requirements; 3602

(2) Whether a paraprofessional provides any services to 3603
the student and, if so, the qualifications of the 3604
paraprofessional. 3605

Sec. 3319.075. Once the state board of education adopts 3606
professional development standards pursuant to section 3319.61 3607
of the Revised Code, the board of education of each school 3608
district shall use the standards for the following purposes: 3609

(A) To guide the design of teacher education programs 3610
serving both teacher candidates and experienced teachers; 3611

(B) To guide school-based professional development that is 3612
aligned with student achievement; 3613

(C) To determine what types of professional development 3614
the school district and the schools within the district should 3615
provide; 3616

(D) To guide how state and federal funding for 3617
professional development should be spent; 3618

(E) To develop criteria for decision making by the local 3619
professional development committees established under section 3620
3319.22 of the Revised Code; 3621

(F) To guide the school district in the hiring of third- 3622
party providers of instructional services who use or meet the 3623
professional development standards; 3624

(G) To guide all licensed school personnel in developing 3625
their own plans for professional growth; 3626

(H) To guide the development of professional growth plans 3627
and improvement plans resulting from the teacher evaluations 3628
conducted under section 3319.111 of the Revised Code. 3629

Sec. 3319.081. Except as otherwise provided in division 3630
(G) of this section, in all school districts wherein the 3631
provisions of Chapter 124. of the Revised Code do not apply, the 3632
following employment contract system shall control for employees 3633

whose contracts of employment are not otherwise provided by law: 3634

(A) Newly hired regular nonteaching school employees, 3635
including regular hourly rate and per diem employees, shall 3636
enter into written contracts for their employment which shall be 3637
for a period of not more than one year. If such employees are 3638
rehired, their three subsequent ~~contract~~ contracts shall be for 3639
a period of two years each. 3640

(B) After the termination of the third two-year contract 3641
provided in division (A) of this section, if the contract of a 3642
nonteaching employee is renewed, the employee shall be continued 3643
in employment, and the salary provided in the contract may be 3644
increased but not reduced unless such reduction is a part of a 3645
uniform plan affecting the nonteaching employees of the entire 3646
district. 3647

(C) The contracts as provided for in this section may be 3648
terminated by a majority vote of the board of education. Except 3649
as provided in sections 3319.0810 and 3319.172 of the Revised 3650
Code, the contracts may be terminated only for violation of 3651
written rules and regulations as set forth by the board of 3652
education or for incompetency, inefficiency, dishonesty, 3653
drunkenness, immoral conduct, insubordination, discourteous 3654
treatment of the public, neglect of duty, or any other acts of 3655
misfeasance, malfeasance, or nonfeasance. In addition to the 3656
right of the board of education to terminate the contract of an 3657
employee, the board may suspend an employee for a definite 3658
period of time or demote the employee for the reasons set forth 3659
in this division. The action of the board of education 3660
terminating the contract of an employee or suspending or 3661
demoting the employee shall be served upon the employee by 3662
certified mail. Within ten days following the receipt of such 3663

notice by the employee, the employee may file an appeal, in 3664
writing, with the court of common pleas of the county in which 3665
such school board is situated. After hearing the appeal the 3666
common pleas court may affirm, disaffirm, or modify the action 3667
of the school board. 3668

A violation of division (A) (7) of section 2907.03 of the 3669
Revised Code is grounds for termination of employment of a 3670
nonteaching employee under this division. 3671

(D) All employees who have been employed by a school 3672
district where the provisions of Chapter 124. of the Revised 3673
Code do not apply, for a period of at least three years on 3674
November 24, 1967, shall hold continuing contracts of employment 3675
pursuant to this section. 3676

(E) Any nonteaching school employee may terminate the 3677
nonteaching school employee's contract of employment thirty days 3678
subsequent to the filing of a written notice of such termination 3679
with the treasurer of the board. 3680

(F) A person hired exclusively for the purpose of 3681
replacing a nonteaching school employee while such employee is 3682
on leave of absence granted under section 3319.13 of the Revised 3683
Code is not a regular nonteaching school employee under this 3684
section. 3685

(G) All nonteaching employees employed pursuant to this 3686
section and Chapter 124. of the Revised Code shall be paid for 3687
all time lost when the schools in which they are employed are 3688
closed owing to an epidemic or other public calamity. Nothing in 3689
this division shall be construed as requiring payment in excess 3690
of an employee's regular wage rate or salary for any time worked 3691
while the school in which the employee is employed is officially 3692

closed for the reasons set forth in this division. 3693

Sec. 3319.111. Notwithstanding section 3319.09 of the 3694
Revised Code, this section applies to any person who is employed 3695
under a teacher license issued under this chapter, or under a 3696
professional or permanent teacher's certificate issued under 3697
former section 3319.222 of the Revised Code, and who spends at 3698
least fifty per cent of the time employed providing student 3699
instruction. However, this section does not apply to any person 3700
who is employed as a substitute teacher or as an instructor of 3701
adult education. 3702

(A) Not later than July 1, ~~2013~~ 2020, the board of 3703
education of each school district, in consultation with teachers 3704
employed by the board, shall ~~adopt a~~ update its standards-based 3705
teacher evaluation policy ~~that conforms to conform~~ with the 3706
framework for evaluation of teachers ~~developed~~ adopted under 3707
section 3319.112 of the Revised Code. The policy shall become 3708
operative at the expiration of any collective bargaining 3709
agreement covering teachers employed by the board that is in 3710
effect on ~~September 29, 2011~~ the effective date of this 3711
amendment, and shall be included in any renewal or extension of 3712
such an agreement. 3713

(B) When using measures of student ~~academic growth as a~~ 3714
~~component of performance as evidence in a~~ teacher's evaluation, 3715
those measures shall ~~include the value added progress dimension~~ 3716
~~prescribed by section 3302.021 of the Revised Code or an~~ 3717
~~alternative student academic progress measure if adopted under~~ 3718
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 3719
~~teachers of grade levels and subjects for which the value added~~ 3720
~~progress dimension or alternative student academic progress~~ 3721
~~measure is not applicable, the board shall administer~~ 3722

~~assessments on the list developed under division (B) (2) of~~ 3723
~~section 3319.112 of the Revised Code be high-quality student~~ 3724
~~data. The board of education of each school district may use~~ 3725
~~data from the assessments on the list developed under division~~ 3726
~~(B) (2) of section 3319.112 of the Revised Code as high-quality~~ 3727
~~student data.~~ 3728

(C) (1) The board shall conduct an evaluation of each 3729
teacher employed by the board at least once each school year, 3730
except as provided in division (C) (2) of this section. The 3731
evaluation shall be completed by the first day of May and the 3732
teacher shall receive a written report of the results of the 3733
evaluation by the tenth day of May. 3734

(2) (a) The board may evaluate each teacher who received a 3735
rating of accomplished on the teacher's most recent evaluation 3736
conducted under this section once every three school years, so 3737
long as the ~~teacher's student academic growth measure, for the~~ 3738
~~most recent school year for which data is available, is average~~ 3739
~~or higher, as determined by the department of education~~ 3740
teacher 3741
submits a self-directed professional growth plan to the 3742
evaluator that focuses on specific areas identified in the 3743
observations and evaluation and the evaluator determines that 3744
the teacher is making progress on that plan.

(b) The board may evaluate each teacher who received a 3745
rating of skilled on the teacher's most recent evaluation 3746
conducted under this section once every two years, so long as 3747
the ~~teacher's student academic growth measure, for the most~~ 3748
~~recent school year for which data is available, is average or~~ 3749
~~higher, as determined by the department of education~~ 3750
teacher and 3751
evaluator jointly develop a professional growth plan for the 3752
teacher that focuses on specific areas identified in the

observations and evaluation and the evaluator determines that 3753
the teacher is making progress on that plan. 3754

(c) For each teacher who is evaluated pursuant to division 3755
(C) (2) of this section, the evaluation shall be completed by the 3756
first day of May of the applicable school year, and the teacher 3757
shall receive a written report of the results of the evaluation 3758
by the tenth day of May of that school year. 3759

(d) ~~Beginning with the 2014-2015 school year, the~~ The 3760
board may elect not to conduct an evaluation of a teacher who 3761
meets one of the following requirements: 3762

(i) The teacher was on leave from the school district for 3763
fifty per cent or more of the school year, as calculated by the 3764
board. 3765

(ii) The teacher has submitted notice of retirement and 3766
that notice has been accepted by the board not later than the 3767
first day of December of the school year in which the evaluation 3768
is otherwise scheduled to be conducted. 3769

