

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 73

Representatives Manning, Crawley

**Cosponsors: Representatives Miranda, Riedel, Jarrells, Carfagna, Russo, Brent,
Kelly, Robinson, Manchester, Weinstein, Crossman, Cross, Leland, Patton**

A BILL

To amend sections 3301.0710, 3301.0711, 3301.0712, 1
3301.0729, 3301.163, 3313.608, 3313.61, 2
3313.612, and 3313.6114 of the Revised Code 3
regarding the college and work ready assessment 4
system, to require school districts to form work 5
groups to evaluate the amount of time students 6
spend on testing, and to eliminate retention 7
under the Third Grade Reading Guarantee. 8

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

Section 1. That sections 3301.0710, 3301.0711, 3301.0712, 9
3301.0729, 3301.163, 3313.608, 3313.61, 3313.612, and 3313.6114 10
of the Revised Code be amended to read as follows: 11

Sec. 3301.0710. The state board of education shall adopt 12
rules establishing a statewide program to assess student 13
achievement. The state board shall ensure that all assessments 14
administered under the program are aligned with the academic 15
standards and model curricula adopted by the state board and are 16
created with input from Ohio parents, Ohio classroom teachers, 17
Ohio school administrators, and other Ohio school personnel 18

pursuant to section 3301.079 of the Revised Code. 19

The assessment program shall be designed to ensure that 20
students who receive a high school diploma demonstrate at least 21
high school levels of achievement in English language arts, 22
mathematics, science, and social studies. 23

(A) (1) The state board shall prescribe all of the 24
following: 25

(a) Two statewide achievement assessments, one each 26
designed to measure the level of English language arts and 27
mathematics skill expected at the end of third grade; 28

(b) Two statewide achievement assessments, one each 29
designed to measure the level of English language arts and 30
mathematics skill expected at the end of fourth grade; 31

(c) Three statewide achievement assessments, one each 32
designed to measure the level of English language arts, 33
mathematics, and science skill expected at the end of fifth 34
grade; 35

(d) Two statewide achievement assessments, one each 36
designed to measure the level of English language arts and 37
mathematics skill expected at the end of sixth grade; 38

(e) Two statewide achievement assessments, one each 39
designed to measure the level of English language arts and 40
mathematics skill expected at the end of seventh grade; 41

(f) Three statewide achievement assessments, one each 42
designed to measure the level of English language arts, 43
mathematics, and science skill expected at the end of eighth 44
grade. 45

(2) The state board shall determine and designate at least 46

five ranges of scores on each of the achievement assessments 47
described in divisions (A) (1) and (B) (1) of this section. Each 48
range of scores shall be deemed to demonstrate a level of 49
achievement so that any student attaining a score within such 50
range has achieved one of the following: 51

- (a) An advanced level of skill; 52
- (b) An accelerated level of skill; 53
- (c) A proficient level of skill; 54
- (d) A basic level of skill; 55
- (e) A limited level of skill. 56

(3) ~~For~~ Until the 2020-2021 school year, for the purpose 57
of implementing ~~division~~ divisions (A) (1) and (2) of section 58
3313.608 of the Revised Code, the state board shall determine 59
and designate a level of achievement, not lower than the level 60
designated in division (A) (2) (e) of this section, on the third 61
grade English language arts assessment for a student to be 62
promoted to the fourth grade. The state board shall review and 63
adjust upward the level of achievement designated under this 64
division each year the test is administered until the level is 65
set equal to the level designated in division (A) (2) (c) of this 66
section. 67

(4) Each school district or school shall teach and assess 68
social studies in at least the fourth and sixth grades. Any 69
assessment in such area shall be determined by the district or 70
school and may be formative or summative in nature. The results 71
of such assessment shall not be reported to the department of 72
education. 73

(B) (1) The assessments prescribed under division (B) (1) of 74

this section shall collectively be known as the Ohio graduation 75
tests. The state board shall prescribe five statewide high 76
school achievement assessments, one each designed to measure the 77
level of reading, writing, mathematics, science, and social 78
studies skill expected at the end of tenth grade. The state 79
board shall designate a score in at least the range designated 80
under division (A) (2) (c) of this section on each such assessment 81
that shall be deemed to be a passing score on the assessment as 82
a condition toward granting high school diplomas under sections 83
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 84
until the assessment system prescribed by section 3301.0712 of 85
the Revised Code is implemented in accordance with division (B) 86
(2) of this section. 87

(2) The state board shall prescribe an assessment system 88
in accordance with section 3301.0712 of the Revised Code that 89
shall replace the Ohio graduation tests beginning with students 90
who enter the ninth grade for the first time on or after July 1, 91
2014. 92

(3) The state board may enter into a reciprocal agreement 93
with the appropriate body or agency of any other state that has 94
similar statewide achievement assessment requirements for 95
receiving high school diplomas, under which any student who has 96
met an achievement assessment requirement of one state is 97
recognized as having met the similar requirement of the other 98
state for purposes of receiving a high school diploma. For 99
purposes of this section and sections 3301.0711 and 3313.61 of 100
the Revised Code, any student enrolled in any public high school 101
in this state who has met an achievement assessment requirement 102
specified in a reciprocal agreement entered into under this 103
division shall be deemed to have attained at least the 104
applicable score designated under this division on each 105

assessment required by division (B) (1) or (2) of this section 106
that is specified in the agreement. 107

(C) The superintendent of public instruction shall 108
designate dates and times for the administration of the 109
assessments prescribed by divisions (A) and (B) of this section. 110

In prescribing administration dates pursuant to this 111
division, the superintendent shall designate the dates in such a 112
way as to allow a reasonable length of time between the 113
administration of assessments prescribed under this section and 114
any administration of the national assessment of educational 115
progress given to students in the same grade level pursuant to 116
section 3301.27 of the Revised Code or federal law. 117

(D) The state board shall prescribe a practice version of 118
each Ohio graduation test described in division (B) (1) of this 119
section that is of comparable length to the actual test. 120

(E) Any committee established by the department of 121
education for the purpose of making recommendations to the state 122
board regarding the state board's designation of scores on the 123
assessments described by this section shall inform the state 124
board of the probable percentage of students who would score in 125
each of the ranges established under division (A) (2) of this 126
section on the assessments if the committee's recommendations 127
are adopted by the state board. To the extent possible, these 128
percentages shall be disaggregated by gender, major racial and 129
ethnic groups, English learners, economically disadvantaged 130
students, students with disabilities, and migrant students. 131

Sec. 3301.0711. (A) The department of education shall: 132

(1) Annually furnish to, grade, and score all assessments 133
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 134

the Revised Code to be administered by city, local, exempted 135
village, and joint vocational school districts, except that each 136
district shall score any assessment administered pursuant to 137
division (B) (10) of this section. Each assessment so furnished 138
shall include the data verification code of the student to whom 139
the assessment will be administered, as assigned pursuant to 140
division (D) (2) of section 3301.0714 of the Revised Code. In 141
furnishing the practice versions of Ohio graduation tests 142
prescribed by division (D) of section 3301.0710 of the Revised 143
Code, the department shall make the tests available on its web 144
site for reproduction by districts. In awarding contracts for 145
grading assessments, the department shall give preference to 146
Ohio-based entities employing Ohio residents. 147

(2) Adopt rules for the ethical use of assessments and 148
prescribing the manner in which the assessments prescribed by 149
section 3301.0710 of the Revised Code shall be administered to 150
students. 151

(B) Except as provided in divisions (C) and (J) of this 152
section, the board of education of each city, local, and 153
exempted village school district shall, in accordance with rules 154
adopted under division (A) of this section: 155

(1) ~~Administer~~ Until the 2020-2021 school year, administer 156
the English language arts assessments prescribed under division 157
(A) (1) (a) of section 3301.0710 of the Revised Code twice 158
annually to all students in the third grade who have not 159
attained the score designated for that assessment under division 160
(A) (2) (c) of section 3301.0710 of the Revised Code. Beginning 161
with the 2021-2022 school year, the English language arts 162
assessment shall be administered only once to all students in 163
the third grade. 164

(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	165 166 167
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	168 169 170
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	171 172 173
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	174 175 176
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	177 178 179
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	180 181 182
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	183 184 185
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	186 187 188 189
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to	190 191 192

section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

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

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

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

(11)(a) Except as provided in divisions (B)(11)(b) and (c) 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 223
implementation of those assessments prescribed by rule of the 224
state board adopted under division (D) (1) of section 3301.0712 225
of the Revised Code; 226

(b) A student who has presented evidence to the district 227
or school of having satisfied the condition prescribed by 228
division (A) (1) of section 3313.618 of the Revised Code to 229
qualify for a high school diploma prior to the date of the 230
administration of the assessment prescribed under division (B) 231
(1) of section 3301.0712 of the Revised Code shall not be 232
required to take that assessment. However, no board shall 233
prohibit a student who is not required to take such assessment 234
from taking the assessment. 235

(c) A student shall not be required to retake the Algebra 236
I end-of-course examination or the English language arts II end- 237
of-course examination prescribed under division (B) (2) of 238
section 3301.0712 of the Revised Code in grades nine through 239
twelve if the student demonstrates at least a proficient level 240
of skill, as prescribed under division (B) (5) (a) of that 241
section, or achieves a competency score, as prescribed under 242
division (B) (10) of that section, in an administration of the 243
examination prior to grade nine. 244

(C) (1) (a) In the case of a student receiving special 245
education services under Chapter 3323. of the Revised Code, the 246
individualized education program developed for the student under 247
that chapter shall specify the manner in which the student will 248
participate in the assessments administered under this section, 249
except that a student with significant cognitive disabilities to 250
whom an alternate assessment is administered in accordance with 251
division (C) (1) of this section and a student determined to have 252

a disability that includes an intellectual disability as 253
outlined in guidance issued by the department shall not be 254
required to take the assessment prescribed under division (B) (1) 255
of section 3301.0712 of the Revised Code. The individualized 256
education program may excuse the student from taking any 257
particular assessment required to be administered under this 258
section if it instead specifies an alternate assessment method 259
approved by the department of education as conforming to 260
requirements of federal law for receipt of federal funds for 261
disadvantaged pupils. To the extent possible, the individualized 262
education program shall not excuse the student from taking an 263
assessment unless no reasonable accommodation can be made to 264
enable the student to take the assessment. No board shall 265
prohibit a student who is not required to take an assessment 266
under division (C) (1) of this section from taking the 267
assessment. 268

