

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 145**

**Senator Brenner**

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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, 3314.034, 3314.05, and 3314.35 and to 6  
enact section 3302.037 of the Revised Code to 7  
revise the state report card system. 8

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

**Section 1.** That sections 3301.0710, 3301.0712, 3301.0714, 9  
3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 3302.03, 10  
3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 3302.151, 11  
3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 3314.012, 12  
3314.02, 3314.034, 3314.05, and 3314.35 be amended and section 13  
3302.037 of the Revised Code be enacted to read as follows: 14

**Sec. 3301.0710.** The state board of education shall adopt 15  
rules establishing a statewide program to assess student 16  
achievement. The state board shall ensure that all assessments 17  
administered under the program are aligned with the academic 18  
standards and model curricula adopted by the state board and are 19

created with input from Ohio parents, Ohio classroom teachers, 20  
Ohio school administrators, and other Ohio school personnel 21  
pursuant to section 3301.079 of the Revised Code. 22

The assessment program shall be designed to ensure that 23  
students who receive a high school diploma demonstrate at least 24  
high school levels of achievement in English language arts, 25  
mathematics, science, and social studies. 26

(A) (1) The state board shall prescribe all of the 27  
following: 28

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

(b) Two statewide achievement assessments, one each 32  
designed to measure the level of English language arts and 33  
mathematics skill expected at the end of fourth grade; 34

(c) Three statewide achievement assessments, one each 35  
designed to measure the level of English language arts, 36  
mathematics, and science skill expected at the end of fifth 37  
grade; 38

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

(e) Two statewide achievement assessments, one each 42  
designed to measure the level of English language arts and 43  
mathematics skill expected at the end of seventh grade; 44

(f) Three statewide achievement assessments, one each 45  
designed to measure the level of English language arts, 46  
mathematics, and science skill expected at the end of eighth 47

grade. 48

(2) The state board shall determine and designate at least 49  
five ranges of scores on each of the achievement assessments 50  
described in divisions (A)(1) and (B)(1) of this section. Each 51  
range of scores shall be deemed to demonstrate a level of 52  
achievement so that any student attaining a score within such 53  
range has achieved one of the following: 54

(a) An advanced level of skill; 55

(b) An ~~accelerated~~accomplished level of skill; 56

(c) A proficient level of skill; 57

(d) A basic level of skill; 58

(e) A limited level of skill. 59

(3) For the purpose of implementing division (A) of 60  
section 3313.608 of the Revised Code, the state board shall 61  
determine and designate a level of achievement, not lower than 62  
the level designated in division (A)(2)(e) of this section, on 63  
the third grade English language arts assessment for a student 64  
to be promoted to the fourth grade. The state board shall review 65  
and adjust upward the level of achievement designated under this 66  
division each year the test is administered until the level is 67  
set equal to the level designated in division (A)(2)(c) of this 68  
section. 69

(4) Each school district or school shall teach and assess 70  
social studies in at least the fourth and sixth grades. Any 71  
assessment in such area shall be determined by the district or 72  
school and may be formative or summative in nature. The results 73  
of such assessment shall not be reported to the department of 74  
education. 75

(B) (1) The assessments prescribed under division (B) (1) of 76  
this section shall collectively be known as the Ohio graduation 77  
tests. The state board shall prescribe five statewide high 78  
school achievement assessments, one each designed to measure the 79  
level of reading, writing, mathematics, science, and social 80  
studies skill expected at the end of tenth grade. The state 81  
board shall designate a score in at least the range designated 82  
under division (A) (2) (c) of this section on each such assessment 83  
that shall be deemed to be a passing score on the assessment as 84  
a condition toward granting high school diplomas under sections 85  
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 86  
until the assessment system prescribed by section 3301.0712 of 87  
the Revised Code is implemented in accordance with division (B) 88  
(2) of this section. 89

(2) The state board shall prescribe an assessment system 90  
in accordance with section 3301.0712 of the Revised Code that 91  
shall replace the Ohio graduation tests beginning with students 92  
who enter the ninth grade for the first time on or after July 1, 93  
2014. 94

(3) The state board may enter into a reciprocal agreement 95  
with the appropriate body or agency of any other state that has 96  
similar statewide achievement assessment requirements for 97  
receiving high school diplomas, under which any student who has 98  
met an achievement assessment requirement of one state is 99  
recognized as having met the similar requirement of the other 100  
state for purposes of receiving a high school diploma. For 101  
purposes of this section and sections 3301.0711 and 3313.61 of 102  
the Revised Code, any student enrolled in any public high school 103  
in this state who has met an achievement assessment requirement 104  
specified in a reciprocal agreement entered into under this 105  
division shall be deemed to have attained at least the 106

applicable score designated under this division on each 107  
assessment required by division (B) (1) or (2) of this section 108  
that is specified in the agreement. 109

(C) The superintendent of public instruction shall 110  
designate dates and times for the administration of the 111  
assessments prescribed by divisions (A) and (B) of this section. 112

In prescribing administration dates pursuant to this 113  
division, the superintendent shall designate the dates in such a 114  
way as to allow a reasonable length of time between the 115  
administration of assessments prescribed under this section and 116  
any administration of the national assessment of educational 117  
progress given to students in the same grade level pursuant to 118  
section 3301.27 of the Revised Code or federal law. 119

(D) The state board shall prescribe a practice version of 120  
each Ohio graduation test described in division (B) (1) of this 121  
section that is of comparable length to the actual test. 122

(E) Any committee established by the department of 123  
education for the purpose of making recommendations to the state 124  
board regarding the state board's designation of scores on the 125  
assessments described by this section shall inform the state 126  
board of the probable percentage of students who would score in 127  
each of the ranges established under division (A) (2) of this 128  
section on the assessments if the committee's recommendations 129  
are adopted by the state board. To the extent possible, these 130  
percentages shall be disaggregated by gender, major racial and 131  
ethnic groups, English learners, economically disadvantaged 132  
students, students with disabilities, and migrant students. 133

**Sec. 3301.0712.** (A) The state board of education, the 134  
superintendent of public instruction, and the chancellor of 135

higher education shall develop a system of college and work 136  
ready assessments as described in division (B) of this section 137  
to assess whether each student upon graduating from high school 138  
is ready to enter college or the workforce. Beginning with 139  
students who enter the ninth grade for the first time on or 140  
after July 1, 2014, the system shall replace the Ohio graduation 141  
tests prescribed in division (B) (1) of section 3301.0710 of the 142  
Revised Code as a measure of student academic performance and 143  
one determinant of eligibility for a high school diploma in the 144  
manner prescribed by rule of the state board adopted under 145  
division (D) of this section. 146

