

**As Reported by the Senate Primary and Secondary Education  
Committee**

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**Sub. H. B. No. 82**

**Representatives Cross, Jones**

**Cosponsors: Representatives Riedel, Manchester, Miller, J., Stein, Carfagna,  
Hoops, Abrams, Manning, Bird, Click, Ingram, Swearingen, Baldrige, Blackshear,  
Brent, Carruthers, Crawley, Creech, Crossman, Cutrona, Denson, Edwards,  
Fowler Arthur, Fraizer, Galonski, Ghanbari, Ginter, Grendell, Hall, Hicks-Hudson,  
Holmes, Householder, Jarrells, John, Lanese, LaRe, Lepore-Hagan, Lightbody,  
Loychik, Miranda, O'Brien, Patton, Pavliga, Plummer, Richardson, Robinson,  
Roemer, Smith, M., Sobeki, Stewart, Weinstein, West, White, Young, T.**

**Senators Brenner, Blessing**

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**A BILL**

To amend sections 3301.0710, 3301.0712, 3301.0714, 1  
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 2  
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3  
3302.12, 3302.13, 3302.151, 3311.741, 3313.413, 4  
3313.618, 3313.6113, 3313.6114, 3314.012, 5  
3314.02, 3314.03, 3314.034, 3314.05, 3314.35, 6  
3326.11, and 3328.24 and to enact sections 7  
3302.037, 3302.038, and 3302.039 of the Revised 8  
Code with regard to nationally standardized 9  
college admissions assessment and to revise the 10  
state report card and accountability systems. 11

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

**Section 1.** That sections 3301.0710, 3301.0712, 3301.0714, 12

3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 3302.03, 13  
3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 3302.151, 14  
3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 3314.012, 15  
3314.02, 3314.03, 3314.034, 3314.05, 3314.35, 3326.11, and 16  
3328.24 be amended and sections 3302.037, 3302.038, and 3302.039 17  
of the Revised Code be enacted to read as follows: 18

**Sec. 3301.0710.** The state board of education shall adopt 19  
rules establishing a statewide program to assess student 20  
achievement. The state board shall ensure that all assessments 21  
administered under the program are aligned with the academic 22  
standards and model curricula adopted by the state board and are 23  
created with input from Ohio parents, Ohio classroom teachers, 24  
Ohio school administrators, and other Ohio school personnel 25  
pursuant to section 3301.079 of the Revised Code. 26

The assessment program shall be designed to ensure that 27  
students who receive a high school diploma demonstrate at least 28  
high school levels of achievement in English language arts, 29  
mathematics, science, and social studies. 30

(A) (1) The state board shall prescribe all of the 31  
following: 32

(a) Two statewide achievement assessments, one each 33  
designed to measure the level of English language arts and 34  
mathematics skill expected at the end of third grade; 35

(b) 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 fourth grade; 38

(c) Three statewide achievement assessments, one each 39  
designed to measure the level of English language arts, 40  
mathematics, and science skill expected at the end of fifth 41

grade;	42
(d) Two statewide achievement assessments, one each	43
designed to measure the level of English language arts and	44
mathematics skill expected at the end of sixth grade;	45
(e) Two statewide achievement assessments, one each	46
designed to measure the level of English language arts and	47
mathematics skill expected at the end of seventh grade;	48
(f) Three statewide achievement assessments, one each	49
designed to measure the level of English language arts,	50
mathematics, and science skill expected at the end of eighth	51
grade.	52
(2) The state board shall determine and designate at least	53
five ranges of scores on each of the achievement assessments	54
described in divisions (A)(1) and (B)(1) of this section. Each	55
range of scores shall be deemed to demonstrate a level of	56
achievement so that any student attaining a score within such	57
range has achieved one of the following:	58
(a) An advanced level of skill;	59
(b) An <del>accelerated</del> <u>accomplished</u> level of skill;	60
(c) A proficient level of skill;	61
(d) A basic level of skill;	62
(e) A limited level of skill.	63
(3) For the purpose of implementing division (A) of	64
section 3313.608 of the Revised Code, the state board shall	65
determine and designate a level of achievement, not lower than	66
the level designated in division (A)(2)(e) of this section, on	67
the third grade English language arts assessment for a student	68

to be promoted to the fourth grade. The state board shall review 69  
and adjust upward the level of achievement designated under this 70  
division each year the test is administered until the level is 71  
set equal to the level designated in division (A)(2)(c) of this 72  
section. The level of achievement designated under this division 73  
shall be equal to the level designated in division (A)(2)(c) of 74  
this section not later than July 1, 2024. 75

(4) Each school district or school shall teach and assess 76  
social studies in at least the fourth and sixth grades. Any 77  
assessment in such area shall be determined by the district or 78  
school and may be formative or summative in nature. The results 79  
of such assessment shall not be reported to the department of 80  
education. 81

(B)(1) The assessments prescribed under division (B)(1) of 82  
this section shall collectively be known as the Ohio graduation 83  
tests. The state board shall prescribe five statewide high 84  
school achievement assessments, one each designed to measure the 85  
level of reading, writing, mathematics, science, and social 86  
studies skill expected at the end of tenth grade. The state 87  
board shall designate a score in at least the range designated 88  
under division (A)(2)(c) of this section on each such assessment 89  
that shall be deemed to be a passing score on the assessment as 90  
a condition toward granting high school diplomas under sections 91  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 92  
until the assessment system prescribed by section 3301.0712 of 93  
the Revised Code is implemented in accordance with division (B) 94  
(2) of this section. 95

(2) The state board shall prescribe an assessment system 96  
in accordance with section 3301.0712 of the Revised Code that 97  
shall replace the Ohio graduation tests beginning with students 98

who enter the ninth grade for the first time on or after July 1, 99  
2014. 100

(3) The state board may enter into a reciprocal agreement 101  
with the appropriate body or agency of any other state that has 102  
similar statewide achievement assessment requirements for 103  
receiving high school diplomas, under which any student who has 104  
met an achievement assessment requirement of one state is 105  
recognized as having met the similar requirement of the other 106  
state for purposes of receiving a high school diploma. For 107  
purposes of this section and sections 3301.0711 and 3313.61 of 108  
the Revised Code, any student enrolled in any public high school 109  
in this state who has met an achievement assessment requirement 110  
specified in a reciprocal agreement entered into under this 111  
division shall be deemed to have attained at least the 112  
applicable score designated under this division on each 113  
assessment required by division (B) (1) or (2) of this section 114  
that is specified in the agreement. 115

(C) The superintendent of public instruction shall 116  
designate dates and times for the administration of the 117  
assessments prescribed by divisions (A) and (B) of this section. 118

In prescribing administration dates pursuant to this 119  
division, the superintendent shall designate the dates in such a 120  
way as to allow a reasonable length of time between the 121  
administration of assessments prescribed under this section and 122  
any administration of the national assessment of educational 123  
progress given to students in the same grade level pursuant to 124  
section 3301.27 of the Revised Code or federal law. 125

(D) The state board shall prescribe a practice version of 126  
each Ohio graduation test described in division (B) (1) of this 127  
section that is of comparable length to the actual test. 128

(E) Any committee established by the department of 129  
education for the purpose of making recommendations to the state 130  
board regarding the state board's designation of scores on the 131  
assessments described by this section shall inform the state 132  
board of the probable percentage of students who would score in 133  
each of the ranges established under division (A)(2) of this 134  
section on the assessments if the committee's recommendations 135  
are adopted by the state board. To the extent possible, these 136  
percentages shall be disaggregated by gender, major racial and 137  
ethnic groups, English learners, economically disadvantaged 138  
students, students with disabilities, and migrant students. 139

**Sec. 3301.0712.** (A) The state board of education, the 140  
superintendent of public instruction, and the chancellor of 141  
higher education shall develop a system of college and work 142  
ready assessments as described in division (B) of this section 143  
to assess whether each student upon graduating from high school 144  
is ready to enter college or the workforce. Beginning with 145  
students who enter the ninth grade for the first time on or 146  
after July 1, 2014, the system shall replace the Ohio graduation 147  
tests prescribed in division (B)(1) of section 3301.0710 of the 148  
Revised Code as a measure of student academic performance and 149  
one determinant of eligibility for a high school diploma in the 150  
manner prescribed by rule of the state board adopted under 151  
division (D) of this section. 152

(B) The college and work ready assessment system shall 153  
consist of the following: 154

(1) ~~Nationally~~ (a) Except as provided in division (B)(1) 155  
(b) of this section, nationally standardized assessments that 156  
measure college and career readiness and are used for college 157  
admission. The assessments shall be selected jointly by the 158

state superintendent and the chancellor, and one of which shall 159  
be selected by each school district or school to administer to 160  
its students. The assessments prescribed under division (B) (1) 161  
of this section shall be administered to all eleventh-grade 162  
students in the spring of the school year. 163

(b) Beginning with students who enter the ninth grade for 164  
the first time on or after the first day of July immediately 165  
following the effective date of this amendment, the parent or 166  
guardian of a student may elect not to have a nationally 167  
standardized assessment administered to that student. In that 168  
event, the student's school district or school shall not 169  
administer the nationally standardized assessment to that 170  
student. 171

(2) (a) Except as provided in division (B) (2) (b) of this 172  
section, seven end-of-course examinations, one in each of the 173  
areas of English language arts I, English language arts II, 174  
science, Algebra I, geometry, American history, and American 175  
government. The end-of-course examinations shall be selected 176  
jointly by the state superintendent and the chancellor in 177  
consultation with faculty in the appropriate subject areas at 178  
institutions of higher education of the university system of 179  
Ohio. Advanced placement examinations and international 180  
baccalaureate examinations, as prescribed under section 181  
3313.6013 of the Revised Code, in the areas of science, American 182  
history, and American government may be used as end-of-course 183  
examinations in accordance with division (B) (4) (a) (i) of this 184  
section. Final course grades for courses taken under any other 185  
advanced standing program, as prescribed under section 3313.6013 186  
of the Revised Code, in the areas of science, American history, 187  
and American government may be used in lieu of end-of-course 188  
examinations in accordance with division (B) (4) (a) (ii) of this 189

section.	190
(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.	191 192 193 194 195 196
The department of education shall, as necessary to implement division (B) (2) (b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this division, the end-of-course examinations for students described in division (B) (2) (b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.	197 198 199 200 201 202 203 204 205 206 207
(3) (a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B) (3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.	208 209 210 211 212 213 214 215 216 217 218
(b) Not later than July 1, 2014, the state superintendent	219



and the chancellor shall select the end-of-course examinations 220  
in American history and American government. 221

(i) The end-of-course examinations in American history and 222  
American government shall require demonstration of mastery of 223  
the American history and American government content for social 224  
studies standards adopted under division (A) (1) (b) of section 225  
3301.079 of the Revised Code and the topics required under 226  
division (M) of section 3313.603 of the Revised Code. 227

(ii) At least twenty per cent of the end-of-course 228  
examination in American government shall address the topics on 229  
American history and American government described in division 230  
(M) of section 3313.603 of the Revised Code. 231

(4) (a) Notwithstanding anything to the contrary in this 232  
section, beginning with the 2014-2015 school year, both of the 233  
following shall apply: 234

(i) If a student is enrolled in an appropriate advanced 235  
placement or international baccalaureate course, that student 236  
shall take the advanced placement or international baccalaureate 237  
examination in lieu of the science, American history, or 238  
American government end-of-course examinations prescribed under 239  
division (B) (2) of this section. The state board shall specify 240  
the score levels for each advanced placement examination and 241  
international baccalaureate examination for purposes of 242  
calculating the minimum cumulative performance score that 243  
demonstrates the level of academic achievement necessary to earn 244  
a high school diploma. 245

(ii) If a student is enrolled in an appropriate course 246  
under any other advanced standing program, as described in 247  
section 3313.6013 of the Revised Code, that student shall not be 248

required to take the science, American history, or American 249  
government end-of-course examination, whichever is applicable, 250  
prescribed under division (B) (2) of this section. Instead, that 251  
student's final course grade shall be used in lieu of the 252  
applicable end-of-course examination prescribed under that 253  
section. The state superintendent, in consultation with the 254  
chancellor, shall adopt guidelines for purposes of calculating 255  
the corresponding final course grades that demonstrate the level 256  
of academic achievement necessary to earn a high school diploma. 257

Division (B) (4) (a) (ii) of this section shall apply only to 258  
courses for which students receive transcribed credit, as 259  
defined in section 3365.01 of the Revised Code. It shall not 260  
apply to remedial or developmental courses. 261

(b) No student shall take a substitute examination or 262  
examination prescribed under division (B) (4) (a) of this section 263  
in place of the end-of-course examinations in English language 264  
arts I, English language arts II, Algebra I, or geometry 265  
prescribed under division (B) (2) of this section. 266

(c) The state board shall consider additional assessments 267  
that may be used, beginning with the 2016-2017 school year, as 268  
substitute examinations in lieu of the end-of-course 269  
examinations prescribed under division (B) (2) of this section. 270

(5) The state board shall do all of the following: 271

(a) Determine and designate at least five ranges of scores 272  
on each of the end-of-course examinations prescribed under 273  
division (B) (2) of this section, and substitute examinations 274  
prescribed under division (B) (4) of this section. Not later than 275  
sixty days after the designation of ranges of scores, the state 276  
superintendent, or the state superintendent's designee, shall 277

conduct a public presentation before the standing committees of 278  
the house of representatives and the senate that consider 279  
primary and secondary education legislation regarding the 280  
designated range of scores. Each range of scores shall be 281  
considered to demonstrate a level of achievement so that any 282  
student attaining a score within such range has achieved one of 283  
the following: 284

(i) An advanced level of skill; 285

(ii) An ~~accelerated~~ accomplished level of skill; 286

(iii) A proficient level of skill; 287

(iv) A basic level of skill; 288

(v) A limited level of skill. 289

(b) Determine a method by which to calculate a cumulative 290  
performance score based on the results of a student's end-of- 291  
course examinations or substitute examinations; 292

(c) Determine the minimum cumulative performance score 293  
that demonstrates the level of academic achievement necessary to 294  
earn a high school diploma under division (A) (2) of section 295  
3313.618 of the Revised Code. However, the state board shall not 296  
determine a new minimum cumulative performance score after the 297  
effective date of this amendment October 17, 2019. 298

(d) Develop a table of corresponding score equivalents for 299  
the end-of-course examinations and substitute examinations in 300  
order to calculate student performance consistently across the 301  
different examinations. 302

A score of two on an advanced placement examination or a 303  
score of two or three on an international baccalaureate 304  
examination shall be considered equivalent to a proficient level 305

of skill as specified under division (B) (5) (a) (iii) of this section.	306 307
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	308 309 310
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	311 312 313
(ii) The examination was not available for administration prior to July 1, 2015.	314 315
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	316 317 318 319 320
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	321 322 323 324 325
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	326 327 328
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	329 330 331
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating	332 333

the corresponding final course grades and the minimum cumulative 334  
performance score that demonstrates the level of academic 335  
achievement necessary to earn a high school diploma. 336

(7) (a) Notwithstanding anything to the contrary in this 337  
section, the state board may replace the algebra I end-of-course 338  
examination prescribed under division (B) (2) of this section 339  
with an algebra II end-of-course examination, beginning with the 340  
2016-2017 school year for students who enter ninth grade on or 341  
after July 1, 2016. 342

(b) If the state board replaces the algebra I end-of- 343  
course examination with an algebra II end-of-course examination 344  
as authorized under division (B) (7) (a) of this section, both of 345  
the following shall apply: 346

(i) A student who is enrolled in an advanced placement or 347  
international baccalaureate course in algebra II shall take the 348  
advanced placement or international baccalaureate examination in 349  
lieu of the algebra II end-of-course examination. 350

(ii) A student who is enrolled in an algebra II course 351  
under any other advanced standing program, as described in 352  
section 3313.6013 of the Revised Code, shall not be required to 353  
take the algebra II end-of-course examination. Instead, that 354  
student's final course grade shall be used in lieu of the 355  
examination. 356

(c) If a school district or school utilizes an integrated 357  
approach to mathematics instruction, the district or school may 358  
do either or both of the following: 359

(i) Administer an integrated mathematics I end-of-course 360  
examination in lieu of the prescribed algebra I end-of-course 361  
examination; 362

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination. 363  
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(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology. 366  
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(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination. 372  
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(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618 of the Revised Code. 377  
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(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history. 385  
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(10) Not later than March 1, 2020, the department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course 388  
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examinations for the purpose of graduation eligibility.	392
(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.	393 394 395 396 397 398
(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:	399 400 401
(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;	402 403 404
(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;	405 406 407 408
(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code;	409 410 411 412 413
(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;	414 415 416 417 418 419 420

(5) The extent to which the assessment system applies to 421  
students enrolled in a dropout recovery and prevention program 422  
for purposes of division (F) of section 3313.603 and section 423  
3314.36 of the Revised Code. 424

(E) Not later than forty-five days prior to the state 425  
board's adoption of a resolution directing the department to 426  
file the rules prescribed by division (D) of this section in 427  
final form under section 119.04 of the Revised Code, the 428  
superintendent of public instruction shall present the 429  
assessment system developed under this section to the respective 430  
committees of the house of representatives and senate that 431  
consider education legislation. 432

(F) (1) Any person enrolled in a nonchartered nonpublic 433  
school or any person who has been excused from attendance at 434  
school for the purpose of home instruction under section 3321.04 435  
of the Revised Code may choose to participate in the system of 436  
assessments administered under divisions (B) (1) and (2) of this 437  
section. However, no such person shall be required to 438  
participate in the system of assessments. 439

(2) The department shall adopt rules for the 440  
administration and scoring of any assessments under division (F) 441  
(1) of this section. 442

(G) Not later than December 31, 2014, the state board 443  
shall select at least one nationally recognized job skills 444  
assessment. Each school district shall administer that 445  
assessment to those students who opt to take it. The state shall 446  
reimburse a school district for the costs of administering that 447  
assessment. The state board shall establish the minimum score a 448  
student must attain on the job skills assessment in order to 449  
demonstrate a student's workforce readiness and employability. 450



The administration of the job skills assessment to a student 451  
under this division shall not exempt a school district from 452  
administering the assessments prescribed in division (B) of this 453  
section to that student. 454

**Sec. 3301.0714.** (A) The state board of education shall 455  
adopt rules for a statewide education management information 456  
system. The rules shall require the state board to establish 457  
guidelines for the establishment and maintenance of the system 458  
in accordance with this section and the rules adopted under this 459  
section. The guidelines shall include: 460

(1) Standards identifying and defining the types of data 461  
in the system in accordance with divisions (B) and (C) of this 462  
section; 463

(2) Procedures for annually collecting and reporting the 464  
data to the state board in accordance with division (D) of this 465  
section; 466

(3) Procedures for annually compiling the data in 467  
accordance with division (G) of this section; 468

(4) Procedures for annually reporting the data to the 469  
public in accordance with division (H) of this section; 470

(5) Standards to provide strict safeguards to protect the 471  
confidentiality of personally identifiable student data. 472

(B) The guidelines adopted under this section shall 473  
require the data maintained in the education management 474  
information system to include at least the following: 475

(1) Student participation and performance data, for each 476  
grade in each school district as a whole and for each grade in 477  
each school building in each school district, that includes: 478

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C) (3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C) (4) (a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a	509
disabling condition pursuant to division (C) (1) of section	510
3301.0711 of the Revised Code;	511
(f) The numbers of students reported to the state board	512
pursuant to division (C) (2) of section 3301.0711 of the Revised	513
Code;	514
(g) Attendance rates and the average daily attendance for	515
the year. For purposes of this division, a student shall be	516
counted as present for any field trip that is approved by the	517
school administration.	518
(h) Expulsion rates;	519
(i) Suspension rates;	520
(j) Dropout rates;	521
(k) Rates of retention in grade;	522
(l) For pupils in grades nine through twelve, the average	523
number of carnegie units, as calculated in accordance with state	524
board of education rules;	525
(m) Graduation rates, to be calculated in a manner	526
specified by the department of education that reflects the rate	527
at which students who were in the ninth grade three years prior	528
to the current year complete school and that is consistent with	529
nationally accepted reporting requirements;	530
(n) Results of diagnostic assessments administered to	531
kindergarten students as required under section 3301.0715 of the	532
Revised Code to permit a comparison of the academic readiness of	533
kindergarten students. However, no district shall be required to	534
report to the department the results of any diagnostic	535
assessment administered to a kindergarten student, except for	536

the language and reading assessment described in division (A) (2) 537  
of section 3301.0715 of the Revised Code, if the parent of that 538  
student requests the district not to report those results. 539

(o) Beginning on July 1, 2018, for each disciplinary 540  
action which is required to be reported under division (B) (4) of 541  
this section, districts and schools also shall include an 542  
identification of the person or persons, if any, at whom the 543  
student's violent behavior that resulted in discipline was 544  
directed. The person or persons shall be identified by the 545  
respective classification at the district or school, such as 546  
student, teacher, or nonteaching employee, but shall not be 547  
identified by name. 548

Division (B) (1) (o) of this section does not apply after 549  
the date that is two years following the submission of the 550  
report required by Section 733.13 of H.B. 49 of the 132nd 551  
general assembly. 552

(p) The number of students earning each state diploma seal 553  
included in the system prescribed under division (A) of section 554  
3313.6114 of the Revised Code; 555

(q) The number of students demonstrating competency for 556  
graduation using each option described in divisions (B) (1) (a) to 557  
(c) of section 3313.618 of the Revised Code; 558

(r) The number of students completing each foundational 559  
and supporting option as part of the demonstration of competency 560  
for graduation pursuant to division (B) (1) (b) of section 561  
3313.618 of the Revised Code; 562

(s) The number of students enrolled in all-day 563  
kindergarten, as defined in section 3321.05 of the Revised Code. 564

(2) Personnel and classroom enrollment data for each 565

school district, including:	566
(a) The total numbers of licensed employees and	567
nonlicensed employees and the numbers of full-time equivalent	568
licensed employees and nonlicensed employees providing each	569
category of instructional service, instructional support	570
service, and administrative support service used pursuant to	571
division (C)(3) of this section. The guidelines adopted under	572
this section shall require these categories of data to be	573
maintained for the school district as a whole and, wherever	574
applicable, for each grade in the school district as a whole,	575
for each school building as a whole, and for each grade in each	576
school building.	577
(b) The total number of employees and the number of full-	578
time equivalent employees providing each category of service	579
used pursuant to divisions (C)(4)(a) and (b) of this section,	580
and the total numbers of licensed employees and nonlicensed	581
employees and the numbers of full-time equivalent licensed	582
employees and nonlicensed employees providing each category used	583
pursuant to division (C)(4)(c) of this section. The guidelines	584
adopted under this section shall require these categories of	585
data to be maintained for the school district as a whole and,	586
wherever applicable, for each grade in the school district as a	587
whole, for each school building as a whole, and for each grade	588
in each school building.	589
(c) The total number of regular classroom teachers	590
teaching classes of regular education and the average number of	591
pupils enrolled in each such class, in each of grades	592
kindergarten through five in the district as a whole and in each	593
school building in the school district.	594
(d) The number of lead teachers employed by each school	595

district and each school building. 596

(3) (a) Student demographic data for each school district, 597  
including information regarding the gender ratio of the school 598  
district's pupils, the racial make-up of the school district's 599  
pupils, the number of English learners in the district, and an 600  
appropriate measure of the number of the school district's 601  
pupils who reside in economically disadvantaged households. The 602  
demographic data shall be collected in a manner to allow 603  
correlation with data collected under division (B) (1) of this 604  
section. Categories for data collected pursuant to division (B) 605  
(3) of this section shall conform, where appropriate, to 606  
standard practices of agencies of the federal government. 607

(b) With respect to each student entering kindergarten, 608  
whether the student previously participated in a public 609  
preschool program, a private preschool program, or a head start 610  
program, and the number of years the student participated in 611  
each of these programs. 612

(4) Any data required to be collected pursuant to federal 613  
law. 614

(C) The education management information system shall 615  
include cost accounting data for each district as a whole and 616  
for each school building in each school district. The guidelines 617  
adopted under this section shall require the cost data for each 618  
school district to be maintained in a system of mutually 619  
exclusive cost units and shall require all of the costs of each 620  
school district to be divided among the cost units. The 621  
guidelines shall require the system of mutually exclusive cost 622  
units to include at least the following: 623

(1) Administrative costs for the school district as a 624

whole. The guidelines shall require the cost units under this 625  
division (C) (1) to be designed so that each of them may be 626  
compiled and reported in terms of average expenditure per pupil 627  
in formula ADM in the school district, as determined pursuant to 628  
section 3317.03 of the Revised Code. 629

(2) Administrative costs for each school building in the 630  
school district. The guidelines shall require the cost units 631  
under this division (C) (2) to be designed so that each of them 632  
may be compiled and reported in terms of average expenditure per 633  
full-time equivalent pupil receiving instructional or support 634  
services in each building. 635

(3) Instructional services costs for each category of 636  
instructional service provided directly to students and required 637  
by guidelines adopted pursuant to division (B) (1) (a) of this 638  
section. The guidelines shall require the cost units under 639  
division (C) (3) of this section to be designed so that each of 640  
them may be compiled and reported in terms of average 641  
expenditure per pupil receiving the service in the school 642  
district as a whole and average expenditure per pupil receiving 643  
the service in each building in the school district and in terms 644  
of a total cost for each category of service and, as a breakdown 645  
of the total cost, a cost for each of the following components: 646

(a) The cost of each instructional services category 647  
required by guidelines adopted under division (B) (1) (a) of this 648  
section that is provided directly to students by a classroom 649  
teacher; 650

(b) The cost of the instructional support services, such 651  
as services provided by a speech-language pathologist, classroom 652  
aide, multimedia aide, or librarian, provided directly to 653  
students in conjunction with each instructional services 654

category; 655

(c) The cost of the administrative support services 656  
related to each instructional services category, such as the 657  
cost of personnel that develop the curriculum for the 658  
instructional services category and the cost of personnel 659  
supervising or coordinating the delivery of the instructional 660  
services category. 661

(4) Support or extracurricular services costs for each 662  
category of service directly provided to students and required 663  
by guidelines adopted pursuant to division (B)(1)(b) of this 664  
section. The guidelines shall require the cost units under 665  
division (C)(4) of this section to be designed so that each of 666  
them may be compiled and reported in terms of average 667  
expenditure per pupil receiving the service in the school 668  
district as a whole and average expenditure per pupil receiving 669  
the service in each building in the school district and in terms 670  
of a total cost for each category of service and, as a breakdown 671  
of the total cost, a cost for each of the following components: 672

(a) The cost of each support or extracurricular services 673  
category required by guidelines adopted under division (B)(1)(b) 674  
of this section that is provided directly to students by a 675  
licensed employee, such as services provided by a guidance 676  
counselor or any services provided by a licensed employee under 677  
a supplemental contract; 678

(b) The cost of each such services category provided 679  
directly to students by a nonlicensed employee, such as 680  
janitorial services, cafeteria services, or services of a sports 681  
trainer; 682

(c) The cost of the administrative services related to 683



each services category in division (C) (4) (a) or (b) of this 684  
section, such as the cost of any licensed or nonlicensed 685  
employees that develop, supervise, coordinate, or otherwise are 686  
involved in administering or aiding the delivery of each 687  
services category. 688

(D) (1) The guidelines adopted under this section shall 689  
require school districts to collect information about individual 690  
students, staff members, or both in connection with any data 691  
required by division (B) or (C) of this section or other 692  
reporting requirements established in the Revised Code. The 693  
guidelines may also require school districts to report 694  
information about individual staff members in connection with 695  
any data required by division (B) or (C) of this section or 696  
other reporting requirements established in the Revised Code. 697  
The guidelines shall not authorize school districts to request 698  
social security numbers of individual students. The guidelines 699  
shall prohibit the reporting under this section of a student's 700  
name, address, and social security number to the state board of 701  
education or the department of education. The guidelines shall 702  
also prohibit the reporting under this section of any personally 703  
identifiable information about any student, except for the 704  
purpose of assigning the data verification code required by 705  
division (D) (2) of this section, to any other person unless such 706  
person is employed by the school district or the information 707  
technology center operated under section 3301.075 of the Revised 708  
Code and is authorized by the district or technology center to 709  
have access to such information or is employed by an entity with 710  
which the department contracts for the scoring or the 711  
development of state assessments. The guidelines may require 712  
school districts to provide the social security numbers of 713  
individual staff members and the county of residence for a 714

student. Nothing in this section prohibits the state board of 715  
education or department of education from providing a student's 716  
county of residence to the department of taxation to facilitate 717  
the distribution of tax revenue. 718

(2) (a) The guidelines shall provide for each school 719  
district or community school to assign a data verification code 720  
that is unique on a statewide basis over time to each student 721  
whose initial Ohio enrollment is in that district or school and 722  
to report all required individual student data for that student 723  
utilizing such code. The guidelines shall also provide for 724  
assigning data verification codes to all students enrolled in 725  
districts or community schools on the effective date of the 726  
guidelines established under this section. The assignment of 727  
data verification codes for other entities, as described in 728  
division (D) (2) (d) of this section, the use of those codes, and 729  
the reporting and use of associated individual student data 730  
shall be coordinated by the department in accordance with state 731  
and federal law. 732