(b) Any alternate assessment approved by the department 269
for a student under this division shall produce measurable 270
results comparable to those produced by the assessment it 271
replaces in order to allow for the student's results to be 272
included in the data compiled for a school district or building 273
under section 3302.03 of the Revised Code. 274

(c) (i) Any student enrolled in a chartered nonpublic 275
school who has been identified, based on an evaluation conducted 276
in accordance with section 3323.03 of the Revised Code or 277
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 278
29 U.S.C.A. 794, as amended, as a child with a disability shall 279
be excused from taking any particular assessment required to be 280
administered under this section if either of the following 281
apply: 282

(I) A plan developed for the student pursuant to rules	283
adopted by the state board excuses the student from taking that	284
assessment.	285
(II) The chartered nonpublic school develops a written	286
plan in which the school, in consultation with the student's	287
parents, determines that an assessment or alternative assessment	288
with accommodations does not accurately assess the student's	289
academic performance. The plan shall include an academic profile	290
of the student's academic performance and shall be reviewed	291
annually to determine if the student's needs continue to require	292
excusal from taking the assessment.	293
(ii) A student with significant cognitive disabilities to	294
whom an alternate assessment is administered in accordance with	295
division (C) (1) of this section and a student determined to have	296
a disability that includes an intellectual disability as	297
outlined in guidance issued by the department shall not be	298
required to take the assessment prescribed under division (B) (1)	299
of section 3301.0712 of the Revised Code.	300
(iii) In the case of any student so excused from taking an	301
assessment under division (C) (1) (c) of this section, the	302
chartered nonpublic school shall not prohibit the student from	303
taking the assessment.	304
(2) A district board may, for medical reasons or other	305
good cause, excuse a student from taking an assessment	306
administered under this section on the date scheduled, but that	307
assessment shall be administered to the excused student not	308
later than nine days following the scheduled date. The district	309
board shall annually report the number of students who have not	310
taken one or more of the assessments required by this section to	311
the state board not later than the thirtieth day of June.	312

(3) As used in this division, "English learner" has the 313
same meaning as in 20 U.S.C. 7801. 314

No school district board shall excuse any English learner 315
from taking any particular assessment required to be 316
administered under this section, except as follows: 317

(a) Any English learner who has been enrolled in United 318
States schools for less than two years and for whom no 319
appropriate accommodations are available based on guidance 320
issued by the department shall not be required to take the 321
assessment prescribed under division (B) (1) of section 3301.0712 322
of the Revised Code. 323

(b) Any English learner who has been enrolled in United 324
States schools for less than one full school year shall not be 325
required to take any reading, writing, or English language arts 326
assessment. 327

However, no board shall prohibit an English learner who is 328
not required to take an assessment under division (C) (3) of this 329
section from taking the assessment. A board may permit any 330
English learner to take an assessment required to be 331
administered under this section with appropriate accommodations, 332
as determined by the department. For each English learner, each 333
school district shall annually assess that student's progress in 334
learning English, in accordance with procedures approved by the 335
department. 336

(4) (a) The governing authority of a chartered nonpublic 337
school may excuse an English learner from taking any assessment 338
administered under this section. 339

(b) No governing authority shall require an English 340
learner who has been enrolled in United States schools for less 341

than two years and for whom no appropriate accommodations are 342
available based on guidance issued by the department to take the 343
assessment prescribed under division (B) (1) of section 3301.0712 344
of the Revised Code. 345

(c) No governing authority shall prohibit an English 346
learner from taking an assessment from which the student was 347
excused under division (C) (4) of this section. 348

(D) (1) In the school year next succeeding the school year 349
in which the assessments prescribed by division (A) (1) or (B) (1) 350
of section 3301.0710 of the Revised Code or former division (A) 351
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 352
it existed prior to September 11, 2001, are administered to any 353
student, the board of education of any school district in which 354
the student is enrolled in that year shall provide to the 355
student intervention services commensurate with the student's 356
performance, including any intensive intervention required under 357
section 3313.608 of the Revised Code, in any skill in which the 358
student failed to demonstrate at least a score at the proficient 359
level on the assessment. 360

(2) Following any administration of the assessments 361
prescribed by division (D) of section 3301.0710 of the Revised 362
Code to ninth grade students, each school district that has a 363
three-year average graduation rate of not more than seventy-five 364
per cent shall determine for each high school in the district 365
whether the school shall be required to provide intervention 366
services to any students who took the assessments. In 367
determining which high schools shall provide intervention 368
services based on the resources available, the district shall 369
consider each school's graduation rate and scores on the 370
practice assessments. The district also shall consider the 371

scores received by ninth grade students on the English language 372
arts and mathematics assessments prescribed under division (A) 373
(1) (f) of section 3301.0710 of the Revised Code in the eighth 374
grade in determining which high schools shall provide 375
intervention services. 376

Each high school selected to provide intervention services 377
under this division shall provide intervention services to any 378
student whose results indicate that the student is failing to 379
make satisfactory progress toward being able to attain scores at 380
the proficient level on the Ohio graduation tests. Intervention 381
services shall be provided in any skill in which a student 382
demonstrates unsatisfactory progress and shall be commensurate 383
with the student's performance. Schools shall provide the 384
intervention services prior to the end of the school year, 385
during the summer following the ninth grade, in the next 386
succeeding school year, or at any combination of those times. 387

(E) Except as provided in section 3313.608 of the Revised 388
Code and division (N) of this section, no school district board 389
of education shall utilize any student's failure to attain a 390
specified score on an assessment administered under this section 391
as a factor in any decision to deny the student promotion to a 392
higher grade level. However, a district board may choose not to 393
promote to the next grade level any student who does not take an 394
assessment administered under this section or make up an 395
assessment as provided by division (C) (2) of this section and 396
who is not exempt from the requirement to take the assessment 397
under division (C) (3) of this section. 398

(F) No person shall be charged a fee for taking any 399
assessment administered under this section. 400

(G) (1) Each school district board shall designate one 401

location for the collection of assessments administered in the 402
spring under division (B) (1) of this section and those 403
administered under divisions (B) (2) to (7) of this section. Each 404
district board shall submit the assessments to the entity with 405
which the department contracts for the scoring of the 406
assessments as follows: 407

(a) If the district's total enrollment in grades 408
kindergarten through twelve during the first full school week of 409
October was less than two thousand five hundred, not later than 410
the Friday after all of the assessments have been administered; 411

(b) If the district's total enrollment in grades 412
kindergarten through twelve during the first full school week of 413
October was two thousand five hundred or more, but less than 414
seven thousand, not later than the Monday after all of the 415
assessments have been administered; 416

(c) If the district's total enrollment in grades 417
kindergarten through twelve during the first full school week of 418
October was seven thousand or more, not later than the Tuesday 419
after all of the assessments have been administered. 420

However, any assessment that a student takes during the 421
make-up period described in division (C) (2) of this section 422
shall be submitted not later than the Friday following the day 423
the student takes the assessment. 424

(2) The department or an entity with which the department 425
contracts for the scoring of the assessment shall send to each 426
school district board a list of the individual scores of all 427
persons taking a state achievement assessment as follows: 428

(a) Except as provided in division (G) (2) (b) or (c) of 429
this section, within forty-five days after the administration of 430

the assessments prescribed by sections 3301.0710 and 3301.0712 431
of the Revised Code, but in no case shall the scores be returned 432
later than the thirtieth day of June following the 433
administration; 434

(b) In the case of the third-grade English language arts 435
assessment, within forty-five days after the administration of 436
that assessment, but in no case shall the scores be returned 437
later than the fifteenth day of June following the 438
administration; 439

(c) In the case of the writing component of an assessment 440
or end-of-course examination in the area of English language 441
arts, except for the third-grade English language arts 442
assessment, the results may be sent after forty-five days of the 443
administration of the writing component, but in no case shall 444
the scores be returned later than the thirtieth day of June 445
following the administration. 446

(3) For assessments administered under this section by a 447
joint vocational school district, the department or entity shall 448
also send to each city, local, or exempted village school 449
district a list of the individual scores of any students of such 450
city, local, or exempted village school district who are 451
attending school in the joint vocational school district. 452

(4) Beginning with the 2019-2020 school year, a school 453
district, other public school, or chartered nonpublic school may 454
administer the third-grade English language arts or mathematics 455
assessment, or both, in a paper format in any school year for 456
which the district board of education or school governing body 457
adopts a resolution indicating that the district or school 458
chooses to administer the assessment in a paper format. The 459
board or governing body shall submit a copy of the resolution to 460

the department of education not later than the first day of May 461
prior to the school year for which it will apply. If the 462
resolution is submitted, the district or school shall administer 463
the assessment in a paper format to all students in the third 464
grade, except that any student whose individualized education 465
program or plan developed under section 504 of the 466
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 467
amended, specifies that taking the assessment in an online 468
format is an appropriate accommodation for the student may take 469
the assessment in an online format. 470

(H) Individual scores on any assessments administered 471
under this section shall be released by a district board only in 472
accordance with section 3319.321 of the Revised Code and the 473
rules adopted under division (A) of this section. No district 474
board or its employees shall utilize individual or aggregate 475
results in any manner that conflicts with rules for the ethical 476
use of assessments adopted pursuant to division (A) of this 477
section. 478

(I) Except as provided in division (G) of this section, 479
the department or an entity with which the department contracts 480
for the scoring of the assessment shall not release any 481
individual scores on any assessment administered under this 482
section. The state board shall adopt rules to ensure the 483
protection of student confidentiality at all times. The rules 484
may require the use of the data verification codes assigned to 485
students pursuant to division (D) (2) of section 3301.0714 of the 486
Revised Code to protect the confidentiality of student scores. 487