(B) The college and work ready assessment system shall 147  
consist of the following: 148

(1) Nationally standardized assessments that measure 149  
college and career readiness and are used for college admission. 150  
The assessments shall be selected jointly by the state 151  
superintendent and the chancellor, and one of which shall be 152  
selected by each school district or school to administer to its 153  
students. The assessments prescribed under division (B) (1) of 154  
this section shall be administered to all eleventh-grade 155  
students in the spring of the school year. 156

(2) (a) Except as provided in division (B) (2) (b) of this 157  
section, seven end-of-course examinations, one in each of the 158  
areas of English language arts I, English language arts II, 159  
science, Algebra I, geometry, American history, and American 160  
government. The end-of-course examinations shall be selected 161  
jointly by the state superintendent and the chancellor in 162  
consultation with faculty in the appropriate subject areas at 163  
institutions of higher education of the university system of 164  
Ohio. Advanced placement examinations and international 165

baccalaureate examinations, as prescribed under section 166  
3313.6013 of the Revised Code, in the areas of science, American 167  
history, and American government may be used as end-of-course 168  
examinations in accordance with division (B) (4) (a) (i) of this 169  
section. Final course grades for courses taken under any other 170  
advanced standing program, as prescribed under section 3313.6013 171  
of the Revised Code, in the areas of science, American history, 172  
and American government may be used in lieu of end-of-course 173  
examinations in accordance with division (B) (4) (a) (ii) of this 174  
section. 175

(b) Beginning with students who enter ninth grade for the 176  
first time on or after July 1, 2019, five end-of-course 177  
examinations, one in each areas of English language arts II, 178  
science, Algebra I, American history, and American government. 179  
However, only the end-of-course examinations in English language 180  
arts II and Algebra I shall be required for graduation. 181

The department of education shall, as necessary to 182  
implement division (B) (2) (b) of this section, seek a waiver from 183  
the United States secretary of education for testing 184  
requirements prescribed under federal law to allow for the use 185  
and implementation of Algebra I as the primary assessment of 186  
high school mathematics. If the department does not receive a 187  
waiver under this division, the end-of-course examinations for 188  
students described in division (B) (2) (b) of this section also 189  
shall include an end-of-course examination in the area of 190  
geometry. However, the geometry end-of-course examination shall 191  
not be required for graduation. 192

(3) (a) Not later than July 1, 2013, each school district 193  
board of education shall adopt interim end-of-course 194  
examinations that comply with the requirements of divisions (B) 195

(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.

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

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies 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.

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

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

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under



division (B) (2) of this section. The state board shall specify 225  
the score levels for each advanced placement examination and 226  
international baccalaureate examination for purposes of 227  
calculating the minimum cumulative performance score that 228  
demonstrates the level of academic achievement necessary to earn 229  
a high school diploma. 230

(ii) If a student is enrolled in an appropriate course 231  
under any other advanced standing program, as described in 232  
section 3313.6013 of the Revised Code, that student shall not be 233  
required to take the science, American history, or American 234  
government end-of-course examination, whichever is applicable, 235  
prescribed under division (B) (2) of this section. Instead, that 236  
student's final course grade shall be used in lieu of the 237  
applicable end-of-course examination prescribed under that 238  
section. The state superintendent, in consultation with the 239  
chancellor, shall adopt guidelines for purposes of calculating 240  
the corresponding final course grades that demonstrate the level 241  
of academic achievement necessary to earn a high school diploma. 242

Division (B) (4) (a) (ii) of this section shall apply only to 243  
courses for which students receive transcribed credit, as 244  
defined in section 3365.01 of the Revised Code. It shall not 245  
apply to remedial or developmental courses. 246

(b) No student shall take a substitute examination or 247  
examination prescribed under division (B) (4) (a) of this section 248  
in place of the end-of-course examinations in English language 249  
arts I, English language arts II, Algebra I, or geometry 250  
prescribed under division (B) (2) of this section. 251

(c) The state board shall consider additional assessments 252  
that may be used, beginning with the 2016-2017 school year, as 253  
substitute examinations in lieu of the end-of-course 254

examinations prescribed under division (B) (2) of this section.	255
(5) The state board shall do all of the following:	256
(a) Determine and designate at least five ranges of scores	257
on each of the end-of-course examinations prescribed under	258
division (B) (2) of this section, and substitute examinations	259
prescribed under division (B) (4) of this section. Not later than	260
sixty days after the designation of ranges of scores, the state	261
superintendent, or the state superintendent's designee, shall	262
conduct a public presentation before the standing committees of	263
the house of representatives and the senate that consider	264
primary and secondary education legislation regarding the	265
designated range of scores. Each range of scores shall be	266
considered to demonstrate a level of achievement so that any	267
student attaining a score within such range has achieved one of	268
the following:	269
(i) An advanced level of skill;	270
(ii) An <del>accelerated</del> - <u>accomplished</u> level of skill;	271
(iii) A proficient level of skill;	272
(iv) A basic level of skill;	273
(v) A limited level of skill.	274
(b) Determine a method by which to calculate a cumulative	275
performance score based on the results of a student's end-of-	276
course examinations or substitute examinations;	277
(c) Determine the minimum cumulative performance score	278
that demonstrates the level of academic achievement necessary to	279
earn a high school diploma under division (A) (2) of section	280
3313.618 of the Revised Code. However, the state board shall not	281
determine a new minimum cumulative performance score after the	282

effective date of this amendment October 17, 2019.	283
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	284 285 286 287
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	288 289 290 291 292
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	293 294 295
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	296 297 298
(ii) The examination was not available for administration prior to July 1, 2015.	299 300
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.	301 302 303 304 305
(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:	306 307 308 309 310

(i) The student is considered to have attained a 311  
proficient score on the end-of-course examination from which the 312  
student is exempt; 313

(ii) The student's final course grade shall be used in 314  
lieu of a score on the end-of-course examination from which the 315  
student is exempt. 316

The state superintendent, in consultation with the 317  
chancellor, shall adopt guidelines for purposes of calculating 318  
the corresponding final course grades and the minimum cumulative 319  
performance score that demonstrates the level of academic 320  
achievement necessary to earn a high school diploma. 321

(7) (a) Notwithstanding anything to the contrary in this 322  
section, the state board may replace the algebra I end-of-course 323  
examination prescribed under division (B) (2) of this section 324  
with an algebra II end-of-course examination, beginning with the 325  
2016-2017 school year for students who enter ninth grade on or 326  
after July 1, 2016. 327