School districts shall report individual student data to 733  
the department through the information technology centers 734  
utilizing the code. The entities described in division (D) (2) (d) 735  
of this section shall report individual student data to the 736  
department in the manner prescribed by the department. 737

(b) (i) Except as provided in sections 3301.941, 3310.11, 738  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 739  
in division (D) (2) (b) (ii) of this section, at no time shall the 740  
state board or the department have access to information that 741  
would enable any data verification code to be matched to 742  
personally identifiable student data. 743

(ii) For the purpose of making per-pupil payments to 744

community schools under division (C) of section 3314.08 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the

profiles of each of the school buildings in that school district 804  
developed pursuant to division (G) of this section. Copies of 805  
the report shall be sent to the superintendent of the district 806  
and to each member of the district board of education. 807

(3) Copies of the reports received from the state board 808  
under divisions (H) (1) and (2) of this section shall be made 809  
available to the general public at each school district's 810  
offices. Each district board of education shall make copies of 811  
each report available to any person upon request and payment of 812  
a reasonable fee for the cost of reproducing the report. The 813  
board shall annually publish in a newspaper of general 814  
circulation in the school district, at least twice during the 815  
two weeks prior to the week in which the reports will first be 816  
available, a notice containing the address where the reports are 817  
available and the date on which the reports will be available. 818

(I) Any data that is collected or maintained pursuant to 819  
this section and that identifies an individual pupil is not a 820  
public record for the purposes of section 149.43 of the Revised 821  
Code. 822

(J) As used in this section: 823

(1) "School district" means any city, local, exempted 824  
village, or joint vocational school district and, in accordance 825  
with section 3314.17 of the Revised Code, any community school. 826  
As used in division (L) of this section, "school district" also 827  
includes any educational service center or other educational 828  
entity required to submit data using the system established 829  
under this section. 830

(2) "Cost" means any expenditure for operating expenses 831  
made by a school district excluding any expenditures for debt 832

retirement except for payments made to any commercial lending 833  
institution for any loan approved pursuant to section 3313.483 834  
of the Revised Code. 835

(K) Any person who removes data from the information 836  
system established under this section for the purpose of 837  
releasing it to any person not entitled under law to have access 838  
to such information is subject to section 2913.42 of the Revised 839  
Code prohibiting tampering with data. 840

(L) (1) In accordance with division (L) (2) of this section 841  
and the rules adopted under division (L) (10) of this section, 842  
the department of education may sanction any school district 843  
that reports incomplete or inaccurate data, reports data that 844  
does not conform to data requirements and descriptions published 845  
by the department, fails to report data in a timely manner, or 846  
otherwise does not make a good faith effort to report data as 847  
required by this section. 848

(2) If the department decides to sanction a school 849  
district under this division, the department shall take the 850  
following sequential actions: 851

(a) Notify the district in writing that the department has 852  
determined that data has not been reported as required under 853  
this section and require the district to review its data 854  
submission and submit corrected data by a deadline established 855  
by the department. The department also may require the district 856  
to develop a corrective action plan, which shall include 857  
provisions for the district to provide mandatory staff training 858  
on data reporting procedures. 859

(b) Withhold up to ten per cent of the total amount of 860  
state funds due to the district for the current fiscal year and, 861

if not previously required under division (L) (2) (a) of this 862  
section, require the district to develop a corrective action 863  
plan in accordance with that division; 864

(c) Withhold an additional amount of up to twenty per cent 865  
of the total amount of state funds due to the district for the 866  
current fiscal year; 867

(d) Direct department staff or an outside entity to 868  
investigate the district's data reporting practices and make 869  
recommendations for subsequent actions. The recommendations may 870  
include one or more of the following actions: 871

(i) Arrange for an audit of the district's data reporting 872  
practices by department staff or an outside entity; 873

(ii) Conduct a site visit and evaluation of the district; 874

(iii) Withhold an additional amount of up to thirty per 875  
cent of the total amount of state funds due to the district for 876  
the current fiscal year; 877

(iv) Continue monitoring the district's data reporting; 878

(v) Assign department staff to supervise the district's 879  
data management system; 880

(vi) Conduct an investigation to determine whether to 881  
suspend or revoke the license of any district employee in 882  
accordance with division (N) of this section; 883

(vii) If the district is issued a report card under 884  
section 3302.03 of the Revised Code, indicate on the report card 885  
that the district has been sanctioned for failing to report data 886  
as required by this section; 887

(viii) If the district is issued a report card under 888

section 3302.03 of the Revised Code and incomplete or inaccurate 889  
data submitted by the district likely caused the district to 890  
receive a higher performance rating than it deserved under that 891  
section, issue a revised report card for the district; 892

(ix) Any other action designed to correct the district's 893  
data reporting problems. 894

(3) Any time the department takes an action against a 895  
school district under division (L)(2) of this section, the 896  
department shall make a report of the circumstances that 897  
prompted the action. The department shall send a copy of the 898  
report to the district superintendent or chief administrator and 899  
maintain a copy of the report in its files. 900

(4) If any action taken under division (L)(2) of this 901  
section resolves a school district's data reporting problems to 902  
the department's satisfaction, the department shall not take any 903  
further actions described by that division. If the department 904  
withheld funds from the district under that division, the 905  
department may release those funds to the district, except that 906  
if the department withheld funding under division (L)(2)(c) of 907  
this section, the department shall not release the funds 908  
withheld under division (L)(2)(b) of this section and, if the 909  
department withheld funding under division (L)(2)(d) of this 910  
section, the department shall not release the funds withheld 911  
under division (L)(2)(b) or (c) of this section. 912

(5) Notwithstanding anything in this section to the 913  
contrary, the department may use its own staff or an outside 914  
entity to conduct an audit of a school district's data reporting 915  
practices any time the department has reason to believe the 916  
district has not made a good faith effort to report data as 917  
required by this section. If any audit conducted by an outside 918



entity under division (L)(2)(d)(i) or (5) of this section 919  
confirms that a district has not made a good faith effort to 920  
report data as required by this section, the district shall 921  
reimburse the department for the full cost of the audit. The 922  
department may withhold state funds due to the district for this 923  
purpose. 924

(6) Prior to issuing a revised report card for a school 925  
district under division (L)(2)(d)(viii) of this section, the 926  
department may hold a hearing to provide the district with an 927  
opportunity to demonstrate that it made a good faith effort to 928  
report data as required by this section. The hearing shall be 929  
conducted by a referee appointed by the department. Based on the 930  
information provided in the hearing, the referee shall recommend 931  
whether the department should issue a revised report card for 932  
the district. If the referee affirms the department's contention 933  
that the district did not make a good faith effort to report 934  
data as required by this section, the district shall bear the 935  
full cost of conducting the hearing and of issuing any revised 936  
report card. 937

(7) If the department determines that any inaccurate data 938  
reported under this section caused a school district to receive 939  
excess state funds in any fiscal year, the district shall 940  
reimburse the department an amount equal to the excess funds, in 941  
accordance with a payment schedule determined by the department. 942  
The department may withhold state funds due to the district for 943  
this purpose. 944

(8) Any school district that has funds withheld under 945  
division (L)(2) of this section may appeal the withholding in 946  
accordance with Chapter 119. of the Revised Code. 947

(9) In all cases of a disagreement between the department 948

and a school district regarding the appropriateness of an action 949  
taken under division (L) (2) of this section, the burden of proof 950  
shall be on the district to demonstrate that it made a good 951  
faith effort to report data as required by this section. 952

(10) The state board of education shall adopt rules under 953  
Chapter 119. of the Revised Code to implement division (L) of 954  
this section. 955

(M) No information technology center or school district 956  
shall acquire, change, or update its student administration 957  
software package to manage and report data required to be 958  
reported to the department unless it converts to a student 959  
software package that is certified by the department. 960

(N) The state board of education, in accordance with 961  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 962  
or revoke a license as defined under division (A) of section 963  
3319.31 of the Revised Code that has been issued to any school 964  
district employee found to have willfully reported erroneous, 965  
inaccurate, or incomplete data to the education management 966  
information system. 967

(O) No person shall release or maintain any information 968  
about any student in violation of this section. Whoever violates 969  
this division is guilty of a misdemeanor of the fourth degree. 970

(P) The department shall disaggregate the data collected 971  
under division (B) (1) (n) of this section according to the race 972  
and socioeconomic status of the students assessed. 973

(Q) If the department cannot compile any of the 974  
information required by division ~~(H)~~(I) of section 3302.03 of 975  
the Revised Code based upon the data collected under this 976  
section, the department shall develop a plan and a reasonable 977

timeline for the collection of any data necessary to comply with 978  
that division. 979

**Sec. 3301.0715.** (A) Except as required under division (B) 980  
(1) of section 3313.608 or as specified in division (D) (3) of 981  
section 3301.079 of the Revised Code, the board of education of 982  
each city, local, and exempted village school district shall 983  
administer each applicable diagnostic assessment developed and 984  
provided to the district in accordance with section 3301.079 of 985  
the Revised Code to the following: 986

(1) Any student who transfers into the district or to a 987  
different school within the district if each applicable 988  
diagnostic assessment was not administered by the district or 989  
school the student previously attended in the current school 990  
year, within thirty days after the date of transfer. If the 991  
district or school into which the student transfers cannot 992  
determine whether the student has taken any applicable 993  
diagnostic assessment in the current school year, the district 994  
or school may administer the diagnostic assessment to the 995  
student. However, if a student transfers into the district prior 996  
to the administration of the diagnostic assessments to all 997  
students under division (B) of this section, the district may 998  
administer the diagnostic assessments to that student on the 999  
date or dates determined under that division. 1000

(2) Each kindergarten student, not earlier than the first 1001  
day of the school year and not later than the first day of 1002  
November. However, a board of education may administer the 1003  
selected response and performance task items portion of the 1004  
diagnostic assessment up to two weeks prior to the first day of 1005  
the school year. 1006

For the purpose of division (A) (2) of this section, the 1007

district shall administer the kindergarten readiness assessment 1008  
provided by the department of education. In no case shall the 1009  
results of the readiness assessment be used to prohibit a 1010  
student from enrolling in kindergarten. 1011

(3) Each student enrolled in first, second, or third 1012  
grade. 1013

Division (A) of this section does not apply to students 1014  
with significant cognitive disabilities, as defined by the 1015  
department of education. 1016

(B) Each district board shall administer each diagnostic 1017  
assessment when the board deems appropriate, provided the 1018  
administration complies with section 3313.608 of the Revised 1019  
Code. However, the board shall administer any diagnostic 1020  
assessment at least once annually to all students in the 1021  
appropriate grade level. A district board may administer any 1022  
diagnostic assessment in the fall and spring of a school year to 1023  
measure the amount of academic growth attributable to the 1024  
instruction received by students during that school year. 1025

(C) ~~Any A district that received a grade of "A" or "B" for~~ 1026  
~~the performance index score under division (A) (1) (b), (B) (1) (b),~~ 1027  
~~or (C) (1) (b) of section 3302.03 of the Revised Code or for the~~ 1028  
~~value added progress dimension under division (A) (1) (c), (B) (1)~~ 1029  
~~(c), or (C) (1) (c) of section 3302.03 of the Revised Code for the~~ 1030  
~~immediately preceding school year~~ may use different diagnostic 1031  
assessments from those adopted under division (D) of section 1032  
3301.079 of the Revised Code in order to satisfy the 1033  
requirements of division (A) (3) of this section if the district 1034  
meets either of the following conditions for the immediately 1035  
preceding school year: 1036

(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (e) of that section. 1037  
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(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section. 1041  
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(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the ~~measure~~ measures prescribed by divisions (B) (1) (g) ~~and~~, (C) (1) (g), and (D) (1) (h) of section 3302.03 of the Revised Code and the data reported under division (D) (2) (e) of that section. 1045  
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(E) Each district board shall provide intervention 1066

services to students whose diagnostic assessments show that they 1067  
are failing to make satisfactory progress toward attaining the 1068  
academic standards for their grade level. 1069

(F) Beginning in the 2018-2019 school year, any chartered 1070  
nonpublic school may elect to administer the kindergarten 1071  
readiness assessment to all kindergarten students enrolled in 1072  
the school. If the school so elects, the chief administrator of 1073  
the school shall notify the superintendent of public instruction 1074  
not later than the thirty-first day of March prior to any school 1075  
year in which the school will administer the assessment. The 1076  
department shall furnish the assessment to the school at no cost 1077  
to the school. In administering the assessment, the school shall 1078  
do all of the following: 1079

(1) Enter into a written agreement with the department 1080  
specifying that the school will share each participating 1081  
student's assessment data with the department and, that for the 1082  
purpose of reporting the data to the department, each 1083  
participating student will be assigned a data verification code 1084  
as described in division (D) (2) of section 3301.0714 of the 1085  
Revised Code; 1086

(2) Require the assessment to be administered by a teacher 1087  
certified under section 3301.071 of the Revised Code who either 1088  
has completed training on administering the kindergarten 1089  
readiness assessment provided by the department or has been 1090  
trained by another person who has completed such training; 1091

(3) Administer the assessment in the same manner as school 1092  
districts are required to do under this section and the rules 1093  
established under division (D) of this section. 1094

(G) Beginning in the 2019-2020 school year, a school 1095

district in which less than eighty per cent of its students 1096  
score at the proficient level or higher on the third-grade 1097  
English language arts assessment prescribed under section 1098  
3301.0710 of the Revised Code shall establish a reading 1099  
improvement plan supported by reading specialists. Prior to 1100  
implementation, the plan shall be approved by the school 1101  
district board of education. 1102

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of 1103  
the Revised Code: 1104

(A) "Preschool program" means either of the following: 1105

(1) A child care program for preschool children that is 1106  
operated by a school district board of education or an eligible 1107  
nonpublic school. 1108

(2) A child care program for preschool children age three 1109  
or older that is operated by a county board of developmental 1110  
disabilities or a community school. 1111

(B) "Preschool child" or "child" means a child who has not 1112  
entered kindergarten and is not of compulsory school age. 1113

(C) "Parent, guardian, or custodian" means the person or 1114  
government agency that is or will be responsible for a child's 1115  
school attendance under section 3321.01 of the Revised Code. 1116

(D) "Superintendent" means the superintendent of a school 1117  
district or the chief administrative officer of a community 1118  
school or an eligible nonpublic school. 1119

(E) "Director" means the director, head teacher, 1120  
elementary principal, or site administrator who is the 1121  
individual on site and responsible for supervision of a 1122  
preschool program. 1123

(F) "Preschool staff member" means a preschool employee 1124  
whose primary responsibility is care, teaching, or supervision 1125  
of preschool children. 1126

(G) "Nonteaching employee" means a preschool program or 1127  
school child program employee whose primary responsibilities are 1128  
duties other than care, teaching, and supervision of preschool 1129  
children or school children. 1130

(H) "Eligible nonpublic school" means a nonpublic school 1131  
chartered as described in division (B) (7) of section 5104.02 of 1132  
the Revised Code or chartered by the state board of education 1133  
for any combination of grades one through twelve, regardless of 1134  
whether it also offers kindergarten. 1135

(I) "School child program" means a child care program for 1136  
only school children that is operated by a school district board 1137  
of education, county board of developmental disabilities, 1138  
community school, or eligible nonpublic school. 1139

(J) "School child" means a child who is enrolled in or is 1140  
eligible to be enrolled in a grade of kindergarten or above but 1141  
is less than fifteen years old. 1142

(K) "School child program staff member" means an employee 1143  
whose primary responsibility is the care, teaching, or 1144  
supervision of children in a school child program. 1145

(L) "Child care" means administering to the needs of 1146  
infants, toddlers, preschool children, and school children 1147  
outside of school hours by persons other than their parents or 1148  
guardians, custodians, or relatives by blood, marriage, or 1149  
adoption for any part of the twenty-four-hour day in a place or 1150  
residence other than a child's own home. 1151

(M) "Child day-care center" and "publicly funded child 1152



care" have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

(a) If the school offers any of grade levels four through twelve, ~~a~~ either of the following:

(i) A grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section.

(b) If the school does not offer a grade level higher than three, ~~a~~ either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section.

**Sec. 3302.01.** As used in this chapter:

(A) "Performance index score" means the average of the 1180  
totals derived from calculations, for each subject area, of the 1181  
weighted proportion of untested students and students scoring at 1182  
each level of skill described in division (A) (2) of section 1183  
3301.0710 of the Revised Code on the state achievement 1184  
assessments, as follows: 1185

(1) For the assessments prescribed by division (A) (1) of 1186  
section 3301.0710 of the Revised Code, the average for each of 1187  
the subject areas of English language arts, mathematics, and 1188  
science. 1189

(2) For the assessments prescribed by division (B) (1) of 1190  
section 3301.0710 and division (B) (2) of section 3301.0712 of 1191  
the Revised Code, the average for each of the subject areas of 1192  
English language arts ~~and, mathematics, science, American~~ 1193  
history, and American government. The average also shall include 1194  
any substitute examinations approved under division (B) (4) of 1195  
section 3301.0712 of the Revised Code in the subject areas of 1196  
science, American history, and American government. 1197

The department of education shall assign weights such that 1198  
students who do not take an assessment receive a weight of zero 1199  
and students who take an assessment receive progressively larger 1200  
weights dependent upon the level of skill attained on the 1201  
assessment. The department shall assign additional weights to 1202  
students who have been permitted to pass over a subject in 1203  
accordance with a student acceleration policy adopted under 1204  
section 3324.10 of the Revised Code. If such a student attains 1205  
the proficient score prescribed under division (A) (2) (c) of 1206  
section 3301.0710 of the Revised Code or higher on an 1207  
assessment, the department shall assign the student the weight 1208  
prescribed for the next higher scoring level. If such a student 1209

attains the advanced score, prescribed under division (A) (2) (a) 1210  
of section 3301.0710 of the Revised Code, on an assessment, the 1211  
department shall assign to the student an additional 1212  
proportional weight, as approved by the state board. For each 1213  
school year that such a student's score is included in the 1214  
performance index score and the student attains the proficient 1215  
score on an assessment, that additional weight shall be assigned 1216  
to the student on a subject-by-subject basis. 1217

Students shall be included in the "performance index 1218  
score" in accordance with division ~~(K) (2)~~ (L) (2) of section 1219  
3302.03 of the Revised Code. 1220

(B) "Subgroup" means a subset of the entire student 1221  
population of the state, a school district, or a school building 1222  
and includes each of the following: 1223

(1) Major racial and ethnic groups; 1224

(2) Students with disabilities; 1225

(3) Economically disadvantaged students; 1226

(4) English learners; 1227

(5) Students identified as gifted in superior cognitive 1228  
ability and specific academic ability fields under Chapter 3324. 1229  
of the Revised Code. For students who are gifted in specific 1230  
academic ability fields, the department shall use data for those 1231  
students with specific academic ability in math and reading. If 1232  
any other academic field is assessed, the department shall also 1233  
include data for students with specific academic ability in that 1234  
field. 1235

~~(6) Students in the lowest quintile for achievement 1236  
statewide, as determined by a method prescribed by the state 1237~~

~~board of education.~~ 1238

(C) "No Child Left Behind Act of 2001" includes the 1239  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 1240  
waivers, or both thereto, rules and regulations promulgated 1241  
pursuant to those statutes, guidance documents, and any other 1242  
policy directives regarding implementation of that act issued by 1243  
the United States department of education. 1244

(D) "Adequate yearly progress" means a measure of annual 1245  
academic performance as calculated in accordance with the "No 1246  
Child Left Behind Act of 2001." 1247

(E) "Supplemental educational services" means additional 1248  
academic assistance, such as tutoring, remediation, or other 1249  
educational enrichment activities, that is conducted outside of 1250  
the regular school day by a provider approved by the department 1251  
in accordance with the "No Child Left Behind Act of 2001." 1252

(F) "Value-added progress dimension" means a measure of 1253  
academic gain for a student or group of students over a specific 1254  
period of time that is calculated by applying a statistical 1255  
methodology to individual student achievement data derived from 1256  
the achievement assessments prescribed by section 3301.0710 of 1257  
the Revised Code. The "value-added progress dimension" shall be 1258  
developed and implemented in accordance with section 3302.021 of 1259  
the Revised Code. 1260

(G) (1) "Four-year adjusted cohort graduation rate" means 1261  
the number of students who graduate in four years or less with a 1262  
regular high school diploma divided by the number of students 1263  
who form the adjusted cohort for the graduating class. 1264

(2) "Five-year adjusted cohort graduation rate" means the 1265  
number of students who graduate in five years with a regular 1266

high school diploma divided by the number of students who form 1267  
the adjusted cohort for the four-year graduation rate. 1268

(H) "State institution of higher education" has the same 1269  
meaning as in section 3345.011 of the Revised Code. 1270

(I) "Annual measurable objectives" means a measure of 1271  
student progress determined in accordance with an agreement 1272  
between the department of education and the United States 1273  
department of education. 1274

(J) "Community school" means a community school 1275  
established under Chapter 3314. of the Revised Code. 1276

(K) "STEM school" means a science, technology, 1277  
engineering, and mathematics school established under Chapter 1278  
3326. of the Revised Code. 1279

(L) "Entitled to attend school in the district" means 1280  
entitled to attend school in a school district under section 1281  
3313.64 or 3313.65 of the Revised Code. 1282

**Sec. 3302.02. (A)** Not later than one year after the 1283  
adoption of rules under division (D) of section 3301.0712 of the 1284  
Revised Code and at least every sixth year thereafter, upon 1285  
recommendations of the superintendent of public instruction, the 1286  
state board of education shall establish ~~a~~ all of the following: 1287

(1) A set of performance indicators that considered as a 1288  
unit will be used as one of the performance categories for the 1289  
report cards required by section 3302.03 of the Revised Code. In 1290  
establishing these indicators, the superintendent shall consider 1291  
inclusion of student performance on assessments prescribed under 1292  
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1293  
student improvement on such assessments, the breadth of 1294  
coursework available within the district, and other indicators 1295

of student success. 1296

~~Beginning with the report card for the 2014-2015 school~~ 1297  
~~year, the performance indicators shall include an~~ 1298  
~~Beginning with~~ 1298  
~~the report card issued under section 3302.03 of the Revised Code~~ 1299  
~~for the 2021-2022 school year, the performance indicators~~ 1300  
~~prescribed under division (A) (1) of this section regarding~~ 1301  
~~student performance on state assessments shall not require a~~ 1302  
~~school district or building to attain a proficiency percentage~~ 1303  
~~to meet an indicator. Rather, the performance indicators only~~ 1304  
~~shall report proficiency percentages, trends, and comparisons.~~ 1305

(2) A performance indicator that reflects the level of 1306  
identification and services provided to, and the performance of, 1307  
students identified as gifted under Chapter 3324. of the Revised 1308  
Code. The indicator shall ~~include the performance of students~~ 1309  
~~identified as gifted on state assessments and value-added growth~~ 1310  
~~measure disaggregated for students identified as gifted.~~ be 1311  
prescribed by rules adopted under Chapter 119. of the Revised 1312  
Code by the state board. The state board shall consult with the 1313  
gifted advisory council regarding all rules adopted under this 1314  
section. Consultation with the state gifted advisory council 1315  
shall occur not less than every three years. 1316

The gifted performance indicator shall include: 1317

(a) The performance of students on state assessments, as 1318  
measured by a performance index score, disaggregated for 1319  
students identified as gifted; 1320

(b) Value-added growth measure under section 3302.021 of 1321  
the Revised Code, disaggregated for students identified as 1322  
gifted; 1323

(c) The level of identification as measured by the 1324

percentage of students in each grade level identified as gifted 1325  
and disaggregated by traditionally underrepresented and 1326  
economically disadvantaged students; 1327

(d) The level of services provided to students as measured 1328  
by the percentage of students provided services in each grade 1329  
level and disaggregated by traditionally underrepresented and 1330  
economically disadvantaged students. 1331

(3) A performance indicator that measures chronic 1332  
absenteeism, as determined by the department of education, in a 1333  
school district or school building. 1334

Beginning with the report card issued under section 1335  
3302.03 of the Revised Code for the 2021-2022 school year, the 1336  
performance indicators prescribed in divisions (A)(2) and (3) of 1337  
this section shall not be part of the performance indicator unit 1338  
under division (A)(1) of this section. 1339

(B) For the 2013-2014 school year, except as otherwise 1340  
provided in this section, for any indicator based on the 1341  
percentage of students attaining a proficient score on the 1342  
assessments prescribed by divisions (A) and (B)(1) of section 1343  
3301.0710 of the Revised Code, a school district or building 1344  
shall be considered to have met the indicator if at least eighty 1345  
per cent of the tested students attain a score of proficient or 1346  
higher on the assessment. A school district or building shall be 1347  
considered to have met the indicator for the assessments 1348  
prescribed by division (B)(1) of section 3301.0710 of the 1349  
Revised Code and only as administered to eleventh grade 1350  
students, if at least eighty-five per cent of the tested 1351  
students attain a score of proficient or higher on the 1352  
assessment. 1353

The state board shall adopt rules, under Chapter 119. of  
the Revised Code, to establish proficiency percentages to meet  
each indicator that is based on a state assessment, prescribed  
under section 3301.0710 or 3301.0712 of the Revised Code, for  
the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-  
2020, and 2020-2021 school ~~year and thereafter years~~ by the  
following dates:

~~(A)~~ (1) Not later than December 31, 2015, for the 2014-  
2015 school year;

~~(B)~~ (2) Not later than July 1, 2016, for the 2015-2016  
school year;

~~(C)~~ (3) Not later than July 1, 2017, for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school ~~year, and~~  
~~for each school year thereafter~~ years.

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not  
later than July 1, 2007, the department of education shall  
implement a value-added progress dimension for school districts  
and buildings and shall incorporate the value-added progress  
dimension into the report cards and performance ratings issued  
for districts and buildings under section 3302.03 of the Revised  
Code.