(J) Notwithstanding division (D) of section 3311.52 of the 488
Revised Code, this section does not apply to the board of 489
education of any cooperative education school district except as 490

provided under rules adopted pursuant to this division. 491

(1) In accordance with rules that the state board shall 492
adopt, the board of education of any city, exempted village, or 493
local school district with territory in a cooperative education 494
school district established pursuant to divisions (A) to (C) of 495
section 3311.52 of the Revised Code may enter into an agreement 496
with the board of education of the cooperative education school 497
district for administering any assessment prescribed under this 498
section to students of the city, exempted village, or local 499
school district who are attending school in the cooperative 500
education school district. 501

(2) In accordance with rules that the state board shall 502
adopt, the board of education of any city, exempted village, or 503
local school district with territory in a cooperative education 504
school district established pursuant to section 3311.521 of the 505
Revised Code shall enter into an agreement with the cooperative 506
district that provides for the administration of any assessment 507
prescribed under this section to both of the following: 508

(a) Students who are attending school in the cooperative 509
district and who, if the cooperative district were not 510
established, would be entitled to attend school in the city, 511
local, or exempted village school district pursuant to section 512
3313.64 or 3313.65 of the Revised Code; 513

(b) Persons described in division (B) (8) (b) of this 514
section. 515

Any assessment of students pursuant to such an agreement 516
shall be in lieu of any assessment of such students or persons 517
pursuant to this section. 518

(K) (1) (a) Except as otherwise provided in division (K) (1) 519

or (2) of this section, each chartered nonpublic school for 520
which at least sixty-five per cent of its total enrollment is 521
made up of students who are participating in state scholarship 522
programs shall administer the assessments prescribed by division 523
(A) of section 3301.0710 of the Revised Code or an alternative 524
standardized assessment determined by the department. In 525
accordance with procedures and deadlines prescribed by the 526
department, the parent or guardian of a student enrolled in the 527
school who is not participating in a state scholarship program 528
may submit notice to the chief administrative officer of the 529
school that the parent or guardian does not wish to have the 530
student take the assessments prescribed for the student's grade 531
level under division (A) of section 3301.0710 of the Revised 532
Code. If a parent or guardian submits an opt-out notice, the 533
school shall not administer the assessments to that student. 534
This option does not apply to any assessment required for a high 535
school diploma under section 3313.612 of the Revised Code. 536

(b) Any chartered nonpublic school that enrolls students 537
who are participating in state scholarship programs may 538
administer an alternative standardized assessment determined by 539
the department instead of the assessments prescribed by division 540
(A) of section 3301.0710 of the Revised Code. 541

Each chartered nonpublic school subject to division (K) (1) 542
(a) or (b) of this section shall report the results of each 543
assessment administered under those divisions to the department. 544

(2) A chartered nonpublic school may submit to the 545
superintendent of public instruction a request for a waiver from 546
administering the elementary assessments prescribed by division 547
(A) of section 3301.0710 of the Revised Code. The state 548
superintendent shall approve or disapprove a request for a 549

waiver submitted under division (K) (2) of this section. No 550
waiver shall be approved for any school year prior to the 2015- 551
2016 school year. 552

To be eligible to submit a request for a waiver, a 553
chartered nonpublic school shall meet the following conditions: 554

(a) At least ninety-five per cent of the students enrolled 555
in the school are children with disabilities, as defined under 556
section 3323.01 of the Revised Code, or have received a 557
diagnosis by a school district or from a physician, including a 558
neuropsychiatrist or psychiatrist, or a psychologist who is 559
authorized to practice in this or another state as having a 560
condition that impairs academic performance, such as dyslexia, 561
dyscalculia, attention deficit hyperactivity disorder, or 562
Asperger's syndrome. 563

(b) The school has solely served a student population 564
described in division (K) (1) (a) of this section for at least ten 565
years. 566

(c) The school provides to the department at least five 567
years of records of internal testing conducted by the school 568
that affords the department data required for accountability 569
purposes, including diagnostic assessments and nationally 570
standardized norm-referenced achievement assessments that 571
measure reading and math skills. 572

(3) Any chartered nonpublic school that is not subject to 573
division (K) (1) of this section may participate in the 574
assessment program by administering any of the assessments 575
prescribed by division (A) of section 3301.0710 of the Revised 576
Code. The chief administrator of the school shall specify which 577
assessments the school will administer. Such specification shall 578

be made in writing to the superintendent of public instruction 579
prior to the first day of August of any school year in which 580
assessments are administered and shall include a pledge that the 581
nonpublic school will administer the specified assessments in 582
the same manner as public schools are required to do under this 583
section and rules adopted by the department. 584

(4) The department of education shall furnish the 585
assessments prescribed by section 3301.0710 of the Revised Code 586
to each chartered nonpublic school that is subject to division 587
(K) (1) of this section or participates under division (K) (3) of 588
this section. 589

(L) If a chartered nonpublic school is educating students 590
in grades nine through twelve, the following shall apply: 591

(1) Except as provided in division (L) (4) of this section, 592
for a student who is enrolled in a chartered nonpublic school 593
that is accredited through the independent schools association 594
of the central states and who is attending the school under a 595
state scholarship program, the student shall either take all of 596
the assessments prescribed by division (B) of section 3301.0712 597
of the Revised Code or take an alternative assessment approved 598
by the department under section 3313.619 of the Revised Code. 599
However, a student who is excused from taking an assessment 600
under division (C) of this section or has presented evidence to 601
the chartered nonpublic school of having satisfied the condition 602
prescribed by division (A) (1) of section 3313.618 of the Revised 603
Code to qualify for a high school diploma prior to the date of 604
the administration of the assessment prescribed under division 605
(B) (1) of section 3301.0712 of the Revised Code shall not be 606
required to take that assessment. No governing authority of a 607
chartered nonpublic school shall prohibit a student who is not 608

required to take such assessment from taking the assessment. 609

(2) For a student who is enrolled in a chartered nonpublic 610
school that is accredited through the independent schools 611
association of the central states, and who is not attending the 612
school under a state scholarship program, the student shall not 613
be required to take any assessment prescribed under section 614
3301.0712 or 3313.619 of the Revised Code. 615

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 616
of this section, for a student who is enrolled in a chartered 617
nonpublic school that is not accredited through the independent 618
schools association of the central states, regardless of whether 619
the student is attending or is not attending the school under a 620
state scholarship program, the student shall do one of the 621
following: 622

(i) Take all of the assessments prescribed by division (B) 623
of section 3301.0712 of the Revised Code; 624

(ii) Take only the assessment prescribed by division (B) 625
(1) of section 3301.0712 of the Revised Code, provided that the 626
student's school publishes the results of that assessment for 627
each graduating class. The published results of that assessment 628
shall include the overall composite scores, mean scores, twenty- 629
fifth percentile scores, and seventy-fifth percentile scores for 630
each subject area of the assessment. 631

(iii) Take an alternative assessment approved by the 632
department under section 3313.619 of the Revised Code. 633

(b) A student who is excused from taking an assessment 634
under division (C) of this section or has presented evidence to 635
the chartered nonpublic school of having satisfied the condition 636
prescribed by division (A) (1) of section 3313.618 of the Revised 637

Code to qualify for a high school diploma prior to the date of 638
the administration of the assessment prescribed under division 639
(B) (1) of section 3301.0712 of the Revised Code shall not be 640
required to take that assessment. No governing authority of a 641
chartered nonpublic school shall prohibit a student who is not 642
required to take such assessment from taking the assessment. 643

(4) The assessments prescribed by sections 3301.0712 and 644
3313.619 of the Revised Code shall not be administered to any 645
student attending the school, if the school meets all of the 646
following conditions: 647

(a) At least ninety-five per cent of the students enrolled 648
in the school are children with disabilities, as defined under 649
section 3323.01 of the Revised Code, or have received a 650
diagnosis by a school district or from a physician, including a 651
neuropsychologist or psychiatrist, or a psychologist who is 652
authorized to practice in this or another state as having a 653
condition that impairs academic performance, such as dyslexia, 654
dyscalculia, attention deficit hyperactivity disorder, or 655
Asperger's syndrome. 656

(b) The school has solely served a student population 657
described in division (L) (4) (a) of this section for at least ten 658
years. 659

(c) The school makes available to the department at least 660
five years of records of internal testing conducted by the 661
school that affords the department data required for 662
accountability purposes, including growth in student achievement 663
in reading or mathematics, or both, as measured by nationally 664
norm-referenced assessments that have developed appropriate 665
standards for students. 666

Division (L) (4) of this section applies to any student 667
attending such school regardless of whether the student receives 668
special education or related services and regardless of whether 669
the student is attending the school under a state scholarship 670
program. 671

(M) (1) The superintendent of the state school for the 672
blind and the superintendent of the state school for the deaf 673
shall administer the assessments described by sections 3301.0710 674
and 3301.0712 of the Revised Code. Each superintendent shall 675
administer the assessments in the same manner as district boards 676
are required to do under this section and rules adopted by the 677
department of education and in conformity with division (C) (1) 678
(a) of this section. 679

(2) The department of education shall furnish the 680
assessments described by sections 3301.0710 and 3301.0712 of the 681
Revised Code to each superintendent. 682

(N) Notwithstanding division (E) of this section, a school 683
district may use a student's failure to attain a score in at 684
least the proficient range on the mathematics assessment 685
described by division (A) (1) (a) of section 3301.0710 of the 686
Revised Code or on an assessment described by division (A) (1) 687
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 688
Code as a factor in retaining that student in the current grade 689
level. 690

(O) (1) In the manner specified in divisions (O) (3), (4), 691
(6), and (7) of this section, the assessments required by 692
division (A) (1) of section 3301.0710 of the Revised Code shall 693
become public records pursuant to section 149.43 of the Revised 694
Code on the thirty-first day of July following the school year 695
that the assessments were administered. 696

(2) The department may field test proposed questions with 697
samples of students to determine the validity, reliability, or 698
appropriateness of questions for possible inclusion in a future 699
year's assessment. The department also may use anchor questions 700
on assessments to ensure that different versions of the same 701
assessment are of comparable difficulty. 702

Field test questions and anchor questions shall not be 703
considered in computing scores for individual students. Field 704
test questions and anchor questions may be included as part of 705
the administration of any assessment required by division (A) (1) 706
or (B) of section 3301.0710 and division (B) of section 707
3301.0712 of the Revised Code. 708