(e) ~~Beginning with the 2017-2018 school year, the~~ The 3770
board may elect not to conduct an evaluation of a teacher who is 3771
participating in the teacher residency program established under 3772
section 3319.223 of the Revised Code for the year during which 3773
that teacher takes, for the first time, at least half of the 3774
performance-based assessment prescribed by the state board of 3775
education for resident educators. 3776

(3) In any year that a teacher is not formally evaluated 3777
pursuant to division (C) of this section as a result of 3778
receiving a rating of accomplished or skilled on the teacher's 3779
most recent evaluation, an individual qualified to evaluate a 3780
teacher under division (D) of this section shall conduct at 3781

least one observation of the teacher and hold at least one 3782
conference with the teacher. The conference shall include a 3783
discussion of progress on the teacher's professional growth 3784
plan. 3785

(D) Each evaluation conducted pursuant to this section 3786
shall be conducted by one or more of the following persons who 3787
hold a credential established by the department of education for 3788
being an evaluator: 3789

(1) A person who is under contract with the board pursuant 3790
to section 3319.01 or 3319.02 of the Revised Code and holds a 3791
license designated for being a superintendent, assistant 3792
superintendent, or principal issued under section 3319.22 of the 3793
Revised Code; 3794

(2) A person who is under contract with the board pursuant 3795
to section 3319.02 of the Revised Code and holds a license 3796
designated for being a vocational director, administrative 3797
specialist, or supervisor in any educational area issued under 3798
section 3319.22 of the Revised Code; 3799

(3) A person designated to conduct evaluations under an 3800
agreement entered into by the board, including an agreement 3801
providing for peer review entered into by the board and 3802
representatives of teachers employed by the board; 3803

(4) A person who is employed by an entity contracted by 3804
the board to conduct evaluations and who holds a license 3805
designated for being a superintendent, assistant superintendent, 3806
principal, vocational director, administrative specialist, or 3807
supervisor in any educational area issued under section 3319.22 3808
of the Revised Code or is qualified to conduct evaluations. 3809

(E) Notwithstanding division (A) (3) of section 3319.112 of 3810

the Revised Code: 3811

~~(1) The, the~~ board shall require at least three formal 3812
observations of each teacher who is under consideration for 3813
nonrenewal and with whom the board has entered into a limited 3814
contract or an extended limited contract under section 3319.11 3815
of the Revised Code. 3816

~~(2) The board may elect, by adoption of a resolution, to~~ 3817
~~require only one formal observation of a teacher who received a~~ 3818
~~rating of accomplished on the teacher's most recent evaluation~~ 3819
~~conducted under this section, provided the teacher completes a~~ 3820
~~project that has been approved by the board to demonstrate the~~ 3821
~~teacher's continued growth and practice at the accomplished~~ 3822
~~level.~~ 3823

(F) The board shall include in its evaluation policy 3824
procedures for using the evaluation results for retention and 3825
promotion decisions and for removal of poorly performing 3826
teachers. Seniority shall not be the basis for a decision to 3827
retain a teacher, except when making a decision between teachers 3828
who have comparable evaluations. 3829

(G) For purposes of section 3333.0411 of the Revised Code, 3830
the board annually shall report to the department of education 3831
the number of teachers for whom an evaluation was conducted 3832
under this section and the number of teachers assigned each 3833
rating prescribed under division (B) (1) of section 3319.112 of 3834
the Revised Code, aggregated by the teacher preparation programs 3835
from which and the years in which the teachers graduated. The 3836
department shall establish guidelines for reporting the 3837
information required by this division. The guidelines shall not 3838
permit or require that the name of, or any other personally 3839
identifiable information about, any teacher be reported under 3840

this division. 3841

(H) Notwithstanding any provision to the contrary in 3842
Chapter 4117. of the Revised Code, the requirements of this 3843
section prevail over any conflicting provisions of a collective 3844
bargaining agreement entered into on or after ~~September 24, 2012~~ 3845
the effective date of this amendment. 3846

Sec. 3319.112. (A) ~~Not later than December 31, 2011, the~~ 3847
The state board of education shall develop a revise the 3848
standards-based state framework for the evaluation of teachers 3849
based on the recommendations of the educator standards board 3850
established under section 3319.60 of the Revised Code. The state 3851
board shall hold at least one public hearing on the revised 3852
framework and shall make the full text of the revised framework 3853
available at each hearing it holds on the revised framework. Not 3854
later than May 1, 2020, the state board shall adopt the revised 3855
framework. The state board may update the framework periodically 3856
by adoption of a resolution. The framework shall establish an 3857
evaluation system that does the following: 3858

(1) Provides for multiple evaluation factors. ~~One factor~~ 3859
~~shall be student academic growth which shall account for fifty~~ 3860
~~per cent of each evaluation, except as otherwise prescribed by~~ 3861
~~the alternative framework under section 3319.114 of the Revised~~ 3862
~~Code. When applicable to the grade level or subject area taught~~ 3863
~~by a teacher, the value added progress dimension established~~ 3864
~~under section 3302.021 of the Revised Code or an alternative~~ 3865
~~student academic progress measure if adopted under division (C)~~ 3866
~~(1) (e) of section 3302.03 of the Revised Code shall be used in~~ 3867
~~the student academic growth portion of an evaluation in~~ 3868
~~proportion to the part of a teacher's schedule of courses or~~ 3869
~~subjects for which the value added progress dimension is~~ 3870

~~applicable.~~ 3871

~~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:~~ 3872
3873
3874

~~(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.~~ 3875
3876
3877

~~(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.;~~ 3878
3879
3880
3881
3882
3883

(2) Is aligned with the standards for teachers adopted 3884
under section 3319.61 of the Revised Code; 3885

(3) Requires observation of the teacher being evaluated, 3886
including at least two formal observations by the evaluator of 3887
at least thirty minutes each and classroom ~~walkthroughs~~ walk- 3888
throughs; 3889

(4) Assigns a rating on each evaluation in accordance with 3890
division (B) of this section ~~or section 3319.114 of the Revised~~ 3891
~~Code, whichever is applicable;~~ 3892

(5) Requires each teacher to be provided with a written 3893
report of the results of the teacher's evaluation; 3894

~~(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~~ 3895
3896
3897
3898

~~under division (C) (1) (e) of section 3302.03 of the Revised Code—~~ 3899
~~does not apply;~~ 3900

~~(7) Implements a classroom-level, value-added program—~~ 3901
~~developed by a nonprofit organization described in division (B)—~~ 3902
~~of section 3302.021 of the Revised Code or an alternative—~~ 3903
~~student academic progress measure if adopted under division (C)~~ 3904
~~(1) (e) of section 3302.03 of the Revised Code;~~ 3905

(8) Uses at least two measures of high-quality student 3906
data to provide evidence of student learning attributable to the 3907
teacher being evaluated. The state board shall define "high- 3908
quality student data" for this purpose. When applicable to the 3909
grade level or subject area taught by a teacher, high-quality 3910
student data shall include the value-added progress dimension 3911
established under section 3302.021 of the Revised Code, but the 3912
teacher or evaluator shall use at least one other measure of 3913
high-quality student data to demonstrate student learning. In 3914
accordance with the guidance described in division (D) (3) of 3915
this section, high-quality student data may be used as evidence 3916
in any component of the evaluation related to the following: 3917

(a) Knowledge of the students to whom the teacher provides 3918
instruction; 3919

(b) The teacher's use of differentiated instructional 3920
practices based on the needs or abilities of individual 3921
students; 3922

(c) Assessment of student learning; 3923

(d) The teacher's use of assessment data; 3924

(e) Professional responsibility and growth. 3925

(7) Prohibits the shared attribution of student 3926

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

~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 3954
~~the Revised Code and the value-added progress dimension~~ 3955
~~prescribed by section 3302.021 of the Revised Code, or~~ 3956
~~alternative student academic progress measure, do not apply,~~ 3957
~~develop~~ Develop a list of student assessments that measure 3958
mastery of the course content for the appropriate grade level, 3959
which may include nationally normed standardized assessments, 3960
industry certification examinations, or end-of-course 3961
examinations. The data from these assessments may be considered 3962
high-quality student data. 3963

(C) The state board shall consult with experts, teachers 3964
and principals employed in public schools, the educator 3965
standards board, and representatives of stakeholder groups in 3966
~~developing~~ revising the standards and criteria required by 3967
division (B) (1) of this section. 3968

(D) To assist school districts in developing evaluation 3969
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 3970
of the Revised Code, the department shall do ~~both~~ all of the 3971
following: 3972