The state board of education shall adopt rules, pursuant  
to Chapter 119. of the Revised Code, for the implementation of  
the value-added progress dimension. The rules adopted under this  
division shall specify both of the following:

(1) A scale for describing the levels of academic progress  
in reading and mathematics relative to a standard year of  
academic growth in those subjects for each of grades three  
through eight;



(2) That the department shall maintain the confidentiality 1383  
of individual student test scores and individual student reports 1384  
in accordance with sections 3301.0711, 3301.0714, and 3319.321 1385  
of the Revised Code and federal law. The department may require 1386  
school districts to use a unique identifier for each student for 1387  
this purpose. Individual student test scores and individual 1388  
student reports shall be made available only to a student's 1389  
classroom teacher and other appropriate educational personnel 1390  
and to the student's parent or guardian. 1391

(B) The department shall explore the feasibility of using 1392  
the value-added gain index and effect size to improve 1393  
differentiation and interpretation of the measure. If the 1394  
department determines that it is feasible, the state board may 1395  
update the rules adopted under division (A) of this section to 1396  
implement the use of gain index and effect size. If rules are 1397  
adopted under division (A) of this section that use the gain 1398  
index and effect size, any prior method used to calculate letter 1399  
grades or performance ratings under section 3302.03 of the 1400  
Revised Code shall no longer apply. Rather, the state board 1401  
shall update its rules to determine how letter grades or 1402  
performance ratings for each level of performance are calculated 1403  
under section 3302.03 of the Revised Code using gain index and 1404  
effect size. 1405

(C) The department shall use a system designed for 1406  
collecting necessary data, calculating the value-added progress 1407  
dimension, analyzing data, and generating reports, which system 1408  
has been used previously by a nonprofit organization led by the 1409  
Ohio business community for at least one year in the operation 1410  
of a pilot program in cooperation with school districts to 1411  
collect and report student achievement data via electronic means 1412  
and to provide information to the districts regarding the 1413

academic performance of individual students, grade levels, 1414  
school buildings, and the districts as a whole. 1415

~~(C)~~ (D) The department shall not pay more than two dollars 1416  
per student for data analysis and reporting to implement the 1417  
value-added progress dimension in the same manner and with the 1418  
same services as under the pilot program described by division 1419  
(B) of this section. However, nothing in this section shall 1420  
preclude the department or any school district from entering 1421  
into a contract for the provision of more services at a higher 1422  
fee per student. Any data analysis conducted under this section 1423  
by an entity under contract with the department shall be 1424  
completed in accordance with timelines established by the 1425  
superintendent of public instruction. 1426

~~(D)~~ (E) The department shall share any aggregate student 1427  
data and any calculation, analysis, or report utilizing 1428  
aggregate student data that is generated under this section with 1429  
the chancellor of the Ohio board of regents. The department 1430  
shall not share individual student test scores and individual 1431  
student reports with the chancellor. 1432

**Sec. 3302.03.** Not later than the thirty-first day of July 1433  
of each year, the department of education shall submit 1434  
preliminary report card data for overall academic performance 1435  
and for each separate performance measure for each school 1436  
district, and each school building, in accordance with this 1437  
section. 1438

Annually, not later than the fifteenth day of September or 1439  
the preceding Friday when that day falls on a Saturday or 1440  
Sunday, the department shall assign a letter grade or 1441  
performance rating for overall academic performance and for each 1442  
separate performance measure for each school district, and each 1443

school building in a district, in accordance with this section. 1444  
The state board of education shall adopt rules pursuant to 1445  
Chapter 119. of the Revised Code ~~to~~ to implement this section. 1446  
The state board's rules shall establish performance criteria for 1447  
each letter grade or performance rating and prescribe a method 1448  
by which the department assigns each letter grade or performance 1449  
rating. For a school building to which any of the performance 1450  
measures do not apply, due to grade levels served by the 1451  
building, the ~~state board department~~ shall designate the 1452  
performance measures that are applicable to the building and 1453  
that must be calculated separately and used to calculate the 1454  
building's overall grade or performance rating. The department 1455  
shall issue annual report cards reflecting the performance of 1456  
each school district, each building within each district, and 1457  
for the state as a whole using the performance measures and 1458  
letter grade or performance rating system described in this 1459  
section. The department shall include on the report card for 1460  
each district and each building within each district the most 1461  
recent two-year trend data in student achievement for each 1462  
subject and each grade. 1463

(A) (1) For the 2012-2013 school year, the department shall 1464  
issue grades as described in division ~~(E)~~ (F) of this section 1465  
for each of the following performance measures: 1466

(a) Annual measurable objectives; 1467

(b) Performance index score for a school district or 1468  
building. Grades shall be awarded as a percentage of the total 1469  
possible points on the performance index system as adopted by 1470  
the state board. In adopting benchmarks for assigning letter 1471  
grades under division (A) (1) (b) of this section, the state board 1472  
~~of education~~ shall designate ninety per cent or higher for an 1473

"A," at least seventy per cent but not more than eighty per cent	1474
for a "C," and less than fifty per cent for an "F."	1475
(c) The extent to which the school district or building	1476
meets each of the applicable performance indicators established	1477
by the state board under section 3302.02 of the Revised Code and	1478
the percentage of applicable performance indicators that have	1479
been achieved. In adopting benchmarks for assigning letter	1480
grades under division (A) (1) (c) of this section, the state board	1481
shall designate ninety per cent or higher for an "A."	1482
(d) The four- and five-year adjusted cohort graduation	1483
rates.	1484
In adopting benchmarks for assigning letter grades under	1485
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the	1486
department shall designate a four-year adjusted cohort	1487
graduation rate of ninety-three per cent or higher for an "A"	1488
and a five-year cohort graduation rate of ninety-five per cent	1489
or higher for an "A."	1490
(e) The overall score under the value-added progress	1491
dimension of a school district or building, for which the	1492
department shall use up to three years of value-added data as	1493
available. The letter grade assigned for this growth measure	1494
shall be as follows:	1495
(i) A score that is at least one standard error of measure	1496
above the mean score shall be designated as an "A."	1497
(ii) A score that is less than one standard error of	1498
measure above but greater than one standard error of measure	1499
below the mean score shall be designated as a "B."	1500
(iii) A score that is less than or equal to one standard	1501
error of measure below the mean score but greater than two	1502

standard errors of measure below the mean score shall be 1503  
designated as a "C." 1504

(iv) A score that is less than or equal to two standard 1505  
errors of measure below the mean score but is greater than three 1506  
standard errors of measure below the mean score shall be 1507  
designated as a "D." 1508

(v) A score that is less than or equal to three standard 1509  
errors of measure below the mean score shall be designated as an 1510  
"F." 1511

Whenever the value-added progress dimension is used as a 1512  
graded performance measure in this division and divisions (B) 1513  
and (C) of this section, whether as an overall measure or as a 1514  
measure of separate subgroups, the grades for the measure shall 1515  
be calculated in the same manner as prescribed in division (A) 1516  
(1)(e) of this section. 1517

(f) The value-added progress dimension score for a school 1518  
district or building disaggregated for each of the following 1519  
subgroups: students identified as gifted, students with 1520  
disabilities, and students whose performance places them in the 1521  
lowest quintile for achievement on a statewide basis. Each 1522  
subgroup shall be a separate graded measure. 1523

(2) Not later than April 30, 2013, the state board of 1524  
education shall adopt a resolution describing the performance 1525  
measures, benchmarks, and grading system for the 2012-2013 1526  
school year and, not later than June 30, 2013, shall adopt rules 1527  
in accordance with Chapter 119. of the Revised Code that 1528  
prescribe the methods by which the performance measures under 1529  
division (A)(1) of this section shall be assessed and assigned a 1530  
letter grade, including performance benchmarks for each letter 1531

grade. 1532

At least forty-five days prior to the state board's 1533  
adoption of rules to prescribe the methods by which the 1534  
performance measures under division (A)(1) of this section shall 1535  
be assessed and assigned a letter grade, the department shall 1536  
conduct a public presentation before the standing committees of 1537  
the house of representatives and the senate that consider 1538  
education legislation describing such methods, including 1539  
performance benchmarks. 1540

(3) There shall not be an overall letter grade for a 1541  
school district or building for the 2012-2013 school year. 1542

(B) (1) For the 2013-2014 ~~and 2014-2015~~ school ~~years~~year, 1543  
the department shall issue grades as described in division ~~(E)~~  
(F) of this section for each of the following performance 1544  
measures: 1545  
1546

(a) Annual measurable objectives; 1547

(b) Performance index score for a school district or 1548  
building. Grades shall be awarded as a percentage of the total 1549  
possible points on the performance index system as created by 1550  
the department. In adopting benchmarks for assigning letter 1551  
grades under division (B) (1) (b) of this section, the state board 1552  
shall designate ninety per cent or higher for an "A," at least 1553  
seventy per cent but not more than eighty per cent for a "C," 1554  
and less than fifty per cent for an "F." 1555

(c) The extent to which the school district or building 1556  
meets each of the applicable performance indicators established 1557  
by the state board under section 3302.03 of the Revised Code and 1558  
the percentage of applicable performance indicators that have 1559  
been achieved. In adopting benchmarks for assigning letter 1560

grades under division (B) (1) (c) of this section, the state board 1561  
shall designate ninety per cent or higher for an "A." 1562

(d) The four- and five-year adjusted cohort graduation 1563  
rates; 1564

(e) The overall score under the value-added progress 1565  
dimension of a school district or building, for which the 1566  
department shall use up to three years of value-added data as 1567  
available. 1568

(f) The value-added progress dimension score for a school 1569  
district or building disaggregated for each of the following 1570  
subgroups: students identified as gifted in superior cognitive 1571  
ability and specific academic ability fields under Chapter 3324. 1572  
of the Revised Code, students with disabilities, and students 1573  
whose performance places them in the lowest quintile for 1574  
achievement on a statewide basis. Each subgroup shall be a 1575  
separate graded measure. 1576

(g) Whether a school district or building is making 1577  
progress in improving literacy in grades kindergarten through 1578  
three, as determined using a method prescribed by the state 1579  
board. The state board shall adopt rules to prescribe benchmarks 1580  
and standards for assigning grades to districts and buildings 1581  
for purposes of division (B) (1) (g) of this section. In adopting 1582  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1583  
and (C) (1) (g) of this section, the state board shall determine 1584  
progress made based on the reduction in the total percentage of 1585  
students scoring below grade level, or below proficient, 1586  
compared from year to year on the reading and writing diagnostic 1587  
assessments administered under section 3301.0715 of the Revised 1588  
Code and the third grade English language arts assessment under 1589  
section 3301.0710 of the Revised Code, as applicable. The state 1590

board shall designate for a "C" grade a value that is not lower 1591  
than the statewide average value for this measure. No grade 1592  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1593  
section for a district or building in which less than five per 1594  
cent of students have scored below grade level on the diagnostic 1595  
assessment administered to students in kindergarten under 1596  
division (B) (1) of section 3313.608 of the Revised Code. 1597

(h) For a high mobility school district or building, an 1598  
additional value-added progress dimension score. For this 1599  
measure, the department shall use value-added data from the most 1600  
recent school year available and shall use assessment scores for 1601  
only those students to whom the district or building has 1602  
administered the assessments prescribed by section 3301.0710 of 1603  
the Revised Code for each of the two most recent consecutive 1604  
school years. 1605

As used in this division, "high mobility school district 1606  
or building" means a school district or building where at least 1607  
twenty-five per cent of its total enrollment is made up of 1608  
students who have attended that school district or building for 1609  
less than one year. 1610

(2) In addition to the graded measures in division (B) (1) 1611  
of this section, the department shall include on a school 1612  
district's or building's report card all of the following 1613  
without an assigned letter grade: 1614

(a) The percentage of students enrolled in a district or 1615  
building participating in advanced placement classes and the 1616  
percentage of those students who received a score of three or 1617  
better on advanced placement examinations; 1618

(b) The number of a district's or building's students who 1619



have earned at least three college credits through dual 1620  
enrollment or advanced standing programs, such as the post- 1621  
secondary enrollment options program under Chapter 3365. of the 1622  
Revised Code and state-approved career-technical courses offered 1623  
through dual enrollment or statewide articulation, that appear 1624  
on a student's transcript or other official document, either of 1625  
which is issued by the institution of higher education from 1626  
which the student earned the college credit. The credits earned 1627  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1628  
this section shall not include any that are remedial or 1629  
developmental and shall include those that count toward the 1630  
curriculum requirements established for completion of a degree. 1631

(c) The percentage of students enrolled in a district or 1632  
building who have taken a national standardized test used for 1633  
college admission determinations and the percentage of those 1634  
students who are determined to be remediation-free in accordance 1635  
with standards adopted under division (F) of section 3345.061 of 1636  
the Revised Code; 1637

(d) The percentage of the district's or the building's 1638  
students who receive industry-recognized credentials as approved 1639  
under section 3313.6113 of the Revised Code. 1640

(e) The percentage of students enrolled in a district or 1641  
building who are participating in an international baccalaureate 1642  
program and the percentage of those students who receive a score 1643  
of four or better on the international baccalaureate 1644  
examinations. 1645

(f) The percentage of the district's or building's 1646  
students who receive an honors diploma under division (B) of 1647  
section 3313.61 of the Revised Code. 1648

(3) Not later than December 31, 2013, the state board 1649  
shall adopt rules in accordance with Chapter 119. of the Revised 1650  
Code that prescribe the methods by which the performance 1651  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1652  
will be assessed and assigned a letter grade, including 1653  
performance benchmarks for each grade. 1654

At least forty-five days prior to the state board's 1655  
adoption of rules to prescribe the methods by which the 1656  
performance measures under division (B) (1) of this section shall 1657  
be assessed and assigned a letter grade, the department shall 1658  
conduct a public presentation before the standing committees of 1659  
the house of representatives and the senate that consider 1660  
education legislation describing such methods, including 1661  
performance benchmarks. 1662

(4) There shall not be an overall letter grade for a 1663  
school district or building for the 2013-2014, 2014-2015, 2015- 1664  
2016, and 2016-2017 school years. 1665

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 1666  
2018-2019, 2019-2020, and 2020-2021 school-year and each school- 1667  
year thereafter years, the department shall issue grades as 1668  
described in division ~~(E)~~ (F) of this section for each of the 1669  
performance measures prescribed in division (C) (1) of this 1670  
section. The graded measures are as follows: 1671

(a) Annual measurable objectives. For the 2017-2018 school 1672  
year, the department shall not include any subgroup data in the 1673  
annual measurable objectives that includes data from fewer than 1674  
twenty-five students. For the 2018-2019 school year, the 1675  
department shall not include any subgroup data in the annual 1676  
measurable objectives that includes data from fewer than twenty 1677  
students. Beginning with the 2019-2020 school year, the 1678

department shall not include any subgroup data in the annual 1679  
measurable objectives that includes data from fewer than fifteen 1680  
students. 1681

(b) Performance index score for a school district or 1682  
building. Grades shall be awarded as a percentage of the total 1683  
possible points on the performance index system as created by 1684  
the department. In adopting benchmarks for assigning letter 1685  
grades under division (C) (1) (b) of this section, the state board 1686  
shall designate ninety per cent or higher for an "A," at least 1687  
seventy per cent but not more than eighty per cent for a "C," 1688  
and less than fifty per cent for an "F." 1689

(c) The extent to which the school district or building 1690  
meets each of the applicable performance indicators established 1691  
by the state board under section 3302.03 of the Revised Code and 1692  
the percentage of applicable performance indicators that have 1693  
been achieved. In adopting benchmarks for assigning letter 1694  
grades under division (C) (1) (c) of this section, the state board 1695  
shall designate ninety per cent or higher for an "A." 1696

(d) The four- and five-year adjusted cohort graduation 1697  
rates; 1698

(e) The overall score under the value-added progress 1699  
dimension, or another measure of student academic progress if 1700  
adopted by the state board, of a school district or building, 1701  
for which the department shall use up to three years of value- 1702  
added data as available. 1703

In adopting benchmarks for assigning letter grades for 1704  
overall score on value-added progress dimension under division 1705  
(C) (1) (e) of this section, the state board shall prohibit the 1706  
assigning of a grade of "A" for that measure unless the 1707

district's or building's grade assigned for value-added progress 1708  
dimension for all subgroups under division (C) (1) (f) of this 1709  
section is a "C" or higher. 1710

For the metric prescribed by division (C) (1) (e) of this 1711  
section, the state board may adopt a student academic progress 1712  
measure to be used instead of the value-added progress 1713  
dimension. If the state board adopts such a measure, it also 1714  
shall prescribe a method for assigning letter grades for the new 1715  
measure that is comparable to the method prescribed in division 1716  
(A) (1) (e) of this section. 1717

(f) The value-added progress dimension score of a school 1718  
district or building disaggregated for each of the following 1719  
subgroups: students identified as gifted in superior cognitive 1720  
ability and specific academic ability fields under Chapter 3324. 1721  
of the Revised Code, students with disabilities, and students 1722  
whose performance places them in the lowest quintile for 1723  
achievement on a statewide basis, as determined by a method 1724  
prescribed by the state board. Each subgroup shall be a separate 1725  
graded measure. 1726

The state board may adopt student academic progress 1727  
measures to be used instead of the value-added progress 1728  
dimension. If the state board adopts such measures, it also 1729  
shall prescribe a method for assigning letter grades for the new 1730  
measures that is comparable to the method prescribed in division 1731  
(A) (1) (e) of this section. 1732

(g) Whether a school district or building is making 1733  
progress in improving literacy in grades kindergarten through 1734  
three, as determined using a method prescribed by the state 1735  
board. The state board shall adopt rules to prescribe benchmarks 1736  
and standards for assigning grades to a district or building for 1737

purposes of division (C) (1) (g) of this section. The state board 1738  
shall designate for a "C" grade a value that is not lower than 1739  
the statewide average value for this measure. No grade shall be 1740  
issued under division (C) (1) (g) of this section for a district 1741  
or building in which less than five per cent of students have 1742  
scored below grade level on the kindergarten diagnostic 1743  
assessment under division (B) (1) of section 3313.608 of the 1744  
Revised Code. 1745

(h) For a high mobility school district or building, an 1746  
additional value-added progress dimension score. For this 1747  
measure, the department shall use value-added data from the most 1748  
recent school year available and shall use assessment scores for 1749  
only those students to whom the district or building has 1750  
administered the assessments prescribed by section 3301.0710 of 1751  
the Revised Code for each of the two most recent consecutive 1752  
school years. 1753

As used in this division, "high mobility school district 1754  
or building" means a school district or building where at least 1755  
twenty-five per cent of its total enrollment is made up of 1756  
students who have attended that school district or building for 1757  
less than one year. 1758

(2) In addition to the graded measures in division (C) (1) 1759  
of this section, the department shall include on a school 1760  
district's or building's report card all of the following 1761  
without an assigned letter grade: 1762

(a) The percentage of students enrolled in a district or 1763  
building who have taken a national standardized test used for 1764  
college admission determinations and the percentage of those 1765  
students who are determined to be remediation-free in accordance 1766  
with the standards adopted under division (F) of section 1767

3345.061 of the Revised Code;	1768
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	1769 1770 1771 1772
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	1773 1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	1785 1786 1787
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	1788 1789 1790
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	1791 1792 1793 1794 1795
(g) The results of the college and career-ready	1796

assessments administered under division (B) (1) of section	1797
3301.0712 of the Revised Code;	1798
(h) Whether the school district or building has	1799
implemented a positive behavior intervention and supports	1800
framework in compliance with the requirements of section 3319.46	1801
of the Revised Code, notated as a "yes" or "no" answer.	1802
(3) The state board shall adopt rules pursuant to Chapter	1803
119. of the Revised Code that establish a method to assign an	1804
overall grade for a school district or school building for the	1805
2017-2018 school year and each school year thereafter. The rules	1806
shall group the performance measures in divisions (C) (1) and (2)	1807
of this section into the following components:	1808
(a) Gap closing, which shall include the performance	1809
measure in division (C) (1) (a) of this section;	1810
(b) Achievement, which shall include the performance	1811
measures in divisions (C) (1) (b) and (c) of this section;	1812
(c) Progress, which shall include the performance measures	1813
in divisions (C) (1) (e) and (f) of this section;	1814
(d) Graduation, which shall include the performance	1815
measure in division (C) (1) (d) of this section;	1816
(e) Kindergarten through third-grade literacy, which shall	1817
include the performance measure in division (C) (1) (g) of this	1818
section;	1819
(f) Prepared for success, which shall include the	1820
performance measures in divisions (C) (2) (a), (b), (c), (d), (e),	1821
and (f) of this section. The state board shall develop a method	1822
to determine a grade for the component in division (C) (3) (f) of	1823
this section using the performance measures in divisions (C) (2)	1824

(a), (b), (c), (d), (e), and (f) of this section. When 1825  
available, the state board may incorporate the performance 1826  
measure under division (C)(2)(g) of this section into the 1827  
component under division (C)(3)(f) of this section. When 1828  
determining the overall grade for the prepared for success 1829  
component prescribed by division (C)(3)(f) of this section, no 1830  
individual student shall be counted in more than one performance 1831  
measure. However, if a student qualifies for more than one 1832  
performance measure in the component, the state board may, in 1833  
its method to determine a grade for the component, specify an 1834  
additional weight for such a student that is not greater than or 1835  
equal to 1.0. In determining the overall score under division 1836  
(C)(3)(f) of this section, the state board shall ensure that the 1837  
pool of students included in the performance measures aggregated 1838  
under that division are all of the students included in the 1839  
four- and five-year adjusted graduation cohort. 1840

In the rules adopted under division (C)(3) of this 1841  
section, the state board shall adopt a method for determining a 1842  
grade for each component in divisions (C)(3)(a) to (f) of this 1843  
section. The state board also shall establish a method to assign 1844  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1845  
assigned for each component. The method the state board adopts 1846  
for assigning an overall grade shall give equal weight to the 1847  
components in divisions (C)(3)(b) and (c) of this section. 1848

At least forty-five days prior to the state board's 1849  
adoption of rules to prescribe the methods for calculating the 1850  
overall grade for the report card, as required by this division, 1851  
the department shall conduct a public presentation before the 1852  
standing committees of the house of representatives and the 1853  
senate that consider education legislation describing the format 1854  
for the report card, weights that will be assigned to the 1855



components of the overall grade, and the method for calculating 1856  
the overall grade. 1857

(D) For the 2021-2022 school year and each school year 1858  
thereafter, all of the following apply: 1859

(1) The department shall include on a school district's or 1860  
building's report card all of the following performance measures 1861  
without an assigned performance rating: 1862

(a) Whether the district or building meets the gifted 1863  
performance indicator under division (A) (2) of section 3302.02 1864  
of the Revised Code and the extent to which the district or 1865  
building meets gifted indicator performance benchmarks; 1866

(b) The extent to which the district or building meets the 1867  
chronic absenteeism indicator under division (A) (3) of section 1868  
3302.02 of the Revised Code; 1869

(c) Performance index score percentage for a district or 1870  
building, which shall be calculated by dividing the district's 1871  
or building's performance index score according to the 1872  
performance index system created by the department by the 1873  
maximum performance index score for a district or building. The 1874  
maximum performance index score shall be as follows: 1875

(i) For a building, the average of the highest two per 1876  
cent of performance index scores achieved by a building for the 1877  
school year for which a report card is issued; 1878

(ii) For a district, the average of the highest two per 1879  
cent of performance index scores achieved by a district for the 1880  
school year for which a report card is issued. 1881

(d) The overall score under the value-added progress 1882  
dimension of a district or building, for which the department 1883

shall use three consecutive years of value-added data. In using 1884  
three years of value-added data to calculate the measure 1885  
prescribed under division (D)(1)(d) of this section, the 1886  
department shall assign a weight of fifty per cent to the most 1887  
recent year's data and a weight of twenty-five per cent to the 1888  
data of each of the other years. However, if three consecutive 1889  
years of value-added data is not available, the department shall 1890  
use prior years of value-added data to calculate the measure, as 1891  
follows: 1892

(i) If two consecutive years of value-added data is not 1893  
available, the department shall use one year of value-added data 1894  
to calculate the measure. 1895

(ii) If two consecutive years of value-added data is 1896  
available, the department shall use two consecutive years of 1897  
value-added data to calculate the measure. In using two years of 1898  
value-added data to calculate the measure, the department shall 1899  
assign a weight of sixty-seven per cent to the most recent 1900  
year's data and a weight of thirty-three per cent to the data of 1901  
the other year. 1902

(e) The four-year adjusted cohort graduation rate. 1903

(f) The five-year adjusted cohort graduation rate. 1904

(g) The percentage of students in the district or building 1905  
who score proficient or higher on the reading segment of the 1906  
third grade English language arts assessment under section 1907  
3301.0710 of the Revised Code. 1908

To the extent possible, the department shall include the 1909  
results of the summer administration of the third grade reading 1910  
assessment under section 3301.0710 of the Revised Code in the 1911  
performance measures prescribed under divisions (D)(1)(g) and 1912

(h) of this section. 1913

(h) Whether a district or building is making progress in 1914  
improving literacy in grades kindergarten through three, as 1915  
determined using a method prescribed by the department. The 1916  
method shall determine progress made based on the reduction in 1917  
the total percentage of students scoring below grade level, or 1918  
below proficient, compared from year to year on the reading 1919  
segments of the diagnostic assessments administered under 1920  
section 3301.0715 of the Revised Code, including the 1921  
kindergarten readiness assessment, and the third grade English 1922  
language arts assessment under section 3301.0710 of the Revised 1923  
Code, as applicable. The method shall not include a deduction 1924  
for students who did not pass the third grade English language 1925  
arts assessment under section 3301.0710 of the Revised Code and 1926  
were not on a reading improvement and monitoring plan. 1927

The performance measure prescribed under division (D) (1) 1928  
(h) of this section shall not be included on the report card of 1929  
a district or building in which less than ten per cent of 1930  
students have scored below grade level on the diagnostic 1931  
assessment administered to students in kindergarten under 1932  
division (B) (1) of section 3313.608 of the Revised Code. 1933

(i) The percentage of students in a district or building 1934  
who are promoted to the fourth grade and not subject to 1935  
retention under division (A) (2) of section 3313.608 of the 1936  
Revised Code; 1937

(j) A post-secondary readiness measure. This measure shall 1938  
be calculated by dividing the number of students included in the 1939  
four-year adjusted graduation rate cohort who demonstrate post- 1940  
secondary readiness by the total number of students included in 1941  
the denominator of the four-year adjusted graduation rate 1942

cohort. Demonstration of post-secondary readiness shall include 1943  
a student doing any of the following: 1944

(i) Attaining a remediation-free score, in accordance with 1945  
standards adopted under division (F) of section 3345.061 of the 1946  
Revised Code, on a nationally standardized assessment prescribed 1947  
under division (B)(1) of section 3301.0712 of the Revised Code; 1948

(ii) Attaining required scores on three or more advanced 1949  
placement or international baccalaureate examinations. The 1950  
required score for an advanced placement examination shall be a 1951  
three or better. The required score for an international 1952  
baccalaureate examination shall be a four or better. A student 1953  
may satisfy this condition with any combination of advanced 1954  
placement or international baccalaureate examinations. 1955

(iii) Earning at least twelve college credits through 1956  
advanced standing programs, such as the college credit plus 1957  
program under Chapter 3365. of the Revised Code, an early 1958  
college high school program under section 3313.6013 of the 1959  
Revised Code, and state-approved career-technical courses 1960  
offered through dual enrollment or statewide articulation, that 1961  
appear on a student's college transcript issued by the 1962  
institution of higher education from which the student earned 1963  
the college credit. Earned credits reported under division (D) 1964  
(1)(j)(iii) of this section shall include credits that count 1965  
toward the curriculum requirements established for completion of 1966  
a degree, but shall not include any remedial or developmental 1967  
credits. 1968

(iv) Meeting the additional criteria for an honors diploma 1969  
under division (B) of section 3313.61 of the Revised Code; 1970

(v) Earning an industry-recognized credential or license 1971

<u>issued by a state agency or board for practice in a vocation</u>	1972
<u>that requires an examination for issuance of that license</u>	1973
<u>approved under section 3313.6113 of the Revised Code;</u>	1974
<u>(vi) Satisfying any of the following conditions:</u>	1975
<u>(I) Completing a pre-apprenticeship aligned with options</u>	1976
<u>established under section 3313.904 of the Revised Code in the</u>	1977
<u>student's chosen career field;</u>	1978
<u>(II) Completing an apprenticeship registered with the</u>	1979
<u>apprenticeship council established under section 4139.02 of the</u>	1980
<u>Revised Code in the student's chosen career field;</u>	1981
<u>(III) Providing evidence of acceptance into an</u>	1982
<u>apprenticeship program after high school that is restricted to</u>	1983
<u>participants eighteen years of age or older.</u>	1984
<u>(vii) Earning a cumulative score of proficient or higher</u>	1985
<u>on three or more state technical assessments aligned with</u>	1986
<u>section 3313.903 of the Revised Code in a single career pathway;</u>	1987
<u>(viii) Earning an OhioMeansJobs-readiness seal established</u>	1988
<u>under section 3313.6112 of the Revised Code and completing two</u>	1989
<u>hundred fifty hours of an internship or other work-based</u>	1990
<u>learning experience approved by the business advisory council</u>	1991
<u>established under section 3313.82 of the Revised Code that</u>	1992
<u>represents the student's district;</u>	1993
<u>(ix) Providing evidence that the student has enlisted in a</u>	1994
<u>branch of the armed services of the United States as defined in</u>	1995
<u>section 5910.01 of the Revised Code.</u>	1996
<u>A student who satisfies more than one of the conditions</u>	1997
<u>prescribed under this division shall be counted as one student</u>	1998
<u>for the purposes of calculating the measure prescribed under</u>	1999

<u>division (D) (1) (j) of this section.</u>	2000
<u>(2) In addition to the performance measures under division</u>	2001
<u>(D) (1) of this section, the department shall report on a</u>	2002
<u>district's or building's report card all of the following data</u>	2003
<u>without an assigned performance rating:</u>	2004
<u>(a) The applicable performance indicators established by</u>	2005
<u>the state board under division (A) (1) of section 3302.02 of the</u>	2006
<u>Revised Code;</u>	2007
<u>(b) The overall score under the value-added progress</u>	2008
<u>dimension of a district or building for the most recent school</u>	2009
<u>year;</u>	2010
<u>(c) A composite of the overall scores under the value-</u>	2011
<u>added progress dimension of a district or building for the</u>	2012
<u>previous three school years or, if only two years of value-added</u>	2013
<u>data are available, for the previous two years;</u>	2014
<u>(d) The percentage of students included in the four- and</u>	2015
<u>five-year adjusted cohort graduation rates of a district or</u>	2016
<u>building who did not receive a high school diploma under section</u>	2017
<u>3313.61 or 3325.08 of the Revised Code. To the extent possible,</u>	2018
<u>the department shall disaggregate that data according to the</u>	2019
<u>following categories:</u>	2020
<u>(i) Students who are still enrolled in the district or</u>	2021
<u>building and receiving general education services;</u>	2022
<u>(ii) Students with an individualized education program, as</u>	2023
<u>defined in section 3323.01 of the Revised Code, who satisfied</u>	2024
<u>the conditions for a high school diploma under section 3313.61</u>	2025
<u>or 3325.08 of the Revised Code, but opted not to receive a</u>	2026
<u>diploma and are still receiving education services;</u>	2027

(iii) Students with an individualized education program 2028  
who have not yet satisfied conditions for a high school diploma 2029  
under section 3313.61 or 3325.08 of the Revised Code and who are 2030  
still receiving education services; 2031

(iv) Students who are no longer enrolled in any district 2032  
or building; 2033

(v) Students who, upon enrollment in the district or 2034  
building for the first time, had completed fewer units of high 2035  
school instruction required under section 3313.603 of the 2036  
Revised Code than other students in the four- or five-year 2037  
adjusted cohort graduation rate. 2038

The department may disaggregate the data prescribed under 2039  
division (D) (2) (d) of this section according to other categories 2040  
that the department determines are appropriate. 2041

(e) The results of the kindergarten diagnostic assessment 2042  
prescribed under division (D) of section 3301.079 of the Revised 2043  
Code; 2044

(f) Post-graduate outcomes for students who were enrolled 2045  
in a district or building and received a high school diploma 2046  
under section 3313.61 or 3325.08 of the Revised Code in the 2047  
school year prior to the school year for which the report card 2048  
is issued, including the percentage of students who: 2049

(i) Enrolled in a post-secondary educational institution. 2050  
To the extent possible, the department shall disaggregate that 2051  
data according to whether the student enrolled in a four-year 2052  
institution of higher education, a two-year institution of 2053  
higher education, an Ohio technical center that provides adult 2054  
technical education services and is recognized by the chancellor 2055  
of higher education, or another type of post-secondary 2056