(3) Any field test question or anchor question 709
administered under division (O) (2) of this section shall not be 710
a public record. Such field test questions and anchor questions 711
shall be redacted from any assessments which are released as a 712
public record pursuant to division (O) (1) of this section. 713

(4) This division applies to the assessments prescribed by 714
division (A) of section 3301.0710 of the Revised Code. 715

(a) The first administration of each assessment, as 716
specified in former section 3301.0712 of the Revised Code, shall 717
be a public record. 718

(b) For subsequent administrations of each assessment 719
prior to the 2011-2012 school year, not less than forty per cent 720
of the questions on the assessment that are used to compute a 721
student's score shall be a public record. The department shall 722
determine which questions will be needed for reuse on a future 723
assessment and those questions shall not be public records and 724
shall be redacted from the assessment prior to its release as a 725

public record. However, for each redacted question, the 726
department shall inform each city, local, and exempted village 727
school district of the statewide academic standard adopted by 728
the state board under section 3301.079 of the Revised Code and 729
the corresponding benchmark to which the question relates. The 730
preceding sentence does not apply to field test questions that 731
are redacted under division (O) (3) of this section. 732

(c) The administrations of each assessment in the 2011- 733
2012, 2012-2013, and 2013-2014 school years shall not be a 734
public record. 735

(5) Each assessment prescribed by division (B) (1) of 736
section 3301.0710 of the Revised Code shall not be a public 737
record. 738

(6) (a) Except as provided in division (O) (6) (b) of this 739
section, for the administrations in the 2014-2015, 2015-2016, 740
and 2016-2017 school years, questions on the assessments 741
prescribed under division (A) of section 3301.0710 and division 742
(B) (2) of section 3301.0712 of the Revised Code and the 743
corresponding preferred answers that are used to compute a 744
student's score shall become a public record as follows: 745

(i) Forty per cent of the questions and preferred answers 746
on the assessments on the thirty-first day of July following the 747
administration of the assessment; 748

(ii) Twenty per cent of the questions and preferred 749
answers on the assessment on the thirty-first day of July one 750
year after the administration of the assessment; 751

(iii) The remaining forty per cent of the questions and 752
preferred answers on the assessment on the thirty-first day of 753
July two years after the administration of the assessment. 754

The entire content of an assessment shall become a public record within three years of its administration. 755
756

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 757
758
759
760
761

(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017. 762
763
764

(7) Division (O) (7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code. 765
766
767

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard 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. 768
769
770
771
772
773
774
775
776
777
778
779
780
781
782

(P) As used in this section: 783

(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 pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

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

Sec. 3301.0712. (A) The state board of education, the 814
superintendent of public instruction, and the chancellor of 815
higher education shall develop a system of college and work 816
ready assessments as described in division (B) of this section 817
to assess whether each student upon graduating from high school 818
is ready to enter college or the workforce. Beginning with 819
students who enter the ninth grade for the first time on or 820
after July 1, 2014, the system shall replace the Ohio graduation 821
tests prescribed in division (B) (1) of section 3301.0710 of the 822
Revised Code as a measure of student academic performance and 823
one determinant of eligibility for a high school diploma in the 824
manner prescribed by rule of the state board adopted under 825
division (D) of this section. 826

(B) The college and work ready assessment system shall 827
consist of the following: 828

~~(1) Nationally~~ (a) Except as provided in division (B) (1) 829
(b) of this section, nationally standardized assessments that 830
measure college and career readiness and are used for college 831
admission. The assessments shall be selected jointly by the 832
state superintendent and the chancellor, and one of which shall 833
be selected by each school district or school to administer to 834
its students. The assessments prescribed under division (B) (1) 835
of this section shall be administered to all eleventh-grade 836
students in the spring of the school year. 837

(b) Beginning with students who enter the ninth grade for 838
the first time on or after July 1, 2019, the nationally 839
standardized assessment selected under division (B) (1) (a) of 840
this section shall not be required for graduation. The 841
assessment shall be administered to any eleventh-grade student 842
in the spring of each school year, in accordance with procedures 843

prescribed by the department of education, whose parent or 844
guardian gives permission to the principal or chief 845
administrative officer of the student's school to administer the 846
assessment described under division (B) (1) (a) of this section to 847
that student. 848

(2) (a) Except as provided in division (B) (2) (b) of this 849
section, seven end-of-course examinations, one in each of the 850
areas of English language arts I, English language arts II, 851
science, Algebra I, geometry, American history, and American 852
government. The end-of-course examinations shall be selected 853
jointly by the state superintendent and the chancellor in 854
consultation with faculty in the appropriate subject areas at 855
institutions of higher education of the university system of 856
Ohio. Advanced placement examinations and international 857
baccalaureate examinations, as prescribed under section 858
3313.6013 of the Revised Code, in the areas of science, American 859
history, and American government may be used as end-of-course 860
examinations in accordance with division (B) (4) (a) (i) of this 861
section. Final course grades for courses taken under any other 862
advanced standing program, as prescribed under section 3313.6013 863
of the Revised Code, in the areas of science, American history, 864
and American government may be used in lieu of end-of-course 865
examinations in accordance with division (B) (4) (a) (ii) of this 866
section. 867

(b) Beginning with students who enter ninth grade for the 868
first time on or after July 1, ~~2019~~2020, ~~five~~four end-of-course 869
examinations, one in each areas of English language arts II, 870
science, Algebra I, and American history~~7~~, and ~~American~~ 871
government. However, only the end-of-course examinations in 872
English language arts II and Algebra I shall be required for 873
graduation. 874

The department of education shall, as necessary to 875
implement division (B) (2) (b) of this section, seek a waiver from 876
the United States secretary of education for testing 877
requirements prescribed under federal law to allow for the use 878
and implementation of Algebra I as the primary assessment of 879
high school mathematics. If the department does not receive a 880
waiver under this division, the end-of-course examinations for 881
students described in division (B) (2) (b) of this section also 882
shall include an end-of-course examination in the area of 883
geometry. However, the geometry end-of-course examination shall 884
not be required for graduation. 885

(3) (a) Not later than July 1, 2013, each school district 886
board of education shall adopt interim end-of-course 887
examinations that comply with the requirements of divisions (B) 888
(3) (b) (i) and (ii) of this section to assess mastery of American 889
history and American government standards adopted under division 890
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 891
required under division (M) of section 3313.603 of the Revised 892
Code. Each high school of the district shall use the interim 893
examinations until the state superintendent and chancellor 894
select end-of-course examinations in American history and 895
American government under division (B) (2) of this section. 896

(b) Not later than July 1, 2014, the state superintendent 897
and the chancellor shall select the end-of-course examinations 898
in American history and American government. 899

(i) The end-of-course examinations in American history and 900
American government shall require demonstration of mastery of 901
the American history and American government content for social 902
studies standards adopted under division (A) (1) (b) of section 903
3301.079 of the Revised Code and the topics required under 904

division (M) of section 3313.603 of the Revised Code. 905

(ii) At least twenty per cent of the end-of-course 906
examination in American government shall address the topics on 907
American history and American government described in division 908
(M) of section 3313.603 of the Revised Code. 909

(c) Beginning with students who enter ninth grade for the 910
first time on or after July 1, 2020, students shall take one 911
end-of-course examination in American history and government 912
that complies with the requirements of division (B) (3) (b) (ii) of 913
this section to assess mastery of American history and American 914
government standards adopted under division (A) (1) (b) of section 915
3301.079 of the Revised Code and the topics required under 916
division (M) of section 3313.603 of the Revised Code. 917

The department of education shall take the steps necessary 918
to develop the American history and government end-of-course 919
examination so that it is available for the students to which 920
divisions (B) (2) (b) and (3) (c) of this section apply. The 921
department shall develop the examination in a manner so that it 922
is comparable to other end-of-course examinations in both 923
administration and length. 924

(4) (a) Notwithstanding anything to the contrary in this 925
section, beginning with the 2014-2015 school year, both of the 926
following shall apply: 927

(i) If a student is enrolled in an appropriate advanced 928
placement or international baccalaureate course, that student 929
shall take the advanced placement or international baccalaureate 930
examination in lieu of the science, American history, or 931
American government end-of-course examinations prescribed under 932
division (B) (2) of this section. The state board shall specify 933

the score levels for each advanced placement examination and 934
international baccalaureate examination for purposes of 935
calculating the minimum cumulative performance score that 936
demonstrates the level of academic achievement necessary to earn 937
a high school diploma. 938

However, beginning with students who enter ninth grade for 939
the first time on or after July 1, 2020, a student shall take 940
the advanced placement or international baccalaureate 941
examinations in both American history and American government to 942
qualify for an alternative to the American history and 943
government end-of-course examination prescribed under division 944
(B) (2) (b) of this section. 945

(ii) If a student is enrolled in an appropriate course 946
under any other advanced standing program, as described in 947
section 3313.6013 of the Revised Code, that student shall not be 948
required to take the science, American history, or American 949
government end-of-course examination, whichever is applicable, 950
prescribed under division (B) (2) of this section. Instead, that 951
student's final course grade shall be used in lieu of the 952
applicable end-of-course examination prescribed under that 953
section. The state superintendent, in consultation with the 954
chancellor, shall adopt guidelines for purposes of calculating 955
the corresponding final course grades that demonstrate the level 956
of academic achievement necessary to earn a high school diploma. 957

Division (B) (4) (a) (ii) of this section shall apply only to 958
courses for which students receive transcribed credit, as 959
defined in section 3365.01 of the Revised Code. It shall not 960
apply to remedial or developmental courses. 961

(b) No student shall take a substitute examination or 962
examination prescribed under division (B) (4) (a) of this section 963

in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B) (2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B) (2) of this section.