(1) Serve as a clearinghouse of promising evaluation 3973
procedures and evaluation models that districts may use; 3974

(2) Provide technical assistance to districts in creating 3975
evaluation policies; 3976

(3) Provide guidance to districts on how high-quality 3977
student data may be used as evidence of student learning 3978
attributable to a particular teacher, including examples of 3979
appropriate use of that data within the framework adopted under 3980
this section; 3981

(4) Provide guidance to districts on how information from 3982

student surveys, student portfolios, peer review evaluations, 3983
teacher self-evaluations, and other components determined 3984
appropriate by the district may be used as part of the 3985
evaluation process. 3986

(E) Not later than ~~June 30, 2013~~ July 1, 2020, the state 3987
board, in consultation with state agencies that employ teachers, 3988
shall ~~develop a~~ update its standards-based framework for the 3989
evaluation of teachers employed by those agencies. Each state 3990
agency that employs teachers shall adopt a standards-based 3991
teacher evaluation policy ~~that conforms to~~ conform with the 3992
framework ~~developed under this division~~. The policy shall become 3993
operative at the expiration of any collective bargaining 3994
agreement covering teachers employed by the agency that is in 3995
effect on ~~September 24, 2012~~ the effective date of this 3996
amendment, and shall be included in any renewal or extension of 3997
such an agreement. However, this division does not apply to any 3998
person who is employed as a substitute teacher or as an 3999
instructor of adult education. 4000

Sec. 3319.22. (A) (1) The state board of education shall 4001
issue the following educator licenses: 4002

(a) A resident educator license, which shall be valid for 4003
four years and shall be renewable for reasons specified by rules 4004
adopted by the state board pursuant to division (A) (3) of this 4005
section. The state board, on a case-by-case basis, may extend 4006
the license's duration as necessary to enable the license holder 4007
to complete the Ohio teacher residency program established under 4008
section 3319.223 of the Revised Code; 4009

(b) A professional educator license, which shall be valid 4010
for five years and shall be renewable; 4011

(c) A senior professional educator license, which shall be 4012
valid for five years and shall be renewable; 4013

(d) A lead professional educator license, which shall be 4014
valid for five years and shall be renewable. 4015

Licenses issued under division (A) (1) of this section on 4016
and after the effective date of this amendment shall specify 4017
whether the educator is licensed to teach grades pre- 4018
kindergarten through five, grades four through nine, or grades 4019
seven through twelve. The changes to the grade band 4020
specifications under this amendment shall not apply to a person 4021
who holds a license under division (A) (1) of this section prior 4022
to the effective date of this amendment. Further, the changes to 4023
the grade band specifications under this amendment shall not 4024
apply to any license issued to teach in the area of computer 4025
information science, bilingual education, dance, drama or 4026
theater, world language, health, library or media, music, 4027
physical education, teaching English to speakers of other 4028
languages, career-technical education, or visual arts or to any 4029
license issued to an intervention specialist, including a gifted 4030
intervention specialist, or to any other license that does not 4031
align to the grade band specifications. 4032

(2) The state board may issue any additional educator 4033
licenses of categories, types, and levels the board elects to 4034
provide. 4035

(3) The state board shall adopt rules establishing the 4036
standards and requirements for obtaining each educator license 4037
issued under this section. The rules shall also include the 4038
reasons for which a resident educator license may be renewed 4039
under division (A) (1) (a) of this section. 4040

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

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

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

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

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

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

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

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

(c) Meet the criteria for the accomplished or

distinguished level of performance, as described in the 4069
standards for teachers adopted by the state board under section 4070
3319.61 of the Revised Code. 4071

(4) An applicant for a lead professional educator license 4072
shall: 4073

(a) Hold at least a master's degree from an institution of 4074
higher education accredited by a regional accrediting 4075
organization; 4076

(b) Have previously held a professional educator license 4077
or a senior professional educator license issued under this 4078
section or a professional educator license issued under section 4079
3319.222 or former section 3319.22 of the Revised Code; 4080

(c) Meet the criteria for the distinguished level of 4081
performance, as described in the standards for teachers adopted 4082
by the state board under section 3319.61 of the Revised Code; 4083

(d) Either hold a valid certificate issued by the national 4084
board for professional teaching standards or meet the criteria 4085
for a master teacher or other criteria for a lead teacher 4086
adopted by the educator standards board under division (F) (4) or 4087
(5) of section 3319.61 of the Revised Code. 4088

(C) The state board shall align the standards and 4089
qualifications for obtaining a principal license with the 4090
standards for principals adopted by the state board under 4091
section 3319.61 of the Revised Code. 4092

(D) If the state board requires any examinations for 4093
educator licensure, the department of education shall provide 4094
the results of such examinations received by the department to 4095
the chancellor of higher education, in the manner and to the 4096
extent permitted by state and federal law. 4097

(E) Any rules the state board of education adopts, amends, 4098
or rescinds for educator licenses under this section, division 4099
(D) of section 3301.07 of the Revised Code, or any other law 4100
shall be adopted, amended, or rescinded under Chapter 119. of 4101
the Revised Code except as follows: 4102

(1) Notwithstanding division (E) of section 119.03 and 4103
division (A)(1) of section 119.04 of the Revised Code, in the 4104
case of the adoption of any rule or the amendment or rescission 4105
of any rule that necessitates institutions' offering preparation 4106
programs for educators and other school personnel that are 4107
approved by the chancellor of higher education under section 4108
3333.048 of the Revised Code to revise the curriculum of those 4109
programs, the effective date shall not be as prescribed in 4110
division (E) of section 119.03 and division (A)(1) of section 4111
119.04 of the Revised Code. Instead, the effective date of such 4112
rules, or the amendment or rescission of such rules, shall be 4113
the date prescribed by section 3333.048 of the Revised Code. 4114

(2) Notwithstanding the authority to adopt, amend, or 4115
rescind emergency rules in division (G) of section 119.03 of the 4116
Revised Code, this authority shall not apply to the state board 4117
of education with regard to rules for educator licenses. 4118

(F)(1) The rules adopted under this section establishing 4119
standards requiring additional coursework for the renewal of any 4120
educator license shall require a school district and a chartered 4121
nonpublic school to establish local professional development 4122
committees. In a nonpublic school, the chief administrative 4123
officer shall establish the committees in any manner acceptable 4124
to such officer. The committees established under this division 4125
shall determine whether coursework that a district or chartered 4126
nonpublic school teacher proposes to complete meets the 4127

requirement of the rules. The department of education shall 4128
provide technical assistance and support to committees as the 4129
committees incorporate the professional development standards 4130
adopted by the state board of education pursuant to section 4131
3319.61 of the Revised Code into their review of coursework that 4132
is appropriate for license renewal. The rules shall establish a 4133
procedure by which a teacher may appeal the decision of a local 4134
professional development committee. 4135

(2) In any school district in which there is no exclusive 4136
representative established under Chapter 4117. of the Revised 4137
Code, the professional development committees shall be 4138
established as described in division (F)(2) of this section. 4139

Not later than the effective date of the rules adopted 4140
under this section, the board of education of each school 4141
district shall establish the structure for one or more local 4142
professional development committees to be operated by such 4143
school district. The committee structure so established by a 4144
district board shall remain in effect unless within thirty days 4145
prior to an anniversary of the date upon which the current 4146
committee structure was established, the board provides notice 4147
to all affected district employees that the committee structure 4148
is to be modified. Professional development committees may have 4149
a district-level or building-level scope of operations, and may 4150
be established with regard to particular grade or age levels for 4151
which an educator license is designated. 4152

Each professional development committee shall consist of 4153
at least three classroom teachers employed by the district, one 4154
principal employed by the district, and one other employee of 4155
the district appointed by the district superintendent. For 4156
committees with a building-level scope, the teacher and 4157

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

Terms of office on professional development committees 4178
shall be prescribed by the district board establishing the 4179
committees. The conduct of elections for members of professional 4180
development committees shall be prescribed by the district board 4181
establishing the committees. A professional development 4182
committee may include additional members, except that the 4183
majority of members on each such committee shall be classroom 4184
teachers employed by the district. Any member appointed to fill 4185
a vacancy occurring prior to the expiration date of the term for 4186
which a predecessor was appointed shall hold office as a member 4187
for the remainder of that term. 4188

The initial meeting of any professional development 4189
committee, upon election and appointment of all committee 4190
members, shall be called by a member designated by the district 4191
superintendent. At this initial meeting, the committee shall 4192
select a chairperson and such other officers the committee deems 4193
necessary, and shall adopt rules for the conduct of its 4194
meetings. Thereafter, the committee shall meet at the call of 4195
the chairperson or upon the filing of a petition with the 4196
district superintendent signed by a majority of the committee 4197
members calling for the committee to meet. 4198