<u>educational institution.</u>	2057
<u>(ii) Entered an apprenticeship program registered with the</u>	2058
<u>apprenticeship council established under Chapter 4139. of the</u>	2059
<u>Revised Code. The department may include other job training</u>	2060
<u>programs with similar rigor and outcomes.</u>	2061
<u>(iii) Attained gainful employment, as determined by the</u>	2062
<u>department;</u>	2063
<u>(iv) Enlisted in a branch of the armed forces of the</u>	2064
<u>United States, as defined in section 5910.01 of the Revised</u>	2065
<u>Code.</u>	2066
<u>(g) Whether the school district or building has</u>	2067
<u>implemented a positive behavior intervention and supports</u>	2068
<u>framework in compliance with the requirements of section 3319.46</u>	2069
<u>of the Revised Code, notated with a "yes" or "no";</u>	2070
<u>(h) The number and percentage of high school seniors in</u>	2071
<u>each school year who completed the free application for federal</u>	2072
<u>student aid;</u>	2073
<u>(i) Beginning with the report card issued under this</u>	2074
<u>section for the 2022-2023 school year, a student opportunity</u>	2075
<u>profile measure that reports data regarding the opportunities</u>	2076
<u>provided to students by a district or building. To the extent</u>	2077
<u>possible, and when appropriate, the data shall be disaggregated</u>	2078
<u>by grade level and subgroup. The measure also shall include data</u>	2079
<u>regarding the statewide average, the average for similar school</u>	2080
<u>districts, and, for a building, the average for the district in</u>	2081
<u>which the building is located. The measure shall include all of</u>	2082
<u>the following data for the district or building:</u>	2083
<u>(i) The average ratio of teachers of record to students in</u>	2084
<u>each grade level in a district or building;</u>	2085



<u>(ii) The average ratio of school counselors to students in a district or building;</u>	2086
	2087
<u>(iii) The average ratio of nurses to students in a district or building;</u>	2088
	2089
<u>(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;</u>	2090
	2091
<u>(v) The average ratio of social workers to students in a district or building;</u>	2092
	2093
<u>(vi) The average ratio of mental health professionals to students in a district or building;</u>	2094
	2095
<u>(vii) The average ratio of paraprofessionals to students in a district or building;</u>	2096
	2097
<u>(viii) The percentage of teachers with fewer than three years of experience teaching in any school;</u>	2098
	2099
<u>(ix) The percentage of principals with fewer than three years of experience as a principal in any school;</u>	2100
	2101
<u>(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;</u>	2102
	2103
<u>(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;</u>	2104
	2105
	2106
<u>(xii) The percentage of students enrolled in a performing or visual arts course;</u>	2107
	2108
<u>(xiii) The percentage of students enrolled in a physical education or wellness course;</u>	2109
	2110
<u>(xiv) The percentage of students enrolled in a world language course;</u>	2111
	2112

<u>(xv) The percentage of students in grades seven through</u>	2113
<u>twelve who are enrolled in a career-technical education course;</u>	2114
<u>(xvi) The percentage of students participating in one or</u>	2115
<u>more cocurricular activities;</u>	2116
<u>(xvii) The percentage of students participating in advance</u>	2117
<u>placement courses, international baccalaureate courses, honors</u>	2118
<u>courses, or courses offered through the college credit plus</u>	2119
<u>program established under Chapter 3365. of the Revised Code;</u>	2120
<u>(xviii) The percentage of students identified as gifted in</u>	2121
<u>superior cognitive ability and specific academic ability fields</u>	2122
<u>under Chapter 3324. of the Revised Code and receiving gifted</u>	2123
<u>services pursuant to that chapter;</u>	2124
<u>(xix) The percentage of students participating in</u>	2125
<u>enrichment or support programs offered by the district or</u>	2126
<u>building outside of the normal school day;</u>	2127
<u>(xx) The percentage of eligible students participating</u>	2128
<u>each school day in school breakfast programs offered by the</u>	2129
<u>district or building in accordance with section 3313.813 or</u>	2130
<u>3313.818 of the Revised Code;</u>	2131
<u>(xxi) The percentage of students who are transported by a</u>	2132
<u>school bus each school day;</u>	2133
<u>(xxii) The ratio of portable technology devices that</u>	2134
<u>students may take home to the number of students.</u>	2135
<u>The department shall include only opportunity measures at</u>	2136
<u>the building level for which data for buildings is available, as</u>	2137
<u>determined by a school district.</u>	2138
<u>(j) The percentage of students included in the four- and</u>	2139
<u>five-year adjusted cohort graduation rates of the district or</u>	2140

building who completed all of grades nine through twelve while 2141  
enrolled in the district or building; 2142

(k) The percentage of students in the district or building 2143  
to whom both of the following apply: 2144

(i) The students are promoted to fourth grade and not 2145  
subject to retention under division (A) (2) of section 3313.608 2146  
of the Revised Code. 2147

(ii) The students completed all of the grade levels 2148  
offered prior to the fourth grade in the district or building. 2149

(3) Except as provided in division (D) (3) (f) of this 2150  
section, the department shall use the state board's method 2151  
prescribed under rules adopted under division (D) (4) of this 2152  
section to assign performance ratings of "one star," "two 2153  
stars," "three stars," "four stars," or "five stars," as 2154  
described in division (F) of this section, for a district or 2155  
building for the individual components prescribed under division 2156  
(D) (3) of this section. The department also shall assign an 2157  
overall performance rating for a district or building in 2158  
accordance with division (D) (3) (g) of this section. The method 2159  
shall use the performance measures prescribed under division (D) 2160  
(1) of this section to calculate performance ratings for 2161  
components. The method may report data under division (D) (2) of 2162  
this section with corresponding components, but shall not use 2163  
the data to calculate performance ratings for that component. 2164  
The performance measures and reported data shall be grouped 2165  
together into components as follows: 2166

(a) Gap closing. In addition to other criteria determined 2167  
appropriate by the department, performance ratings for the gap 2168  
closing component shall reflect whether each of the following 2169

<u>performance measures are met or not met:</u>	2170
<u>(i) The gifted performance indicator as described in</u>	2171
<u>division (D) (1) (a) of this section;</u>	2172
<u>(ii) The chronic absenteeism indicator as described in</u>	2173
<u>division (D) (1) (b) of this section;</u>	2174
<u>(iii) For English learners, an English language</u>	2175
<u>proficiency improvement indicator established by the department;</u>	2176
<u>(iv) The subgroup graduation targets;</u>	2177
<u>(v) The subgroup achievement targets in both mathematics</u>	2178
<u>and English language arts;</u>	2179
<u>(vi) The subgroup progress targets in both mathematics and</u>	2180
<u>English language arts.</u>	2181
<u>Achievement and progress targets under division (D) (3) (a)</u>	2182
<u>of this section shall be calculated individually, and districts</u>	2183
<u>and buildings shall receive a status of met or not met on each</u>	2184
<u>measure. The department shall not require a subgroup of a</u>	2185
<u>district or building to meet both the achievement and progress</u>	2186
<u>targets at the same time to receive a status of met.</u>	2187
<u>The department shall not include any subgroup data in this</u>	2188
<u>measure that includes data from fewer than fifteen students. Any</u>	2189
<u>penalty for failing to meet the required assessment</u>	2190
<u>participation rate must be partially in proportion to how close</u>	2191
<u>the district or building was to meeting the rate requirement.</u>	2192
<u>(b) Achievement, which shall include the performance</u>	2193
<u>measure in division (D) (1) (c) of this section and the reported</u>	2194
<u>data in division (D) (2) (a) of this section. Performance ratings</u>	2195
<u>for the achievement component shall be awarded as a percentage</u>	2196
<u>of the maximum performance index score described in division (D)</u>	2197

<u>(1) (c) of this section.</u>	2198
<u>(c) Progress, which shall include the performance measure in division (D) (1) (d) of this section and the reported data in divisions (D) (2) (b) and (c) of this amendment;</u>	2199 2200 2201
<u>(d) Graduation, which shall include the performance measures in divisions (D) (1) (e) and (f) of this section and the reported data in divisions (D) (2) (d) and (j) of this section. The four-year adjusted cohort graduation rate shall be assigned a weight of sixty per cent and the five-year adjusted cohort graduation rate shall be assigned a weight of forty per cent;</u>	2202 2203 2204 2205 2206 2207
<u>(e) Early literacy, which shall include the performance measures in divisions (D) (1) (g), (h), and (i) of this section and the reported data in divisions (D) (2) (e) and (k) of this section.</u>	2208 2209 2210 2211
<u>If the measure prescribed under division (D) (1) (h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D) (1) (g) of this section, a weight of thirty-five per cent to the measure prescribed under division (D) (1) (i) of this section, and a weight of twenty-five per cent to the measure prescribed under division (D) (1) (h) of this section.</u>	2212 2213 2214 2215 2216 2217 2218 2219
<u>If the measure prescribed under division (D) (1) (h) of this section is not included in a report card of a district or building, performance ratings for the early literacy component shall give a weight of sixty per cent to the measure prescribed under division (D) (1) (g) of this section and a weight of forty per cent to the measure prescribed under division (D) (1) (i) of this section.</u>	2220 2221 2222 2223 2224 2225 2226

(f) College, career, workforce, and military readiness, 2227  
which shall include the performance measure in division (D) (1) 2228  
(j) of this section and the reported data in division (D) (2) (f) 2229  
of this section. 2230

For the 2021-2022, 2022-2023, and 2023-2024 school years, 2231  
the department only shall report the data for, and not assign a 2232  
performance rating to, the college, career, workforce, and 2233  
military readiness component. The reported data shall include 2234  
the percentage of students who demonstrate post-secondary 2235  
readiness using any of the options described in division (D) (1) 2236  
(j) of this section. 2237

The department shall analyze the data included in the 2238  
performance measure prescribed in division (D) (1) (j) of this 2239  
section for the 2021-2022, 2022-2023, and 2023-2024 school 2240  
years. Using that data, the department shall develop and propose 2241  
rules for a method to assign a performance rating to the 2242  
college, career, workforce, and military readiness component 2243  
based on that measure. The method to assign a performance rating 2244  
shall not include a tiered structure or per student bonuses. The 2245  
rules shall specify that a district or building shall not 2246  
receive lower than a performance rating of three stars for the 2247  
component if the district's or building's performance on the 2248  
component meets or exceeds a level of improvement set by the 2249  
department. Notwithstanding division (D) (4) (b) of this section, 2250  
more than half of the total districts and buildings may earn a 2251  
performance rating of three stars on this component to account 2252  
for the districts and buildings that earned a performance rating 2253  
of three stars because they met or exceeded the level of 2254  
improvement set by the department. 2255

The department shall submit the rules to the joint 2256

committee on agency rule review. The committee shall conduct at 2257  
least one public hearing on the proposed rules and approve or 2258  
disapprove the rules. If the committee approves the rules, the 2259  
state board shall adopt the rules in accordance with Chapter 2260  
119. of the Revised Code. If the rules are adopted, the 2261  
department shall assign a performance rating to the college, 2262  
career, workforce, and military readiness component under the 2263  
rules beginning with the 2024-2025 school year, and for each 2264  
school year thereafter. If the committee disapproves the rules, 2265  
the component shall be included in the report card only as 2266  
reported data for the 2024-2025 school year, and each school 2267  
year thereafter. 2268

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 2269  
this section, beginning with the 2022-2023 school year, under 2270  
the state board's method prescribed under rules adopted in 2271  
division (D) (4) of this section, the department shall use the 2272  
performance ratings assigned for the components prescribed in 2273  
divisions (D) (3) (a) to (e) of this section to determine and 2274  
assign an overall performance rating of "one star," "one and 2275  
one-half stars," "two stars," "two and one-half stars," "three 2276  
stars," "three and one-half stars," "four stars," "four and one- 2277  
half stars," or "five stars" for a district or building. The 2278  
method shall give equal weight to the components in divisions 2279  
(D) (3) (b) and (c) of this section. The method shall give equal 2280  
weight to the components in divisions (D) (3) (a), (d), and (e) of 2281  
this section. The individual weights of each of the components 2282  
prescribed in divisions (D) (3) (a), (d), and (e) of this section 2283  
shall be equal to one-half of the weight given to the component 2284  
prescribed in division (D) (3) (b) of this section. 2285

(ii) If the joint committee on agency rule review approves 2286  
the department's rules regarding the college, career, workforce, 2287

and military readiness component as described in division (D) (3) 2288  
(f) of this section, for the 2024-2025 school year, and each 2289  
school year thereafter, the state board's method shall use the 2290  
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 2291  
of this section to calculate the overall performance rating. The 2292  
method shall give equal weight to the components in divisions 2293  
(D) (3) (b) and (c) of this section. The method shall give equal 2294  
weight to the components prescribed in divisions (D) (3) (a), (d), 2295  
(e), and (f) of this section. The individual weights of each of 2296  
the components prescribed in divisions (D) (3) (a), (d), (e), and 2297  
(f) of this section shall be equal to one-half the weight given 2298  
to the component prescribed in division (D) (3) (b) of this 2299  
section. 2300

If the joint committee on agency rule review disapproves 2301  
the department's rules regarding the college, career, workforce, 2302  
and military readiness component as described in division (D) (3) 2303  
(f) of this section, division (D) (3) (g) (ii) of this section does 2304  
not apply. 2305

(4) (a) The state board shall adopt rules in accordance 2306  
with Chapter 119. of the Revised Code to establish the 2307  
performance criteria, benchmarks, and rating system necessary to 2308  
implement divisions (D) and (F) of this section, including the 2309  
method for the department to assign performance ratings under 2310  
division (D) (3) of this section. 2311

(b) In establishing the performance criteria, benchmarks, 2312  
and rating system, the state board shall consult with 2313  
stakeholder groups and advocates that represent parents, 2314  
community members, students, business leaders, and educators 2315  
from different school typology regions. The state board shall 2316  
use data from prior school years and simulations to ensure that 2317



there is meaningful differentiation among districts and 2318  
buildings across all performance ratings and that, except as 2319  
permitted in division (D) (3) (f) of this section, more than half 2320  
of all districts or buildings do not earn the same performance 2321  
rating in any component or overall performance rating. 2322

(c) The state board shall adopt the rules prescribed by 2323  
division (D) (4) of this section not later than March 31, 2022. 2324  
However, the department shall notify districts and buildings of 2325  
the changes to the report card prescribed in law not later than 2326  
one week after the effective date of this amendment. 2327

(d) Prior to adopting or updating rules under division (D) 2328  
(4) of this section, the president of the state board and the 2329  
department shall conduct a public presentation before the 2330  
standing committees of the house of representatives and the 2331  
senate that consider primary and secondary education legislation 2332  
describing the format for the report card and the performance 2333  
criteria, benchmarks, and rating system, including the method to 2334  
assign performance ratings under division (D) (3) of this 2335  
section. 2336

(E) On or after July 1, 2015, the state board may develop 2337  
a measure of student academic progress for high school students 2338  
using only data from assessments in English language arts and 2339  
mathematics. If the state board develops this measure, each 2340  
school district and applicable school building shall be assigned 2341  
a separate letter grade for it not sooner than the 2017-2018 2342  
school year. The district's or building's grade for that measure 2343  
shall not be included in determining the district's or 2344  
building's overall letter grade. 2345

~~(E)~~ (F) (1) The letter grades assigned to a school district 2346  
or building under this section shall be as follows: 2347

<del>(1)</del> <u>(a)</u> "A" for a district or school making excellent progress;	2348 2349
<del>(2)</del> <u>(b)</u> "B" for a district or school making above average progress;	2350 2351
<del>(3)</del> <u>(c)</u> "C" for a district or school making average progress;	2352 2353
<del>(4)</del> <u>(d)</u> "D" for a district or school making below average progress;	2354 2355
<del>(5)</del> <u>(e)</u> "F" for a district or school failing to meet minimum progress.	2356 2357
<u>(2) For the overall performance rating under division (D)</u>	2358
<u>(3) of this section, the department shall include a descriptor for each performance rating as follows:</u>	2359 2360
<u>(a) "Significantly exceeds state standards" for a performance rating of five stars;</u>	2361 2362
<u>(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;</u>	2363 2364
<u>(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;</u>	2365 2366
<u>(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;</u>	2367 2368
<u>(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.</u>	2369 2370
<u>(3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context</u>	2371 2372 2373 2374

to each performance rating earned, estimated comparisons to 2375  
other school districts and buildings if appropriate, and any 2376  
other information determined by the state board. The 2377  
descriptions shall be not longer than twenty-five words in 2378  
length when possible. In addition to such descriptions, the 2379  
state board shall include the descriptors in division (F) (2) of 2380  
this section for component performance ratings. 2381

(4) Each report card issued under this section shall 2382  
include all of the following: 2383

(a) A graphic that depicts the performance ratings of a 2384  
district or school on a color scale. The color associated with a 2385  
performance rating of three stars shall be green and the color 2386  
associated with a performance rating of one star shall be red. 2387

(b) An arrow graphic that shows data trends for 2388  
performance ratings for school districts or buildings. The state 2389  
board shall determine the data to be used for this graphic, 2390  
which shall include at least the three most recent years of 2391  
data. 2392

(c) A description regarding the weights that are assigned 2393  
to each component and used to determine an overall performance 2394  
rating, as prescribed under division (D) (3) (g) of this section, 2395  
which shall be included in the presentation of the overall 2396  
performance rating on each report card. 2397

~~(F)~~(G) When reporting data on student achievement and 2398  
progress, the department shall disaggregate that data according 2399  
to the following categories: 2400

(1) Performance of students by grade-level; 2401

(2) Performance of students by race and ethnic group; 2402

(3) Performance of students by gender;	2403
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2404 2405
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2406 2407 2408
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2409 2410
(7) Performance of students grouped by those who are economically disadvantaged;	2411 2412
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2413 2414 2415
(9) Performance of students grouped by those who are classified as English learners;	2416 2417
(10) Performance of students grouped by those who have disabilities;	2418 2419
(11) Performance of students grouped by those who are classified as migrants;	2420 2421
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	2422 2423 2424 2425 2426 2427 2428 2429 2430

(13) Performance of students grouped by those who perform 2431  
in the lowest quintile for achievement on a statewide basis, as 2432  
determined by a method prescribed by the state board. 2433

The department may disaggregate data on student 2434  
performance according to other categories that the department 2435  
determines are appropriate. To the extent possible, the 2436  
department shall disaggregate data on student performance 2437  
according to any combinations of two or more of the categories 2438  
listed in divisions ~~(F)(1)~~ (G)(1) to (13) of this section that 2439  
it deems relevant. 2440

In reporting data pursuant to division ~~(F)~~ (G) of this 2441  
section, the department shall not include in the report cards 2442  
any data statistical in nature that is statistically unreliable 2443  
or that could result in the identification of individual 2444  
students. For this purpose, the department shall not report 2445  
student performance data for any group identified in division 2446  
~~(F)~~ (G) of this section that contains less than ten students. If 2447  
the department does not report student performance data for a 2448  
group because it contains less than ten students, the department 2449  
shall indicate on the report card that is why data was not 2450  
reported. 2451

~~(G)~~ (H) The department may include with the report cards 2452  
any additional education and fiscal performance data it deems 2453  
valuable. 2454

~~(H)~~ (I) The department shall include on each report card a 2455  
list of additional information collected by the department that 2456  
is available regarding the district or building for which the 2457  
report card is issued. When available, such additional 2458  
information shall include student mobility data disaggregated by 2459  
race and socioeconomic status, college enrollment data, and the 2460

reports prepared under section 3302.031 of the Revised Code. 2461

The department shall maintain a site on the world wide 2462  
web. The report card shall include the address of the site and 2463  
shall specify that such additional information is available to 2464  
the public at that site. The department shall also provide a 2465  
copy of each item on the list to the superintendent of each 2466  
school district. The district superintendent shall provide a 2467  
copy of any item on the list to anyone who requests it. 2468

~~(I)(1)(a)~~ (J)(1)(a) Except as provided in division ~~(I)(1)~~ 2469  
~~(b)~~ (J)(1)(b) of this section, for any district that sponsors a 2470  
conversion community school under Chapter 3314. of the Revised 2471  
Code, the department shall combine data regarding the academic 2472  
performance of students enrolled in the community school with 2473  
comparable data from the schools of the district for the purpose 2474  
of determining the performance of the district as a whole on the 2475  
report card issued for the district under this section or 2476  
section 3302.033 of the Revised Code. 2477

(b) The department shall not combine data from any 2478  
conversion community school that a district sponsors if a 2479  
majority of the students enrolled in the conversion community 2480  
school are enrolled in a dropout prevention and recovery program 2481  
that is operated by the school, as described in division (A)(4) 2482  
(a) of section 3314.35 of the Revised Code. The department shall 2483  
include as an addendum to the district's report card the ratings 2484  
and performance measures that are required under section 2485  
3314.017 of the Revised Code for any community school to which 2486  
division ~~(I)(1)(b)~~ (J)(1)(b) of this section applies. This 2487  
addendum shall include, at a minimum, the data specified in 2488  
divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of 2489  
the Revised Code. 2490

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

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

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

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

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

Any municipal school district that exercises an election to combine or include data under division ~~(I) (3)~~ (J) (3) of this

section, by the first day of October of each year, shall file 2520  
with the department documentation indicating eligibility for 2521  
that election, as required by the department. 2522

~~(J)~~ (K) The department shall include on each report card 2523  
the percentage of teachers in the district or building who are 2524  
properly certified or licensed teachers, as defined in section 2525  
3319.074 of the Revised Code, and a comparison of that 2526  
percentage with the percentages of such teachers in similar 2527  
districts and buildings. 2528

~~(K)(1)~~ (L)(1) In calculating English language arts, 2529  
mathematics, ~~or science, American history, or American~~ 2530  
government assessment passage rates used to determine school 2531  
district or building performance under this section, the 2532  
department shall include all students taking an assessment with 2533  
accommodation or to whom an alternate assessment is administered 2534  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 2535  
Revised Code and all students who take substitute examinations 2536  
approved under division (B)(4) of section 3301.0712 of the 2537  
Revised Code in the subject areas of science, American history 2538  
and American government. 2539

(2) In calculating performance index scores, rates of 2540  
achievement on the performance indicators established by the 2541  
state board under section 3302.02 of the Revised Code, and 2542  
annual measurable objectives for determining adequate yearly 2543  
progress for school districts and buildings under this section, 2544  
the department shall do all of the following: 2545

(a) Include for each district or building only those 2546  
students who are included in the ADM certified for the first 2547  
full school week of October and are continuously enrolled in the 2548  
district or building through the time of the spring 2549



administration of any assessment prescribed by division (A) (1) 2550  
or (B) (1) of section 3301.0710 or division (B) of section 2551  
3301.0712 of the Revised Code that is administered to the 2552  
student's grade level; 2553

(b) Include cumulative totals from both the fall and 2554  
spring administrations of the third grade English language arts 2555  
achievement assessment and, to the extent possible, the summer 2556  
administration of that assessment; 2557

(c) Except as required by the No Child Left Behind Act of 2558  
2001, exclude for each district or building any English learner 2559  
who has been enrolled in United States schools for less than one 2560  
full school year. 2561

~~(L)~~ (M) Beginning with the 2015-2016 school year and at 2562  
least once every three years thereafter, the state board of 2563  
education shall review and may adjust the benchmarks for 2564  
assigning letter grades or performance ratings to the 2565  
performance measures and components prescribed under divisions 2566  
(C) (3) ~~and, (D), and (E)~~ of this section. 2567

**Sec. 3302.035.** (A) Not later than October 1, 2015, and not 2568  
later than the first day of October each year thereafter, the 2569  
department of education shall report for each school district, 2570  
each community school established under Chapter 3314., each STEM 2571  
school established under Chapter 3326., and each college- 2572  
preparatory boarding school established under Chapter 3328. of 2573  
the Revised Code, the following measures for students with 2574  
disabilities enrolled in that school district or community, 2575  
STEM, or college-preparatory boarding school: 2576

(1) The value-added progress dimension score, ~~as~~ 2577  
disaggregated for that subgroup ~~under division (C) (1) (f) of~~ 2578

~~section 3302.03 of the Revised Code, as determined by the~~ 2579  
~~department;~~ 2580

(2) The performance index score for that subgroup, as 2581  
defined under division (A) of section 3302.01 of the Revised 2582  
Code; 2583

(3) The four- and five-year adjusted cohort graduation 2584  
rates, as defined under divisions (G) (1) and (2) of section 2585  
3302.01 of the Revised Code, for that subgroup. 2586

(B) The department shall make each report completed 2587  
pursuant to division (A) of this section available on its web 2588  
site for comparison purposes. 2589

**Sec. 3302.037.** (A) Not more than thirty days after the 2590  
department of education issues report cards under section 2591  
3302.03 of the Revised Code, each school district and school 2592  
building shall do the following: 2593

(1) Notify parents that the report card has been released 2594  
and how parents can access the report card. Notification may 2595  
include mailed letters, emails, newsletters, or any other 2596  
proactive notification method used by districts and buildings to 2597  
contact parents. 2598

(2) Include a link to the report card on the district's or 2599  
school's web site. 2600

(B) Each superintendent of a school district shall present 2601  
the results of the district's report card to the school district 2602  
board of education not later than thirty days after the report 2603  
cards are issued under section 3302.03 of the Revised Code. 2604

**Sec. 3302.038.** Not later than December 31, 2024, the 2605  
department of education shall issue a report regarding the 2606

effectiveness of the state report cards issued under section 2607  
3302.03 of the Revised Code. In preparing the report, the 2608  
department shall study the data included in the state report 2609  
cards issued for the 2021-2022, 2022-2023, and 2023-2024 school 2610  
years. Based on that study, the department shall include in the 2611  
report any recommendations for changes or improvements to the 2612  
state report card. 2613

The department shall submit the report to the speaker of 2614  
the house of representatives, the president of the senate, and 2615  
the chairpersons of the standing committees of the house of 2616  
representatives and the senate that consider education 2617  
legislation. 2618

**Sec. 3302.039.** (A) The state report card review committee 2619  
is hereby established on July 1, 2023. 2620

(B) The committee established under this section shall 2621  
consist of the following members: 2622

(1) Two members of the house of representatives, both of 2623  
whom shall not be members of the same political party, appointed 2624  
by the speaker of the house of representatives. The minority 2625  
leader of the house of representatives may recommend to the 2626  
speaker of the house of representatives a member of the minority 2627  
leader's political party to serve on the committee. 2628

(2) Two members of the senate, both of whom shall not be 2629  
members of the same political party, appointed by the president 2630  
of the senate. The minority leader of the senate may recommend 2631  
to the president of the senate a member of the minority leader's 2632  
political party to serve on the committee. 2633

(3) The superintendent of public instruction, or the state 2634  
superintendent's designee; 2635

<u>(4) The following members appointed by the state</u>	2636
<u>superintendent:</u>	2637
<u>(a) A classroom teacher who provides instruction in an</u>	2638
<u>elementary school;</u>	2639
<u>(b) A classroom teacher who provides instruction in a high</u>	2640
<u>school;</u>	2641
<u>(c) An individual with experience in providing services to</u>	2642
<u>students identified as gifted in superior cognitive ability and</u>	2643
<u>specific academic ability fields under Chapter 3324. of the</u>	2644
<u>Revised Code;</u>	2645
<u>(d) An individual with experience in providing special</u>	2646
<u>education or related services to children with disabilities</u>	2647
<u>under Chapter 3323. of the Revised Code;</u>	2648
<u>(e) An individual representing a chartered nonpublic</u>	2649
<u>school;</u>	2650
<u>(f) A representative of the business community;</u>	2651
<u>(g) The parent of a child enrolled in any of grades</u>	2652
<u>kindergarten through twelve.</u>	2653
<u>(C) The committee established under this section shall</u>	2654
<u>conduct a study of the state report cards issued under section</u>	2655
<u>3302.03 of the Revised Code for the 2022-2023 school year and</u>	2656
<u>prior school years. Based on that study, the committee shall</u>	2657
<u>make recommendations for improvements, corrections, and</u>	2658
<u>clarifications to the state report card.</u>	2659
<u>Not later than June 30, 2024, the committee shall submit a</u>	2660
<u>report of its findings to the state board of education and the</u>	2661
<u>chairpersons of the standing committees of the house of</u>	2662
<u>representatives and the senate that consider primary and</u>	2663

secondary education legislation.

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**Sec. 3302.04.** As used in divisions (A), (C), and (D) of  
this section, for the 2014-2015 school year, and for each school  
year thereafter, when a provision refers to a school district or  
school building in a state of academic emergency, it shall mean  
a district or building rated "F"; when a provision refers to a  
school district or school building under an academic watch, it  
shall mean a district or building rated "D"; and when a  
provision refers to a school district or school building in need  
of continuous improvement, it shall mean a district or building  
rated "C" as those letter grade ratings for overall performance  
are assigned under division (C)(3) of section 3302.03 of the  
Revised Code, as it exists on or after March 22, 2013.