(5) The state board shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B) (2) of this section, and substitute examinations prescribed under division (B) (4) of this section. Not later than sixty days after the designation of ranges of scores, the state superintendent, or the state superintendent's designee, shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accelerated level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-

course examinations or substitute examinations;	992
(c) Determine the minimum cumulative performance score	993
that demonstrates the level of academic achievement necessary to	994
earn a high school diploma under division (A) (2) of section	995
3313.618 of the Revised Code. However, the state board shall not	996
determine a new minimum cumulative performance score after the	997
effective date of this amendment October 17, 2019.	998
(d) Develop a table of corresponding score equivalents for	999
the end-of-course examinations and substitute examinations in	1000
order to calculate student performance consistently across the	1001
different examinations.	1002
A score of two on an advanced placement examination or a	1003
score of two or three on an international baccalaureate	1004
examination shall be considered equivalent to a proficient level	1005
of skill as specified under division (B) (5) (a) (iii) of this	1006
section.	1007
(6) (a) A student who meets both of the following	1008
conditions shall not be required to take an end-of-course	1009
examination:	1010
(i) The student received high school credit prior to July	1011
1, 2015, for a course for which the end-of-course examination is	1012
prescribed.	1013
(ii) The examination was not available for administration	1014
prior to July 1, 2015.	1015
Receipt of credit for the course described in division (B)	1016
(6) (a) (i) of this section shall satisfy the requirement to take	1017
the end-of-course examination. A student exempted under division	1018
(B) (6) (a) of this section may take the applicable end-of-course	1019
examination at a later date.	1020

(b) For purposes of determining whether a student who is 1021
exempt from taking an end-of-course examination under division 1022
(B) (6) (a) of this section has attained the cumulative score 1023
prescribed by division (B) (5) (c) of this section, such student 1024
shall select either of the following: 1025

(i) The student is considered to have attained a 1026
proficient score on the end-of-course examination from which the 1027
student is exempt; 1028

(ii) The student's final course grade shall be used in 1029
lieu of a score on the end-of-course examination from which the 1030
student is exempt. 1031

The state superintendent, in consultation with the 1032
chancellor, shall adopt guidelines for purposes of calculating 1033
the corresponding final course grades and the minimum cumulative 1034
performance score that demonstrates the level of academic 1035
achievement necessary to earn a high school diploma. 1036

(7) (a) Notwithstanding anything to the contrary in this 1037
section, the state board may replace the algebra I end-of-course 1038
examination prescribed under division (B) (2) of this section 1039
with an algebra II end-of-course examination, beginning with the 1040
2016-2017 school year for students who enter ninth grade on or 1041
after July 1, 2016. 1042

(b) If the state board replaces the algebra I end-of- 1043
course examination with an algebra II end-of-course examination 1044
as authorized under division (B) (7) (a) of this section, both of 1045
the following shall apply: 1046

(i) A student who is enrolled in an advanced placement or 1047
international baccalaureate course in algebra II shall take the 1048
advanced placement or international baccalaureate examination in 1049

lieu of the algebra II end-of-course examination. 1050

(ii) A student who is enrolled in an algebra II course 1051
under any other advanced standing program, as described in 1052
section 3313.6013 of the Revised Code, shall not be required to 1053
take the algebra II end-of-course examination. Instead, that 1054
student's final course grade shall be used in lieu of the 1055
examination. 1056

(c) If a school district or school utilizes an integrated 1057
approach to mathematics instruction, the district or school may 1058
do either or both of the following: 1059

(i) Administer an integrated mathematics I end-of-course 1060
examination in lieu of the prescribed algebra I end-of-course 1061
examination; 1062

(ii) Administer an integrated mathematics II end-of-course 1063
examination in lieu of the prescribed geometry end-of-course 1064
examination. 1065

(8) (a) For students entering the ninth grade for the first 1066
time on or after July 1, 2014, but prior to July 1, 2015, the 1067
assessment in the area of science shall be physical science or 1068
biology. For students entering the ninth grade for the first 1069
time on or after July 1, 2015, the assessment in the area of 1070
science shall be biology. 1071

(b) Until July 1, 2019, the department shall make 1072
available the end-of-course examination in physical science for 1073
students who entered the ninth grade for the first time on or 1074
after July 1, 2014, but prior to July 1, 2015, and who wish to 1075
retake the examination. 1076

(c) Not later than July 1, 2016, the state board shall 1077
adopt rules prescribing the requirements for the end-of-course 1078

examination in science for students who entered the ninth grade 1079
for the first time on or after July 1, 2014, but prior to July 1080
1, 2015, and who have not met the requirement prescribed by 1081
section 3313.618 of the Revised Code by July 1, 2019, due to a 1082
student's failure to satisfy division (A)(2) of section 3313.618 1083
of the Revised Code. 1084

(9) Neither the state board nor the department of 1085
education shall develop or administer an end-of-course 1086
examination in the area of world history. 1087

(10) Not later than March 1, 2020, the department, in 1088
consultation with the chancellor and the governor's office of 1089
workforce transformation, shall determine a competency score for 1090
both of the Algebra I and English language arts II end-of-course 1091
examinations for the purpose of graduation eligibility. 1092

(C) The state board shall convene a group of national 1093
experts, state experts, and local practitioners to provide 1094
advice, guidance, and recommendations for the alignment of 1095
standards and model curricula to the assessments and in the 1096
design of the end-of-course examinations prescribed by this 1097
section. 1098

(D) Upon completion of the development of the assessment 1099
system, the state board shall adopt rules prescribing all of the 1100
following: 1101

(1) A timeline and plan for implementation of the 1102
assessment system, including a phased implementation if the 1103
state board determines such a phase-in is warranted; 1104

(2) The date after which a person shall meet the 1105
requirements of the entire assessment system as a prerequisite 1106
for a diploma of adult education under section 3313.611 of the 1107

Revised Code; 1108

(3) Whether and the extent to which a person may be 1109
excused from an ~~American history~~ end-of-course examination ~~and~~ 1110
~~an in American history or American government end-of-course~~ 1111
~~examination or both~~ under division (H) of section 3313.61 and 1112
division (B) (3) of section 3313.612 of the Revised Code; 1113

(4) The date after which a person who has fulfilled the 1114
curriculum requirement for a diploma but has not passed one or 1115
more of the required assessments at the time the person 1116
fulfilled the curriculum requirement shall meet the requirements 1117
of the entire assessment system as a prerequisite for a high 1118
school diploma under division (B) of section 3313.614 of the 1119
Revised Code; 1120

(5) The extent to which the assessment system applies to 1121
students enrolled in a dropout recovery and prevention program 1122
for purposes of division (F) of section 3313.603 and section 1123
3314.36 of the Revised Code. 1124

(E) Not later than forty-five days prior to the state 1125
board's adoption of a resolution directing the department to 1126
file the rules prescribed by division (D) of this section in 1127
final form under section 119.04 of the Revised Code, the 1128
superintendent of public instruction shall present the 1129
assessment system developed under this section to the respective 1130
committees of the house of representatives and senate that 1131
consider education legislation. 1132

(F) (1) Any person enrolled in a nonchartered nonpublic 1133
school or any person who has been excused from attendance at 1134
school for the purpose of home instruction under section 3321.04 1135
of the Revised Code may choose to participate in the system of 1136

assessments administered under divisions (B) (1) and (2) of this 1137
section. However, no such person shall be required to 1138
participate in the system of assessments. 1139

(2) The department shall adopt rules for the 1140
administration and scoring of any assessments under division (F) 1141
(1) of this section. 1142

(G) Not later than December 31, 2014, the state board 1143
shall select at least one nationally recognized job skills 1144
assessment. Each school district shall administer that 1145
assessment to those students who opt to take it. The state shall 1146
reimburse a school district for the costs of administering that 1147
assessment. The state board shall establish the minimum score a 1148
student must attain on the job skills assessment in order to 1149
demonstrate a student's workforce readiness and employability. 1150
The administration of the job skills assessment to a student 1151
under this division shall not exempt a school district from 1152
administering the assessments prescribed in division (B) of this 1153
section to that student. 1154

Sec. 3301.0729. (A) Except as provided for in divisions 1155
(B) and (C) of this section, beginning with assessments 1156
administered on or after July 1, 2017, the board of education of 1157
each city, local, and exempted village school district shall 1158
ensure that no student is required to do either of the 1159
following: 1160

(1) Spend a cumulative amount of time in excess of two per 1161
cent of the school year taking the following assessments 1162
combined: 1163

(a) The applicable state assessments prescribed by 1164
division (A) of section 3301.0710 and division (B) (2) of section 1165

3301.0712 of the Revised Code; 1166

(b) Any assessment required by the district board to be 1167
administered district-wide to all students in a specified 1168
subject area or grade level. 1169

(2) Spend a cumulative amount of time in excess of one per 1170
cent of the school year taking practice or diagnostic 1171
assessments used to prepare for assessments described in 1172
divisions (A) (1) (a) and (b) of this section. 1173

(B) The limitations prescribed by division (A) of this 1174
section shall not apply to assessments for students with 1175
disabilities, any related diagnostic assessment for students who 1176
failed to attain a passing score on the English language arts 1177
achievement assessment prescribed by division (A) (1) (a) of 1178
section 3301.0710 of the Revised Code, substitute examinations 1179
as prescribed by division (B) (4) of section 3301.0712 of the 1180
Revised Code, or additional assessments administered to identify 1181
a student as gifted under Chapter 3324. of the Revised Code. 1182

(C) The board of education of each city, exempted village, 1183
and local school district may exceed the limitations prescribed 1184
by division (A) of this section by annual resolution of the 1185
district board. ~~However, prior~~ Prior to the adoption of such a 1186
resolution, the board shall conduct at least one public hearing 1187
on the proposed resolution and consider recommendations from the 1188
testing work group formed under division (D) of this section. 1189
Resolutions adopted under division (C) of this section shall be 1190
reported to the department of education and made available to 1191
the public. 1192

(D) (1) Not later than ninety days after the effective date 1193
of this amendment, each school district shall form a work group 1194

to examine the amount of time students spend on district- 1195
required testing and make recommendations to the district board 1196
of education on how to reduce testing amounts. The work group 1197
shall consist of the following members: 1198

(a) The district superintendent; 1199

(b) A district curriculum or testing administrator or 1200
designee of the superintendent; 1201

(c) Three building principals, one each from an 1202
elementary, middle, and high school; 1203

(d) Three classroom teachers selected by the local 1204
teacher's association, one each from an elementary, middle, and 1205
high school; 1206

(e) Three parents of students enrolled in the district 1207
selected by the local parent-teacher organization or similar 1208
organization, one each from an elementary, middle, and high 1209
school. 1210