(3) In the case of a school district in which an exclusive 4199
representative has been established pursuant to Chapter 4117. of 4200
the Revised Code, professional development committees shall be 4201
established in accordance with any collective bargaining 4202
agreement in effect in the district that includes provisions for 4203
such committees. 4204

If the collective bargaining agreement does not specify a 4205
different method for the selection of teacher members of the 4206
committees, the exclusive representative of the district's 4207
teachers shall select the teacher members. 4208

If the collective bargaining agreement does not specify a 4209
different structure for the committees, the board of education 4210
of the school district shall establish the structure, including 4211
the number of committees and the number of teacher and 4212
administrative members on each committee; the specific 4213
administrative members to be part of each committee; whether the 4214
scope of the committees will be district levels, building 4215
levels, or by type of grade or age levels for which educator 4216
licenses are designated; the lengths of terms for members; the 4217
manner of filling vacancies on the committees; and the frequency 4218

and time and place of meetings. However, in all cases, except as 4219
provided in division (F) (4) of this section, there shall be a 4220
majority of teacher members of any professional development 4221
committee, there shall be at least five total members of any 4222
professional development committee, and the exclusive 4223
representative shall designate replacement members in the case 4224
of vacancies among teacher members, unless the collective 4225
bargaining agreement specifies a different method of selecting 4226
such replacements. 4227

(4) Whenever an administrator's coursework plan is being 4228
discussed or voted upon, the local professional development 4229
committee shall, at the request of one of its administrative 4230
members, cause a majority of the committee to consist of 4231
administrative members by reducing the number of teacher members 4232
voting on the plan. 4233

(G) (1) The department of education, educational service 4234
centers, county boards of developmental disabilities, regional 4235
professional development centers, special education regional 4236
resource centers, college and university departments of 4237
education, head start programs, and the Ohio education computer 4238
network may establish local professional development committees 4239
to determine whether the coursework proposed by their employees 4240
who are licensed or certificated under this section or section 4241
3319.222 of the Revised Code, or under the former version of 4242
either section as it existed prior to October 16, 2009, meet the 4243
requirements of the rules adopted under this section. They may 4244
establish local professional development committees on their own 4245
or in collaboration with a school district or other agency 4246
having authority to establish them. 4247

Local professional development committees established by 4248

county boards of developmental disabilities shall be structured 4249
in a manner comparable to the structures prescribed for school 4250
districts in divisions (F) (2) and (3) of this section, as shall 4251
the committees established by any other entity specified in 4252
division (G) (1) of this section that provides educational 4253
services by employing or contracting for services of classroom 4254
teachers licensed or certificated under this section or section 4255
3319.222 of the Revised Code, or under the former version of 4256
either section as it existed prior to October 16, 2009. All 4257
other entities specified in division (G) (1) of this section 4258
shall structure their committees in accordance with guidelines 4259
which shall be issued by the state board. 4260

(2) Any public agency that is not specified in division 4261
(G) (1) of this section but provides educational services and 4262
employs or contracts for services of classroom teachers licensed 4263
or certificated under this section or section 3319.222 of the 4264
Revised Code, or under the former version of either section as 4265
it existed prior to October 16, 2009, may establish a local 4266
professional development committee, subject to the approval of 4267
the department of education. The committee shall be structured 4268
in accordance with guidelines issued by the state board. 4269

(H) Not later than July 1, 2016, the state board, in 4270
accordance with Chapter 119. of the Revised Code, shall adopt 4271
rules pursuant to division (A) (3) of this section that do both 4272
of the following: 4273

(1) Exempt consistently high-performing teachers from the 4274
requirement to complete any additional coursework for the 4275
renewal of an educator license issued under this section or 4276
section 3319.26 of the Revised Code. The rules also shall 4277
specify that such teachers are exempt from any requirements 4278

prescribed by professional development committees established 4279
under divisions (F) and (G) of this section. 4280

(2) For purposes of division (H)(1) of this section, the 4281
state board shall define the term "consistently high-performing 4282
teacher." 4283

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 4284
of education shall issue educator licenses for substitute 4285
teaching only under this section. 4286

(B) The state board shall adopt rules establishing 4287
standards and requirements for obtaining a license under this 4288
section and for renewal of the license. Except as provided in 4289
division (F) of section 3319.229 of the Revised Code, the rules 4290
shall require an applicant to hold a post-secondary degree, but 4291
not in any specified subject area. The rules also shall allow 4292
the holder of a license issued under this section to work: 4293

(1) For an unlimited number of school days if the license 4294
holder has a post-secondary degree in either education or a 4295
subject area directly related to the subject of the class the 4296
license holder will teach; 4297

(2) For one full semester, subject to the approval of the 4298
employing school district board of education, if the license 4299
holder has a post-secondary degree in a subject area that is not 4300
directly related to the subject of the class that the license 4301
holder will teach. 4302

The district superintendent may request that the board 4303
approve one or more additional subsequent semester-long periods 4304
of teaching for the license holder. 4305

(C) Any license issued or renewed under former section 4306
3319.226 of the Revised Code that was still in force on the 4307

effective date of this section shall remain in force for the 4308
remainder of the term for which it was issued or renewed. Upon 4309
the expiration of that term, the holder of that license shall be 4310
subject to licensure under the rules adopted under this section. 4311

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 4312
section 3319.229 of the Revised Code by this act, the state 4313
board of education shall accept applications for new, and for 4314
renewal of, professional career-technical teaching licenses 4315
through June 30, 2019, and issue them on the basis of the 4316
applications received by that date in accordance with the rules 4317
described in that former section. Except as otherwise provided 4318
in divisions (A) (2) and (3) of this section, beginning July 1, 4319
2019, the state board shall issue career-technical workforce 4320
development educator licenses only under this section. 4321

(2) An individual who, on July 1, 2019, holds a 4322
professional career-technical teaching license issued under the 4323
rules described in former section 3319.229 of the Revised Code, 4324
may continue to renew that license in accordance with those 4325
rules for the remainder of the individual's teaching career. 4326
However, nothing in this division shall be construed to prohibit 4327
the individual from applying to the state board for a career- 4328
technical workforce development educator license under this 4329
section. 4330

(3) An individual who, on July 1, 2019, holds an 4331
alternative resident educator license for teaching career- 4332
technical education issued under section 3319.26 of the Revised 4333
Code may, upon the expiration of the license, apply for a 4334
professional career-technical teaching license issued under the 4335
rules described in former section 3319.229 of the Revised Code. 4336
Such an individual may continue to renew the professional 4337

license in accordance with those rules for the remainder of the 4338
individual's teaching career. However, nothing in this division 4339
shall be construed to prohibit the individual from applying to 4340
the state board for a career-technical workforce development 4341
educator license under this section. 4342

(B) The state board, in collaboration with the chancellor 4343
of higher education, shall adopt rules establishing standards 4344
and requirements for obtaining a two-year initial career- 4345
technical workforce development educator license and a five-year 4346
advanced career-technical workforce development educator 4347
license. Each license shall be valid for teaching career- 4348
technical education or workforce development programs in grades 4349
four through twelve. The rules shall require applicants for 4350
either license to have a high school diploma. 4351

(C) (1) The state board shall issue an initial career- 4352
technical workforce development educator license to an applicant 4353
upon request from the superintendent of a school district that 4354
has agreed to employ the applicant. In making the request, the 4355
superintendent shall provide documentation, in accordance with 4356
procedures prescribed by the department of education, showing 4357
that the applicant has at least five years of work experience, 4358
or the equivalent, in the subject area in which the applicant 4359
will teach. The license shall be valid for teaching only in the 4360
requesting district. The superintendent also shall provide 4361
documentation, in accordance with procedures prescribed by the 4362
department, that the applicant is enrolled in a career-technical 4363
workforce development educator preparation program offered by an 4364
institution of higher education that has an existing teacher 4365
preparatory program in place that meets all of the following 4366
criteria: 4367

- (a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles; 4368
4369
- (b) Provides classroom support to the license holder; 4370
- (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area; 4371
4372
- (d) Is aligned with career-technical education and workforce development competencies developed by the department; 4373
4374
- (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) of this section to evaluate the license holder's knowledge and skills; 4375
4376
4377
4378
- (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. 4379
4380
- (2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C) (1) of this section. 4381
4382
4383
4384
4385
- (3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. 4386
4387
4388
4389
4390
4391
- (D) The state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C) (1) of this section, as indicated by the supervisor of the 4392
4393
4394
4395

program, and who demonstrates mastery of the applicable career- 4396
technical education and workforce development competencies 4397
described in division (C) (1) (d) of this section in the teaching 4398
position, as indicated by the superintendent of the employing 4399
school district. 4400