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(A) The department of education shall establish a system  
of intensive, ongoing support for the improvement of school  
districts and school buildings. In accordance with the model of  
differentiated accountability described in section 3302.041 of  
the Revised Code, the system shall give priority to the  
following:

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(1) For any school year prior to the 2012-2013 school  
year, districts and buildings that have been declared to be  
under an academic watch or in a state of academic emergency  
under section 3302.03 of the Revised Code;

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(2) For the 2012-2013 school year, and for each school  
year thereafter, districts and buildings in the manner  
prescribed by any agreement currently in force between the  
department and the United States department of education. The  
department shall endeavor to include schools and buildings that  
receive grades or performance ratings under section 3302.03 of  
the Revised Code that the department considers to be low

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performing. 2694

The system shall include services provided to districts 2695  
and buildings through regional service providers, such as 2696  
educational service centers. The system may include the 2697  
appointment of an improvement coordinator for any of the lowest 2698  
performing districts, as determined by the department, to 2699  
coordinate the district's academic improvement efforts and to 2700  
build support among the community for those efforts. 2701

(B) This division does not apply to any school district 2702  
after June 30, 2008. 2703

When a school district has been notified by the department 2704  
pursuant to section 3302.03 of the Revised Code that the 2705  
district or a building within the district has failed to make 2706  
adequate yearly progress for two consecutive school years, the 2707  
district shall develop a three-year continuous improvement plan 2708  
for the district or building containing each of the following: 2709

(1) An analysis of the reasons for the failure of the 2710  
district or building to meet any of the applicable performance 2711  
indicators established under section 3302.02 of the Revised Code 2712  
that it did not meet and an analysis of the reasons for its 2713  
failure to make adequate yearly progress; 2714

(2) Specific strategies that the district or building will 2715  
use to address the problems in academic achievement identified 2716  
in division (B) (1) of this section; 2717

(3) Identification of the resources that the district will 2718  
allocate toward improving the academic achievement of the 2719  
district or building; 2720

(4) A description of any progress that the district or 2721  
building made in the preceding year toward improving its 2722

academic achievement;	2723
(5) An analysis of how the district is utilizing the	2724
professional development standards adopted by the state board	2725
pursuant to section 3319.61 of the Revised Code;	2726
(6) Strategies that the district or building will use to	2727
improve the cultural competency, as defined pursuant to section	2728
3319.61 of the Revised Code, of teachers and other educators.	2729
No three-year continuous improvement plan shall be	2730
developed or adopted pursuant to this division unless at least	2731
one public hearing is held within the affected school district	2732
or building concerning the final draft of the plan. Notice of	2733
the hearing shall be given two weeks prior to the hearing by	2734
publication in one newspaper of general circulation within the	2735
territory of the affected school district or building. Copies of	2736
the plan shall be made available to the public.	2737
(C) (1) For any school year prior to the school year that	2738
begins on July 1, 2012, when a school district or building has	2739
been notified by the department pursuant to section 3302.03 of	2740
the Revised Code that the district or building is under an	2741
academic watch or in a state of academic emergency, the district	2742
or building shall be subject to any rules establishing	2743
intervention in academic watch or emergency school districts or	2744
buildings.	2745
(2) For the 2012-2013 school year, and for each school	2746
year thereafter, a district or building that meets the	2747
conditions for intervention prescribed by the agreement	2748
described in division (A) (2) of this section shall be subject to	2749
any rules establishing such intervention.	2750
(D) (1) For any school year prior to the 2012-2013 school	2751

year, within one hundred twenty days after any school district 2752  
or building is declared to be in a state of academic emergency 2753  
under section 3302.03 of the Revised Code, the department may 2754  
initiate a site evaluation of the building or school district. 2755

(2) For the 2012-2013 school year, and for each school 2756  
year thereafter, the department may initiate a site evaluation 2757  
of a building or school district that meets the conditions for a 2758  
site evaluation prescribed by the agreement described in 2759  
division (A) (2) of this section. 2760

(3) Division (D) (3) of this section does not apply to any 2761  
school district after June 30, 2008. 2762

If any school district that is declared to be in a state 2763  
of academic emergency or in a state of academic watch under 2764  
section 3302.03 of the Revised Code or encompasses a building 2765  
that is declared to be in a state of academic emergency or in a 2766  
state of academic watch fails to demonstrate to the department 2767  
satisfactory improvement of the district or applicable buildings 2768  
or fails to submit to the department any information required 2769  
under rules established by the state board of education, prior 2770  
to approving a three-year continuous improvement plan under 2771  
rules established by the state board of education, the 2772  
department shall conduct a site evaluation of the school 2773  
district or applicable buildings to determine whether the school 2774  
district is in compliance with minimum standards established by 2775  
law or rule. 2776

(4) Division (D) (4) of this section does not apply to any 2777  
school district after June 30, 2008. Site evaluations conducted 2778  
under divisions (D) (1), (2), and (3) of this section shall 2779  
include, but not be limited to, the following: 2780



(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;	2781 2782
(b) Determining pupil-teacher ratios;	2783
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	2784 2785
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	2786 2787 2788
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;	2789 2790 2791
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2792 2793 2794
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.	2795 2796 2797 2798 2799 2800
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	2801 2802 2803
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic	2804 2805 2806 2807 2808

performance of the building and any progress achieved toward 2809  
that goal in the immediately preceding school year. 2810

(b) If the building receives funds under Title I, Part A 2811  
of the "Elementary and Secondary Education Act of 1965," 20 2812  
U.S.C. 6311 to 6339, from the district, in accordance with 2813  
section 3313.97 of the Revised Code, offer all students enrolled 2814  
in the building the opportunity to enroll in an alternative 2815  
building within the district that is not in school improvement 2816  
status as defined by the "No Child Left Behind Act of 2001." 2817  
Notwithstanding Chapter 3327. of the Revised Code, the district 2818  
shall spend an amount equal to twenty per cent of the funds it 2819  
receives under Title I, Part A of the "Elementary and Secondary 2820  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2821  
transportation for students who enroll in alternative buildings 2822  
under this division, unless the district can satisfy all demand 2823  
for transportation with a lesser amount. If an amount equal to 2824  
twenty per cent of the funds the district receives under Title 2825  
I, Part A of the "Elementary and Secondary Education Act of 2826  
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2827  
demand for transportation, the district shall grant priority 2828  
over all other students to the lowest achieving students among 2829  
the subgroup described in division (B) (3) of section 3302.01 of 2830  
the Revised Code in providing transportation. Any district that 2831  
does not receive funds under Title I, Part A of the "Elementary 2832  
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2833  
shall not be required to provide transportation to any student 2834  
who enrolls in an alternative building under this division. 2835

(2) For any school building that fails to make adequate 2836  
yearly progress for three consecutive school years, the district 2837  
shall do both of the following: 2838

(a) If the building receives funds under Title I, Part A 2839  
of the "Elementary and Secondary Education Act of 1965," 20 2840  
U.S.C. 6311 to 6339, from the district, in accordance with 2841  
section 3313.97 of the Revised Code, provide all students 2842  
enrolled in the building the opportunity to enroll in an 2843  
alternative building within the district that is not in school 2844  
improvement status as defined by the "No Child Left Behind Act 2845  
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2846  
district shall provide transportation for students who enroll in 2847  
alternative buildings under this division to the extent required 2848  
under division (E) (2) of this section. 2849

(b) If the building receives funds under Title I, Part A 2850  
of the "Elementary and Secondary Education Act of 1965," 20 2851  
U.S.C. 6311 to 6339, from the district, offer supplemental 2852  
educational services to students who are enrolled in the 2853  
building and who are in the subgroup described in division (B) 2854  
(3) of section 3302.01 of the Revised Code. 2855

The district shall spend a combined total of an amount 2856  
equal to twenty per cent of the funds it receives under Title I, 2857  
Part A of the "Elementary and Secondary Education Act of 1965," 2858  
20 U.S.C. 6311 to 6339, to provide transportation for students 2859  
who enroll in alternative buildings under division (E) (1) (b) or 2860  
(E) (2) (a) of this section and to pay the costs of the 2861  
supplemental educational services provided to students under 2862  
division (E) (2) (b) of this section, unless the district can 2863  
satisfy all demand for transportation and pay the costs of 2864  
supplemental educational services for those students who request 2865  
them with a lesser amount. In allocating funds between the 2866  
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2867  
this section, the district shall spend at least an amount equal 2868  
to five per cent of the funds it receives under Title I, Part A 2869

of the "Elementary and Secondary Education Act of 1965," 20 2870  
U.S.C. 6311 to 6339, to provide transportation for students who 2871  
enroll in alternative buildings under division (E) (1) (b) or (E) 2872  
(2) (a) of this section, unless the district can satisfy all 2873  
demand for transportation with a lesser amount, and at least an 2874  
amount equal to five per cent of the funds it receives under 2875  
Title I, Part A of the "Elementary and Secondary Education Act 2876  
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2877  
supplemental educational services provided to students under 2878  
division (E) (2) (b) of this section, unless the district can pay 2879  
the costs of such services for all students requesting them with 2880  
a lesser amount. If an amount equal to twenty per cent of the 2881  
funds the district receives under Title I, Part A of the 2882  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2883  
to 6339, is insufficient to satisfy all demand for 2884  
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2885  
section and to pay the costs of all of the supplemental 2886  
educational services provided to students under division (E) (2) 2887  
(b) of this section, the district shall grant priority over all 2888  
other students in providing transportation and in paying the 2889  
costs of supplemental educational services to the lowest 2890  
achieving students among the subgroup described in division (B) 2891  
(3) of section 3302.01 of the Revised Code. 2892

Any district that does not receive funds under Title I, 2893  
Part A of the "Elementary and Secondary Education Act of 1965," 2894  
20 U.S.C. 6311 to 6339, shall not be required to provide 2895  
transportation to any student who enrolls in an alternative 2896  
building under division (E) (2) (a) of this section or to pay the 2897  
costs of supplemental educational services provided to any 2898  
student under division (E) (2) (b) of this section. 2899

No student who enrolls in an alternative building under 2900

division (E) (2) (a) of this section shall be eligible for 2901  
supplemental educational services under division (E) (2) (b) of 2902  
this section. 2903

(3) For any school building that fails to make adequate 2904  
yearly progress for four consecutive school years, the district 2905  
shall continue to comply with division (E) (2) of this section 2906  
and shall implement at least one of the following options with 2907  
respect to the building: 2908

(a) Institute a new curriculum that is consistent with the 2909  
statewide academic standards adopted pursuant to division (A) of 2910  
section 3301.079 of the Revised Code; 2911

(b) Decrease the degree of authority the building has to 2912  
manage its internal operations; 2913

(c) Appoint an outside expert to make recommendations for 2914  
improving the academic performance of the building. The district 2915  
may request the department to establish a state intervention 2916  
team for this purpose pursuant to division (G) of this section. 2917

(d) Extend the length of the school day or year; 2918

(e) Replace the building principal or other key personnel; 2919

(f) Reorganize the administrative structure of the 2920  
building. 2921

(4) For any school building that fails to make adequate 2922  
yearly progress for five consecutive school years, the district 2923  
shall continue to comply with division (E) (2) of this section 2924  
and shall develop a plan during the next succeeding school year 2925  
to improve the academic performance of the building, which shall 2926  
include at least one of the following options: 2927

(a) Reopen the school as a community school under Chapter 2928

3314. of the Revised Code;	2929
(b) Replace personnel;	2930
(c) Contract with a nonprofit or for-profit entity to operate the building;	2931 2932
(d) Turn operation of the building over to the department;	2933
(e) Other significant restructuring of the building's governance.	2934 2935
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	2936 2937 2938 2939 2940
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	2941 2942 2943 2944 2945
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	2946 2947 2948 2949
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division	2950 2951 2952 2953 2954 2955 2956

(B) of this section and provide a written description of the 2957  
plan to the parent or guardian of each student enrolled in the 2958  
district. 2959

(2) If a school district has been identified for 2960  
improvement for two consecutive school years, the district shall 2961  
continue to implement the continuous improvement plan developed 2962  
by the district pursuant to division (B) or (F) (1) of this 2963  
section. 2964

(3) If a school district has been identified for 2965  
improvement for three consecutive school years, the department 2966  
shall take at least one of the following corrective actions with 2967  
respect to the district: 2968

(a) Withhold a portion of the funds the district is 2969  
entitled to receive under Title I, Part A of the "Elementary and 2970  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2971

(b) Direct the district to replace key district personnel; 2972

(c) Institute a new curriculum that is consistent with the 2973  
statewide academic standards adopted pursuant to division (A) of 2974  
section 3301.079 of the Revised Code; 2975

(d) Establish alternative forms of governance for 2976  
individual school buildings within the district; 2977

(e) Appoint a trustee to manage the district in place of 2978  
the district superintendent and board of education. 2979

The department shall conduct individual audits of a 2980  
sampling of districts subject to this division to determine 2981  
compliance with the corrective actions taken by the department. 2982

(4) If a school district has been identified for 2983  
improvement for four consecutive school years, the department 2984

shall continue to monitor implementation of the corrective 2985  
action taken under division (F) (3) of this section with respect 2986  
to the district. 2987

(5) If a school district has been identified for 2988  
improvement for five consecutive school years, the department 2989  
shall take at least one of the corrective actions identified in 2990  
division (F) (3) of this section with respect to the district, 2991  
provided that the corrective action the department takes is 2992  
different from the corrective action previously taken under 2993  
division (F) (3) of this section with respect to the district. 2994

(G) The department may establish a state intervention team 2995  
to evaluate all aspects of a school district or building, 2996  
including management, curriculum, instructional methods, 2997  
resource allocation, and scheduling. Any such intervention team 2998  
shall be appointed by the department and shall include teachers 2999  
and administrators recognized as outstanding in their fields. 3000  
The intervention team shall make recommendations regarding 3001  
methods for improving the performance of the district or 3002  
building. 3003

The department shall not approve a district's request for 3004  
an intervention team under division (E) (3) of this section if 3005  
the department cannot adequately fund the work of the team, 3006  
unless the district agrees to pay for the expenses of the team. 3007

(H) The department shall conduct individual audits of a 3008  
sampling of community schools established under Chapter 3314. of 3009  
the Revised Code to determine compliance with this section. 3010

(I) The state board shall adopt rules for implementing 3011  
this section. 3012

**Sec. 3302.05.** The state board of education shall adopt 3013



rules freeing school districts from specified state mandates if 3014  
one of the following applies: 3015

(A) For the 2011-2012 school year, the school district was 3016  
declared to be excellent under section 3302.03 of the Revised 3017  
Code, as that section existed prior to March 22, 2013, and had 3018  
above expected growth in the overall value-added measure. 3019

(B) For the 2012-2013 school year, the school district 3020  
received a grade of "A" for the number of performance indicators 3021  
met under division (A) (1) (c) of section 3302.03 of the Revised 3022  
Code and for the value-added dimension under division (A) (1) (e) 3023  
of section 3302.03 of the Revised Code. 3024

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 3025  
year, the school district received a grade of "A" for the number 3026  
of performance indicators met under division (B) (1) (c) of 3027  
section 3302.03 of the Revised Code and for the value-added 3028  
dimension under division (B) (1) (e) of section 3302.03 of the 3029  
Revised Code. 3030

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 3031  
2020-2021 school year ~~and for each school year thereafter~~, the 3032  
school district received an overall grade of "A" under division 3033  
(C) (3) of section 3302.03 of the Revised Code. 3034

(F) For the 2021-2022 school year and for each school year 3035  
thereafter, the school district received an overall performance 3036  
rating of five stars under division (D) (3) of section 3302.03 of 3037  
the Revised Code. 3038

Any mandates included in the rules shall be only those 3039  
statutes or rules pertaining to state education requirements. 3040  
The rules shall not exempt districts from any operating standard 3041  
adopted under division (D) (3) of section 3301.07 of the Revised 3042

Code. 3043

**Sec. 3302.10.** (A) The superintendent of public instruction 3044  
shall establish an academic distress commission for any school 3045  
district that meets one of the following conditions: 3046

(1) The district has ~~received an overall grade of "F"~~ 3047  
~~under division (C) (3) of section 3302.03 of the Revised Code~~ for 3048  
three consecutive years received either of the following: 3049

(a) An overall grade of "F" under division (C) (3) of 3050  
section 3302.03 of the Revised Code; 3051

(b) An overall performance rating of less than two stars 3052  
under division (D) (3) of section 3302.03 of the Revised Code. 3053

(2) An academic distress commission established for the 3054  
district under former section 3302.10 of the Revised Code was 3055  
still in existence ~~on the effective date of this section~~ October 3056  
15, 2015, and has been in existence for at least four years. 3057

(B) (1) The academic distress commission shall consist of 3058  
five members as follows: 3059

(a) Three members appointed by the state superintendent, 3060  
one of whom is a resident in the county in which a majority of 3061  
the district's territory is located; 3062

(b) One member appointed by the president of the district 3063  
board of education, who shall be a teacher employed by the 3064  
district; 3065

(c) One member appointed by the mayor of the municipality 3066  
in which a majority of the district's territory is located or, 3067  
if no such municipality exists, by the mayor of a municipality 3068  
selected by the state superintendent in which the district has 3069  
territory. 3070

Appointments to the commission shall be made within thirty 3071  
days after the district is notified that it is subject to this 3072  
section. Members of the commission shall serve at the pleasure 3073  
of their appointing authority. The state superintendent shall 3074  
designate a chairperson for the commission from among the 3075  
members appointed by the state superintendent. The chairperson 3076  
shall call and conduct meetings, set meeting agendas, and serve 3077  
as a liaison between the commission and the chief executive 3078  
officer appointed under division (C) (1) of this section. 3079

(2) In the case of a school district that meets the 3080  
condition in division (A) (2) of this section, the academic 3081  
distress commission established for the district under former 3082  
section 3302.10 of the Revised Code shall be abolished and a new 3083  
academic distress commission shall be appointed for the district 3084  
pursuant to division (B) (1) of this section. 3085

(C) (1) Within sixty days after the state superintendent 3086  
has designated a chairperson for the academic distress 3087  
commission, the commission shall appoint a chief executive 3088  
officer for the district, who shall be paid by the department of 3089  
education and shall serve at the pleasure of the commission. The 3090  
individual appointed as chief executive officer shall have high- 3091  
level management experience in the public or private sector. The 3092  
chief executive officer shall exercise complete operational, 3093  
managerial, and instructional control of the district, which 3094  
shall include, but shall not be limited to, the following powers 3095  
and duties, but the chief executive officer may delegate, in 3096  
writing, specific powers or duties to the district board or 3097  
district superintendent: 3098

(a) Replacing school administrators and central office 3099  
staff; 3100

(b) Assigning employees to schools and approving transfers;	3101 3102
(c) Hiring new employees;	3103
(d) Defining employee responsibilities and job descriptions;	3104 3105
(e) Establishing employee compensation;	3106
(f) Allocating teacher class loads;	3107
(g) Conducting employee evaluations;	3108
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	3109 3110
(i) Setting the school calendar;	3111
(j) Creating a budget for the district;	3112
(k) Contracting for services for the district;	3113
(l) Modifying policies and procedures established by the district board;	3114 3115
(m) Establishing grade configurations of schools;	3116
(n) Determining the school curriculum;	3117
(o) Selecting instructional materials and assessments;	3118
(p) Setting class sizes;	3119
(q) Providing for staff professional development.	3120
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to	3121 3122 3123 3124 3125

perform duties or functions previously performed by the 3126  
improvement coordinator. 3127

(D) The academic distress commission, in consultation with 3128  
the state superintendent and the chief executive officer, shall 3129  
be responsible for expanding high-quality school choice options 3130  
in the district. The commission, in consultation with the state 3131  
superintendent, may create an entity to act as a high-quality 3132  
school accelerator for schools not operated by the district. The 3133  
accelerator shall promote high-quality schools in the district, 3134  
lead improvement efforts for underperforming schools, recruit 3135  
high-quality sponsors for community schools, attract new high- 3136  
quality schools to the district, and increase the overall 3137  
capacity of schools to deliver a high-quality education for 3138  
students. Any accelerator shall be an independent entity and the 3139  
chief executive officer shall have no authority over the 3140  
accelerator. 3141

(E) (1) Within thirty days after the chief executive 3142  
officer is appointed, the chief executive officer shall convene 3143  
a group of community stakeholders. The purpose of the group 3144  
shall be to develop expectations for academic improvement in the 3145  
district and to assist the district in building relationships 3146  
with organizations in the community that can provide needed 3147  
services to students. Members of the group shall include, but 3148  
shall not be limited to, educators, civic and business leaders, 3149  
and representatives of institutions of higher education and 3150  
government service agencies. Within ninety days after the chief 3151  
executive officer is appointed, the chief executive officer also 3152  
shall convene a smaller group of community stakeholders for each 3153  
school operated by the district to develop expectations for 3154  
academic improvement in that school. The group convened for each 3155  
school shall have teachers employed in the school and parents of 3156

students enrolled in the school among its members. 3157

(2) The chief executive officer shall create a plan to 3158  
improve the district's academic performance. In creating the 3159  
plan, the chief executive officer shall consult with the groups 3160  
convened under division (E)(1) of this section. The chief 3161  
executive officer also shall consider the availability of 3162  
funding to ensure sustainability of the plan. The plan shall 3163  
establish clear, measurable performance goals for the district 3164  
and for each school operated by the district. The performance 3165  
goals shall include, but not be limited to, the performance 3166  
measures prescribed for report cards issued under section 3167  
3302.03 of the Revised Code. Within ninety days after the chief 3168  
executive officer is appointed, the chief executive officer 3169  
shall submit the plan to the academic distress commission for 3170  
approval. Within thirty days after the submission of the plan, 3171  
the commission shall approve the plan or suggest modifications 3172  
to the plan that will render it acceptable. If the commission 3173  
suggests modifications, the chief executive officer may revise 3174  
the plan before resubmitting it to the commission. The chief 3175  
executive officer shall resubmit the plan, whether revised or 3176  
not, within fifteen days after the commission suggests 3177  
modifications. The commission shall approve the plan within 3178  
thirty days after the plan is resubmitted. Upon approval of the 3179  
plan by the commission, the chief executive officer shall 3180  
implement the plan. 3181

(F) Notwithstanding any provision to the contrary in 3182  
Chapter 4117. of the Revised Code, if the district board has 3183  
entered into, modified, renewed, or extended a collective 3184  
bargaining agreement on or after ~~the effective date of this~~ 3185  
~~section~~ October 15, 2015, that contains provisions relinquishing 3186  
one or more of the rights or responsibilities listed in division 3187

(C) of section 4117.08 of the Revised Code, those provisions are 3188  
not enforceable and the chief executive officer and the district 3189  
board shall resume holding those rights or responsibilities as 3190  
if the district board had not relinquished them in that 3191  
agreement until such time as both the academic distress 3192  
commission ceases to exist and the district board agrees to 3193  
relinquish those rights or responsibilities in a new collective 3194  
bargaining agreement. For purposes of this section, "collective 3195  
bargaining agreement" shall include any labor contract or 3196  
agreement in effect with any applicable bargaining 3197  
representative. The chief executive officer and the district 3198  
board are not required to bargain on subjects reserved to the 3199  
management and direction of the school district, including, but 3200  
not limited to, the rights or responsibilities listed in 3201  
division (C) of section 4117.08 of the Revised Code. The way in 3202  
which these subjects and these rights or responsibilities may 3203  
affect the wages, hours, terms and conditions of employment, or 3204  
the continuation, modification, or deletion of an existing 3205  
provision of a collective bargaining agreement is not subject to 3206  
collective bargaining or effects bargaining under Chapter 4117. 3207  
of the Revised Code. The provisions of this paragraph apply to a 3208  
collective bargaining agreement entered into, modified, renewed, 3209  
or extended on or after ~~the effective date of this section~~ 3210  
October 15, 2015, and those provisions are deemed to be part of 3211  
that agreement regardless of whether the district satisfied the 3212  
conditions prescribed in division (A) of this section at the 3213  
time the district entered into that agreement. If the district 3214  
board relinquished one or more of the rights or responsibilities 3215  
listed in division (C) of section 4117.08 of the Revised Code in 3216  
a collective bargaining agreement entered into prior to ~~the~~ 3217  
~~effective date of this section~~ October 15, 2015, and had resumed 3218  
holding those rights or responsibilities pursuant to division 3219

(K) of former section 3302.10 of the Revised Code, as it existed 3220  
prior to that date, the district board shall continue to hold 3221  
those rights or responsibilities until such time as both the new 3222  
academic distress commission appointed under this section ceases 3223  
to exist upon completion of the transition period specified in 3224  
division (N) (1) of this section and the district board agrees to 3225  
relinquish those rights or responsibilities in a new collective 3226  
bargaining agreement. 3227

(G) In each school year that the district is subject to 3228  
this section, the following shall apply: 3229

(1) The chief executive officer shall implement the 3230  
improvement plan approved under division (E) (2) of this section 3231  
and shall review the plan annually to determine if changes are 3232  
needed. The chief executive officer may modify the plan upon the 3233  
approval of the modifications by the academic distress 3234  
commission. 3235

(2) The chief executive officer may implement innovative 3236  
education programs to do any of the following: 3237

(a) Address the physical and mental well-being of students 3238  
and their families; 3239

(b) Provide mentoring; 3240

(c) Provide job resources; 3241

(d) Disseminate higher education information; 3242

(e) Offer recreational or cultural activities; 3243

(f) Provide any other services that will contribute to a 3244  
successful learning environment. 3245

The chief executive officer shall establish a separate 3246



fund to support innovative education programs and shall deposit 3247  
any moneys appropriated by the general assembly for the purposes 3248  
of division (G) (2) of this section in the fund. The chief 3249  
executive officer shall have sole authority to disburse moneys 3250  
from the fund until the district is no longer subject to this 3251  
section. All disbursements shall support the improvement plan 3252  
approved under division (E) (2) of this section. 3253

(3) If the district is not a school district in which the 3254  
pilot project scholarship program is operating under sections 3255  
3313.974 to 3313.979 of the Revised Code, each student who is 3256  
entitled to attend school in the district under section 3313.64 3257  
or 3313.65 of the Revised Code and is enrolled in a school 3258  
operated by the district or in a community school, or will be 3259  
both enrolling in any of grades kindergarten through twelve in 3260  
this state for the first time and at least five years of age by 3261  
the first day of January of the following school year, shall be 3262  
eligible to participate in the educational choice scholarship 3263  
pilot program established under sections 3310.01 to 3310.17 of 3264  
the Revised Code and an application for the student may be 3265  
submitted during the next application period. 3266

(4) Notwithstanding anything to the contrary in the 3267  
Revised Code, the chief executive officer may limit, suspend, or 3268  
alter any contract with an administrator that is entered into, 3269  
modified, renewed, or extended by the district board on or after 3270  
~~the effective date of this section~~ October 15, 2015, provided 3271  
that the chief executive officer shall not reduce any salary or 3272  
base hourly rate of pay unless such salary or base hourly rate 3273  
reductions are part of a uniform plan affecting all district 3274  
employees and shall not reduce any insurance benefits unless 3275  
such insurance benefit reductions are also applicable generally 3276  
to other employees of the district. 3277

(5) The chief executive officer shall represent the 3278  
district board during any negotiations to modify, renew, or 3279  
extend a collective bargaining agreement entered into by the 3280  
board under Chapter 4117. of the Revised Code. 3281

(H) If the report card for the district has been issued 3282  
under section 3302.03 of the Revised Code for the first school 3283  
year that the district is subject to this section and the 3284  
district does not meet the qualification in division (N) (1) of 3285  
this section, the following shall apply: 3286

(1) The chief executive officer may reconstitute any 3287  
school operated by the district. The chief executive officer 3288  
shall present to the academic distress commission a plan that 3289  
lists each school designated for reconstitution and explains how 3290  
the chief executive officer plans to reconstitute the school. 3291  
The chief executive officer may take any of the following 3292  
actions to reconstitute a school: 3293

(a) Change the mission of the school or the focus of its 3294  
curriculum; 3295

(b) Replace the school's principal and/or administrative 3296  
staff; 3297

(c) Replace a majority of the school's staff, including 3298  
teaching and nonteaching employees; 3299

(d) Contract with a nonprofit or for-profit entity to 3300  
manage the operations of the school. The contract may provide 3301  
for the entity to supply all or some of the staff for the 3302  
school. 3303

(e) Reopen the school as a community school under Chapter 3304  
3314. of the Revised Code or a science, technology, engineering, 3305  
and mathematics school under Chapter 3326. of the Revised Code; 3306

(f) Permanently close the school. 3307

If the chief executive officer plans to reconstitute a 3308  
school under division (H) (1) (e) or (f) of this section, the 3309  
commission shall review the plan for that school and either 3310  
approve or reject it by the thirtieth day of June of the school 3311  
year. Upon approval of the plan by the commission, the chief 3312  
executive officer shall reconstitute the school as outlined in 3313  
the plan. 3314

(2) Notwithstanding any provision to the contrary in 3315  
Chapter 4117. of the Revised Code, the chief executive officer, 3316  
in consultation with the chairperson of the academic distress 3317  
commission, may reopen any collective bargaining agreement 3318  
entered into, modified, renewed, or extended on or after ~~the~~ 3319  
~~effective date of this section~~ October 15, 2015, for the purpose 3320  
of renegotiating its terms. The chief executive officer shall 3321  
have the sole discretion to designate any provisions of a 3322  
collective bargaining agreement as subject to reopening by 3323  
providing written notice to the bargaining representative. Any 3324  
provisions designated for reopening by the chief executive 3325  
officer shall be subject to collective bargaining as set forth 3326  
in Chapter 4117. of the Revised Code. Any changes to the 3327  
provisions subject to reopening shall take effect on the 3328  
following first day of July or another date agreed to by the 3329  
parties. The chief executive officer may reopen a collective 3330  
bargaining agreement under division (H) (2) of this section as 3331  
necessary to reconstitute a school under division (H) (1) of this 3332  
section. 3333