(b) If the state board replaces the algebra I end-of- 328  
course examination with an algebra II end-of-course examination 329  
as authorized under division (B) (7) (a) of this section, both of 330  
the following shall apply: 331

(i) A student who is enrolled in an advanced placement or 332  
international baccalaureate course in algebra II shall take the 333  
advanced placement or international baccalaureate examination in 334  
lieu of the algebra II end-of-course examination. 335

(ii) A student who is enrolled in an algebra II course 336  
under any other advanced standing program, as described in 337  
section 3313.6013 of the Revised Code, shall not be required to 338  
take the algebra II end-of-course examination. Instead, that 339

student's final course grade shall be used in lieu of the 340  
examination. 341

(c) If a school district or school utilizes an integrated 342  
approach to mathematics instruction, the district or school may 343  
do either or both of the following: 344

(i) Administer an integrated mathematics I end-of-course 345  
examination in lieu of the prescribed algebra I end-of-course 346  
examination; 347

(ii) Administer an integrated mathematics II end-of-course 348  
examination in lieu of the prescribed geometry end-of-course 349  
examination. 350

(8) (a) For students entering the ninth grade for the first 351  
time on or after July 1, 2014, but prior to July 1, 2015, the 352  
assessment in the area of science shall be physical science or 353  
biology. For students entering the ninth grade for the first 354  
time on or after July 1, 2015, the assessment in the area of 355  
science shall be biology. 356

(b) Until July 1, 2019, the department shall make 357  
available the end-of-course examination in physical science for 358  
students who entered the ninth grade for the first time on or 359  
after July 1, 2014, but prior to July 1, 2015, and who wish to 360  
retake the examination. 361

(c) Not later than July 1, 2016, the state board shall 362  
adopt rules prescribing the requirements for the end-of-course 363  
examination in science for students who entered the ninth grade 364  
for the first time on or after July 1, 2014, but prior to July 365  
1, 2015, and who have not met the requirement prescribed by 366  
section 3313.618 of the Revised Code by July 1, 2019, due to a 367  
student's failure to satisfy division (A) (2) of section 3313.618 368

of the Revised Code. 369

(9) Neither the state board nor the department of 370  
education shall develop or administer an end-of-course 371  
examination in the area of world history. 372

(10) Not later than March 1, 2020, the department, in 373  
consultation with the chancellor and the governor's office of 374  
workforce transformation, shall determine a competency score for 375  
both of the Algebra I and English language arts II end-of-course 376  
examinations for the purpose of graduation eligibility. 377

(C) The state board shall convene a group of national 378  
experts, state experts, and local practitioners to provide 379  
advice, guidance, and recommendations for the alignment of 380  
standards and model curricula to the assessments and in the 381  
design of the end-of-course examinations prescribed by this 382  
section. 383

(D) Upon completion of the development of the assessment 384  
system, the state board shall adopt rules prescribing all of the 385  
following: 386

(1) A timeline and plan for implementation of the 387  
assessment system, including a phased implementation if the 388  
state board determines such a phase-in is warranted; 389

(2) The date after which a person shall meet the 390  
requirements of the entire assessment system as a prerequisite 391  
for a diploma of adult education under section 3313.611 of the 392  
Revised Code; 393

(3) Whether and the extent to which a person may be 394  
excused from an American history end-of-course examination and 395  
an American government end-of-course examination under division 396  
(H) of section 3313.61 and division (B) (3) of section 3313.612 397

of the Revised Code; 398

(4) The date after which a person who has fulfilled the 399  
curriculum requirement for a diploma but has not passed one or 400  
more of the required assessments at the time the person 401  
fulfilled the curriculum requirement shall meet the requirements 402  
of the entire assessment system as a prerequisite for a high 403  
school diploma under division (B) of section 3313.614 of the 404  
Revised Code; 405

(5) The extent to which the assessment system applies to 406  
students enrolled in a dropout recovery and prevention program 407  
for purposes of division (F) of section 3313.603 and section 408  
3314.36 of the Revised Code. 409

(E) Not later than forty-five days prior to the state 410  
board's adoption of a resolution directing the department to 411  
file the rules prescribed by division (D) of this section in 412  
final form under section 119.04 of the Revised Code, the 413  
superintendent of public instruction shall present the 414  
assessment system developed under this section to the respective 415  
committees of the house of representatives and senate that 416  
consider education legislation. 417

(F) (1) Any person enrolled in a nonchartered nonpublic 418  
school or any person who has been excused from attendance at 419  
school for the purpose of home instruction under section 3321.04 420  
of the Revised Code may choose to participate in the system of 421  
assessments administered under divisions (B) (1) and (2) of this 422  
section. However, no such person shall be required to 423  
participate in the system of assessments. 424

(2) The department shall adopt rules for the 425  
administration and scoring of any assessments under division (F) 426

(1) of this section. 427

(G) Not later than December 31, 2014, the state board 428  
shall select at least one nationally recognized job skills 429  
assessment. Each school district shall administer that 430  
assessment to those students who opt to take it. The state shall 431  
reimburse a school district for the costs of administering that 432  
assessment. The state board shall establish the minimum score a 433  
student must attain on the job skills assessment in order to 434  
demonstrate a student's workforce readiness and employability. 435  
The administration of the job skills assessment to a student 436  
under this division shall not exempt a school district from 437  
administering the assessments prescribed in division (B) of this 438  
section to that student. 439

**Sec. 3301.0714.** (A) The state board of education shall 440  
adopt rules for a statewide education management information 441  
system. The rules shall require the state board to establish 442  
guidelines for the establishment and maintenance of the system 443  
in accordance with this section and the rules adopted under this 444  
section. The guidelines shall include: 445

(1) Standards identifying and defining the types of data 446  
in the system in accordance with divisions (B) and (C) of this 447  
section; 448

(2) Procedures for annually collecting and reporting the 449  
data to the state board in accordance with division (D) of this 450  
section; 451

(3) Procedures for annually compiling the data in 452  
accordance with division (G) of this section; 453

(4) Procedures for annually reporting the data to the 454  
public in accordance with division (H) of this section; 455



(5) Standards to provide strict safeguards to protect the 456  
confidentiality of personally identifiable student data. 457

(B) The guidelines adopted under this section shall 458  
require the data maintained in the education management 459  
information system to include at least the following: 460

(1) Student participation and performance data, for each 461  
grade in each school district as a whole and for each grade in 462  
each school building in each school district, that includes: 463