(E) The holder of an advanced career-technical workforce 4401
development educator license shall work with a local 4402
professional development committee established under section 4403
3319.22 of the Revised Code in meeting requirements for renewal 4404
of the license. 4405

(F) Notwithstanding the provisions of section 3319.226 of 4406
the Revised Code, the state board shall not require any 4407
applicant for an educator license for substitute teaching who 4408
holds a license issued under this section to hold a post- 4409
secondary degree in order to be issued a license under section 4410
3319.226 of the Revised Code to work as a substitute teacher for 4411
career-technical education classes. 4412

Sec. 3319.262. (A) Notwithstanding any other provision of 4413
the Revised Code or any rule adopted by the state board of 4414
education to the contrary, the state board shall adopt rules 4415
establishing standards and requirements for obtaining a 4416
nonrenewable four-year initial early college high school 4417
educator license for teaching grades seven through twelve at an 4418
early college high school described in section 3313.6013 of the 4419
Revised Code to any applicant who meets the following 4420
conditions: 4421

(1) Has a graduate or terminal degree from an accredited 4422
institution of higher education in a field related to the 4423
subject area to be taught, as determined by the department of 4424
education; 4425

(2) Has obtained a passing score on an examination in the 4426
subject area to be taught, as prescribed by the state board; 4427

(3) Has experience teaching students at any grade level, 4428
including post-secondary students; 4429

(4) Has proof that an early college high school intends to 4430
employ the applicant pending a valid license under this section. 4431

An individual licensed under this section shall be subject 4432
to sections 3319.291 and 3319.39 of the Revised Code. An initial 4433
educator license issued under division (A) of this section shall 4434
be valid for teaching only at the employing school described in 4435
division (A)(4) of this section. 4436

(B) After four years of teaching under an initial early 4437
college high school educator license issued under this section, 4438
an individual may apply for a renewable five-year professional 4439
educator license in the same subject area named in the initial 4440
license. The state board shall issue the applicant a 4441
professional educator license if the applicant attains a passing 4442
score on an assessment of professional knowledge prescribed by 4443
the state board. Nothing in division (B) of this section shall 4444
be construed to prohibit an individual from applying for a 4445
professional education license under section 3319.22 of the 4446
Revised Code. 4447

Sec. 3319.283. (A) The board of education of any school 4448
district may employ an individual who is not certificated or 4449
licensed as required by Chapter 3319. of the Revised Code, but 4450
who meets the following qualifications, as a teacher in the 4451
schools of the district: 4452

(1) The individual is a veteran of the armed forces of the 4453
United States and was honorably discharged within three years of 4454

June 30, 1997; 4455

(2) While in the armed forces the individual had 4456
meaningful teaching or other instructional experience; 4457

(3) The individual holds at least a baccalaureate degree. 4458

(B) An individual employed under this section shall be 4459
deemed to hold a teaching certificate or educator license for 4460
the purposes of state and federal law and rules and regulations 4461
and school district policies, rules, and regulations. However, 4462
an individual employed under this section is not a ~~highly-~~ 4463
~~qualified properly certified or licensed~~ teacher for purposes of 4464
the school district's compliance with section 3319.074 of the 4465
Revised Code. Each individual employed under this section shall 4466
meet the requirement to successfully complete fifteen hours, or 4467
the equivalent, of coursework every five years that is approved 4468
by the local professional development committee as is required 4469
of other teachers licensed in accordance with Chapter 3319. of 4470
the Revised Code. 4471

(C) The superintendent of public instruction may revoke 4472
the right of an individual employed under division (A) of this 4473
section to teach if, after an investigation and an adjudication 4474
conducted pursuant to Chapter 119. of the Revised Code, the 4475
superintendent finds that the person is not competent to teach 4476
the subject the person has been employed to teach or did not 4477
fulfill the requirements of division (A) of this section. No 4478
individual whose right to teach has been revoked under this 4479
division shall teach in a public school, and no board of 4480
education may engage such an individual to teach in the schools 4481
of its district. 4482

Notwithstanding division (B) of this section, a board of 4483

education is not required to comply with the provisions of 4484
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 4485
Code with regard to termination of employment if the 4486
superintendent, after an investigation and an adjudication, has 4487
revoked the individual's right to teach. 4488

Sec. 3319.361. (A) The state board of education shall 4489
establish rules for the issuance of a supplemental teaching 4490
license. This license shall be issued at the request of the 4491
superintendent of a city, local, exempted village, or joint 4492
vocational school district, educational service center, or the 4493
governing authority of a STEM school, chartered nonpublic 4494
school, or community school to an individual who meets all of 4495
the following criteria: 4496

(1) Holds a current professional or permanent Ohio 4497
teaching certificate or resident educator license, professional 4498
educator license, senior professional educator license, or lead 4499
professional educator license, as issued under section 3319.22 4500
or 3319.26 of the Revised Code; 4501

(2) Is of good moral character; 4502

(3) Is employed in a supplemental licensure area or 4503
teaching field, as defined by the state board; 4504

(4) Completes an examination prescribed by the state board 4505
in the licensure area; 4506

(5) Completes, while employed under the supplemental 4507
teaching license and subsequent renewals thereof, additional 4508
coursework, if applicable, and testing requirements for full 4509
licensure in the supplemental area as a condition of holding and 4510
teaching under a supplemental teaching license. 4511

(B) The employing school district, service center, or 4512

school shall assign a mentor to the individual holding a 4513
supplemental teaching license. The assigned mentor shall be an 4514
experienced teacher who currently holds a license in the same, 4515
or a related, content area as the supplemental license. 4516

(C) Before the department of education will issue an 4517
individual a supplemental teaching license in another area, the 4518
supplemental licensee must complete the supplemental licensure 4519
program, or its equivalent, and be issued a standard teaching 4520
license in the area of the currently held supplemental license. 4521

(D) An individual may advance from a supplemental teaching 4522
license to a standard teaching license upon: 4523

(1) Verification from the employing superintendent or 4524
governing authority that the individual holding the supplemental 4525
teaching license has taught successfully in the licensure area 4526
for a minimum of two years; and 4527

(2) Completing requirements as applicable to the licensure 4528
area or teaching field as established by the state board. 4529

(E) A licensee who has filed an application under this 4530
section may work in the supplemental licensure area for up to 4531
sixty school days while completing the requirements in division 4532
(A) (4) of this section. If the requirements are not completed 4533
within sixty days, the application shall be declined. 4534

Sec. 3321.191. (A) Effective beginning with the 2017-2018 4535
school year, the board of education of each city, exempted 4536
village, local, joint vocational, and cooperative education 4537
school district and the governing board of each educational 4538
service center shall adopt a new or amended policy to guide 4539
employees of the school district or service center in addressing 4540
and ameliorating student absences. In developing the policy, the 4541

appropriate board shall consult with the judge of the juvenile 4542
court of the county or counties in which the district or service 4543
center is located, with the parents, guardians, or other persons 4544
having care of the pupils attending school in the district, and 4545
with appropriate state and local agencies. 4546

(B) The policy developed under division (A) of this 4547
section shall include as an intervention strategy all of the 4548
following actions, if applicable: 4549

(1) Providing a truancy intervention plan for any student 4550
who is excessively absent from school, as described in the first 4551
paragraph of division (C) of this section; 4552

(2) Providing counseling for an habitual truant; 4553

(3) Requesting or requiring a parent, guardian, or other 4554
person having care of an habitual truant to attend parental 4555
involvement programs, including programs adopted under section 4556
3313.472 or 3313.663 of the Revised Code; 4557

(4) Requesting or requiring a parent, guardian, or other 4558
person having care of an habitual truant to attend truancy 4559
prevention mediation programs; 4560

(5) Notification of the registrar of motor vehicles under 4561
section 3321.13 of the Revised Code; 4562

(6) Taking legal action under section 2919.222, 3321.20, 4563
or 3321.38 of the Revised Code. 4564

(C) (1) In the event that a child of compulsory school age 4565
is absent ~~with or~~ without legitimate excuse from the public 4566
school the child is supposed to attend for thirty-eight or more 4567
hours in one school month, or sixty-five or more hours in a 4568
school year, the attendance officer of that school shall notify 4569

the child's parent, guardian, or custodian of the child's 4570
absences, in writing, within seven days after the date after the 4571
absence that triggered the notice requirement. At the time 4572
notice is given, the school also may take any appropriate action 4573
as an intervention strategy contained in the policy developed by 4574
the board pursuant to division (A) of this section. 4575