(I) If the report card for the district has been issued 3334  
under section 3302.03 of the Revised Code for the second school 3335  
year that the district is subject to this section and the 3336

district does not meet the qualification in division (N) (1) of 3337  
this section, the following shall apply: 3338

(1) The chief executive officer may exercise any of the 3339  
powers authorized under division (H) of this section. 3340

(2) Notwithstanding any provision to the contrary in 3341  
Chapter 4117. of the Revised Code, the chief executive officer 3342  
may limit, suspend, or alter any provision of a collective 3343  
bargaining agreement entered into, modified, renewed, or 3344  
extended on or after ~~the effective date of this section~~ October 3345  
15, 2015, provided that the chief executive officer shall not 3346  
reduce any base hourly rate of pay and shall not reduce any 3347  
insurance benefits. The decision to limit, suspend, or alter any 3348  
provision of a collective bargaining agreement under this 3349  
division is not subject to bargaining under Chapter 4117. of the 3350  
Revised Code; however, the chief executive officer shall have 3351  
the discretion to engage in effects bargaining on the way any 3352  
such decision may affect wages, hours, or terms and conditions 3353  
of employment. The chief executive officer may limit, suspend, 3354  
or alter a provision of a collective bargaining agreement under 3355  
division (I) (2) of this section as necessary to reconstitute a 3356  
school under division (H) (1) of this section. 3357

(J) If the report card for the district has been issued 3358  
under section 3302.03 of the Revised Code for the third school 3359  
year that the district is subject to this section and the 3360  
district does not meet the qualification in division (N) (1) of 3361  
this section, the following shall apply: 3362

(1) The chief executive officer may exercise any of the 3363  
powers authorized under division (H) or (I) of this section. 3364

(2) The chief executive officer may continue in effect a 3365

limitation, suspension, or alteration of a provision of a 3366  
collective bargaining agreement issued under division (I) (2) of 3367  
this section. Any such continuation shall be subject to the 3368  
requirements and restrictions of that division. 3369

(K) If the report card for the district has been issued 3370  
under section 3302.03 of the Revised Code for the fourth school 3371  
year that the district is subject to this section and the 3372  
district does not meet the qualification in division (N) (1) of 3373  
this section, the following shall apply: 3374

(1) The chief executive officer may exercise any of the 3375  
powers authorized under division (H), (I), or (J) of this 3376  
section. 3377

(2) A new board of education shall be appointed for the 3378  
district in accordance with section 3302.11 of the Revised Code. 3379  
However, the chief executive officer shall retain complete 3380  
operational, managerial, and instructional control of the 3381  
district until the chief executive officer relinquishes that 3382  
control to the district board under division (N) (1) of this 3383  
section. 3384

(L) If the report card for the district has been issued 3385  
under section 3302.03 of the Revised Code for the fifth school 3386  
year, or any subsequent school year, that the district is 3387  
subject to this section and the district does not meet the 3388  
qualification in division (N) (1) of this section, the chief 3389  
executive officer may exercise any of the powers authorized 3390  
under division (H), (I), (J), or (K) (1) of this section. 3391

(M) If division (I), (J), (K), or (L) of this section 3392  
applies to a district, community schools, STEM schools, 3393  
chartered nonpublic schools, and other school districts that 3394

enroll students residing in the district and meet academic 3395  
accountability standards shall be eligible to be paid an 3396  
academic performance bonus in each fiscal year for which the 3397  
general assembly appropriates funds for that purpose. The 3398  
academic performance bonus is intended to give students residing 3399  
in the district access to a high-quality education by 3400  
encouraging high-quality schools to enroll those students. 3401

(N) (1) When a district subject to this section receives 3402  
either an overall grade of "C" or higher under division (C) (3) 3403  
of section 3302.03 of the Revised Code or an overall performance 3404  
rating of three stars or higher under division (D) (3) of section 3405  
3302.03 of the Revised Code, the district shall begin its 3406  
transition out of being subject to this section. Except as 3407  
provided in division (N) (2) of this section, the transition 3408  
period shall last until the district has received either an 3409  
overall grade higher than "F" under division (C) (3) of section 3410  
3302.03 of the Revised Code or an overall performance rating of 3411  
two stars or higher under division (D) (3) of section 3302.03 of 3412  
the Revised Code for two consecutive school years after the 3413  
transition period begins. The overall grade of "C" or higher or 3414  
overall performance rating of three stars or higher that 3415  
~~qualifies~~ qualify the district to begin the transition period 3416  
shall not count as one of the two consecutive school years. 3417  
During the transition period, the conditions described in 3418  
divisions (F) to (L) of this section for the school year prior 3419  
to the school year in which the transition period begins shall 3420  
continue to apply and the chief executive officer shall work 3421  
closely with the district board and district superintendent to 3422  
increase their ability to resume control of the district and 3423  
sustain the district's academic improvement over time. Upon 3424  
completion of the transition period, the chief executive officer 3425

shall relinquish all operational, managerial, and instructional 3426  
control of the district to the district board and district 3427  
superintendent and the academic distress commission shall cease 3428  
to exist. 3429

(2) If the district receives either an overall grade of 3430  
"F" under division (C) (3) of section 3302.03 of the Revised Code 3431  
or an overall performance rating of less than two stars under 3432  
division (D) (3) of section 3302.03 of the Revised Code at any 3433  
time during the transition period, the transition period shall 3434  
end and the district shall be fully subject to this section 3435  
again. The district shall resume being fully subject to this 3436  
section at the point it began its transition out of being 3437  
subject to this section and the division in divisions (H) to (L) 3438  
of this section that would have applied to the district had the 3439  
district not qualified to begin its transition under division 3440  
(N) (1) of this section shall apply to the district. 3441

(O) If at any time there are no longer any schools 3442  
operated by the district due to reconstitution or other closure 3443  
of the district's schools under this section, the academic 3444  
distress commission shall cease to exist and the chief executive 3445  
officer shall cease to exercise any powers with respect to the 3446  
district. 3447

(P) Beginning ~~on the effective date of this section~~ 3448  
October 15, 2015, each collective bargaining agreement entered 3449  
into by a school district board of education under Chapter 4117. 3450  
of the Revised Code shall incorporate the provisions of this 3451  
section. 3452

(Q) The chief executive officer, the members of the 3453  
academic distress commission, the state superintendent, and any 3454  
person authorized to act on behalf of or assist them shall not 3455

be personally liable or subject to any suit, judgment, or claim 3456  
for damages resulting from the exercise of or failure to 3457  
exercise the powers, duties, and functions granted to them in 3458  
regard to their functioning under this section, but the chief 3459  
executive officer, commission, state superintendent, and such 3460  
other persons shall be subject to mandamus proceedings to compel 3461  
performance of their duties under this section. 3462

(R) The state superintendent shall not exempt any district 3463  
from this section by approving an application for an innovative 3464  
education pilot program submitted by the district under section 3465  
3302.07 of the Revised Code. 3466

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 3467  
and (D) of this section, this section applies to a school 3468  
building that is ranked according to performance index score 3469  
under section 3302.21 of the Revised Code in the lowest five per 3470  
cent of public school buildings statewide for three consecutive 3471  
years and that meets any combination of the following for three 3472  
consecutive years: 3473

(a) The school building is declared to be under an 3474  
academic watch or in a state of academic emergency under section 3475  
3302.03 of the Revised Code; 3476

(b) The school building ~~that~~ has received a grade of "F" 3477  
for the value-added progress dimension under division (A) (1) (e), 3478  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 3479

(c) The school building ~~that~~ has received an overall grade 3480  
of "F" under section 3302.03 of the Revised Code; 3481

(d) The school building has received a performance rating 3482  
of one star for progress under division (D) (3) (c) of section 3483  
3302.03 of the Revised Code; 3484



(e) The school building has received an overall 3485  
performance rating of less than two stars under section 3302.03 3486  
of the Revised Code. 3487

(2) In the case of a building to which this section 3488  
applies, the district board of education in control of that 3489  
building shall do one of the following at the conclusion of the 3490  
school year in which the building first becomes subject to this 3491  
section: 3492

(a) Close the school and direct the district 3493  
superintendent to reassign the students enrolled in the school 3494  
to other school buildings that demonstrate higher academic 3495  
achievement; 3496

(b) Contract with another school district or a nonprofit 3497  
or for-profit entity with a demonstrated record of effectiveness 3498  
to operate the school; 3499

(c) Replace the principal and all teaching staff of the 3500  
school and, upon request from the new principal, exempt the 3501  
school from all requested policies and regulations of the board 3502  
regarding curriculum and instruction. The board also shall 3503  
distribute funding to the school in an amount that is at least 3504  
equal to the product of the per pupil amount of state and local 3505  
revenues received by the district multiplied by the student 3506  
population of the school. 3507

(d) Reopen the school as a conversion community school 3508  
under Chapter 3314. of the Revised Code. 3509

(B) If an action taken by the board under division (A) (2) 3510  
of this section causes the district to no longer maintain all 3511  
grades kindergarten through twelve, as required by section 3512  
3311.29 of the Revised Code, the board shall enter into a 3513

contract with another school district pursuant to section 3514  
3327.04 of the Revised Code for enrollment of students in the 3515  
schools of that other district to the extent necessary to comply 3516  
with the requirement of section 3311.29 of the Revised Code. 3517  
Notwithstanding any provision of the Revised Code to the 3518  
contrary, if the board enters into and maintains a contract 3519  
under section 3327.04 of the Revised Code, the district shall 3520  
not be considered to have failed to comply with the requirement 3521  
of section 3311.29 of the Revised Code. If, however, the 3522  
district board fails to or is unable to enter into or maintain 3523  
such a contract, the state board of education shall take all 3524  
necessary actions to dissolve the district as provided in 3525  
division (A) of section 3311.29 of the Revised Code. 3526

(C) If a particular school is required to restructure 3527  
under this section and a petition with respect to that same 3528  
school has been filed and verified under divisions (B) and (C) 3529  
of section 3302.042 of the Revised Code, the provisions of that 3530  
section and the petition filed and verified under it shall 3531  
prevail over the provisions of this section and the school shall 3532  
be restructured under that section. However, if division (D)(1), 3533  
(2), or (3) of section 3302.042 of the Revised Code also applies 3534  
to the school, the school shall be subject to restructuring 3535  
under this section and not section 3302.042 of the Revised Code. 3536

If the provisions of this section conflict in any way with 3537  
the requirements of federal law, federal law shall prevail over 3538  
the provisions of this section. 3539

(D) If a school is restructured under this section, 3540  
section 3302.042 or 3302.10 of the Revised Code, or federal law, 3541  
the school shall not be required to restructure again under 3542  
state law for three consecutive years after the implementation 3543

of that prior restructuring. 3544

**Sec. 3302.13.** (A) This section applies to any school 3545  
district or community school that meets both of the following 3546  
criteria, as reported on the past two consecutive report cards 3547  
issued for that district or school under section 3302.03 of the 3548  
Revised Code: 3549

(1) The district or school received ~~a~~ either of the 3550  
following: 3551

(a) A grade of "D" or "F" on the kindergarten through 3552  
third-grade literacy progress measure under division (C) (3) (e) 3553  
of section 3302.03 of the Revised Code; 3554

(b) A performance rating of less than three stars for 3555  
early literacy under division (D) (3) (e) of section 3302.03 of 3556  
the Revised Code. 3557

(2) ~~Less than sixty~~ Fifty-one per cent or less of the 3558  
district's students who took the third grade English language 3559  
arts assessment prescribed under section 3301.0710 of the 3560  
Revised Code for that school year attained at least a proficient 3561  
score on that assessment. 3562

(B) By December 31, 2016, and by the thirty-first day of 3563  
each December thereafter, any school district or community 3564  
school that meets the criteria set forth in division (A) of this 3565  
section shall submit to the department of education a school or 3566  
district reading achievement improvement plan, which shall 3567  
include all requirements prescribed by the state board of 3568  
education pursuant to division (C) of this section. 3569

(C) Not later than December 31, 2014, the state board 3570  
shall adopt rules in accordance with Chapter 119. of the Revised 3571  
Code prescribing the content of and deadlines for the reading 3572

achievement improvement plans required under division (B) of 3573  
this section. The rules shall prescribe that each plan include, 3574  
at a minimum, an analysis of relevant student performance data, 3575  
measurable student performance goals, strategies to meet 3576  
specific student needs, a staffing and professional development 3577  
plan, and instructional strategies for improving literacy. 3578

(D) Any school district or community school to which this 3579  
section applies shall no longer be required to submit an 3580  
improvement plan pursuant to division (B) of this section when 3581  
that district or school meets either of the following criteria, 3582  
as reported on the most recent report card issued for that 3583  
district or school under section 3302.03 of the Revised Code: 3584

(1) The district or school received ~~a~~either of the 3585  
following: 3586

(a) A grade of "C" or higher on the kindergarten through 3587  
third-grade literacy progress measure under division (C) (3) (e) 3588  
of section 3302.03 of the Revised Code; 3589

(b) A performance rating of three stars or higher for 3590  
early literacy under division (D) (3) (e) of section 3302.03 of 3591  
the Revised Code. 3592

(2) Not less than ~~sixty-fifty-one~~ per cent of the 3593  
district's students who took the third grade English language 3594  
arts assessment prescribed under section 3301.0710 of the 3595  
Revised Code for that school year attained at least a proficient 3596  
score on that assessment. 3597

(E) The department of education shall post in a prominent 3598  
location on its web site all plans submitted pursuant to this 3599  
section. 3600

**Sec. 3302.151.** (A) Notwithstanding anything to the 3601

contrary in the Revised Code, a school district that qualifies 3602  
under division (D) of this section shall be exempt from all of 3603  
the following: 3604

(1) The teacher qualification requirements under the 3605  
third-grade reading guarantee, as prescribed under divisions (B) 3606  
(3) (c) and (H) of section 3313.608 of the Revised Code. This 3607  
exemption does not relieve a teacher from holding a valid Ohio 3608  
license in a subject area and grade level determined appropriate 3609  
by the board of education of that district. 3610

(2) The mentoring component of the Ohio teacher residency 3611  
program established under division (A) (1) of section 3319.223 of 3612  
the Revised Code, so long as the district utilizes a local 3613  
approach to train and support new teachers; 3614

(3) Any provision of the Revised Code or rule or standard 3615  
of the state board of education prescribing a minimum or maximum 3616  
class size; 3617

(4) Any provision of the Revised Code or rule or standard 3618  
of the state board requiring teachers to be licensed 3619  
specifically in the grade level in which they are teaching, 3620  
except unless otherwise prescribed by federal law. This 3621  
exemption does not apply to special education teachers. Nor does 3622  
this exemption relieve a teacher from holding a valid Ohio 3623  
license in the subject area in which that teacher is teaching 3624  
and at least some grade level determined appropriate by the 3625  
district board. 3626

(B) (1) Notwithstanding anything to the contrary in the 3627  
Revised Code, including sections 3319.30 and 3319.36 of the 3628  
Revised Code, the superintendent of a school district that 3629  
qualifies under division (D) of this section may employ an 3630

individual who is not licensed as required by sections 3319.22 3631  
to 3319.30 of the Revised Code, but who is otherwise qualified 3632  
based on experience, to teach classes in the district, so long 3633  
as the board of education of the school district approves the 3634  
individual's employment and provides mentoring and professional 3635  
development opportunities to that individual, as determined 3636  
necessary by the board. 3637

(2) As a condition of employment under this section, an 3638  
individual shall be subject to a criminal records check as 3639  
prescribed by section 3319.391 of the Revised Code. In the 3640  
manner prescribed by the department of education, the individual 3641  
shall submit the criminal records check to the department and 3642  
shall register with the department during the period in which 3643  
the individual is employed by the district. The department shall 3644  
use the information submitted to enroll the individual in the 3645  
retained applicant fingerprint database, established under 3646  
section 109.5721 of the Revised Code, in the same manner as any 3647  
teacher licensed under sections 3319.22 to 3319.31 of the 3648  
Revised Code. 3649

(3) An individual employed pursuant to this division is 3650  
subject to Chapter 3307. of the Revised Code. 3651

If the department receives notification of the arrest or 3652  
conviction of an individual employed under division (B) of this 3653  
section, the department shall promptly notify the employing 3654  
district and may take any action authorized under sections 3655  
3319.31 and 3319.311 of the Revised Code that it considers 3656  
appropriate. No district shall employ any individual under 3657  
division (B) of this section if the district learns that the 3658  
individual has plead guilty to, has been found guilty by a jury 3659  
or court of, or has been convicted of any of the offenses listed 3660

in division (C) of section 3319.31 of the Revised Code. 3661

(C) Notwithstanding anything to the contrary in the 3662  
Revised Code, noncompliance with any of the requirements listed 3663  
in divisions (A) or (B) of this section shall not disqualify a 3664  
school district that qualifies under division (D) of this 3665  
section from receiving funds under Chapter 3317. of the Revised 3666  
Code. 3667

(D) In order for a city, local, or exempted village school 3668  
district to qualify for the exemptions described in this 3669  
section, the school district shall meet all of the following 3670  
benchmarks on the most recent report card issued for that 3671  
district under section 3302.03 of the Revised Code: 3672

(1) The district received at least eighty-five per cent of 3673  
the total possible points for the performance index score 3674  
calculated under division (C) (1) (b) or (D) (1) (c) of that 3675  
section; 3676

(2) The district received a grade of an "A" for 3677  
performance indicators met under division (C) (1) (c) of that 3678  
section. However, division (D) (2) of this section shall not 3679  
apply for the 2021-2022 school year or any school year 3680  
thereafter. 3681

(3) The district has a four-year adjusted cohort 3682  
graduation rate of at least ninety-three per cent and a five- 3683  
year adjusted cohort graduation rate of at least ninety-five per 3684  
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 3685  
(e) and (D) (1) (f) of that section. 3686

(E) A school district that meets the requirements 3687  
prescribed by division (D) of this section shall be qualified 3688  
for the exemptions prescribed by this section for three school 3689

years, beginning with the school year in which the qualifying 3690  
report card is issued. 3691

(F) As used in this section, "license" has the same 3692  
meaning as in section 3319.31 of the Revised Code. 3693

**Sec. 3311.741.** (A) This section applies only to a 3694  
municipal school district in existence on July 1, 2012. 3695

(B) Not later than December 1, 2012, the board of 3696  
education of each municipal school district to which this 3697  
section applies shall submit to the superintendent of public 3698  
instruction an array of measures to be used in evaluating the 3699  
performance of the district. The measures shall assess at least 3700  
overall student achievement, student progress over time, the 3701  
achievement and progress over time of each of the applicable 3702  
categories of students described in division ~~(F)~~(G) of section 3703  
3302.03 of the Revised Code, and college and career readiness. 3704  
The state superintendent shall approve or disapprove the 3705  
measures by January 15, 2013. If the measures are disapproved, 3706  
the state superintendent shall recommend modifications that will 3707  
make the measures acceptable. 3708

(C) Beginning with the 2012-2013 school year, the board 3709  
annually shall establish goals for improvement on each of the 3710  
measures approved under division (B) of this section. The school 3711  
district's performance data for the 2011-2012 school year shall 3712  
be used as a baseline for determining improvement. 3713

(D) Not later than October 1, 2013, and by the first day 3714  
of October each year thereafter, the board shall issue a report 3715  
describing the school district's performance for the previous 3716  
school year on each of the measures approved under division (B) 3717  
of this section and whether the district has met each of the 3718



improvement goals established for that year under division (C) 3719  
of this section. The board shall provide the report to the 3720  
governor, the superintendent of public instruction, and, in 3721  
accordance with section 101.68 of the Revised Code, the general 3722  
assembly. 3723

(E) Not later than November 15, 2017, the superintendent 3724  
of public instruction shall evaluate the school district's 3725  
performance based on the measures approved under division (B) of 3726  
this section and shall issue a report to the governor and 3727  
general assembly. 3728

**Sec. 3313.413.** (A) As used in this section, "high- 3729  
performing community school" means either of the following: 3730

(1) A community school established under Chapter 3314. of 3731  
the Revised Code that meets the following conditions: 3732

(a) Except as provided in division (A)(1)(b) or (c) of 3733  
this section, the school both: 3734

(i) Has received either a grade of "A," "B," or "C" for 3735  
the performance index score under division (C)(1)(b) of section 3736  
3302.03 of the Revised Code or a performance rating of three 3737  
stars or higher for achievement under division (D)(3)(b) of that 3738  
section; or has increased its performance index score under 3739  
division (C)(1)(b) or (D)(1)(d) of section 3302.03 of the 3740  
Revised Code in each of the previous three years of operation; 3741  
and 3742

(ii) Has received either a grade of "A" or "B" for the 3743  
value-added progress dimension under division (C)(1)(e) of 3744  
section 3302.03 of the Revised Code or a performance rating of 3745  
four stars or higher for progress under division (D)(3)(c) of 3746  
that section on its most recent report card rating issued under 3747

that section. 3748

(b) If the school serves only grades kindergarten through 3749  
three, the school received either a grade of "A" or "B" for 3750  
making progress in improving literacy in grades kindergarten 3751  
through three under division (C) (1) (g) of section 3302.03 of the 3752  
Revised Code or a performance rating of four stars or higher for 3753  
early literacy under division (D) (3) (e) of that section on its 3754  
most recent report card issued under that section. 3755

(c) If the school primarily serves students enrolled in a 3756  
dropout prevention and recovery program as described in division 3757  
(A) (4) (a) of section 3314.35 of the Revised Code, the school 3758  
received a rating of "exceeds standards" on its most recent 3759  
report card issued under section 3314.017 of the Revised Code. 3760

(2) A newly established community school that is 3761  
implementing a community school model that has a track record of 3762  
high-quality academic performance, as determined by the 3763  
department of education. 3764

(B) When a school district board of education decides to 3765  
dispose of real property it owns in its corporate capacity under 3766  
section 3313.41 of the Revised Code, the board shall first offer 3767  
that property to the governing authorities of all start-up 3768  
community schools, the boards of trustees of any college- 3769  
preparatory boarding schools, and the governing bodies of any 3770  
STEM schools that are located within the territory of the 3771  
district. Not later than sixty days after the district board 3772  
makes the offer, interested governing authorities, boards of 3773  
trustees, and governing bodies shall notify the district 3774  
treasurer in writing of the intention to purchase the property. 3775

The district board shall give priority to the governing 3776

authorities of high-performing community schools that are 3777  
located within the territory of the district. 3778

(1) If more than one governing authority of a high- 3779  
performing community school notifies the district treasurer of 3780  
its intention to purchase the property pursuant to division (B) 3781  
of this section, the board shall conduct a public auction in the 3782  
manner required for auctions of district property under division 3783  
(A) of section 3313.41 of the Revised Code. Only the governing 3784  
authorities of high-performing community schools that notified 3785  
the district treasurer pursuant to division (B) of this section 3786  
are eligible to bid at the auction. 3787

(2) If no governing authority of a high-performing 3788  
community school notifies the district treasurer of its 3789  
intention to purchase the property pursuant to division (B) of 3790  
this section, the board shall then proceed with the offers from 3791  
all other start-up community schools, college-preparatory 3792  
boarding schools, and STEM schools made pursuant to that 3793  
division. If more than one such entity notifies the district 3794  
treasurer of its intention to purchase the property pursuant to 3795  
division (B) of this section, the board shall conduct a public 3796  
auction in the manner required for auctions of district property 3797  
under division (A) of section 3313.41 of the Revised Code. Only 3798  
the entities that notified the district treasurer pursuant to 3799  
division (B) of this section are eligible to bid at the auction. 3800

(3) If no governing authority, board of trustees, or 3801  
governing body notifies the district treasurer of its intention 3802  
to purchase the property pursuant to division (B) of this 3803  
section, the district may then offer the property for sale in 3804  
the manner prescribed under divisions (A) to (F) of section 3805  
3313.41 of the Revised Code. 3806

(C) Notwithstanding anything to the contrary in sections 3313.41 and 3313.411 of the Revised Code, the purchase price of any real property sold to any of the entities in accordance with division (B) of this section shall not be more than the appraised fair market value of that property as determined in an appraisal of the property that is not more than one year old.

(D) Not later than the first day of October of each year, the department of education shall post in a prominent location on its web site a list of schools that qualify as high-performing community schools for purposes of this section and section 3313.411 of the Revised Code.

**Sec. 3313.618.** (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:

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

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

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills

assessment selected by the state board of education under 3836  
division (G) of section 3301.0712 of the Revised Code and obtain 3837  
either an industry-recognized credential or a license issued by 3838  
a state agency or board for practice in a vocation that requires 3839  
an examination for issuance of that license. 3840

For the purposes of this division, the industry-recognized 3841  
credentials and licenses shall be as approved under section 3842  
3313.6113 of the Revised Code. 3843

A student may choose to qualify for a high school diploma 3844  
by satisfying any of the separate requirements prescribed by 3845  
divisions (A) (1) to (3) of this section. If the student's school 3846  
district or school does not administer the examination 3847  
prescribed by one of those divisions that the student chooses to 3848  
take to satisfy the requirements of this section, the school 3849  
district or school may require that student to arrange for the 3850  
applicable scores to be sent directly to the district or school 3851  
by the company or organization that administers the examination. 3852

(B) In addition to the curriculum requirements specified 3853  
by the district board or school governing authority, each 3854  
student entering ninth grade for the first time on or after July 3855  
1, 2019, shall satisfy the following conditions in order to 3856  
qualify for a high school diploma: 3857

(1) Attain a competency score as determined under division 3858  
(B) (10) of section 3301.0712 of the Revised Code on each of the 3859  
Algebra I and English language arts II end-of-course 3860  
examinations prescribed under division (B) (2) of section 3861  
3301.0712 of the Revised Code. 3862

School districts shall offer remedial support to any 3863  
student who fails to attain a competency score on one or both of 3864

the Algebra I and English language arts II end-of-course 3865  
examinations. 3866

Following the first administration of the exam, if a 3867  
student fails to attain a competency score on one or both of the 3868  
Algebra I and English language arts II end-of-course 3869  
examinations that student must retake the respective examination 3870  
at least once. 3871

If a student fails to attain a competency score on a 3872  
retake examination, the student may demonstrate competency in 3873  
the failed subject area through one of the following options: 3874

(a) Earn course credit taken through the college credit 3875  
plus program established under Chapter 3365. of the Revised Code 3876  
in the failed subject area; 3877

(b) Complete two of the following options, one of which 3878  
must be foundational: 3879

(i) Foundational options to demonstrate competency, which 3880  
include earning a score of proficient or higher on three or more 3881  
state technical assessments aligned with section 3313.903 of the 3882  
Revised Code in a single career pathway, obtaining an industry- 3883  
recognized credential approved under section 3313.6113 of the 3884  
Revised Code or a license issued by a state agency or board for 3885  
practice in a vocation that requires an examination for issuance 3886  
of that license approved under that section, completing a pre- 3887  
apprenticeship or apprenticeship in the student's chosen career 3888  
field, or providing evidence of acceptance into an 3889  
apprenticeship program after high school that is restricted to 3890  
participants eighteen years of age or older; 3891

(ii) Supporting options to demonstrate competency, which 3892  
include completing two hundred fifty hours of a work-based 3893

learning experience with evidence of positive evaluations, 3894  
obtaining an OhioMeansJobs-readiness seal under section 3895  
3313.6112 of the Revised Code, or attaining a workforce 3896  
readiness score, as determined by the department of education, 3897  
on the nationally recognized job skills assessment selected by 3898  
the state board under division (G) of section 3301.0712 of the 3899  
Revised Code. 3900

(c) Provide evidence that the student has enlisted in a 3901  
branch of the armed services of the United States as defined in 3902  
section 5910.01 of the Revised Code. 3903

For any students receiving special education and related 3904  
services under Chapter 3323. of the Revised Code, the 3905  
individualized education program developed for the student under 3906  
that chapter shall specify the manner in which the student will 3907  
participate in the assessments administered under this division. 3908

(2) Earn at least two of the state diploma seals 3909  
prescribed under division (A) of section 3313.6114 of the 3910  
Revised Code, at least one of which shall be any of the 3911  
following: 3912

(a) The state seal of biliteracy established under section 3913  
3313.6111 of the Revised Code; 3914

(b) The OhioMeansJobs-readiness seal established under 3915  
section 3313.6112 of the Revised Code; 3916

(c) One of the state diploma seals established under 3917  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 3918  
Code. 3919

(C) The state board of education shall not create or 3920  
require any additional assessment for the granting of any type 3921  
of high school diploma other than as prescribed by this section. 3922

Except as provided in sections 3313.6111, 3313.6112, and 3923  
3313.6114 of the Revised Code, the state board or the 3924  
superintendent of public instruction shall not create any 3925  
endorsement or designation that may be affiliated with a high 3926  
school diploma. 3927