(a) The numbers of students receiving each category of 464  
instructional service offered by the school district, such as 465  
regular education instruction, vocational education instruction, 466  
specialized instruction programs or enrichment instruction that 467  
is part of the educational curriculum, instruction for gifted 468  
students, instruction for students with disabilities, and 469  
remedial instruction. The guidelines shall require instructional 470  
services under this division to be divided into discrete 471  
categories if an instructional service is limited to a specific 472  
subject, a specific type of student, or both, such as regular 473  
instructional services in mathematics, remedial reading 474  
instructional services, instructional services specifically for 475  
students gifted in mathematics or some other subject area, or 476  
instructional services for students with a specific type of 477  
disability. The categories of instructional services required by 478  
the guidelines under this division shall be the same as the 479  
categories of instructional services used in determining cost 480  
units pursuant to division (C) (3) of this section. 481

(b) The numbers of students receiving support or 482  
extracurricular services for each of the support services or 483  
extracurricular programs offered by the school district, such as 484  
counseling services, health services, and extracurricular sports 485

and fine arts programs. The categories of services required by	486
the guidelines under this division shall be the same as the	487
categories of services used in determining cost units pursuant	488
to division (C) (4) (a) of this section.	489
(c) Average student grades in each subject in grades nine	490
through twelve;	491
(d) Academic achievement levels as assessed under sections	492
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	493
(e) The number of students designated as having a	494
disabling condition pursuant to division (C) (1) of section	495
3301.0711 of the Revised Code;	496
(f) The numbers of students reported to the state board	497
pursuant to division (C) (2) of section 3301.0711 of the Revised	498
Code;	499
(g) Attendance rates and the average daily attendance for	500
the year. For purposes of this division, a student shall be	501
counted as present for any field trip that is approved by the	502
school administration.	503
(h) Expulsion rates;	504
(i) Suspension rates;	505
(j) Dropout rates;	506
(k) Rates of retention in grade;	507
(l) For pupils in grades nine through twelve, the average	508
number of carnegie units, as calculated in accordance with state	509
board of education rules;	510
(m) Graduation rates, to be calculated in a manner	511
specified by the department of education that reflects the rate	512

at which students who were in the ninth grade three years prior 513  
to the current year complete school and that is consistent with 514  
nationally accepted reporting requirements; 515

(n) Results of diagnostic assessments administered to 516  
kindergarten students as required under section 3301.0715 of the 517  
Revised Code to permit a comparison of the academic readiness of 518  
kindergarten students. However, no district shall be required to 519  
report to the department the results of any diagnostic 520  
assessment administered to a kindergarten student, except for 521  
the language and reading assessment described in division (A) (2) 522  
of section 3301.0715 of the Revised Code, if the parent of that 523  
student requests the district not to report those results. 524

(o) Beginning on July 1, 2018, for each disciplinary 525  
action which is required to be reported under division (B) (4) of 526  
this section, districts and schools also shall include an 527  
identification of the person or persons, if any, at whom the 528  
student's violent behavior that resulted in discipline was 529  
directed. The person or persons shall be identified by the 530  
respective classification at the district or school, such as 531  
student, teacher, or nonteaching employee, but shall not be 532  
identified by name. 533

Division (B) (1) (o) of this section does not apply after 534  
the date that is two years following the submission of the 535  
report required by Section 733.13 of H.B. 49 of the 132nd 536  
general assembly. 537

(p) The number of students earning each state diploma seal 538  
included in the system prescribed under division (A) of section 539  
3313.6114 of the Revised Code; 540

(q) The number of students demonstrating competency for 541

graduation using each option described in divisions (B) (1) (a) to	542
(c) of section 3313.618 of the Revised Code;	543
(r) The number of students completing each foundational	544
and supporting option as part of the demonstration of competency	545
for graduation pursuant to division (B) (1) (b) of section	546
3313.618 of the Revised Code.	547
(2) Personnel and classroom enrollment data for each	548
school district, including:	549
(a) The total numbers of licensed employees and	550
nonlicensed employees and the numbers of full-time equivalent	551
licensed employees and nonlicensed employees providing each	552
category of instructional service, instructional support	553
service, and administrative support service used pursuant to	554
division (C) (3) of this section. The guidelines adopted under	555
this section shall require these categories of data to be	556
maintained for the school district as a whole and, wherever	557
applicable, for each grade in the school district as a whole,	558
for each school building as a whole, and for each grade in each	559
school building.	560
(b) The total number of employees and the number of full-	561
time equivalent employees providing each category of service	562
used pursuant to divisions (C) (4) (a) and (b) of this section,	563
and the total numbers of licensed employees and nonlicensed	564
employees and the numbers of full-time equivalent licensed	565
employees and nonlicensed employees providing each category used	566
pursuant to division (C) (4) (c) of this section. The guidelines	567
adopted under this section shall require these categories of	568
data to be maintained for the school district as a whole and,	569
wherever applicable, for each grade in the school district as a	570
whole, for each school building as a whole, and for each grade	571

in each school building.	572
(c) The total number of regular classroom teachers	573
teaching classes of regular education and the average number of	574
pupils enrolled in each such class, in each of grades	575
kindergarten through five in the district as a whole and in each	576
school building in the school district.	577
(d) The number of lead teachers employed by each school	578
district and each school building.	579
(3) (a) Student demographic data for each school district,	580
including information regarding the gender ratio of the school	581
district's pupils, the racial make-up of the school district's	582
pupils, the number of English learners in the district, and an	583
appropriate measure of the number of the school district's	584
pupils who reside in economically disadvantaged households. The	585
demographic data shall be collected in a manner to allow	586
correlation with data collected under division (B) (1) of this	587
section. Categories for data collected pursuant to division (B)	588
(3) of this section shall conform, where appropriate, to	589
standard practices of agencies of the federal government.	590
(b) With respect to each student entering kindergarten,	591
whether the student previously participated in a public	592
preschool program, a private preschool program, or a head start	593
program, and the number of years the student participated in	594
each of these programs.	595
(4) Any data required to be collected pursuant to federal	596
law.	597
(C) The education management information system shall	598
include cost accounting data for each district as a whole and	599
for each school building in each school district. The guidelines	600

adopted under this section shall require the cost data for each 601  
school district to be maintained in a system of mutually 602  
exclusive cost units and shall require all of the costs of each 603  
school district to be divided among the cost units. The 604  
guidelines shall require the system of mutually exclusive cost 605  
units to include at least the following: 606

(1) Administrative costs for the school district as a 607  
whole. The guidelines shall require the cost units under this 608  
division (C) (1) to be designed so that each of them may be 609  
compiled and reported in terms of average expenditure per pupil 610  
in formula ADM in the school district, as determined pursuant to 611  
section 3317.03 of the Revised Code. 612