(2) (a) If the absences of a student surpass the threshold 4576
for an habitual truant as set forth in section 2151.011 of the 4577
Revised Code, the principal or chief administrator of the school 4578
or the superintendent of the school district shall assign the 4579
student to an absence intervention team. Within fourteen school 4580
days after the assignment of a student to an absence 4581
intervention team, the team shall develop an intervention plan 4582
for that student in an effort to reduce or eliminate further 4583
absences. Each intervention plan shall vary based on the 4584
individual needs of the student, but the plan shall state that 4585
the attendance officer shall file a complaint not later than 4586
sixty-one days after the date the plan was implemented, if the 4587
child has refused to participate in, or failed to make 4588
satisfactory progress on, the intervention plan or an 4589
alternative to adjudication under division (C) (2) (b) of section 4590
3321.191 of the Revised Code. Within seven days after the 4591
development of the plan, the school district or school shall 4592
make reasonable efforts to provide the student's parent, 4593
guardian, custodian, guardian ad litem, or temporary custodian 4594
with written notice of the plan. 4595

(b) As part of the absence intervention plan described in 4596
division (C) (2) of this section, the school district or school, 4597
in its discretion, may contact the appropriate juvenile court 4598
and ask to have a student informally enrolled in any alternative 4599
to adjudication described in division (G) of section 2151.27 of 4600

the Revised Code. If the school district or school chooses to 4601
have students informally enrolled in an alternative to 4602
adjudication, the school district or school shall develop a 4603
written policy regarding the use of, and selection process for, 4604
offering alternatives to adjudication to ensure fairness. 4605

(c) The superintendent of each school district, or the 4606
superintendent's designee, shall establish an absence 4607
intervention team for the district to be used by any schools of 4608
the district that do not establish their own absence 4609
intervention team as permitted under division (C) (2) (d) of this 4610
section. Membership of each absence intervention team may vary 4611
based on the needs of each individual student but shall include 4612
a representative from the child's school district or school, 4613
another representative from the child's school district or 4614
school who knows the child, and the child's parent or parent's 4615
designee, or the child's guardian, custodian, guardian ad litem, 4616
or temporary custodian. The team also may include a school 4617
psychologist, counselor, social worker, or representative of a 4618
public or nonprofit agency designed to assist students and their 4619
families in reducing absences. 4620

(d) The principal or chief administrator of each school 4621
may establish an absence intervention team or series of teams to 4622
be used in lieu of the district team established pursuant to 4623
division (C) (2) (c) of this section. Membership of each absence 4624
intervention team may vary based on the needs of each individual 4625
student but shall include a representative from the child's 4626
school district or school, another representative from the 4627
child's school district or school who knows the child, and the 4628
child's parent or parent's designee, or the child's guardian, 4629
custodian, guardian ad litem, or temporary custodian. The team 4630
also may include a school psychologist, counselor, social 4631

worker, or representative of a public or nonprofit agency 4632
designed to assist students and their families in reducing 4633
absences. 4634

(e) A superintendent, as described in division (C) (2) (c) 4635
of this section, or principal or chief administrator, as 4636
described in division (C) (2) (d) of this section, shall select 4637
the members of an absence intervention team within seven school 4638
days of the triggering event described in division (C) (2) (a) of 4639
this section. The superintendent, principal, or chief 4640
administrator, within the same period of seven school days, 4641
shall make at least three meaningful, good faith attempts to 4642
secure the participation of the student's parent, guardian, 4643
custodian, guardian ad litem, or temporary custodian on that 4644
team. If the student's parent responds to any of those attempts, 4645
but is unable to participate for any reason, the representative 4646
of the school district shall inform the parent of the parent's 4647
right to appear by designee. If seven school days elapse and the 4648
student's parent, guardian, custodian, guardian ad litem, or 4649
temporary custodian fails to respond to the attempts to secure 4650
participation, the school district or school shall do both of 4651
the following: 4652

(i) Investigate whether the failure to respond triggers 4653
mandatory reporting to the public children services agency for 4654
the county in which the child resides in the manner described in 4655
section 2151.421 of the Revised Code; 4656

(ii) Instruct the absence intervention team to develop an 4657
intervention plan for the child notwithstanding the absence of 4658
the child's parent, guardian, custodian, guardian ad litem, or 4659
temporary custodian. 4660

(f) In the event that a student becomes habitually truant 4661

within twenty-one school days prior to the last day of 4662
instruction of a school year, the school district or school may, 4663
in its discretion, assign one school official to work with the 4664
child's parent, guardian, custodian, guardian ad litem, or 4665
temporary custodian to develop an absence intervention plan 4666
during the summer. If the school district or school selects this 4667
method, the plan shall be implemented not later than seven days 4668
prior to the first day of instruction of the next school year. 4669
In the alternative, the school district or school may toll the 4670
time periods to accommodate for the summer months and reconvene 4671
the absence intervention process upon the first day of 4672
instruction of the next school year. 4673

(3) For purposes of divisions (C) (2) (c) and (d) of this 4674
section, the state board of education shall develop a format for 4675
parental permission to ensure compliance with the "Family 4676
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 4677
U.S.C. 1232g, as amended, and any regulations promulgated under 4678
that act, and section 3319.321 of the Revised Code. 4679

(D) Each school district or school may consult or partner 4680
with public and nonprofit agencies to provide assistance as 4681
appropriate to students and their families in reducing absences. 4682

(E) Beginning with the 2017-2018 school year, each school 4683
district shall report to the department of education, as soon as 4684
practicable, and in a format and manner determined by the 4685
department, any of the following occurrences: 4686

(1) When a notice required by division (C) (1) of this 4687
section is submitted to a parent, guardian, or custodian; 4688

(2) When a child of compulsory school age has been absent 4689
without legitimate excuse from the public school the child is 4690

supposed to attend for thirty or more consecutive hours, forty- 4691
two or more hours in one school month, or seventy-two or more 4692
hours in a school year; 4693

(3) When a child of compulsory school age who has been 4694
adjudicated an unruly child for being an habitual truant 4695
violates the court order regarding that adjudication; 4696

(4) When an absence intervention plan has been implemented 4697
for a child under this section. 4698

(F) Nothing in this section shall be construed to limit 4699
the duty or authority of a district board of education or 4700
governing body of an educational service center to develop other 4701
policies related to truancy or to limit the duty or authority of 4702
any employee of the school district or service center to respond 4703
to pupil truancy. However, a board shall be subject to the 4704
prohibition against suspending, expelling, or otherwise 4705
preventing a student from attending school for excessive 4706
absences as prescribed by section 3313.668 of the Revised Code. 4707

Sec. 3323.022. The rules of the state board of education 4708
for staffing ratios for programs with preschool children with 4709
disabilities shall require the following: 4710

(A) A full-time staff member shall be provided when there 4711
are eight full-day or sixteen half-day preschool children 4712
eligible for special education enrolled in a center-based 4713
preschool special education program. 4714

(B) Staff ratios of one teacher for every eight children 4715
shall be maintained at all times for a program with a center- 4716
based teacher, and a second adult shall be present when there 4717
are nine or more children, including nondisabled children 4718
enrolled in a class session. 4719

(C) Unless otherwise specified in the individualized 4720
education program, a minimum of ten hours of services per week 4721
shall be provided for each child served by a center-based 4722
teacher. 4723

Sec. 3323.11. Each school district shall employ, as 4724
necessary, the personnel to meet the needs of the children with 4725
disabilities enrolled in its schools. Personnel shall possess 4726
appropriate qualifications and certificates or licenses as 4727
prescribed in rules of the state board of education. ~~Teachers~~ 4728
~~shall be "highly qualified," as that term is defined in section~~ 4729
~~602(10) of the "Individuals with Disabilities Education~~ 4730
~~Improvement Act of 2004," 20 U.S.C.1401(10).~~ 4731

Sec. 3324.07. (A) The board of education of each school 4732
district shall develop a plan for the service of gifted students 4733
enrolled in the district that are identified under section 4734
3324.03 of the Revised Code. Services specified in the plan 4735
developed by each board may include such options as the 4736
following: 4737

- (1) A differentiated curriculum; 4738
- (2) Cluster grouping; 4739
- (3) Mentorships; 4740
- (4) Accelerated course work; 4741
- (5) The college credit plus program under Chapter 3365. of 4742
the Revised Code; 4743
- (6) Advanced placement; 4744
- (7) Honors classes; 4745
- (8) Magnet schools; 4746