**Sec. 3313.6113.** (A) The superintendent of public 3928  
instruction, in collaboration with the governor's office of 3929  
workforce transformation and representatives of business 3930  
organizations, shall establish a committee to develop a list of 3931  
industry-recognized credentials and licenses that may be used to 3932  
qualify for a high school diploma under ~~division (A) (3) of~~ 3933  
section 3313.618 of the Revised Code and shall be used for state 3934  
report card purposes under section 3302.03 of the Revised Code. 3935  
The state superintendent shall appoint the members of the 3936  
committee not later than January 1, 2018. 3937

(B) The committee shall do the following: 3938

(1) Establish criteria for acceptable industry-recognized 3939  
credentials and licenses aligned with the in-demand jobs list 3940  
published by the department of job and family services; 3941

(2) Review the list of industry-recognized credentials and 3942  
licenses that was in existence on January 1, 2018, and update 3943  
the list as it considers necessary; 3944

(3) Review and update the list of industry-recognized 3945  
credentials and licenses at least biennially; 3946

(4) Assign a point value for each industry-recognized 3947  
credential and establish the total number of points for 3948  
industry-recognized credentials that a student must earn to 3949  
qualify for a high school diploma under sections 3313.618 and 3950  
3313.6114 of the Revised Code. 3951



(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 3952  
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 3953  
department of education shall include only those students who 3954  
earn an industry-recognized credential, or group of credentials, 3955  
at least equal to the total number of points established by the 3956  
committee under this section to qualify for a high school 3957  
diploma. 3958

**Sec. 3313.6114.** (A) The state board of education shall 3959  
establish a system of state diploma seals for the purposes of 3960  
allowing a student to qualify for graduation under section 3961  
3313.618 of the Revised Code. State diploma seals may be 3962  
attached or affixed to the high school diploma of a student 3963  
enrolled in a public or chartered nonpublic school. The system 3964  
of state diploma seals shall consist of all of the following: 3965

(1) The state seal of biliteracy established under section 3966  
3313.6111 of the Revised Code; 3967

(2) The OhioMeansJobs-readiness seal established under 3968  
section 3313.6112 of the Revised Code; 3969

(3) The state diploma seals prescribed under division (C) 3970  
of this section. 3971

(B) A school district, community school established under 3972  
Chapter 3314. of the Revised Code, STEM school established under 3973  
Chapter 3326. of the Revised Code, college-preparatory boarding 3974  
school established under Chapter 3328. of the Revised Code, or 3975  
chartered nonpublic school shall attach or affix the state seals 3976  
prescribed under division (C) of this section to the diploma and 3977  
transcript of a student enrolled in the district or school who 3978  
meets the requirements established under that division. 3979

(C) The state board shall establish all of the following 3980

state diploma seals: 3981

(1) An industry-recognized credential seal. A student 3982  
shall meet the requirement for this seal by ~~earning~~ doing any of 3983  
the following: 3984

(a) Earning an industry-recognized credential approved 3985  
under section 3313.6113 of the Revised Code that is aligned to a 3986  
job that is determined to be in demand in this state and its 3987  
regions under section 6301.11 of the Revised Code; 3988

(b) Obtaining a license issued by a state agency or board 3989  
for practice in a vocation that requires an examination for 3990  
issuance of that license approved under section 3313.6113 of the 3991  
Revised Code. 3992

(2) A college-ready seal. A student shall meet the 3993  
requirement for this seal by attaining a score that is 3994  
remediation-free, in accordance with standards adopted under 3995  
division (F) of section 3345.061 of the Revised Code, on a 3996  
nationally standardized assessment prescribed under division (B) 3997  
(1) of section 3301.0712 of the Revised Code. 3998

(3) A military enlistment seal. A student shall meet the 3999  
requirement for this seal by doing either of the following: 4000

(a) Providing evidence that the student has enlisted in a 4001  
branch of the armed services of the United States as defined in 4002  
section 5910.01 of the Revised Code; 4003

(b) Participating in a junior reserve officer training 4004  
program approved by the congress of the United States under 4005  
title 10 of the United States Code. 4006

(4) A citizenship seal. A student shall meet the 4007  
requirement for this seal by doing any of the following: 4008

(a) Demonstrating at least a proficient level of skill as 4009  
prescribed under division (B) (5) (a) of section 3301.0712 of the 4010  
Revised Code on both the American history and American 4011  
government end-of-course examinations prescribed under division 4012  
(B) (2) of section 3301.0712 of the Revised Code; 4013

(b) Attaining a score level prescribed under division (B) 4014  
(5) (d) of section 3301.0712 of the Revised Code that is at least 4015  
the equivalent of a proficient level of skill in appropriate 4016  
advanced placement or international baccalaureate examinations 4017  
in lieu of the American history and American government end-of- 4018  
course examinations; 4019

(c) Attaining a final course grade that is the equivalent 4020  
of a "B" or higher in appropriate courses taken through the 4021  
college credit plus program established under Chapter 3365. of 4022  
the Revised Code in lieu of the American history and American 4023  
government end-of-course examinations. 4024

(5) A science seal. A student shall meet the requirement 4025  
for this seal by doing any of the following: 4026

(a) Demonstrating at least a proficient level of skill as 4027  
prescribed under division (B) (5) (a) of section 3301.0712 of the 4028  
Revised Code on the science end-of-course examination prescribed 4029  
under division (B) (2) of section 3301.0712 of the Revised Code; 4030

(b) Attaining a score level prescribed under division (B) 4031  
(5) (d) of section 3301.0712 of the Revised Code that is at least 4032  
the equivalent of a proficient level of skill in an appropriate 4033  
advanced placement or international baccalaureate examination in 4034  
lieu of the science end-of-course examination; 4035

(c) Attaining a final course grade that is the equivalent 4036  
of a "B" or higher in an appropriate course taken through the 4037

college credit plus program established under Chapter 3365. of 4038  
the Revised Code in lieu of the science end-of-course 4039  
examination. 4040

(6) An honors diploma seal. A student shall meet the 4041  
requirement for this seal by meeting the additional criteria for 4042  
an honors diploma under division (B) of section 3313.61 of the 4043  
Revised Code. 4044

(7) A technology seal. A student shall meet the 4045  
requirement for this seal by doing any of the following: 4046

(a) Subject to division (B) (5) (d) of section 3301.0712 of 4047  
the Revised Code, attaining a score level that is at least the 4048  
equivalent of a proficient level of skill in an appropriate 4049  
advanced placement or international baccalaureate examination; 4050

(b) Attaining a final course grade that is the equivalent 4051  
of a "B" or higher in an appropriate course taken through the 4052  
college credit plus program established under Chapter 3365. of 4053  
the Revised Code; 4054

(c) Completing a course offered through the student's 4055  
district or school that meets guidelines developed by the 4056  
department of education. However, a district or school shall not 4057  
be required to offer a course that meets guidelines developed by 4058  
the department. 4059

(8) A community service seal. A student shall meet the 4060  
requirement for this seal by completing a community service 4061  
project that is aligned with guidelines adopted by the student's 4062  
district board or school governing authority. 4063

(9) A fine and performing arts seal. A student shall meet 4064  
the requirement for this seal by demonstrating skill in the fine 4065  
or performing arts according to an evaluation that is aligned 4066

with guidelines adopted by the student's district board or 4067  
school governing authority. 4068

(10) A student engagement seal. A student shall meet the 4069  
requirement for this seal by participating in extracurricular 4070  
activities such as athletics, clubs, or student government to a 4071  
meaningful extent, as determined by guidelines adopted by the 4072  
student's district board or school governing authority. 4073

(D) Each district or school shall develop guidelines for 4074  
at least one of the state seals prescribed under divisions (C) 4075  
(8) to (10) of this section. 4076

(E) Each district or school shall maintain appropriate 4077  
records to identify students who have met the requirements 4078  
prescribed under division (C) of this section for earning the 4079  
state seals established under that division. 4080

(F) The department shall prepare and deliver to each 4081  
district or school an appropriate mechanism for assigning a 4082  
state diploma seal established under division (C) of this 4083  
section. 4084

(G) A student shall not be charged a fee to be assigned a 4085  
state seal prescribed under division (C) of this section on the 4086  
student's diploma and transcript. 4087

**Sec. 3314.012.** (A) Within ninety days of September 28, 4088  
1999, the superintendent of public instruction shall appoint 4089  
representatives of the department of education, including 4090  
employees who work with the education management information 4091  
system, to a committee to develop report card models for 4092  
community schools. The committee shall design model report cards 4093  
appropriate for the various types of community schools approved 4094  
to operate in the state. Sufficient models shall be developed to 4095

reflect the variety of grade levels served and the missions of 4096  
the state's community schools. All models shall include both 4097  
financial and academic data. The initial models shall be 4098  
developed by March 31, 2000. 4099

(B) Except as provided in section 3314.017 of the Revised 4100  
Code, the department of education shall issue an annual report 4101  
card for each community school, regardless of how long the 4102  
school has been in operation. The report card shall report the 4103  
academic and financial performance of the school utilizing one 4104  
of the models developed under division (A) of this section. The 4105  
report card shall include all information applicable to school 4106  
buildings under ~~divisions (A), (B), (C), and (D)~~ of section 4107  
3302.03 of the Revised Code. The ratings a community school 4108  
receives under section 3302.03 of the Revised Code for its first 4109  
two full school years shall not be considered toward automatic 4110  
closure of the school under section 3314.35 of the Revised Code 4111  
or any other matter that is based on report card ratings. 4112

(C) Upon receipt of a copy of a contract between a sponsor 4113  
and a community school entered into under this chapter, the 4114  
department of education shall notify the community school of the 4115  
specific model report card that will be used for that school. 4116

(D) Report cards shall be distributed to the parents of 4117  
all students in the community school, to the members of the 4118  
board of education of the school district in which the community 4119  
school is located, and to any person who requests one from the 4120  
department. 4121

**Sec. 3314.02.** (A) As used in this chapter: 4122

(1) "Sponsor" means the board of education of a school 4123  
district or the governing board of an educational service center 4124

that agrees to the conversion of all or part of a school or 4125  
building under division (B) of this section, or an entity listed 4126  
in division (C) (1) of this section, which has been approved by 4127  
the department of education to sponsor community schools or is 4128  
exempted by section 3314.021 or 3314.027 of the Revised Code 4129  
from obtaining approval, and with which the governing authority 4130  
of a community school enters into a contract under section 4131  
3314.03 of the Revised Code. 4132

(2) "Pilot project area" means the school districts 4133  
included in the territory of the former community school pilot 4134  
project established by former Section 50.52 of Am. Sub. H.B. No. 4135  
215 of the 122nd general assembly. 4136

(3) "Challenged school district" means any of the 4137  
following: 4138

(a) A school district that is part of the pilot project 4139  
area; 4140

(b) A school district that meets one of the following 4141  
conditions: 4142

(i) On March 22, 2013, the district was in a state of 4143  
academic emergency or in a state of academic watch under section 4144  
3302.03 of the Revised Code, as that section existed prior to 4145  
March 22, 2013; 4146

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 4147  
2015-2016 school years, the district received a grade of "D" or 4148  
"F" for the performance index score and a grade of "F" for the 4149  
value-added progress dimension under section 3302.03 of the 4150  
Revised Code; 4151

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 4152  
and 2020-2021 school-year ~~and for any school year thereafter~~ 4153

years, the district has received an overall grade of "D" or "F" 4154  
under division (C) (3) of section 3302.03 of the Revised Code, 4155  
or, for at least two of the three most recent school years, the 4156  
district received a grade of "F" for the value-added progress 4157  
dimension under division (C) (1) (e) of that section; 4158

(iv) For the 2021-2022 school year and for any school year 4159  
thereafter, the district has received an overall performance 4160  
rating of less than three stars under division (D) (3) of section 4161  
3302.03 of the Revised Code, or, for at least two of the three 4162  
most recent school years, the district received one star for 4163  
progress under division (D) (3) (c) of that section. 4164

(c) A big eight school district; 4165

(d) A school district ranked in the lowest five per cent 4166  
of school districts according to performance index score under 4167  
section 3302.21 of the Revised Code. 4168

(4) "Big eight school district" means a school district 4169  
that for fiscal year 1997 had both of the following: 4170

(a) A percentage of children residing in the district and 4171  
participating in the predecessor of Ohio works first greater 4172  
than thirty per cent, as reported pursuant to section 3317.10 of 4173  
the Revised Code; 4174

(b) An average daily membership greater than twelve 4175  
thousand, as reported pursuant to former division (A) of section 4176  
3317.03 of the Revised Code. 4177

(5) "New start-up school" means a community school other 4178  
than one created by converting all or part of an existing public 4179  
school or educational service center building, as designated in 4180  
the school's contract pursuant to division (A) (17) of section 4181  
3314.03 of the Revised Code. 4182



(6) "Urban school district" means one of the state's 4183  
twenty-one urban school districts as defined in division (O) of 4184  
section 3317.02 of the Revised Code as that section existed 4185  
prior to July 1, 1998. 4186

(7) "Internet- or computer-based community school" means a 4187  
community school established under this chapter in which the 4188  
enrolled students work primarily from their residences on 4189  
assignments in nonclassroom-based learning opportunities 4190  
provided via an internet- or other computer-based instructional 4191  
method that does not rely on regular classroom instruction or 4192  
via comprehensive instructional methods that include internet- 4193  
based, other computer-based, and noncomputer-based learning 4194  
opportunities unless a student receives career-technical 4195  
education under section 3314.086 of the Revised Code. 4196

A community school that operates mainly as an internet- or 4197  
computer-based community school and provides career-technical 4198  
education under section 3314.086 of the Revised Code shall be 4199  
considered an internet- or computer-based community school, even 4200  
if it provides some classroom-based instruction, so long as it 4201  
provides instruction via the methods described in this division. 4202

(8) "Operator" or "management company" means either of the 4203  
following: 4204

(a) An individual or organization that manages the daily 4205  
operations of a community school pursuant to a contract between 4206  
the operator or management company and the school's governing 4207  
authority; 4208

(b) A nonprofit organization that provides programmatic 4209  
oversight and support to a community school under a contract 4210  
with the school's governing authority and that retains the right 4211

to terminate its affiliation with the school if the school fails 4212  
to meet the organization's quality standards. 4213

(9) "Alliance municipal school district" has the same 4214  
meaning as in section 3311.86 of the Revised Code. 4215

(B) (1) Any person or group of individuals may initially 4216  
propose under this division the conversion of all or a portion 4217  
of a public school to a community school. The proposal shall be 4218  
made to the board of education of the city, local, exempted 4219  
village, or joint vocational school district in which the public 4220  
school is proposed to be converted. 4221

(2) Any person or group of individuals may initially 4222  
propose under this division the conversion of all or a portion 4223  
of a building operated by an educational service center to a 4224  
community school. The proposal shall be made to the governing 4225  
board of the service center. 4226

On or after July 1, 2017, except as provided in section 4227  
3314.027 of the Revised Code, any educational service center 4228  
that sponsors a community school shall be approved by and enter 4229  
into a written agreement with the department as described in 4230  
section 3314.015 of the Revised Code. 4231

(3) Upon receipt of a proposal, and after an agreement has 4232  
been entered into pursuant to section 3314.015 of the Revised 4233  
Code, a board may enter into a preliminary agreement with the 4234  
person or group proposing the conversion of the public school or 4235  
service center building, indicating the intention of the board 4236  
to support the conversion to a community school. A proposing 4237  
person or group that has a preliminary agreement under this 4238  
division may proceed to finalize plans for the school, establish 4239  
a governing authority for the school, and negotiate a contract 4240

with the board. Provided the proposing person or group adheres 4241  
to the preliminary agreement and all provisions of this chapter, 4242  
the board shall negotiate in good faith to enter into a contract 4243  
in accordance with section 3314.03 of the Revised Code and 4244  
division (C) of this section. 4245

(4) The sponsor of a conversion community school proposed 4246  
to open in an alliance municipal school district shall be 4247  
subject to approval by the department of education for 4248  
sponsorship of that school using the criteria established under 4249  
division (A) of section 3311.87 of the Revised Code. 4250

Division (B) (4) of this section does not apply to a 4251  
sponsor that, on or before September 29, 2015, was exempted 4252  
under section 3314.021 or 3314.027 of the Revised Code from the 4253  
requirement to be approved for sponsorship under divisions (A) 4254  
(2) and (B) (1) of section 3314.015 of the Revised Code. 4255

(5) A school established in accordance with division (B) 4256  
of this section that later enters into a sponsorship contract 4257  
with an entity that is not a school district or educational 4258  
service center shall, at the time of entering into the new 4259  
contract, be deemed a community school established in accordance 4260  
with division (C) of this section. 4261

(C) (1) Any person or group of individuals may propose 4262  
under this division the establishment of a new start-up school 4263  
to be located in a challenged school district. The proposal may 4264  
be made to any of the following entities: 4265

(a) The board of education of the district in which the 4266  
school is proposed to be located; 4267

(b) The board of education of any joint vocational school 4268  
district with territory in the county in which is located the 4269

majority of the territory of the district in which the school is 4270  
proposed to be located; 4271

(c) The board of education of any other city, local, or 4272  
exempted village school district having territory in the same 4273  
county where the district in which the school is proposed to be 4274  
located has the major portion of its territory; 4275

(d) The governing board of any educational service center, 4276  
regardless of the location of the proposed school, may sponsor a 4277  
new start-up school in any challenged school district in the 4278  
state if all of the following are satisfied: 4279

(i) If applicable, it satisfies the requirements of 4280  
division (E) of section 3311.86 of the Revised Code; 4281

(ii) It is approved to do so by the department; 4282

(iii) It enters into an agreement with the department 4283  
under section 3314.015 of the Revised Code. 4284

(e) A sponsoring authority designated by the board of 4285  
trustees of any of the thirteen state universities listed in 4286  
section 3345.011 of the Revised Code or the board of trustees 4287  
itself as long as a mission of the proposed school to be 4288  
specified in the contract under division (A) (2) of section 4289  
3314.03 of the Revised Code and as approved by the department 4290  
under division (B) (3) of section 3314.015 of the Revised Code 4291  
will be the practical demonstration of teaching methods, 4292  
educational technology, or other teaching practices that are 4293  
included in the curriculum of the university's teacher 4294  
preparation program approved by the state board of education; 4295

(f) Any qualified tax-exempt entity under section 501(c) 4296  
(3) of the Internal Revenue Code as long as all of the following 4297  
conditions are satisfied: 4298

(i) The entity has been in operation for at least five 4299  
years prior to applying to be a community school sponsor. 4300

(ii) The entity has assets of at least five hundred 4301  
thousand dollars and a demonstrated record of financial 4302  
responsibility. 4303

(iii) The department has determined that the entity is an 4304  
education-oriented entity under division (B) (4) of section 4305  
3314.015 of the Revised Code and the entity has a demonstrated 4306  
record of successful implementation of educational programs. 4307

(iv) The entity is not a community school. 4308

(g) The mayor of a city in which the majority of the 4309  
territory of a school district to which section 3311.60 of the 4310  
Revised Code applies is located, regardless of whether that 4311  
district has created the position of independent auditor as 4312  
prescribed by that section. The mayor's sponsorship authority 4313  
under this division is limited to community schools that are 4314  
located in that school district. Such mayor may sponsor 4315  
community schools only with the approval of the city council of 4316  
that city, after establishing standards with which community 4317  
schools sponsored by the mayor must comply, and after entering 4318  
into a sponsor agreement with the department as prescribed under 4319  
section 3314.015 of the Revised Code. The mayor shall establish 4320  
the standards for community schools sponsored by the mayor not 4321  
later than one hundred eighty days after July 15, 2013, and 4322  
shall submit them to the department upon their establishment. 4323  
The department shall approve the mayor to sponsor community 4324  
schools in the district, upon receipt of an application by the 4325  
mayor to do so. Not later than ninety days after the 4326  
department's approval of the mayor as a community school 4327  
sponsor, the department shall enter into the sponsor agreement 4328

with the mayor. 4329

Any entity described in division (C) (1) of this section 4330  
may enter into a preliminary agreement pursuant to division (C) 4331  
(2) of this section with the proposing person or group, provided 4332  
that entity has been approved by and entered into a written 4333  
agreement with the department pursuant to section 3314.015 of 4334  
the Revised Code. 4335

(2) A preliminary agreement indicates the intention of an 4336  
entity described in division (C) (1) of this section to sponsor 4337  
the community school. A proposing person or group that has such 4338  
a preliminary agreement may proceed to finalize plans for the 4339  
school, establish a governing authority as described in division 4340  
(E) of this section for the school, and negotiate a contract 4341  
with the entity. Provided the proposing person or group adheres 4342  
to the preliminary agreement and all provisions of this chapter, 4343  
the entity shall negotiate in good faith to enter into a 4344  
contract in accordance with section 3314.03 of the Revised Code. 4345

(3) A new start-up school that is established in a school 4346  
district described in either division (A) (3) (b) or (d) of this 4347  
section may continue in existence once the school district no 4348  
longer meets the conditions described in either division, 4349  
provided there is a valid contract between the school and a 4350  
sponsor. 4351

(4) A copy of every preliminary agreement entered into 4352  
under this division shall be filed with the superintendent of 4353  
public instruction. 4354

(D) A majority vote of the board of a sponsoring entity 4355  
and a majority vote of the members of the governing authority of 4356  
a community school shall be required to adopt a contract and 4357

convert the public school or educational service center building 4358  
to a community school or establish the new start-up school. 4359  
Beginning September 29, 2005, adoption of the contract shall 4360  
occur not later than the fifteenth day of March, and signing of 4361  
the contract shall occur not later than the fifteenth day of 4362  
May, prior to the school year in which the school will open. The 4363  
governing authority shall notify the department of education 4364  
when the contract has been signed. Subject to sections 3314.013 4365  
and 3314.016 of the Revised Code, an unlimited number of 4366  
community schools may be established in any school district 4367  
provided that a contract is entered into for each community 4368  
school pursuant to this chapter. 4369

(E) (1) As used in this division, "immediate relatives" are 4370  
limited to spouses, children, parents, grandparents, and 4371  
siblings, as well as in-laws residing in the same household as 4372  
the person serving on the governing authority. 4373

Each new start-up community school established under this 4374  
chapter shall be under the direction of a governing authority 4375  
which shall consist of a board of not less than five 4376  
individuals. 4377

(2) (a) No person shall serve on the governing authority or 4378  
operate the community school under contract with the governing 4379  
authority under any of the following circumstances: 4380

(i) The person owes the state any money or is in a dispute 4381  
over whether the person owes the state any money concerning the 4382  
operation of a community school that has closed. 4383

(ii) The person would otherwise be subject to division (B) 4384  
of section 3319.31 of the Revised Code with respect to refusal, 4385  
limitation, or revocation of a license to teach, if the person 4386

were a licensed educator. 4387

(iii) The person has pleaded guilty to or been convicted 4388  
of theft in office under section 2921.41 of the Revised Code, or 4389  
has pleaded guilty to or been convicted of a substantially 4390  
similar offense in another state. 4391

(b) No person shall serve on the governing authority or 4392  
engage in the financial day-to-day management of the community 4393  
school under contract with the governing authority unless and 4394  
until that person has submitted to a criminal records check in 4395  
the manner prescribed by section 3319.39 of the Revised Code. 4396

(c) Each sponsor of a community school shall annually 4397  
verify that a finding for recovery has not been issued by the 4398  
auditor of state against any individual or individuals who 4399  
propose to create a community school or any member of the 4400  
governing authority, the operator, or any employee of each 4401  
community school with responsibility for fiscal operations or 4402  
authorization to expend money on behalf of the school. 4403

(3) No person shall serve on the governing authorities of 4404  
more than five start-up community schools at the same time 4405  
unless both of the following apply: 4406

(a) The person serves in a volunteer capacity and receives 4407  
no compensation under division (E)(5) of this section from any 4408  
governing authority on which the person serves. 4409

(b) For any school that has an operator, the operator is a 4410  
nonprofit organization. 4411

(4) (a) For a community school established under this 4412  
chapter that is not sponsored by a school district or an 4413  
educational service center, no present or former member, or 4414  
immediate relative of a present or former member, of the 4415



governing authority shall be an owner, employee, or consultant 4416  
of the community school's sponsor or operator, unless at least 4417  
one year has elapsed since the conclusion of the person's 4418  
membership on the governing authority. 4419

(b) For a community school established under this chapter 4420  
that is sponsored by a school district or an educational service 4421  
center, no present or former member, or immediate relative of a 4422  
present or former member, of the governing authority shall: 4423

(i) Be an officer of the district board or service center 4424  
governing board that serves as the community school's sponsor, 4425  
unless at least one year has elapsed since the conclusion of the 4426  
person's membership on the governing authority; 4427

(ii) Serve as an employee of, or a consultant for, the 4428  
department, division, or section of the sponsoring district or 4429  
service center that is directly responsible for sponsoring 4430  
community schools, or have supervisory authority over such a 4431  
department, division, or section, unless at least one year has 4432  
elapsed since the conclusion of the person's membership on the 4433  
governing authority. 4434

(5) The governing authority of a start-up or conversion 4435  
community school may provide by resolution for the compensation 4436  
of its members. However, no individual who serves on the 4437  
governing authority of a start-up or conversion community school 4438  
shall be compensated more than one hundred twenty-five dollars 4439  
per meeting of that governing authority and no such individual 4440  
shall be compensated more than a total amount of five thousand 4441  
dollars per year for all governing authorities upon which the 4442  
individual serves. Each member of the governing authority may be 4443  
paid compensation for attendance at an approved training 4444  
program, provided that such compensation shall not exceed sixty 4445

dollars a day for attendance at a training program three hours 4446  
or less in length and one hundred twenty-five dollars a day for 4447  
attendance at a training program longer than three hours in 4448  
length. 4449

(6) No person who is the employee of a school district or 4450  
educational service center shall serve on the governing 4451  
authority of any community school sponsored by that school 4452  
district or service center. 4453

(7) Each member of the governing authority of a community 4454  
school shall annually file a disclosure statement setting forth 4455  
the names of any immediate relatives or business associates 4456  
employed by any of the following within the previous three 4457  
years: 4458

(a) The sponsor or operator of that community school; 4459

(b) A school district or educational service center that 4460  
has contracted with that community school; 4461

(c) A vendor that is or has engaged in business with that 4462  
community school. 4463

(8) No person who is a member of a school district board 4464  
of education shall serve on the governing authority of any 4465  
community school. 4466

(F) (1) A new start-up school that is established prior to 4467  
August 15, 2003, in an urban school district that is not also a 4468  
big-eight school district may continue to operate after that 4469  
date and the contract between the school's governing authority 4470  
and the school's sponsor may be renewed, as provided under this 4471  
chapter, after that date, but no additional new start-up schools 4472  
may be established in such a district unless the district is a 4473  
challenged school district as defined in this section as it 4474

exists on and after that date. 4475

(2) A community school that was established prior to June 4476  
29, 1999, and is located in a county contiguous to the pilot 4477  
project area and in a school district that is not a challenged 4478  
school district may continue to operate after that date, 4479  
provided the school complies with all provisions of this 4480  
chapter. The contract between the school's governing authority 4481  
and the school's sponsor may be renewed, but no additional 4482  
start-up community school may be established in that district 4483  
unless the district is a challenged school district. 4484

(3) Any educational service center that, on June 30, 2007, 4485  
sponsors a community school that is not located in a county 4486  
within the territory of the service center or in a county 4487  
contiguous to such county may continue to sponsor that community 4488  
school on and after June 30, 2007, and may renew its contract 4489  
with the school. However, the educational service center shall 4490  
not enter into a contract with any additional community school, 4491  
unless the governing board of the service center has entered 4492  
into an agreement with the department authorizing the service 4493  
center to sponsor a community school in any challenged school 4494  
district in the state. 4495

**Sec. 3314.03.** A copy of every contract entered into under 4496  
this section shall be filed with the superintendent of public 4497  
instruction. The department of education shall make available on 4498  
its web site a copy of every approved, executed contract filed 4499  
with the superintendent under this section. 4500

(A) Each contract entered into between a sponsor and the 4501  
governing authority of a community school shall specify the 4502  
following: 4503

- (1) That the school shall be established as either of the following: 4504  
4505
- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 4506  
4507  
4508
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 4509  
4510
- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 4511  
4512  
4513  
4514
- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 4515  
4516  
4517  
4518
- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 4519  
4520  
4521  
4522
- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 4523  
4524  
4525
- (6) (a) Dismissal procedures; 4526
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the 4527  
4528  
4529  
4530  
4531

student.	4532
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	4533 4534
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	4535 4536 4537 4538 4539 4540
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	4541 4542
(a) A detailed description of each facility used for instructional purposes;	4543 4544
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	4545 4546
(c) The annual mortgage principal and interest payments that are paid by the school;	4547 4548
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	4549 4550 4551
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	4552 4553 4554 4555 4556 4557
(11) That the school will comply with the following requirements:	4558 4559

(a) The school will provide learning opportunities to a 4560  
minimum of twenty-five students for a minimum of nine hundred 4561  
twenty hours per school year. 4562

(b) The governing authority will purchase liability 4563  
insurance, or otherwise provide for the potential liability of 4564  
the school. 4565

(c) The school will be nonsectarian in its programs, 4566  
admission policies, employment practices, and all other 4567  
operations, and will not be operated by a sectarian school or 4568  
religious institution. 4569