(2) Administrative costs for each school building in the 613  
school district. The guidelines shall require the cost units 614  
under this division (C) (2) to be designed so that each of them 615  
may be compiled and reported in terms of average expenditure per 616  
full-time equivalent pupil receiving instructional or support 617  
services in each building. 618

(3) Instructional services costs for each category of 619  
instructional service provided directly to students and required 620  
by guidelines adopted pursuant to division (B) (1) (a) of this 621  
section. The guidelines shall require the cost units under 622  
division (C) (3) of this section to be designed so that each of 623  
them may be compiled and reported in terms of average 624  
expenditure per pupil receiving the service in the school 625  
district as a whole and average expenditure per pupil receiving 626  
the service in each building in the school district and in terms 627  
of a total cost for each category of service and, as a breakdown 628  
of the total cost, a cost for each of the following components: 629

(a) The cost of each instructional services category 630

required by guidelines adopted under division (B) (1) (a) of this 631  
section that is provided directly to students by a classroom 632  
teacher; 633

(b) The cost of the instructional support services, such 634  
as services provided by a speech-language pathologist, classroom 635  
aide, multimedia aide, or librarian, provided directly to 636  
students in conjunction with each instructional services 637  
category; 638

(c) The cost of the administrative support services 639  
related to each instructional services category, such as the 640  
cost of personnel that develop the curriculum for the 641  
instructional services category and the cost of personnel 642  
supervising or coordinating the delivery of the instructional 643  
services category. 644

(4) Support or extracurricular services costs for each 645  
category of service directly provided to students and required 646  
by guidelines adopted pursuant to division (B) (1) (b) of this 647  
section. The guidelines shall require the cost units under 648  
division (C) (4) of this section to be designed so that each of 649  
them may be compiled and reported in terms of average 650  
expenditure per pupil receiving the service in the school 651  
district as a whole and average expenditure per pupil receiving 652  
the service in each building in the school district and in terms 653  
of a total cost for each category of service and, as a breakdown 654  
of the total cost, a cost for each of the following components: 655

(a) The cost of each support or extracurricular services 656  
category required by guidelines adopted under division (B) (1) (b) 657  
of this section that is provided directly to students by a 658  
licensed employee, such as services provided by a guidance 659  
counselor or any services provided by a licensed employee under 660

a supplemental contract; 661

(b) The cost of each such services category provided 662  
directly to students by a nonlicensed employee, such as 663  
janitorial services, cafeteria services, or services of a sports 664  
trainer; 665

(c) The cost of the administrative services related to 666  
each services category in division (C) (4) (a) or (b) of this 667  
section, such as the cost of any licensed or nonlicensed 668  
employees that develop, supervise, coordinate, or otherwise are 669  
involved in administering or aiding the delivery of each 670  
services category. 671

(D) (1) The guidelines adopted under this section shall 672  
require school districts to collect information about individual 673  
students, staff members, or both in connection with any data 674  
required by division (B) or (C) of this section or other 675  
reporting requirements established in the Revised Code. The 676  
guidelines may also require school districts to report 677  
information about individual staff members in connection with 678  
any data required by division (B) or (C) of this section or 679  
other reporting requirements established in the Revised Code. 680  
The guidelines shall not authorize school districts to request 681  
social security numbers of individual students. The guidelines 682  
shall prohibit the reporting under this section of a student's 683  
name, address, and social security number to the state board of 684  
education or the department of education. The guidelines shall 685  
also prohibit the reporting under this section of any personally 686  
identifiable information about any student, except for the 687  
purpose of assigning the data verification code required by 688  
division (D) (2) of this section, to any other person unless such 689  
person is employed by the school district or the information 690



technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

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

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

(b) (i) Except as provided in sections 3301.941, 3310.11, 721  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 722  
in division (D) (2) (b) (ii) of this section, at no time shall the 723  
state board or the department have access to information that 724  
would enable any data verification code to be matched to 725  
personally identifiable student data. 726

(ii) For the purpose of making per-pupil payments to 727  
community schools under division (C) of section 3314.08 of the 728  
Revised Code, the department shall have access to information 729  
that would enable any data verification code to be matched to 730  
personally identifiable student data. 731

(c) Each school district and community school shall ensure 732  
that the data verification code is included in the student's 733  
records reported to any subsequent school district, community 734  
school, or state institution of higher education, as defined in 735  
section 3345.011 of the Revised Code, in which the student 736  
enrolls. Any such subsequent district or school shall utilize 737  
the same identifier in its reporting of data under this section. 738

(d) The director of any state agency that administers a 739  
publicly funded program providing services to children who are 740  
younger than compulsory school age, as defined in section 741  
3321.01 of the Revised Code, including the directors of health, 742  
job and family services, mental health and addiction services, 743  
and developmental disabilities, shall request and receive, 744  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 745  
Code, a data verification code for a child who is receiving 746  
those services. 747

(E) The guidelines adopted under this section may require 748  
school districts to collect and report data, information, or 749  
reports other than that described in divisions (A), (B), and (C) 750

of this section for the purpose of complying with other 751  
reporting requirements established in the Revised Code. The 752  
other data, information, or reports may be maintained in the 753  
education management information system but are not required to 754  
be compiled as part of the profile formats required under 755  
division (G) of this section or the annual statewide report 756  
required under division (H) of this section. 757

(F) Beginning with the school year that begins July 1, 758  
1991, the board of education of each school district shall 759  
annually collect and report to the state board, in accordance 760  
with the guidelines established by the board, the data required 761  
pursuant to this section. A school district may collect and 762  
report these data notwithstanding section 2151.357 or 3319.321 763  
of the Revised Code. 764

(G) The state board shall, in accordance with the 765  
procedures it adopts, annually compile the data reported by each 766  
school district pursuant to division (D) of this section. The 767  
state board shall design formats for profiling each school 768  
district as a whole and each school building within each 769  
district and shall compile the data in accordance with these 770  
formats. These profile formats shall: 771

(1) Include all of the data gathered under this section in 772  
a manner that facilitates comparison among school districts and 773  
among school buildings within each school district; 774

(2) Present the data on academic achievement levels as 775  
assessed by the testing of student achievement maintained 776  
pursuant to division (B) (1) (d) of this section. 777

(H) (1) The state board shall, in accordance with the 778  
procedures it adopts, annually prepare a statewide report for 779

all school districts and the general public that includes the 780  
profile of each of the school districts developed pursuant to 781  
division (G) of this section. Copies of the report shall be sent 782  
to each school district. 783

(2) The state board shall, in accordance with the 784  
procedures it adopts, annually prepare an individual report for 785  
each school district and the general public that includes the 786  
profiles of each of the school buildings in that school district 787  
developed pursuant to division (G) of this section. Copies of 788  
the report shall be sent to the superintendent of the district 789  
and to each member of the district board of education. 790