(9) Self-contained classrooms;	4747
(10) Independent study;	4748
(11) <u>International baccalaureate;</u>	4749
<u>(12) Other options identified in rules adopted by the</u> department of education.	4750 4751
(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.	4752 4753 4754 4755 4756
(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.	4757 4758 4759 4760 4761
Sec. 3326.13. (A) Teachers employed by a science, technology, engineering, and mathematics school shall be highly- qualified properly certified or licensed 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 of the state board of education implementing those sections.	4762 4763 4764 4765 4766 4767
(B) No STEM school shall employ any classroom teacher initially hired on or after July 1, 2013, to provide instruction in physical education unless the teacher holds a valid license issued pursuant to section 3319.22 of the Revised Code for teaching physical education.	4768 4769 4770 4771 4772
Sec. 3357.022. (A) <u>The provisions of this section prevail</u> <u>over conflicting provisions of this chapter; however, except as</u>	4773 4774

otherwise provided in this section, the stark state college 4775
district and its board of trustees shall comply with the 4776
provisions of this chapter. 4777

(B) The territory of Summit county is hereby added to the 4778
territory of the technical college district of Stark county, 4779
creating a new technical college district to replace the former 4780
technical college district of Stark county. The district created 4781
under this section shall be known as and operate under the name 4782
of "stark state college district," and its charter shall be 4783
amended to reflect this name. The Stark county campus is hereby 4784
part of the stark state college district and shall remain in 4785
operation unless otherwise specified by the board of trustees of 4786
the technical college. 4787

(C) On the effective date of this section, the government 4788
of the stark state college district shall be vested in a board 4789
of nine trustees. Appointees shall be qualified electors 4790
residing in the stark state college district and shall not be 4791
employees of the college. No new trustee may be appointed who is 4792
a member of any board of education or educational service center 4793
governing board. The term of office shall be three years. Each 4794
trustee shall hold office from the date of appointment until the 4795
end of the appointed term. Any trustee appointed to fill a 4796
vacancy occurring prior to the expiration of the term for which 4797
the trustee's predecessor was appointed shall hold office for 4798
the remainder of such term. Any trustee shall continue in office 4799
subsequent to the expiration date of the trustee's term until a 4800
successor takes office, or until a period of sixty days has 4801
elapsed, whichever occurs first. 4802

(1) Three trustees shall be appointed by the governor with 4803
the advice and consent of the senate. 4804

The governor shall appoint members of the board of trustees that are residents of the stark state college district. Not more than one member of the board of trustees appointed by the governor shall be an employee of a government agency. The members of the board of trustees of the former technical college district of Stark county shall remain members of the board until the expiration of their terms as each existed prior to the effective date of this section. 4805
4806
4807
4808
4809
4810
4811
4812

(2) Six trustees shall be appointed by the presidents, or their representatives, of the city and exempted village school district boards of education and of the educational service center governing boards whose territories are included in the stark state college district. Prior to the appointment of trustees, the president of the governing board of the educational service center serving Stark county or, if more than one service center serves the county, the president of the governing board of the educational service center serving the largest portion of Stark county shall call a caucus of those board presidents at a time and place designated by the service center board president. At such caucus, the board presidents or their representatives shall select trustees by majority vote of those attending. Not more than one member of the board of trustees selected in this manner shall be a resident of Summit county, and not more than two members of the board of trustees selected in this manner shall be employees of government agencies. The members of the board of trustees of the former technical college district of Stark county shall remain members of the board until the expiration of their terms as each existed prior to the effective date of this section. 4813
4814
4815
4816
4817
4818
4819
4820
4821
4822
4823
4824
4825
4826
4827
4828
4829
4830
4831
4832
4833

(D) The board of trustees of the stark state college district shall continue to comply with division (G) of section 4834
4835

3357.09 of the Revised Code regarding tuition for students who 4836
are residents of Ohio, but not residents of the district, and 4837
for students who are nonresidents of Ohio. The tuition rate 4838
shall be based on the student's county of residence and shall 4839
apply to all stark state college district classes in all 4840
district locations. 4841

(E) Each member of the board of trustees shall have full 4842
voting rights on all matters that come before the board. 4843

Sec. 5705.391. (A) ~~No later than July 1, 1998, the~~ The 4844
department of education and the auditor of state shall jointly 4845
adopt rules requiring boards of education to submit five-year 4846
projections of operational revenues and expenditures. The rules 4847
shall provide for the auditor of state or the department to 4848
examine the five-year projections and to determine whether any 4849
further fiscal analysis is needed to ascertain whether a 4850
district has the potential to incur a deficit during the first 4851
three years of the five-year period. 4852

The auditor of state or the department may conduct any 4853
further audits or analyses necessary to assess any district's 4854
fiscal condition. If further audits or analyses are conducted by 4855
the auditor of state, the auditor of state shall notify the 4856
department of the district's fiscal condition, and the 4857
department shall immediately notify the district of any 4858
potential to incur a deficit in the current fiscal year or of 4859
any strong indications that a deficit will be incurred in either 4860
of the ensuing two years. If such audits or analyses are 4861
conducted by the department, the department shall immediately 4862
notify the district and the auditor of state of such potential 4863
deficit or strong indications thereof. 4864

A district notified under this section shall take 4865

immediate steps to eliminate any deficit in the current fiscal 4866
year and shall begin to plan to avoid the projected future 4867
deficits. 4868

(B) The state board of education, in accordance with 4869
sections 3319.31 and 3319.311 of the Revised Code, may limit, 4870
suspend, or revoke a license as defined under section 3319.31 of 4871
the Revised Code that has been issued to any school employee 4872
found to have willfully contributed erroneous, inaccurate, or 4873
incomplete data required for the submission of the five-year 4874
projection required by this section. 4875

(C) The department and the auditor of state, in their 4876
joint adoption of rules under division (A) of this section, 4877
shall not require a board of education to submit its five-year 4878
projection of operational revenues and expenditures prior to the 4879
thirtieth day of November of any fiscal year. 4880

Section 2. That existing sections 103.49, 3301.078, 4881
3301.0711, 3301.0715, 3302.03, 3311.78, 3311.79, 3313.603, 4882
3313.814, 3314.02, 3314.03, 3314.08, 3317.141, 3319.075, 4883
3319.081, 3319.111, 3319.112, 3319.22, 3319.229, 3319.283, 4884
3321.191, 3323.022, 3323.11, 3324.07, 3326.13, and 5705.391 and 4885
sections 3319.074, 3319.114, 3319.226, and 3319.58 of the 4886
Revised Code are hereby repealed. 4887

Section 3. Not later than one year after the effective 4888
date of this section, the Department of Education shall conduct 4889
a study on the results and cost-effectiveness of the College 4890
Credit Plus Program, established under Chapter 3365. of the 4891
Revised Code, and submit a report of its findings to the 4892
Governor, the Chancellor of Higher Education, each member of the 4893
General Assembly, and the superintendent of each school district 4894
and each educational service center. The study shall include the 4895

cost-effectiveness for secondary schools and participants under 4896
the program, as well as whether participants in the program save 4897
money on college tuition and reduce the amount of time to degree 4898
completion. 4899

Section 4. Not later than July 1, 2019, the State Board of 4900
Education shall revise any rule it has adopted regarding 4901
operating standards for identifying and serving gifted students 4902
to specify all of the following: 4903

(A) If a general education teacher is designated as the 4904
provider of gifted services but is not an Advanced Placement or 4905
International Baccalaureate teacher, that teacher shall 4906
participate in at least fifteen hours of ongoing gifted 4907
professional development during the first year in which the 4908
teacher has that designation and forty-five hours of ongoing 4909
professional development by the end of the fourth year in which 4910
the teacher has that designation. 4911

(B) If a general education teacher is designated as the 4912
provider of gifted services and is an Advanced Placement or 4913
International Baccalaureate teacher who has earned at least 4914
twenty-four hours of certified Advanced Placement or 4915
International Baccalaureate development within the five years 4916
prior to receiving that designation, that teacher shall 4917
participate in at least seven and one-half hours of ongoing 4918
professional development during the first year in which the 4919
teacher has that designation and twenty-two and one-half hours 4920
of ongoing professional development by the end of the fourth 4921
year in which the teacher has that designation. 4922