If a district does not employ enough individuals to meet 1211
the membership requirements under division (D) (1) of this 1212
section, the district is exempt from those requirements it 1213
cannot meet. 1214

(2) In order to make testing reduction recommendations, 1215
the work group described in division (D) (1) of this section 1216
shall consider the following: 1217

(a) Time students spend on district required testing; 1218

(b) The current district testing calendar; 1219

(c) Identifying if there are groups of students being 1220
tested at a greater rate than others; 1221

<u>(d) The purpose of testing and if that purpose has been</u>	1222
<u>achieved;</u>	1223
<u>(e) The use of testing data to drive instructional</u>	1224
<u>decisions;</u>	1225
<u>(f) The financial cost of testing;</u>	1226
<u>(g) If tests are duplicative;</u>	1227
<u>(h) Any previous testing audit or examination of testing</u>	1228
<u>the district may have.</u>	1229
<u>(3) The work group shall report any findings and</u>	1230
<u>recommendations to the district board of education not later</u>	1231
<u>than six months after formation. Upon completion of this report,</u>	1232
<u>the work group may be dissolved, continue to meet, or be</u>	1233
<u>reconstituted in the future based on local need.</u>	1234
<u>(E) The department annually shall publish a report on the</u>	1235
<u>amount of time students spent on required state and district</u>	1236
<u>testing. The report shall include all of the following:</u>	1237
<u>(1) Information disaggregated by required state testing</u>	1238
<u>and by additional testing required by a district;</u>	1239
<u>(2) Efforts to reduce testing time and increase</u>	1240
<u>instructional time;</u>	1241
<u>(3) Caps on testing time as described in division (A) of</u>	1242
<u>this section and a list of any district that exceeded them;</u>	1243
<u>(4) The purpose and use of the required state and district</u>	1244
<u>tests;</u>	1245
<u>(5) Resources for parents to ask questions regarding</u>	1246
<u>testing of their child.</u>	1247
<u>The report shall be published on the department's web site</u>	1248

and delivered to the governor and the respective standing 1249
committees of the house of representatives and senate that 1250
consider primary and secondary education legislation. 1251

(F) It is the intent of the general assembly to reduce the 1252
time students spend on standardized testing and restore 1253
classroom instructional time. The department of education or 1254
other state entity should not require local school districts to 1255
increase testing for Ohio students or create policies that 1256
result in further testing as part of an improvement plan. 1257

Sec. 3301.163. (A) ~~Beginning July 1, 2015~~Until the 2020- 1258
2021 school year, any third-grade student who attends a 1259
chartered nonpublic school with a scholarship awarded under 1260
either the educational choice scholarship pilot program, 1261
prescribed in sections 3310.01 to 3310.17, or the pilot project 1262
scholarship program prescribed in sections 3313.974 to 3313.979 1263
of the Revised Code, shall be subject to the third-grade reading 1264
guarantee retention provisions under division (A) (2) of section 1265
3313.608 of the Revised Code, including the exemptions 1266
prescribed by that division. For purposes of determining if a 1267
child with a disability is exempt from retention under this 1268
section, an individual services plan created for the child that 1269
has been reviewed by either the student's school district of 1270
residence or the school district in which the chartered 1271
nonpublic school is located and that specifies that the student 1272
is not subject to retention shall be considered in the same 1273
manner as an individualized education program or plan under 1274
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 1275
29 U.S.C. 794, as amended, as prescribed by division (A) (2) of 1276
section 3313.608 of the Revised Code. 1277

As used in this section, "child with a disability" and 1278

"school district of residence" have the same meanings as in 1279
section 3323.01 of the Revised Code. 1280

(B) (1) Each chartered nonpublic school that enrolls 1281
students in any of grades kindergarten through three and that 1282
accepts students under the educational choice scholarship pilot 1283
program or the pilot project scholarship program shall adopt 1284
policies and procedures for the annual assessment of the reading 1285
skills of those students. Each school may use the diagnostic 1286
assessment to measure reading ability for the appropriate grade 1287
level prescribed in division (D) of section 3301.079 of the 1288
Revised Code. If the school uses such assessments, the 1289
department of education shall furnish them to the chartered 1290
nonpublic school. 1291

(2) For each student identified as having reading skills 1292
below grade level, the school shall do both of the following: 1293

(a) Provide to the student's parent or guardian, in 1294
writing, all of the following: 1295

(i) Notification that the student has been identified as 1296
having a substantial deficiency in reading; 1297

(ii) ~~Notification~~ Through the 2020-2021 school year, 1298
notification that if the student attains a score in the range 1299
designated under division (A) (3) of section 3301.0710 of the 1300
Revised Code on the assessment prescribed under that section to 1301
measure skill in English language arts expected at the end of 1302
third grade, the student shall be retained unless the student is 1303
exempt under division (A) (1) of section 3313.608 of the Revised 1304
Code. 1305

(b) Provide intensive reading instruction services, as 1306
determined appropriate by the school, to each student identified 1307

under this section. 1308

(C) Each chartered nonpublic school subject to this 1309
section annually shall report to the department the number of 1310
students identified as reading at grade level and the number of 1311
students identified as reading below grade level. 1312

Sec. 3313.608. (A) (1) Beginning with students who enter 1313
third grade in the school year that starts July 1, 2009, and 1314
until June 30, 2013, unless the student is excused under 1315
division (C) of section 3301.0711 of the Revised Code from 1316
taking the assessment described in this section, for any student 1317
who does not attain at least the equivalent level of achievement 1318
designated under division (A) (3) of section 3301.0710 of the 1319
Revised Code on the assessment prescribed under that section to 1320
measure skill in English language arts expected at the end of 1321
third grade, each school district, in accordance with the policy 1322
adopted under section 3313.609 of the Revised Code, shall do one 1323
of the following: 1324

(a) Promote the student to fourth grade if the student's 1325
principal and reading teacher agree that other evaluations of 1326
the student's skill in reading demonstrate that the student is 1327
academically prepared to be promoted to fourth grade; 1328

(b) Promote the student to fourth grade but provide the 1329
student with intensive intervention services in fourth grade; 1330

(c) Retain the student in third grade. 1331

(2) Beginning with students who enter third grade in the 1332
2013-2014 school year and until June 30, 2021, unless the 1333
student is excused under division (C) of section 3301.0711 of 1334
the Revised Code from taking the assessment described in this 1335
section, no school district shall promote to fourth grade any 1336

student who does not attain at least the equivalent level of 1337
achievement designated under division (A) (3) of section 1338
3301.0710 of the Revised Code on the assessment prescribed under 1339
that section to measure skill in English language arts expected 1340
at the end of third grade, unless one of the following applies: 1341

(a) The student is an English learner who has been 1342
enrolled in United States schools for less than three full 1343
school years and has had less than three years of instruction in 1344
an English as a second language program. 1345

(b) The student is a child with a disability entitled to 1346
special education and related services under Chapter 3323. of 1347
the Revised Code and the student's individualized education 1348
program exempts the student from retention under this division. 1349

(c) The student demonstrates an acceptable level of 1350
performance on an alternative standardized reading assessment as 1351
determined by the department of education. 1352

(d) All of the following apply: 1353

(i) The student is a child with a disability entitled to 1354
special education and related services under Chapter 3323. of 1355
the Revised Code. 1356

(ii) The student has taken the third grade English 1357
language arts achievement assessment prescribed under section 1358
3301.0710 of the Revised Code. 1359

(iii) The student's individualized education program or 1360
plan under section 504 of the "Rehabilitation Act of 1973," 87 1361
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 1362
received intensive remediation in reading for two school years 1363
but still demonstrates a deficiency in reading. 1364

(iv) The student previously was retained in any of grades 1365
kindergarten to three. 1366

(e) (i) The student received intensive remediation for 1367
reading for two school years but still demonstrates a deficiency 1368
in reading and was previously retained in any of grades 1369
kindergarten to three. 1370

(ii) A student who is promoted under division (A) (2) (e) (i) 1371
of this section shall continue to receive intensive reading 1372
instruction in grade four. The instruction shall include an 1373
altered instructional day that includes specialized diagnostic 1374
information and specific research-based reading strategies for 1375
the student that have been successful in improving reading among 1376
low-performing readers. 1377

(3) Beginning with students who enter the third grade in 1378
the 2021-2022 school year, no school district shall retain a 1379
student under this section based upon the student's score on the 1380
assessment prescribed by section 3301.0710 of the Revised Code 1381
to measure skill in English language arts expected at the end of 1382
third grade. Districts shall continue to offer intervention and 1383
remediation services in the manner prescribed under this section 1384
for students found to be reading below grade level. 1385

(B) (1) Beginning in the 2012-2013 school year, to assist 1386
students in meeting the third grade guarantee established by 1387
this section, each school district board of education shall 1388
adopt policies and procedures with which it annually shall 1389
assess the reading skills of each student, except those students 1390
with significant cognitive disabilities or other disabilities as 1391
authorized by the department on a case-by-case basis, enrolled 1392
in kindergarten to third grade and shall identify students who 1393
are reading below their grade level. The reading skills 1394

assessment shall be completed by the thirtieth day of September 1395
for students in grades one to three, and by the first day of 1396
November for students in kindergarten. Each district shall use 1397
the diagnostic assessment to measure reading ability for the 1398
appropriate grade level adopted under section 3301.079 of the 1399
Revised Code, or a comparable tool approved by the department of 1400
education, to identify such students. The policies and 1401
procedures shall require the students' classroom teachers to be 1402
involved in the assessment and the identification of students 1403
reading below grade level. The assessment may be administered 1404
electronically using live, two-way video and audio connections 1405
whereby the teacher administering the assessment may be in a 1406
separate location from the student. 1407

(2) For each student identified by the diagnostic 1408
assessment prescribed under this section as having reading 1409
skills below grade level, the district shall do both of the 1410
following: 1411

(a) Provide to the student's parent or guardian, in 1412
writing, all of the following: 1413

(i) Notification that the student has been identified as 1414
having a substantial deficiency in reading; 1415

(ii) A description of the current services that are 1416
provided to the student; 1417