(3) Copies of the reports received from the state board 791  
under divisions (H) (1) and (2) of this section shall be made 792  
available to the general public at each school district's 793  
offices. Each district board of education shall make copies of 794  
each report available to any person upon request and payment of 795  
a reasonable fee for the cost of reproducing the report. The 796  
board shall annually publish in a newspaper of general 797  
circulation in the school district, at least twice during the 798  
two weeks prior to the week in which the reports will first be 799  
available, a notice containing the address where the reports are 800  
available and the date on which the reports will be available. 801

(I) Any data that is collected or maintained pursuant to 802  
this section and that identifies an individual pupil is not a 803  
public record for the purposes of section 149.43 of the Revised 804  
Code. 805

(J) As used in this section: 806

(1) "School district" means any city, local, exempted 807  
village, or joint vocational school district and, in accordance 808

with section 3314.17 of the Revised Code, any community school. 809  
As used in division (L) of this section, "school district" also 810  
includes any educational service center or other educational 811  
entity required to submit data using the system established 812  
under this section. 813

(2) "Cost" means any expenditure for operating expenses 814  
made by a school district excluding any expenditures for debt 815  
retirement except for payments made to any commercial lending 816  
institution for any loan approved pursuant to section 3313.483 817  
of the Revised Code. 818

(K) Any person who removes data from the information 819  
system established under this section for the purpose of 820  
releasing it to any person not entitled under law to have access 821  
to such information is subject to section 2913.42 of the Revised 822  
Code prohibiting tampering with data. 823

(L) (1) In accordance with division (L) (2) of this section 824  
and the rules adopted under division (L) (10) of this section, 825  
the department of education may sanction any school district 826  
that reports incomplete or inaccurate data, reports data that 827  
does not conform to data requirements and descriptions published 828  
by the department, fails to report data in a timely manner, or 829  
otherwise does not make a good faith effort to report data as 830  
required by this section. 831

(2) If the department decides to sanction a school 832  
district under this division, the department shall take the 833  
following sequential actions: 834

(a) Notify the district in writing that the department has 835  
determined that data has not been reported as required under 836  
this section and require the district to review its data 837

submission and submit corrected data by a deadline established 838  
by the department. The department also may require the district 839  
to develop a corrective action plan, which shall include 840  
provisions for the district to provide mandatory staff training 841  
on data reporting procedures. 842

(b) Withhold up to ten per cent of the total amount of 843  
state funds due to the district for the current fiscal year and, 844  
if not previously required under division (L) (2) (a) of this 845  
section, require the district to develop a corrective action 846  
plan in accordance with that division; 847

(c) Withhold an additional amount of up to twenty per cent 848  
of the total amount of state funds due to the district for the 849  
current fiscal year; 850

(d) Direct department staff or an outside entity to 851  
investigate the district's data reporting practices and make 852  
recommendations for subsequent actions. The recommendations may 853  
include one or more of the following actions: 854

(i) Arrange for an audit of the district's data reporting 855  
practices by department staff or an outside entity; 856

(ii) Conduct a site visit and evaluation of the district; 857

(iii) Withhold an additional amount of up to thirty per 858  
cent of the total amount of state funds due to the district for 859  
the current fiscal year; 860

(iv) Continue monitoring the district's data reporting; 861

(v) Assign department staff to supervise the district's 862  
data management system; 863

(vi) Conduct an investigation to determine whether to 864  
suspend or revoke the license of any district employee in 865

accordance with division (N) of this section; 866

(vii) If the district is issued a report card under 867  
section 3302.03 of the Revised Code, indicate on the report card 868  
that the district has been sanctioned for failing to report data 869  
as required by this section; 870

(viii) If the district is issued a report card under 871  
section 3302.03 of the Revised Code and incomplete or inaccurate 872  
data submitted by the district likely caused the district to 873  
receive a higher performance rating than it deserved under that 874  
section, issue a revised report card for the district; 875

(ix) Any other action designed to correct the district's 876  
data reporting problems. 877

(3) Any time the department takes an action against a 878  
school district under division (L)(2) of this section, the 879  
department shall make a report of the circumstances that 880  
prompted the action. The department shall send a copy of the 881  
report to the district superintendent or chief administrator and 882  
maintain a copy of the report in its files. 883

(4) If any action taken under division (L)(2) of this 884  
section resolves a school district's data reporting problems to 885  
the department's satisfaction, the department shall not take any 886  
further actions described by that division. If the department 887  
withheld funds from the district under that division, the 888  
department may release those funds to the district, except that 889  
if the department withheld funding under division (L)(2)(c) of 890  
this section, the department shall not release the funds 891  
withheld under division (L)(2)(b) of this section and, if the 892  
department withheld funding under division (L)(2)(d) of this 893  
section, the department shall not release the funds withheld 894

under division (L) (2) (b) or (c) of this section. 895

(5) Notwithstanding anything in this section to the 896  
contrary, the department may use its own staff or an outside 897  
entity to conduct an audit of a school district's data reporting 898  
practices any time the department has reason to believe the 899  
district has not made a good faith effort to report data as 900  
required by this section. If any audit conducted by an outside 901  
entity under division (L) (2) (d) (i) or (5) of this section 902  
confirms that a district has not made a good faith effort to 903  
report data as required by this section, the district shall 904  
reimburse the department for the full cost of the audit. The 905  
department may withhold state funds due to the district for this 906  
purpose. 907

(6) Prior to issuing a revised report card for a school 908  
district under division (L) (2) (d) (viii) of this section, the 909  
department may hold a hearing to provide the district with an 910  
opportunity to demonstrate that it made a good faith effort to 911  
report data as required by this section. The hearing shall be 912  
conducted by a referee appointed by the department. Based on the 913  
information provided in the hearing, the referee shall recommend 914  
whether the department should issue a revised report card for 915  
the district. If the referee affirms the department's contention 916  
that the district did not make a good faith effort to report 917  
data as required by this section, the district shall bear the 918  
full cost of conducting the hearing and of issuing any revised 919  
report card. 920

(7) If the department determines that any inaccurate data 921  
reported under this section caused a school district to receive 922  
excess state funds in any fiscal year, the district shall 923  
reimburse the department an amount equal to the excess funds, in 924



accordance with a payment schedule determined by the department. 925  
The department may withhold state funds due to the district for 926  
this purpose. 927

(8) Any school district that has funds withheld under 928  
division (L) (2) of this section may appeal the withholding in 929  
accordance with Chapter 119. of the Revised Code. 930