(C) If a teacher satisfies the hour requirement under 4923
division (A) or (B) of this section, that teacher may be 4924
reported as providing services to gifted students in the 4925

teacher's classroom for that year. 4926

(D) Any documented clock hours earned in the twenty-four 4927
months prior to the revision of any rule adopted by the State 4928
Board regarding operating standards for identifying and serving 4929
students who are gifted in accordance with this section shall 4930
count toward the requirements specified in divisions (A) and (B) 4931
of this section. 4932

Section 5. (A) The Early Childhood Comprehensive 4933
Assessment Advisory Group, as convened by the Department of 4934
Education, shall submit recommendations to the Superintendent of 4935
Public Instruction regarding ways to improve the use and 4936
administration of the kindergarten readiness assessment required 4937
under division (A) (2) of section 3301.0715 of the Revised Code. 4938
In developing its recommendations, the Advisory Group shall 4939
consider appropriate areas of content for the assessment and 4940
efficient procedures for administering the assessment. 4941

(B) The State Superintendent shall review the 4942
recommendations submitted under division (A) of this section and 4943
shall report final recommendations regarding the assessment to 4944
the General Assembly in accordance with section 101.68 of the 4945
Revised Code not later than September 1, 2019. 4946

Section 6. (A) For the 2019-2020 school year, the 4947
Department of Education shall establish a pilot program to guide 4948
implementation of the framework for the evaluation of teachers 4949
revised under section 3319.112 of the Revised Code, as amended 4950
by this act. The Department shall issue a request for school 4951
districts to volunteer to participate in the pilot program. 4952
However, the Department may designate a district to participate 4953
only with the approval and consent of the district's board of 4954
education. The Department shall make a good faith effort to 4955

ensure a participant pool of adequate size and diversity. 4956

(B) The Department shall provide professional development 4957
and technical assistance to teachers and evaluators in 4958
participating school districts prior to their use of the revised 4959
teacher evaluation framework. The Department shall collect 4960
feedback from participating districts, teachers, and evaluators 4961
on the implementation of the framework, and shall use such 4962
feedback to make recommendations on the framework and to improve 4963
professional development on the framework. 4964

(C) The Department shall work with stakeholder groups in 4965
conducting the pilot program. 4966

Section 7. Notwithstanding the amendment or repeal of 4967
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 4968
this act, for the 2018-2019 and 2019-2020 school years, the 4969
following shall apply: 4970

(A) Each school district, other than a district 4971
participating in the pilot program established under Section 6 4972
of this act, shall conduct teacher evaluations in accordance 4973
with those sections as they existed prior to the effective date 4974
of this section. 4975

(B) Each state agency that employs teachers shall conduct 4976
teacher evaluations in accordance with its teacher evaluation 4977
policy developed under former division (E) of section 3319.112 4978
of the Revised Code, as it existed prior to the effective date 4979
of this section. 4980

(C) Any reference in law to evaluations conducted under 4981
section 3319.111 of the Revised Code shall be construed to 4982
include evaluations conducted as required by this section. 4983

(D) References to "evaluation procedures" in section 4984

3319.11 of the Revised Code shall be construed to include the 4985
evaluation procedures required by this section. 4986

Section 8. Not later than thirty days after the effective 4987
date of this section: 4988

(A) The Governor, with the advice and consent of the 4989
Senate, shall appoint one member to the Stark State College 4990
District Board of Trustees as provided under division (C) (1) of 4991
section 3357.022 of the Revised Code. The member so appointed 4992
shall serve a term of three years commencing on the date of the 4993
appointment by the Governor. 4994

(B) The president of the governing board of the Stark 4995
County Educational Service Center shall call a caucus of the 4996
presidents of the city and exempted village school district 4997
boards of education and of the educational service center 4998
governing boards whose territories are included in the Stark 4999
State College District, as described in division (B) of section 5000
3357.022 of the Revised Code. At that caucus the presidents 5001
shall appoint one member to the Stark State College District 5002
Board of Trustees as provided under division (C) (2) of that 5003
section to serve a term of three years commencing on the date of 5004
the appointment by the caucus. 5005

Thereafter, the appointment of all members of the Board of 5006
Trustees of the Stark State College District and the operation 5007
of the college shall be in accordance with Chapter 3357. of the 5008
Revised Code. 5009

Section 9. The Department of Education shall submit a 5010
report to the General Assembly, in accordance with section 5011
101.68 of the Revised Code, comparing the results of state 5012
assessments administered online and in a paper format using data 5013

from the 2019-2020 and 2020-2021 school years, as soon after the 5014
end of the 2020-2021 school year as possible. 5015

Section 10. (A) There is hereby created a joint committee 5016
to study and report to the General Assembly, in accordance with 5017
section 101.68 of the Revised Code, specific recommendations 5018
for: 5019

(1) A funding system for internet- and computer-based 5020
community schools that bases payments to a school on a student's 5021
demonstration of competency of subject matter, in addition to, 5022
or instead of, full-time enrollment in coursework and log-on and 5023
log-off times; 5024

(2) The categories of expenses for which a community 5025
school management company must provide a detailed accounting 5026
under section 3314.024 of the Revised Code as amended by this 5027
act. 5028

In considering the issue described in division (A) (1) of 5029
this section, the committee shall examine funding models of 5030
other states. 5031

(B) The committee shall consist of: 5032

(1) Two members of the House of Representatives, appointed 5033
by the Speaker of the House of Representatives, one of whom 5034
shall serve as co-chairperson of the committee as determined by 5035
the Speaker; 5036

(2) One member of the House of Representatives, appointed 5037
by the Minority Leader of the House of Representatives; 5038

(3) Two members of the Senate, appointed by the President 5039
of the Senate, one of whom shall serve as the co-chairperson of 5040
the committee as determined by the President; and 5041

(4) One member of the Senate, appointed by the Minority Leader of the Senate. 5042
5043

(C) The committee shall submit its report not later than November 15, 2018. Upon the submission of this report, the committee shall be abolished. 5044
5045
5046

Section 11. (A) As used in this section: 5047

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 5048
5049

(2) "Internet- or computer-based community school" and "sponsor" have the same meanings as in section 3314.02 of the Revised Code. 5050
5051
5052

(3) "Displaced enrollee" means a student who meets both of the following conditions: 5053
5054

(a) For any time during the 2017-2018 school year, the student was enrolled in an internet- or computer-based community school that prior to the end of that school year had its operations suspended by the school's sponsor under section 3314.072 of the Revised Code. 5055
5056
5057
5058
5059

(b) At any time during the 2017-2018 school year, prior to the suspension of operations of the internet- or computer-based community school described in division (A)(3)(a) of this section, or after the suspension of operations of that school, the student enrolled in a different community school or a school operated by a school district board of education. 5060
5061
5062
5063
5064
5065

(B) Notwithstanding anything in the Revised Code to the contrary: 5066
5067

(1) For purposes of the community school sponsor evaluations conducted under section 3314.016 of the Revised Code 5068
5069

for the 2017-2018 and 2018-2019 school years, the Department of 5070
Education shall exclude any displaced enrollee from the average 5071
daily membership of the community schools in a sponsor's 5072
portfolio when calculating the academic performance component of 5073
the evaluation prescribed by division (B)(1)(a) of that section. 5074

(2) If displaced enrollees cause the enrollment of a 5075
community school to increase by more than ten per cent in the 5076
2017-2018 school year, the community school shall not be subject 5077
to closure under section 3314.35 of the Revised Code in the 5078
2017-2018, 2018-2019, or 2019-2020 school year, unless the 5079
school satisfies the criteria for closure under division (A)(3) 5080
of that section for three consecutive years. 5081

(C) Notwithstanding anything in the Revised Code to the 5082
contrary, for the 2018-2019 and 2019-2020 school years only, a 5083
school district that experiences an increase in enrollment of 5084
more than ten per cent in the 2017-2018 school year as a result 5085
of the enrollment of displaced enrollees shall not be considered 5086
a new challenged school district where new start-up community 5087
schools may be located under division (A)(3) of section 3314.02 5088
of the Revised Code. 5089

Section 12. This act shall be known as the "Ohio Public 5090
School Deregulation Act." 5091

Section 13. Section 3313.603 of the Revised Code is 5092
presented in this act as a composite of the section as amended 5093
by both Am. Sub. H.B. 49 and Sub. H.B. 170 of the 132nd General 5094
Assembly. The General Assembly, applying the principle stated in 5095
division (B) of section 1.52 of the Revised Code that amendments 5096
are to be harmonized if reasonably capable of simultaneous 5097
operation, finds that the composite is the resulting version of 5098
the section in effect prior to the effective date of the section 5099

as presented in this act.

5100