(d) The school will comply with sections 9.90, 9.91, 4570  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 4571  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 4572  
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 4573  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 4574  
3313.6024, 3313.6025, 3313.643, 3313.648, 3313.6411, 3313.66, 4575  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 4576  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 4577  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 4578  
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 4579  
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 4580  
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 4581  
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 4582  
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 4583  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4584  
4123., 4141., and 4167. of the Revised Code as if it were a 4585  
school district and will comply with section 3301.0714 of the 4586  
Revised Code in the manner specified in section 3314.17 of the 4587  
Revised Code. 4588

(e) The school shall comply with Chapter 102. and section 4589

2921.42 of the Revised Code. 4590

(f) The school will comply with sections 3313.61, 4591  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 4592  
Revised Code, except that for students who enter ninth grade for 4593  
the first time before July 1, 2010, the requirement in sections 4594  
3313.61 and 3313.611 of the Revised Code that a person must 4595  
successfully complete the curriculum in any high school prior to 4596  
receiving a high school diploma may be met by completing the 4597  
curriculum adopted by the governing authority of the community 4598  
school rather than the curriculum specified in Title XXXIII of 4599  
the Revised Code or any rules of the state board of education. 4600  
Beginning with students who enter ninth grade for the first time 4601  
on or after July 1, 2010, the requirement in sections 3313.61 4602  
and 3313.611 of the Revised Code that a person must successfully 4603  
complete the curriculum of a high school prior to receiving a 4604  
high school diploma shall be met by completing the requirements 4605  
prescribed in division (C) of section 3313.603 of the Revised 4606  
Code, unless the person qualifies under division (D) or (F) of 4607  
that section. Each school shall comply with the plan for 4608  
awarding high school credit based on demonstration of subject 4609  
area competency, and beginning with the 2017-2018 school year, 4610  
with the updated plan that permits students enrolled in seventh 4611  
and eighth grade to meet curriculum requirements based on 4612  
subject area competency adopted by the state board of education 4613  
under divisions (J) (1) and (2) of section 3313.603 of the 4614  
Revised Code. Beginning with the 2018-2019 school year, the 4615  
school shall comply with the framework for granting units of 4616  
high school credit to students who demonstrate subject area 4617  
competency through work-based learning experiences, internships, 4618  
or cooperative education developed by the department under 4619  
division (J) (3) of section 3313.603 of the Revised Code. 4620

(g) The school governing authority will submit within four 4621  
months after the end of each school year a report of its 4622  
activities and progress in meeting the goals and standards of 4623  
divisions (A) (3) and (4) of this section and its financial 4624  
status to the sponsor and the parents of all students enrolled 4625  
in the school. 4626

(h) The school, unless it is an internet- or computer- 4627  
based community school, will comply with section 3313.801 of the 4628  
Revised Code as if it were a school district. 4629

(i) If the school is the recipient of moneys from a grant 4630  
awarded under the federal race to the top program, Division (A), 4631  
Title XIV, Sections 14005 and 14006 of the "American Recovery 4632  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 4633  
the school will pay teachers based upon performance in 4634  
accordance with section 3317.141 and will comply with section 4635  
3319.111 of the Revised Code as if it were a school district. 4636

(j) If the school operates a preschool program that is 4637  
licensed by the department of education under sections 3301.52 4638  
to 3301.59 of the Revised Code, the school shall comply with 4639  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 4640  
standards for preschool programs prescribed in rules adopted by 4641  
the state board under section 3301.53 of the Revised Code. 4642

(k) The school will comply with sections 3313.6021 and 4643  
3313.6023 of the Revised Code as if it were a school district 4644  
unless it is either of the following: 4645

(i) An internet- or computer-based community school; 4646

(ii) A community school in which a majority of the 4647  
enrolled students are children with disabilities as described in 4648  
division (A) (4) (b) of section 3314.35 of the Revised Code. 4649



(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

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

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

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

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

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

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

agreement applicable to such employees; 4679

(18) Provisions establishing procedures for resolving 4680  
disputes or differences of opinion between the sponsor and the 4681  
governing authority of the community school; 4682

(19) A provision requiring the governing authority to 4683  
adopt a policy regarding the admission of students who reside 4684  
outside the district in which the school is located. That policy 4685  
shall comply with the admissions procedures specified in 4686  
sections 3314.06 and 3314.061 of the Revised Code and, at the 4687  
sole discretion of the authority, shall do one of the following: 4688

(a) Prohibit the enrollment of students who reside outside 4689  
the district in which the school is located; 4690

(b) Permit the enrollment of students who reside in 4691  
districts adjacent to the district in which the school is 4692  
located; 4693

(c) Permit the enrollment of students who reside in any 4694  
other district in the state. 4695

(20) A provision recognizing the authority of the 4696  
department of education to take over the sponsorship of the 4697  
school in accordance with the provisions of division (C) of 4698  
section 3314.015 of the Revised Code; 4699

(21) A provision recognizing the sponsor's authority to 4700  
assume the operation of a school under the conditions specified 4701  
in division (B) of section 3314.073 of the Revised Code; 4702

(22) A provision recognizing both of the following: 4703

(a) The authority of public health and safety officials to 4704  
inspect the facilities of the school and to order the facilities 4705  
closed if those officials find that the facilities are not in 4706

compliance with health and safety laws and regulations; 4707

(b) The authority of the department of education as the 4708  
community school oversight body to suspend the operation of the 4709  
school under section 3314.072 of the Revised Code if the 4710  
department has evidence of conditions or violations of law at 4711  
the school that pose an imminent danger to the health and safety 4712  
of the school's students and employees and the sponsor refuses 4713  
to take such action. 4714

(23) A description of the learning opportunities that will 4715  
be offered to students including both classroom-based and non- 4716  
classroom-based learning opportunities that is in compliance 4717  
with criteria for student participation established by the 4718  
department under division (H) (2) of section 3314.08 of the 4719  
Revised Code; 4720

(24) The school will comply with sections 3302.04 and 4721  
3302.041 of the Revised Code, except that any action required to 4722  
be taken by a school district pursuant to those sections shall 4723  
be taken by the sponsor of the school. However, the sponsor 4724  
shall not be required to take any action described in division 4725  
(F) of section 3302.04 of the Revised Code. 4726

(25) Beginning in the 2006-2007 school year, the school 4727  
will open for operation not later than the thirtieth day of 4728  
September each school year, unless the mission of the school as 4729  
specified under division (A) (2) of this section is solely to 4730  
serve dropouts. In its initial year of operation, if the school 4731  
fails to open by the thirtieth day of September, or within one 4732  
year after the adoption of the contract pursuant to division (D) 4733  
of section 3314.02 of the Revised Code if the mission of the 4734  
school is solely to serve dropouts, the contract shall be void. 4735

(26) Whether the school's governing authority is planning 4736  
to seek designation for the school as a STEM school equivalent 4737  
under section 3326.032 of the Revised Code; 4738

(27) That the school's attendance and participation 4739  
policies will be available for public inspection; 4740

(28) That the school's attendance and participation 4741  
records shall be made available to the department of education, 4742  
auditor of state, and school's sponsor to the extent permitted 4743  
under and in accordance with the "Family Educational Rights and 4744  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 4745  
and any regulations promulgated under that act, and section 4746  
3319.321 of the Revised Code; 4747

(29) If a school operates using the blended learning 4748  
model, as defined in section 3301.079 of the Revised Code, all 4749  
of the following information: 4750

(a) An indication of what blended learning model or models 4751  
will be used; 4752

(b) A description of how student instructional needs will 4753  
be determined and documented; 4754

(c) The method to be used for determining competency, 4755  
granting credit, and promoting students to a higher grade level; 4756

(d) The school's attendance requirements, including how 4757  
the school will document participation in learning 4758  
opportunities; 4759

(e) A statement describing how student progress will be 4760  
monitored; 4761

(f) A statement describing how private student data will 4762  
be protected; 4763

(g) A description of the professional development 4764  
activities that will be offered to teachers. 4765

(30) A provision requiring that all moneys the school's 4766  
operator loans to the school, including facilities loans or cash 4767  
flow assistance, must be accounted for, documented, and bear 4768  
interest at a fair market rate; 4769

(31) A provision requiring that, if the governing 4770  
authority contracts with an attorney, accountant, or entity 4771  
specializing in audits, the attorney, accountant, or entity 4772  
shall be independent from the operator with which the school has 4773  
contracted. 4774

(32) A provision requiring the governing authority to 4775  
adopt an enrollment and attendance policy that requires a 4776  
student's parent to notify the community school in which the 4777  
student is enrolled when there is a change in the location of 4778  
the parent's or student's primary residence. 4779

(33) A provision requiring the governing authority to 4780  
adopt a student residence and address verification policy for 4781  
students enrolling in or attending the school. 4782

(B) The community school shall also submit to the sponsor 4783  
a comprehensive plan for the school. The plan shall specify the 4784  
following: 4785

(1) The process by which the governing authority of the 4786  
school will be selected in the future; 4787

(2) The management and administration of the school; 4788

(3) If the community school is a currently existing public 4789  
school or educational service center building, alternative 4790  
arrangements for current public school students who choose not 4791

to attend the converted school and for teachers who choose not 4792  
to teach in the school or building after conversion; 4793

(4) The instructional program and educational philosophy 4794  
of the school; 4795

(5) Internal financial controls. 4796

When submitting the plan under this division, the school 4797  
shall also submit copies of all policies and procedures 4798  
regarding internal financial controls adopted by the governing 4799  
authority of the school. 4800

(C) A contract entered into under section 3314.02 of the 4801  
Revised Code between a sponsor and the governing authority of a 4802  
community school may provide for the community school governing 4803  
authority to make payments to the sponsor, which is hereby 4804  
authorized to receive such payments as set forth in the contract 4805  
between the governing authority and the sponsor. The total 4806  
amount of such payments for monitoring, oversight, and technical 4807  
assistance of the school shall not exceed three per cent of the 4808  
total amount of payments for operating expenses that the school 4809  
receives from the state. 4810

(D) The contract shall specify the duties of the sponsor 4811  
which shall be in accordance with the written agreement entered 4812  
into with the department of education under division (B) of 4813  
section 3314.015 of the Revised Code and shall include the 4814  
following: 4815

(1) Monitor the community school's compliance with all 4816  
laws applicable to the school and with the terms of the 4817  
contract; 4818

(2) Monitor and evaluate the academic and fiscal 4819  
performance and the organization and operation of the community 4820

school on at least an annual basis; 4821

(3) Report on an annual basis the results of the 4822  
evaluation conducted under division (D) (2) of this section to 4823  
the department of education and to the parents of students 4824  
enrolled in the community school; 4825

(4) Provide technical assistance to the community school 4826  
in complying with laws applicable to the school and terms of the 4827  
contract; 4828

(5) Take steps to intervene in the school's operation to 4829  
correct problems in the school's overall performance, declare 4830  
the school to be on probationary status pursuant to section 4831  
3314.073 of the Revised Code, suspend the operation of the 4832  
school pursuant to section 3314.072 of the Revised Code, or 4833  
terminate the contract of the school pursuant to section 3314.07 4834  
of the Revised Code as determined necessary by the sponsor; 4835

(6) Have in place a plan of action to be undertaken in the 4836  
event the community school experiences financial difficulties or 4837  
closes prior to the end of a school year. 4838

(E) Upon the expiration of a contract entered into under 4839  
this section, the sponsor of a community school may, with the 4840  
approval of the governing authority of the school, renew that 4841  
contract for a period of time determined by the sponsor, but not 4842  
ending earlier than the end of any school year, if the sponsor 4843  
finds that the school's compliance with applicable laws and 4844  
terms of the contract and the school's progress in meeting the 4845  
academic goals prescribed in the contract have been 4846  
satisfactory. Any contract that is renewed under this division 4847  
remains subject to the provisions of sections 3314.07, 3314.072, 4848  
and 3314.073 of the Revised Code. 4849

(F) If a community school fails to open for operation 4850  
within one year after the contract entered into under this 4851  
section is adopted pursuant to division (D) of section 3314.02 4852  
of the Revised Code or permanently closes prior to the 4853  
expiration of the contract, the contract shall be void and the 4854  
school shall not enter into a contract with any other sponsor. A 4855  
school shall not be considered permanently closed because the 4856  
operations of the school have been suspended pursuant to section 4857  
3314.072 of the Revised Code. 4858

**Sec. 3314.034.** (A) Subject to division (B) of this 4859  
section, any community school to which either of the following 4860  
conditions apply shall be prohibited from entering into a 4861  
contract with a new sponsor: 4862

(1) The community school has received ~~a, on the most~~ 4863  
recent report card issued for that school under section 3302.03 4864  
of the Revised Code, either of the following: 4865

(a) A grade of "D" or "F" for the performance index score, 4866  
under division (C) (1) (b) of section 3302.03 of the Revised Code, 4867  
and an overall grade of "D" or "F" for the value-added progress 4868  
dimension or another measure of student academic progress if 4869  
adopted by the state board of education, under division (C) (1) 4870  
(e) of that section, ~~on the most recent report card issued for~~ 4871  
~~the school pursuant to that section;~~ 4872

(b) A performance rating of less than three stars for 4873  
achievement under division (D) (3) (b) of section 3302.03 of the 4874  
Revised Code and a performance rating of less than three stars 4875  
for progress under division (D) (3) (c) of that section. 4876

(2) The community school is one in which a majority of the 4877  
students are enrolled in a dropout prevention and recovery 4878



program, and it has received a rating of "does not meet 4879  
standards" for the annual student growth measure and combined 4880  
graduation rates on the most recent report card issued for the 4881  
school under section 3314.017 of the Revised Code. 4882

(B) A community school to which division (A) of this 4883  
section applies may enter into a contract with a new sponsor if 4884  
all of the following conditions are satisfied: 4885

(1) The proposed sponsor received a rating of "effective" 4886  
or higher pursuant to division (B) (6) of section 3314.016 of the 4887  
Revised Code on its most recent evaluation conducted according 4888  
to that section, or the proposed sponsor is the office of Ohio 4889  
school sponsorship established in section 3314.029 of the 4890  
Revised Code. 4891

(2) The community school submits a request to enter into a 4892  
new contract with a sponsor. 4893

(3) The community school has not submitted a prior request 4894  
that was granted. 4895

(4) The department grants the school's request pursuant to 4896  
division (C) of this section. 4897

(C) A school shall submit a request to change sponsors 4898  
under this section not later than on the fifteenth day of 4899  
February of the year in which the school wishes to do so. The 4900  
department shall grant or deny the request not later than thirty 4901  
days after the department receives it. If the department denies 4902  
the request, the community school may submit an appeal to the 4903  
state board of education, which shall hold a hearing in 4904  
accordance with Chapter 119. of the Revised Code. The community 4905  
school shall file its notice of appeal to the state board not 4906  
later than ten days after receiving the decision from the 4907

department. The state board shall conduct the hearing not later 4908  
than thirty days after receiving the school's notice of appeal 4909  
and act upon the determination of the hearing officer not later 4910  
than the twenty-fifth day of June of the year in which the 4911  
school wishes to change sponsors. 4912

(D) Factors to be considered during a hearing held 4913  
pursuant to division (C) of this section include, but are not 4914  
limited to, the following: 4915

(1) The school's impact on the students and the community 4916  
or communities it serves; 4917

(2) The quality and quantity of academic and 4918  
administrative support the school receives from its current 4919  
sponsor to help the school to improve; 4920

(3) The sponsor's annual evaluations of the community 4921  
school under division (D) (2) of section 3314.03 of the Revised 4922  
Code for the previous three years; 4923

(4) The academic performance of the school, taking into 4924  
account the demographic information of the students enrolled in 4925  
the school; 4926

(5) The academic performance of alternative schools that 4927  
serve comparable populations of students as those served by the 4928  
community school; 4929

(6) The fiscal stability of the school; 4930

(7) The results of any audits of the school by the auditor 4931  
of state; 4932

(8) The length of time the school has been under the 4933  
oversight of its current sponsor; 4934

(9) The number of times the school has changed sponsors 4935  
prior to the current request; 4936

(10) Parent and student satisfaction rates as demonstrated 4937  
by surveys, if available. 4938

**Sec. 3314.05.** (A) The contract between the community 4939  
school and the sponsor shall specify the facilities to be used 4940  
for the community school and the method of acquisition. Except 4941  
as provided in divisions (B) (3) and (4) of this section, no 4942  
community school shall be established in more than one school 4943  
district under the same contract. 4944

(B) Division (B) of this section shall not apply to 4945  
internet- or computer-based community schools. 4946

(1) A community school may be located in multiple 4947  
facilities under the same contract only if the limitations on 4948  
availability of space prohibit serving all the grade levels 4949  
specified in the contract in a single facility or division (B) 4950  
(2), (3), or (4) of this section applies to the school. The 4951  
school shall not offer the same grade level classrooms in more 4952  
than one facility. 4953

(2) A community school may be located in multiple 4954  
facilities under the same contract and, notwithstanding division 4955  
(B) (1) of this section, may assign students in the same grade 4956  
level to multiple facilities, as long as all of the following 4957  
apply: 4958

(a) The governing authority has entered into and maintains 4959  
a contract with an operator of the type described in division 4960  
(A) (8) (b) of section 3314.02 of the Revised Code. 4961

(b) The contract with that operator qualified the school 4962  
to be established pursuant to division (A) of former section 4963

3314.016 of the Revised Code. 4964

(c) The school's rating under section 3302.03 of the 4965  
Revised Code does not fall below a combination of any of the 4966  
following for two or more consecutive years: 4967

(i) A rating of "in need of continuous improvement" under 4968  
section 3302.03 of the Revised Code, as that section existed 4969  
prior to March 22, 2013; 4970

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 4971  
2016 school years, a rating of "C" for both the performance 4972  
index score under division (A) (1) (b) or (B) (1) (b) and the value- 4973  
added dimension under division (A) (1) (e) or (B) (1) (e) of section 4974  
3302.03 of the Revised Code; or if the building serves only 4975  
grades ten through twelve, the building received a grade of "C" 4976  
for the performance index score under division (A) (1) (b) or (B) 4977  
(1) (b) of section 3302.03 of the Revised Code; 4978

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 4979  
2020-2021 school ~~year and for any school year thereafter~~ years, 4980  
an overall grade of "C" under division (C) (3) of section 3302.03 4981  
of the Revised Code or an overall performance designation of 4982  
"meets standards" under division (E) (3) (e) of section 3314.017 4983  
of the Revised Code; 4984

(iv) For the 2021-2022 school year and any school year 4985  
thereafter, an overall performance rating of three stars under 4986  
division (D) (3) of section 3302.03 of the Revised Code or an 4987  
overall performance designation of "meets standards" under 4988  
division (E) (3) (e) of section 3314.017 of the Revised Code. 4989

(3) A new start-up community school may be established in 4990  
two school districts under the same contract if all of the 4991  
following apply: 4992

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) Either of the following conditions are satisfied:	5022
(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;	5023 5024 5025 5026
(ii) The community school is managed by an operator.	5027
In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.	5028 5029 5030 5031 5032 5033 5034 5035 5036
(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.	5037 5038 5039
(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.	5040 5041 5042 5043 5044 5045 5046 5047
(D) Two or more separate community schools may be located in the same facility.	5048 5049
(E) In the case of a community school that is located in	5050

multiple facilities, beginning July 1, 2012, the department 5051  
shall assign a unique identification number to the school and to 5052  
each facility maintained by the school. Each number shall be 5053  
used for identification purposes only. Nothing in this division 5054  
shall be construed to require the department to calculate the 5055  
amount of funds paid under this chapter, or to compute any data 5056  
required for the report cards issued under section 3314.012 of 5057  
the Revised Code, for each facility separately. The department 5058  
shall make all such calculations or computations for the school 5059  
as a whole. 5060

**Sec. 3314.35.** (A) (1) Except as provided in division (A) (4) 5061  
of this section, this section applies to any community school 5062  
that meets one of the following criteria after July 1, 2009, but 5063  
before July 1, 2011: 5064

(a) The school does not offer a grade level higher than 5065  
three and has been declared to be in a state of academic 5066  
emergency under section 3302.03 of the Revised Code for three of 5067  
the four most recent school years. 5068

(b) The school satisfies all of the following conditions: 5069

(i) The school offers any of grade levels four to eight 5070  
but does not offer a grade level higher than nine. 5071

(ii) The school has been declared to be in a state of 5072  
academic emergency under section 3302.03 of the Revised Code for 5073  
two of the three most recent school years. 5074

(iii) In at least two of the three most recent school 5075  
years, the school showed less than one standard year of academic 5076  
growth in either reading or mathematics, as determined by the 5077  
department of education in accordance with rules adopted under 5078  
division (A) of section 3302.021 of the Revised Code. 5079

(c) The school offers any of grade levels ten to twelve 5080  
and has been declared to be in a state of academic emergency 5081  
under section 3302.03 of the Revised Code for three of the four 5082  
most recent school years. 5083

(2) Except as provided in division (A) (4) of this section, 5084  
this section applies to any community school that meets one of 5085  
the following criteria after July 1, 2011, but before July 1, 5086  
2013: 5087

(a) The school does not offer a grade level higher than 5088  
three and has been declared to be in a state of academic 5089  
emergency under section 3302.03 of the Revised Code for two of 5090  
the three most recent school years. 5091

(b) The school satisfies all of the following conditions: 5092

(i) The school offers any of grade levels four to eight 5093  
but does not offer a grade level higher than nine. 5094

(ii) The school has been declared to be in a state of 5095  
academic emergency under section 3302.03 of the Revised Code for 5096  
two of the three most recent school years. 5097

(iii) In at least two of the three most recent school 5098  
years, the school showed less than one standard year of academic 5099  
growth in either reading or mathematics, as determined by the 5100  
department in accordance with rules adopted under division (A) 5101  
of section 3302.021 of the Revised Code. 5102

(c) The school offers any of grade levels ten to twelve 5103  
and has been declared to be in a state of academic emergency 5104  
under section 3302.03 of the Revised Code for two of the three 5105  
most recent school years. 5106

(3) Except as provided in division (A) (4) of this section, 5107



this section applies to any community school that meets one of 5108  
the following criteria on or after July 1, 2013: 5109

(a) The school does not offer a grade level higher than 5110  
three and, for the three most recent school years, satisfies any 5111  
of the following criteria: 5112

(i) The school has been declared to be in a state of 5113  
academic emergency under section 3302.03 of the Revised Code, as 5114  
it existed prior to March 22, 2013; 5115

(ii) The school has received a grade of "F" in improving 5116  
literacy in grades kindergarten through three under division (B) 5117  
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 5118

(iii) The school has received a performance rating of one 5119  
star for early literacy under division (D) (3) (e) of section 5120  
3302.03 of the Revised Code; 5121

(iv) The school has received an overall performance rating 5122  
of less than two stars under division (D) (3) of section 3302.03 5123  
of the Revised Code; 5124

~~(iii)~~-(v) The school has received an overall grade of "F" 5125  
under division (C) of section 3302.03 of the Revised Code. 5126

(b) The school offers any of grade levels four to eight 5127  
but does not offer a grade level higher than nine and, for the 5128  
three most recent school years, satisfies any of the following 5129  
criteria: 5130

(i) The school has been declared to be in a state of 5131  
academic emergency under section 3302.03 of the Revised Code, as 5132  
it existed prior to March 22, 2013, and the school showed less 5133  
than one standard year of academic growth in either reading or 5134  
mathematics, as determined by the department in accordance with 5135

rules adopted under division (A) of section 3302.021 of the Revised Code; 5136  
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(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and a grade of "F" for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 5138  
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(iii) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section; 5143  
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~~(iii)~~ (iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 5147  
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section. 5151  
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(c) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies any of the following criteria: 5155  
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 5158  
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(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and has not met annual measurable objectives under division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 5161  
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of the Revised Code; 5165

(iii) The school has received a performance rating of "one star" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department; 5166  
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~~(iii)~~ (iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 5171  
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section. 5175  
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For purposes of division (A) (3) of this section only, the department of education shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year. 5179  
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(4) This section does not apply to either of the following: 5186  
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(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a 5188  
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dropout prevention and recovery program shall be exempt from 5194  
this section only if it has been granted a waiver under section 5195  
3314.36 of the Revised Code. 5196

(b) Any community school in which a majority of the 5197  
enrolled students are children with disabilities receiving 5198  
special education and related services in accordance with 5199  
Chapter 3323. of the Revised Code. 5200

(B) Any community school to which this section applies 5201  
shall permanently close at the conclusion of the school year in 5202  
which the school first becomes subject to this section. The 5203  
sponsor and governing authority of the school shall comply with 5204  
all procedures for closing a community school adopted by the 5205  
department under division (E) of section 3314.015 of the Revised 5206  
Code. The governing authority of the school shall not enter into 5207  
a contract with any other sponsor under section 3314.03 of the 5208  
Revised Code after the school closes. 5209

(C) In accordance with division (B) of section 3314.012 of 5210  
the Revised Code, the department shall not consider the 5211  
performance ratings assigned to a community school for its first 5212  
two years of operation when determining whether the school meets 5213  
the criteria prescribed by division (A) (1) or (2) of this 5214  
section. 5215

(D) Nothing in this section or in any other provision of 5216  
the Revised Code prohibits the sponsor of a community school 5217  
from exercising its option not to renew a contract for any 5218  
reason or from terminating a contract prior to its expiration 5219  
for any of the reasons set forth in section 3314.07 of the 5220  
Revised Code. 5221

**Sec. 3326.11.** Each science, technology, engineering, and 5222

mathematics school established under this chapter and its 5223  
governing body shall comply with sections 9.90, 9.91, 109.65, 5224  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 5225  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 5226  
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 5227  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 5228  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 5229  
3313.6021, 3313.6024, 3313.6025, 3313.61, 3313.611, 3313.614, 5230  
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 5231  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 5232  
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 5233  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 5234  
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 5235  
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 5236  
3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 3319.35, 5237  
3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 5238  
3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 5239  
3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 5240  
4113.52, 5502.262, and 5705.391 and Chapters 102., 117., 1347., 5241  
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 5242  
4167. of the Revised Code as if it were a school district. 5243

**Sec. 3328.24.** A college-preparatory boarding school 5244  
established under this chapter and its board of trustees shall 5245  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 5246  
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.6013, 3313.6021, 5247  
3313.6024, 3313.6025, 3313.617, 3313.618, 3313.6114, 3313.6411, 5248  
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 5249  
3319.073, 3319.077, 3319.078, 3319.39, 3319.391, 3319.46, 5250  
3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 5251  
3365. of the Revised Code as if the school were a school 5252  
district and the school's board of trustees were a district 5253

board of education. 5254

**Section 2.** That existing sections 3301.0710, 3301.0712, 5255  
3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 5256  
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 5257  
3302.151, 3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 5258  
3314.012, 3314.02, 3314.03, 3314.034, 3314.05, 3314.35, 3326.11, 5259  
and 3328.24 of the Revised Code are hereby repealed. 5260

**Section 3.** The Department of Education shall conduct a 5261  
study regarding the academic effectiveness and necessity of the 5262  
value-added progress dimension ranking prescribed under division 5263  
(A) (2) of section 3302.21 of the Revised Code and submit its 5264  
findings not later than two years after the effective date of 5265  
this section. The Department shall submit a report of its 5266  
findings to the Speaker of the House of Representatives, the 5267  
President of the Senate, and the chairpersons of the standing 5268  
committees of the House of Representatives and the Senate that 5269  
consider education legislation. 5270

**Section 4.** Notwithstanding anything in the Revised Code to 5271  
the contrary, for the 2021-2022 school year only, both of the 5272  
following apply: 5273

(A) The Ohio Department of Education shall use the 5274  
components prescribed under divisions (D) (3) (a) to (e) of 5275  
section 3302.03 of the Revised Code to determine a method to 5276  
meaningfully differentiate between school districts and school 5277  
buildings for the purposes of complying with any reporting or 5278  
accountability provisions prescribed under state and federal 5279  
law. 5280

(B) Nothing in this section or section 3302.03 of the 5281  
Revised Code prohibits the Ohio Department of Education from 5282

calculating an overall grade or overall performance rating for a school district or building for the 2021-2022 school year for the purpose of either of the following:

(1) To identify school buildings for comprehensive, targeted, or additional targeted support and improvement in accordance with the "Every Student Succeeds Act," 20 U.S.C. 6301 et seq. and the state's request, as approved by the United States Department of Education, to delay such identification until fall 2022 using performance data from the 2021-2022 school year;

(2) To calculate the academic performance component and the overall rating for each community school sponsor required to be evaluated for the 2021-2022 school year under section 3314.016 of the Revised Code.

**Section 5.** Notwithstanding division (B)(1) of section 3314.016 of the Revised Code, the Department of Education shall not be required to post on its web site the evaluation system that will be used for community school sponsor evaluations for the 2021-2022 school year until August 15, 2021, but the Department shall make every effort to post applicable information and documentation regarding the evaluations for the 2021-2022 school year that are not affected by the provisions of this act prior to that date.

**Section 6.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections

as presented in this act:	5313
Section 3314.03 of the Revised Code as amended by H.B.	5314
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	5315
89, all of the 133rd General Assembly.	5316
Section 3326.11 of the Revised Code as amended by H.B.	5317
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	5318
General Assembly.	5319
Section 3328.24 of the Revised Code as amended by H.B.	5320
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	5321
General Assembly.	5322