(9) In all cases of a disagreement between the department 931  
and a school district regarding the appropriateness of an action 932  
taken under division (L) (2) of this section, the burden of proof 933  
shall be on the district to demonstrate that it made a good 934  
faith effort to report data as required by this section. 935

(10) The state board of education shall adopt rules under 936  
Chapter 119. of the Revised Code to implement division (L) of 937  
this section. 938

(M) No information technology center or school district 939  
shall acquire, change, or update its student administration 940  
software package to manage and report data required to be 941  
reported to the department unless it converts to a student 942  
software package that is certified by the department. 943

(N) The state board of education, in accordance with 944  
sections 3319.31 and 3319.311 of the Revised Code, may suspend 945  
or revoke a license as defined under division (A) of section 946  
3319.31 of the Revised Code that has been issued to any school 947  
district employee found to have willfully reported erroneous, 948  
inaccurate, or incomplete data to the education management 949  
information system. 950

(O) No person shall release or maintain any information 951  
about any student in violation of this section. Whoever violates 952  
this division is guilty of a misdemeanor of the fourth degree. 953

(P) The department shall disaggregate the data collected 954  
under division (B) (1) (n) of this section according to the race 955  
and socioeconomic status of the students assessed. 956

(Q) If the department cannot compile any of the 957  
information required by division ~~(H)~~(I) of section 3302.03 of 958  
the Revised Code based upon the data collected under this 959  
section, the department shall develop a plan and a reasonable 960  
timeline for the collection of any data necessary to comply with 961  
that division. 962

**Sec. 3301.0715.** (A) Except as required under division (B) 963  
(1) of section 3313.608 or as specified in division (D) (3) of 964  
section 3301.079 of the Revised Code, the board of education of 965  
each city, local, and exempted village school district shall 966  
administer each applicable diagnostic assessment developed and 967  
provided to the district in accordance with section 3301.079 of 968  
the Revised Code to the following: 969

(1) Any student who transfers into the district or to a 970  
different school within the district if each applicable 971  
diagnostic assessment was not administered by the district or 972  
school the student previously attended in the current school 973  
year, within thirty days after the date of transfer. If the 974  
district or school into which the student transfers cannot 975  
determine whether the student has taken any applicable 976  
diagnostic assessment in the current school year, the district 977  
or school may administer the diagnostic assessment to the 978  
student. However, if a student transfers into the district prior 979  
to the administration of the diagnostic assessments to all 980  
students under division (B) of this section, the district may 981  
administer the diagnostic assessments to that student on the 982  
date or dates determined under that division. 983

(2) Each kindergarten student, not earlier than the first 984  
day of the school year and not later than the first day of 985  
November. However, a board of education may administer the 986  
selected response and performance task items portion of the 987  
diagnostic assessment up to two weeks prior to the first day of 988  
the school year. 989

For the purpose of division (A) (2) of this section, the 990  
district shall administer the kindergarten readiness assessment 991  
provided by the department of education. In no case shall the 992  
results of the readiness assessment be used to prohibit a 993  
student from enrolling in kindergarten. 994

(3) Each student enrolled in first, second, or third 995  
grade. 996

Division (A) of this section does not apply to students 997  
with significant cognitive disabilities, as defined by the 998  
department of education. 999

(B) Each district board shall administer each diagnostic 1000  
assessment when the board deems appropriate, provided the 1001  
administration complies with section 3313.608 of the Revised 1002  
Code. However, the board shall administer any diagnostic 1003  
assessment at least once annually to all students in the 1004  
appropriate grade level. A district board may administer any 1005  
diagnostic assessment in the fall and spring of a school year to 1006  
measure the amount of academic growth attributable to the 1007  
instruction received by students during that school year. 1008

(C) ~~Any A district that received a grade of "A" or "B" for~~ 1009  
~~the performance index score under division (A) (1) (b), (B) (1) (b),~~ 1010  
~~or (C) (1) (b) of section 3302.03 of the Revised Code or for the~~ 1011  
~~value added progress dimension under division (A) (1) (e), (B) (1)~~ 1012

~~(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the~~ 1013  
~~immediately preceding school year~~ may use different diagnostic 1014  
assessments from those adopted under division (D) of section 1015  
3301.079 of the Revised Code in order to satisfy the 1016  
requirements of division (A) (3) of this section if the district 1017  
meets either of the following conditions for the immediately 1018  
preceding school year: 1019

(1) The district received a grade of "A" or "B" for the 1020  
performance index score under division (C) (1) (b) of section 1021  
3302.03 of the Revised Code or for the value-added progress 1022  
dimension under division (C) (1) (e) of that section. 1023

(2) The district received a grade of "A" or "B" for 1024  
achievement under division (D) (3) (b) of section 3302.03 of the 1025  
Revised Code or for progress under division (D) (3) (c) of that 1026  
section. 1027

(D) Each district board shall utilize and score any 1028  
diagnostic assessment administered under division (A) of this 1029  
section in accordance with rules established by the department. 1030  
After the administration of any diagnostic assessment, each 1031  
district shall provide a student's completed diagnostic 1032  
assessment, the results of such assessment, and any other 1033  
accompanying documents used during the administration of the 1034  
assessment to the parent of that student, and shall include all 1035  
such documents and information in any plan developed for the 1036  
student under division (C) of section 3313.608 of the Revised 1037  
Code. Each district shall submit to the department, in the 1038  
manner the department prescribes, the results of the diagnostic 1039  
assessments administered under this section, regardless of the 1040  
type of assessment used under section 3313.608 of the Revised 1041  
Code. The department may issue reports with respect to the data 1042

collected. The department may report school and district level 1043  
kindergarten diagnostic assessment data and use diagnostic 1044  
assessment data to calculate the ~~measure~~ measures prescribed by 1045  
divisions (B) (1) (g) ~~and~~, (C) (1) (g), and (D) (1) (h) of section 1046  
3302.03 of the Revised Code and the data reported under division 1047  
(D) (2) (e) of that section. 1048

(E) Each district board shall provide intervention 1049  
services to students whose diagnostic assessments show that they 1050  
are failing to make satisfactory progress toward attaining the 1051  
academic standards for their grade level. 1052

(F) Beginning in the 2018-2019 school year, any chartered 1053  
nonpublic school may elect to administer the kindergarten 1054  
readiness assessment to all kindergarten students enrolled in 1055  
the school. If the school so elects, the chief administrator of 1056  
the school shall notify the superintendent of public instruction 1057  
not later than the thirty-first day of March prior to any school 1058  
year in which the school will administer the assessment. The 1059  
department shall furnish the assessment to the school at no cost 1060  
to the school. In administering the assessment, the school shall 1061  
do all of the following: 1062