(iii) A description of the proposed supplemental 1418
instructional services and supports that will be provided to the 1419
student that are designed to remediate the identified areas of 1420
reading deficiency; 1421

~~(iv) Notification that if the student attains a score in 1422
the range designated under division (A) (3) of section 3301.0710 1423~~

~~of the Revised Code on the assessment prescribed under that~~ 1424
~~section to measure skill in English language arts expected at~~ 1425
~~the end of third grade, the student shall be retained unless the~~ 1426
~~student is exempt under division (A) of this section. The~~ 1427
~~notification shall specify that the assessment under section~~ 1428
~~3301.0710 of the Revised Code is not the sole determinant of~~ 1429
~~promotion and that additional evaluations and assessments are~~ 1430
~~available to the student to assist parents and the district in~~ 1431
~~knowing when a student is reading at or above grade level and~~ 1432
~~ready for promotion.~~ 1433

(b) Provide intensive reading instruction services and 1434
regular diagnostic assessments to the student immediately 1435
following identification of a reading deficiency until the 1436
development of the reading improvement and monitoring plan 1437
required by division (C) of this section. These intervention 1438
services shall include research-based reading strategies that 1439
have been shown to be successful in improving reading among low- 1440
performing readers and instruction targeted at the student's 1441
identified reading deficiencies. 1442

(3) ~~For~~ Prior to the 2021-2022 school year, for each 1443
student retained under division (A) of this section, the 1444
district shall do all of the following: 1445

(a) Provide intense remediation services until the student 1446
is able to read at grade level. The remediation services shall 1447
include intensive interventions in reading that address the 1448
areas of deficiencies identified under this section including, 1449
but not limited to, not less than ninety minutes of reading 1450
instruction per day, and may include any of the following: 1451

(i) Small group instruction; 1452

(ii) Reduced teacher-student ratios;	1453
(iii) More frequent progress monitoring;	1454
(iv) Tutoring or mentoring;	1455
(v) Transition classes containing third and fourth grade students;	1456 1457
(vi) Extended school day, week, or year;	1458
(vii) Summer reading camps.	1459
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	1460 1461 1462 1463
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	1464 1465 1466
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	1467 1468 1469 1470 1471 1472 1473 1474
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	1475 1476 1477 1478 1479

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 1480
1481
1482

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 1483
1484
1485
1486
1487
1488
1489
1490

(1) Identification of the student's specific reading deficiencies; 1491
1492

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 1493
1494
1495

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section; 1496
1497
1498

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 1499
1500
1501

(5) A reading curriculum during regular school hours that does all of the following: 1502
1503

(a) Assists students to read at grade level; 1504

(b) Provides scientifically based and reliable assessment; 1505

(c) Provides initial and ongoing analysis of each student's reading progress. 1506
1507

~~(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.~~

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

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

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

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 1538

(1) The remediation methods are based on reliable 1539
educational research. 1540

(2) The school districts conduct assessment before and 1541
after students participate in the program to facilitate 1542
monitoring results of the remediation services. 1543

(3) The parents of participating students are involved in 1544
programming decisions. 1545

(F) Any intervention or remediation services required by 1546
this section shall include intensive, explicit, and systematic 1547
instruction. 1548

(G) This section does not create a new cause of action or 1549
a substantive legal right for any person. 1550

(H) (1) Except as provided under divisions (H) (2), (3), and 1551
(4) of this section, each student described in division (B) (3) 1552
or (C) of this section who enters third grade for the first time 1553
on or after July 1, 2013, shall be assigned a teacher who has at 1554
least one year of teaching experience and who satisfies one or 1555
more of the following criteria: 1556

(a) The teacher holds a reading endorsement on the 1557
teacher's license and has attained a passing score on the 1558
corresponding assessment for that endorsement, as applicable. 1559

(b) The teacher has completed a master's degree program 1560
with a major in reading. 1561

(c) The teacher was rated "most effective" for reading 1562
instruction consecutively for the most recent two years based on 1563
assessments of student growth measures developed by a vendor and 1564
that is on the list of student assessments approved by the state 1565

board under division (B) (2) of section 3319.112 of the Revised Code. 1566
1567

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 1568
1569
1570

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 1571
1572
1573

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 1574
1575
1576

(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section. 1577
1578
1579
1580
1581
1582
1583
1584

(3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the 1585
1586
1587
1588
1589
1590
1591
1592
1593
1594

reading competencies adopted by the state board of education 1595
under section 3301.077 of the Revised Code. 1596

(4) Notwithstanding division (H)(1) of this section, a 1597
student described in division (B)(3) or (C) of this section who 1598
enters third grade for the first time on or after July 1, 2013, 1599
may receive reading intervention or remediation services under 1600
this section from an individual employed as a speech-language 1601
pathologist who holds a license issued by the state speech and 1602
hearing professionals board under Chapter 4753. of the Revised 1603
Code and a professional pupil services license as a school 1604
speech-language pathologist issued by the state board of 1605
education. 1606

(5) A teacher, other than a student's teacher of record, 1607
may provide any services required under this section, so long as 1608
that other teacher meets the requirements of division (H) of 1609
this section and the teacher of record and the school principal 1610
agree to the assignment. Any such assignment shall be documented 1611
in the student's reading improvement and monitoring plan. 1612

As used in this division, "teacher of record" means the 1613
classroom teacher to whom a student is assigned. 1614

(I) Notwithstanding division (H) of this section, a 1615
teacher may teach reading to any student who is an English 1616
language learner, and has been in the United States for three 1617
years or less, or to a student who has an individualized 1618
education program developed under Chapter 3323. of the Revised 1619
Code if that teacher holds an alternative credential approved by 1620
the department or has successfully completed training that is 1621
based on principles of scientifically research-based reading 1622
instruction that has been approved by the department. Beginning 1623
on July 1, 2014, the alternative credentials and training 1624

described in this division shall be aligned with the reading 1625
competencies adopted by the state board of education under 1626
section 3301.077 of the Revised Code. 1627

(J) If, on or after June 4, 2013, a school district or 1628
community school cannot furnish the number of teachers needed 1629
who satisfy one or more of the criteria set forth in division 1630
(H) of this section for the 2013-2014 school year, the school 1631
district or community school shall develop and submit a staffing 1632
plan by June 30, 2013. The staffing plan shall include criteria 1633
that will be used to assign a student described in division (B) 1634
(3) or (C) of this section to a teacher, credentials or training 1635
held by teachers currently teaching at the school, and how the 1636
school district or community school will meet the requirements 1637
of this section. The school district or community school shall 1638
post the staffing plan on its web site for the applicable school 1639
year. 1640

Not later than March 1, 2014, and on the first day of 1641
March in each year thereafter, a school district or community 1642
school that has submitted a plan under this division shall 1643
submit to the department a detailed report of the progress the 1644
district or school has made in meeting the requirements under 1645
this section. 1646

A school district or community school may request an 1647
extension of a staffing plan beyond the 2013-2014 school year. 1648
Extension requests must be submitted to the department not later 1649
than the thirtieth day of April prior to the start of the 1650
applicable school year. The department may grant extensions 1651
valid through the 2015-2016 school year. 1652

Until June 30, 2015, the department annually shall review 1653
all staffing plans and report to the state board not later than 1654

the thirtieth day of June of each year the progress of school 1655
districts and community schools in meeting the requirements of 1656
this section. 1657

(K) The department of education shall designate one or 1658
more staff members to provide guidance and assistance to school 1659
districts and community schools in implementing the third grade 1660
guarantee established by this section, including any standards 1661
or requirements adopted to implement the guarantee and to 1662
provide information and support for reading instruction and 1663
achievement. 1664

Sec. 3313.61. (A) A diploma shall be granted by the board 1665
of education of any city, exempted village, or local school 1666
district that operates a high school to any person to whom all 1667
of the following apply: 1668

(1) The person has successfully completed the curriculum 1669
in any high school or the individualized education program 1670
developed for the person by any high school pursuant to section 1671
3323.08 of the Revised Code, or has qualified under division (D) 1672
or (F) of section 3313.603 of the Revised Code, provided that no 1673
school district shall require a student to remain in school for 1674
any specific number of semesters or other terms if the student 1675
completes the required curriculum early; 1676

(2) Subject to section 3313.614 of the Revised Code, the 1677
person has met the assessment requirements of division (A) (2) (a) 1678
or (b) of this section, as applicable. 1679

(a) If the person entered the ninth grade prior to July 1, 1680
2014, the person either: 1681

(i) Has attained at least the applicable scores designated 1682
under division (B) (1) of section 3301.0710 of the Revised Code 1683

on all the assessments required by that division unless the 1684
person was excused from taking any such assessment pursuant to 1685
section 3313.532 of the Revised Code or unless division (H) or 1686
(L) of this section applies to the person; 1687

(ii) Has satisfied the alternative conditions prescribed 1688
in section 3313.615 of the Revised Code. 1689

(b) If the person entered the ninth grade on or after July 1690
1, 2014, the person has met the requirement prescribed by 1691
section 3313.618 of the Revised Code, except to the extent that 1692
the person is excused from an assessment prescribed by that 1693
section pursuant to section 3313.532 of the Revised Code or 1694
division (H) or (L) of this section. 1695

(3) The person is not eligible to receive an honors 1696
diploma granted pursuant to division (B) of this section. 1697

Except as provided in divisions (C), (E), (J), and (L) of 1698
this section, no diploma shall be granted under this division to 1699
anyone except as provided under this division. 1700

(B) In lieu of a diploma granted under division (A) of 1701
this section, an honors diploma shall be granted, in accordance 1702
with rules of the state board, by any such district board to 1703
anyone who accomplishes all of the following: 1704

(1) Successfully completes the curriculum in any high 1705
school or the individualized education program developed for the 1706
person by any high school pursuant to section 3323.08 of the 1707
Revised Code; 1708

(2) Subject to section 3313.614 of the Revised Code, has 1709
met the assessment requirements of division (B) (2) (a) or (b) of 1710
this section, as applicable. 1711

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

- (i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;
- (ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this

division and the number of such criteria that must be met for 1741
the granting of that type of diploma. The number of such 1742
criteria for any type of honors diploma shall be at least one 1743
less than the total number of criteria designated for that type 1744
and no one or more particular criteria shall be required of all 1745
persons who are to be granted that type of diploma. 1746

(C) Any district board administering any of the 1747
assessments required by section 3301.0710 of the Revised Code to 1748
any person requesting to take such assessment pursuant to 1749
division (B) (8) (b) of section 3301.0711 of the Revised Code 1750
shall award a diploma to such person if the person attains at 1751
least the applicable scores designated under division (B) (1) of 1752
section 3301.0710 of the Revised Code on all the assessments 1753
administered and if the person has previously attained the 1754
applicable scores on all the other assessments required by 1755
division (B) (1) of that section or has been exempted or excused 1756
from attaining the applicable score on any such assessment 1757
pursuant to division (H) or (L) of this section or from taking 1758
any such assessment pursuant to section 3313.532 of the Revised 1759
Code. 1760

(D) Each diploma awarded under this section shall be 1761
signed by the president and treasurer of the issuing board, the 1762
superintendent of schools, and the principal of the high school. 1763
Each diploma shall bear the date of its issue, be in such form 1764
as the district board prescribes, and be paid for out of the 1765
district's general fund. 1766

(E) A person who is a resident of Ohio and is eligible 1767
under state board of education minimum standards to receive a 1768
high school diploma based in whole or in part on credits earned 1769
while an inmate of a correctional institution operated by the 1770

state or any political subdivision thereof, shall be granted 1771
such diploma by the correctional institution operating the 1772
programs in which such credits were earned, and by the board of 1773
education of the school district in which the inmate resided 1774
immediately prior to the inmate's placement in the institution. 1775
The diploma granted by the correctional institution shall be 1776
signed by the director of the institution, and by the person 1777
serving as principal of the institution's high school and shall 1778
bear the date of issue. 1779

(F) Persons who are not residents of Ohio but who are 1780
inmates of correctional institutions operated by the state or 1781
any political subdivision thereof, and who are eligible under 1782
state board of education minimum standards to receive a high 1783
school diploma based in whole or in part on credits earned while 1784
an inmate of the correctional institution, shall be granted a 1785
diploma by the correctional institution offering the program in 1786
which the credits were earned. The diploma granted by the 1787
correctional institution shall be signed by the director of the 1788
institution and by the person serving as principal of the 1789
institution's high school and shall bear the date of issue. 1790

(G) The state board of education shall provide by rule for 1791
the administration of the assessments required by sections 1792
3301.0710 and 3301.0712 of the Revised Code to inmates of 1793
correctional institutions. 1794

(H) Any person to whom all of the following apply shall be 1795
exempted from attaining the applicable score on the assessment 1796
in social studies designated under division (B) (1) of section 1797
3301.0710 of the Revised Code, any ~~American history~~ end-of- 1798
course examination ~~and any~~ in American history or American 1799
government ~~end-of-course examination~~ or both as required under 1800

division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D) (3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) Any student described by division (A) (1) of this section may be awarded a diploma without meeting the requirement prescribed by section 3313.618 of the Revised Code provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C) (1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

Sec. 3313.612. (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A) (1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division,

or has satisfied the alternative conditions prescribed in 1860
section 3313.615 of the Revised Code. 1861

(2) If the person entered the ninth grade on or after July 1862
1, 2014, the person has met the requirement prescribed by 1863
section 3313.618 or 3313.619 of the Revised Code. 1864

(B) This section does not apply to any of the following: 1865

(1) Any person with regard to any assessment from which 1866
the person was excused pursuant to division (C) (1) (c) of section 1867
3301.0711 of the Revised Code; 1868

(2) Except as provided in division (B) (4) of this section, 1869
any person who attends a nonpublic school accredited through the 1870
independent schools association of the central states, except 1871
for a student attending the school under a state scholarship 1872
program as defined in section 3301.0711 of the Revised Code; 1873

(3) Any person with regard to the social studies 1874
assessment under division (B) (1) of section 3301.0710 of the 1875
Revised Code, any ~~American history end-of-course examination and~~ 1876
~~any in American history or American government end-of-course~~ 1877
~~examination or both as required~~ under division (B) of section 1878
3301.0712 of the Revised Code if such an exemption is prescribed 1879
by rule of the state board of education under division (D) (3) of 1880
section 3301.0712 of the Revised Code, or the citizenship test 1881
under former division (B) of section 3301.0710 of the Revised 1882
Code as it existed prior to September 11, 2001, if all of the 1883
following apply: 1884

(a) The person is not a citizen of the United States; 1885

(b) The person is not a permanent resident of the United 1886
States; 1887

(c) The person indicates no intention to reside in the United States after completion of high school. 1888
1889

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 1890
1891
1892
1893
1894
1895

(C) As used in this division, "English learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 1896
1897
1898

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 1899
1900
1901
1902
1903
1904
1905

(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 1906
1907
1908
1909

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 1910
1911
1912

Sec. 3313.6114. (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be 1913
1914
1915
1916

attached or affixed to the high school diploma of a student 1917
enrolled in a public or chartered nonpublic school. The system 1918
of state diploma seals shall consist of all of the following: 1919

(1) The state seal of biliteracy established under section 1920
3313.6111 of the Revised Code; 1921

(2) The OhioMeansJobs-readiness seal established under 1922
section 3313.6112 of the Revised Code; 1923

(3) The state diploma seals prescribed under division (C) 1924
of this section. 1925

(B) A school district, community school established under 1926
Chapter 3314. of the Revised Code, STEM school established under 1927
Chapter 3326. of the Revised Code, college-preparatory boarding 1928
school established under Chapter 3328. of the Revised Code, or 1929
chartered nonpublic school shall attach or affix the state seals 1930
prescribed under division (C) of this section to the diploma and 1931
transcript of a student enrolled in the district or school who 1932
meets the requirements established under that division. 1933

(C) The state board shall establish all of the following 1934
state diploma seals: 1935

(1) An industry-recognized credential seal. A student 1936
shall meet the requirement for this seal by earning an industry- 1937
recognized credential approved under section 3313.6113 of the 1938
Revised Code that is aligned to a job that is determined to be 1939
in demand in this state and its regions under section 6301.11 of 1940
the Revised Code. 1941

(2) A college-ready seal. A student shall meet the 1942
requirement for this seal by attaining a score that is 1943
remediation-free, in accordance with standards adopted under 1944
division (F) of section 3345.061 of the Revised Code, on a 1945

nationally standardized assessment prescribed under division (B)	1946
(1) of section 3301.0712 of the Revised Code.	1947
(3) A military enlistment seal. A student shall meet the	1948
requirement for this seal by doing either of the following:	1949
(a) Providing evidence that the student has enlisted in a	1950
branch of the armed services of the United States as defined in	1951
section 5910.01 of the Revised Code;	1952
(b) Participating in a junior reserve officer training	1953
program approved by the congress of the United States under	1954
title 10 of the United States Code.	1955
(4) A citizenship seal. A student shall meet the	1956
requirement for this seal by doing any of the following:	1957
(a) Demonstrating at least a proficient level of skill as	1958
prescribed under division (B) (5) (a) of section 3301.0712 of the	1959
Revised Code on both the American history and American	1960
government end-of-course examinations prescribed under division	1961
(B) (2) (B) (2) (a) of section 3301.0712 of the Revised Code <u>or, for</u>	1962
<u>students who enter the ninth grade for the first time on or</u>	1963
<u>after July 1, 2020, demonstrating at least a proficient level of</u>	1964
<u>skill as prescribed under division (B) (5) (a) of that section on</u>	1965
<u>the American history and government end-of-course examination</u>	1966
<u>prescribed under division (B) (2) (b) of that section;</u>	1967
(b) Attaining a score level prescribed under division (B)	1968
(5) (d) of section 3301.0712 of the Revised Code that is at least	1969
the equivalent of a proficient level of skill in appropriate	1970
advanced placement or international baccalaureate examinations	1971
in lieu of the American history and American government end-of-	1972
course examinations <u>or the American history and government end-</u>	1973
<u>of-course examination;</u>	1974

(c) Attaining a final course grade that is the equivalent of a "B" or higher in appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the American history and American government end-of-course examinations.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B) (2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B) (5) (d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the

equivalent of a proficient level of skill in an appropriate	2004
advanced placement or international baccalaureate examination;	2005
(b) Attaining a final course grade that is the equivalent	2006
of a "B" or higher in an appropriate course taken through the	2007
college credit plus program established under Chapter 3365. of	2008
the Revised Code;	2009
(c) Completing a course offered through the student's	2010
district or school that meets guidelines developed by the	2011
department of education. However, a district or school shall not	2012
be required to offer a course that meets guidelines developed by	2013
the department.	2014
(8) A community service seal. A student shall meet the	2015
requirement for this seal by completing a community service	2016
project that is aligned with guidelines adopted by the student's	2017
district board or school governing authority.	2018
(9) A fine and performing arts seal. A student shall meet	2019
the requirement for this seal by demonstrating skill in the fine	2020
or performing arts according to an evaluation that is aligned	2021
with guidelines adopted by the student's district board or	2022
school governing authority.	2023
(10) A student engagement seal. A student shall meet the	2024
requirement for this seal by participating in extracurricular	2025
activities such as athletics, clubs, or student government to a	2026
meaningful extent, as determined by guidelines adopted by the	2027
student's district board or school governing authority.	2028
(D) Each district or school shall develop guidelines for	2029
at least one of the state seals prescribed under divisions (C)	2030
(8) to (10) of this section.	2031
(E) Each district or school shall maintain appropriate	2032

records to identify students who have met the requirements 2033
prescribed under division (C) of this section for earning the 2034
state seals established under that division. 2035

(F) The department shall prepare and deliver to each 2036
district or school an appropriate mechanism for assigning a 2037
state diploma seal established under division (C) of this 2038
section. 2039

(G) A student shall not be charged a fee to be assigned a 2040
state seal prescribed under division (C) of this section on the 2041
student's diploma and transcript. 2042

Section 2. That existing sections 3301.0710, 3301.0711, 2043
3301.0712, 3301.0729, 3301.163, 3313.608, 3313.61, 3313.612, and 2044
3313.6114 of the Revised Code are hereby repealed. 2045