(1) Enter into a written agreement with the department 1063  
specifying that the school will share each participating 1064  
student's assessment data with the department and, that for the 1065  
purpose of reporting the data to the department, each 1066  
participating student will be assigned a data verification code 1067  
as described in division (D) (2) of section 3301.0714 of the 1068  
Revised Code; 1069

(2) Require the assessment to be administered by a teacher 1070  
certified under section 3301.071 of the Revised Code who either 1071  
has completed training on administering the kindergarten 1072

readiness assessment provided by the department or has been 1073  
trained by another person who has completed such training; 1074

(3) Administer the assessment in the same manner as school 1075  
districts are required to do under this section and the rules 1076  
established under division (D) of this section. 1077

(G) Beginning in the 2019-2020 school year, a school 1078  
district in which less than eighty per cent of its students 1079  
score at the proficient level or higher on the third-grade 1080  
English language arts assessment prescribed under section 1081  
3301.0710 of the Revised Code shall establish a reading 1082  
improvement plan supported by reading specialists. Prior to 1083  
implementation, the plan shall be approved by the school 1084  
district board of education. 1085

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of 1086  
the Revised Code: 1087

(A) "Preschool program" means either of the following: 1088

(1) A child care program for preschool children that is 1089  
operated by a school district board of education or an eligible 1090  
nonpublic school. 1091

(2) A child care program for preschool children age three 1092  
or older that is operated by a county board of developmental 1093  
disabilities or a community school. 1094

(B) "Preschool child" or "child" means a child who has not 1095  
entered kindergarten and is not of compulsory school age. 1096

(C) "Parent, guardian, or custodian" means the person or 1097  
government agency that is or will be responsible for a child's 1098  
school attendance under section 3321.01 of the Revised Code. 1099

(D) "Superintendent" means the superintendent of a school 1100

district or the chief administrative officer of a community 1101  
school or an eligible nonpublic school. 1102

(E) "Director" means the director, head teacher, 1103  
elementary principal, or site administrator who is the 1104  
individual on site and responsible for supervision of a 1105  
preschool program. 1106

(F) "Preschool staff member" means a preschool employee 1107  
whose primary responsibility is care, teaching, or supervision 1108  
of preschool children. 1109

(G) "Nonteaching employee" means a preschool program or 1110  
school child program employee whose primary responsibilities are 1111  
duties other than care, teaching, and supervision of preschool 1112  
children or school children. 1113

(H) "Eligible nonpublic school" means a nonpublic school 1114  
chartered as described in division (B) (7) of section 5104.02 of 1115  
the Revised Code or chartered by the state board of education 1116  
for any combination of grades one through twelve, regardless of 1117  
whether it also offers kindergarten. 1118

(I) "School child program" means a child care program for 1119  
only school children that is operated by a school district board 1120  
of education, county board of developmental disabilities, 1121  
community school, or eligible nonpublic school. 1122

(J) "School child" means a child who is enrolled in or is 1123  
eligible to be enrolled in a grade of kindergarten or above but 1124  
is less than fifteen years old. 1125

(K) "School child program staff member" means an employee 1126  
whose primary responsibility is the care, teaching, or 1127  
supervision of children in a school child program. 1128

(L) "Child care" means administering to the needs of 1129  
infants, toddlers, preschool children, and school children 1130  
outside of school hours by persons other than their parents or 1131  
guardians, custodians, or relatives by blood, marriage, or 1132  
adoption for any part of the twenty-four-hour day in a place or 1133  
residence other than a child's own home. 1134

(M) "Child day-care center" and "publicly funded child 1135  
care" have the same meanings as in section 5104.01 of the 1136  
Revised Code. 1137

(N) "Community school" means either of the following: 1138

(1) A community school established under Chapter 3314. of 1139  
the Revised Code that is sponsored by an entity that is rated 1140  
"exemplary" under section 3314.016 of the Revised Code. 1141

(2) A community school established under Chapter 3314. of 1142  
the Revised Code that has received, on its most recent report 1143  
card, either of the following: 1144

(a) If the school offers any of grade levels four through 1145  
twelve, ~~a~~ either of the following: 1146

(i) A grade of "C" or better for the overall value-added 1147  
progress dimension under division (C) (1) (e) of section 3302.03 1148  
of the Revised Code and for the performance index score under 1149  
division (C) (1) (b) of section 3302.03 of the Revised Code; 1150

(ii) A grade of "C" or better for achievement under 1151  
division (D) (3) (b) of section 3302.03 of the Revised Code and 1152  
progress under division (D) (3) (c) of that section. 1153

(b) If the school does not offer a grade level higher than 1154  
three, a grade of "C" or better for either making progress in 1155  
improving literacy in grades kindergarten through three under 1156



division (C) (1) (g) of section 3302.03 of the Revised Code or 1157  
early literacy under division (D) (3) (e) of that section. 1158

**Sec. 3302.01.** As used in this chapter: 1159

(A) "Performance index score" means the average of the 1160  
totals derived from calculations, for each subject area, of the 1161  
weighted proportion of untested students and students scoring at 1162  
each level of skill described in division (A) (2) of section 1163  
3301.0710 of the Revised Code on the state achievement 1164  
assessments, as follows: 1165

(1) For the assessments prescribed by division (A) (1) of 1166  
section 3301.0710 of the Revised Code, the average for each of 1167  
the subject areas of English language arts, mathematics, and 1168  
science. 1169

(2) For the assessments prescribed by division (B) (1) of 1170  
section 3301.0710 and division (B) (2) of section 3301.0712 of 1171  
the Revised Code, the average for each of the subject areas of 1172  
English language arts ~~and~~, mathematics, science, American 1173  
history, and American government. The average also shall include 1174  
any substitute examinations approved under division (B) (4) of 1175  
section 3301.0712 of the Revised Code in the subject areas of 1176  
American history and American government. 1177

The department of education shall assign weights such that 1178  
students who do not take an assessment receive a weight of zero 1179  
and students who take an assessment receive progressively larger 1180  
weights dependent upon the level of skill attained on the 1181  
assessment. The department shall assign additional weights to 1182  
students who have been permitted to pass over a subject in 1183  
accordance with a student acceleration policy adopted under 1184  
section 3324.10 of the Revised Code. If such a student attains 1185

the proficient score prescribed under division (A) (2) (c) of 1186  
section 3301.0710 of the Revised Code or higher on an 1187  
assessment, the department shall assign the student the weight 1188  
prescribed for the next higher scoring level. If such a student 1189  
attains the advanced score, prescribed under division (A) (2) (a) 1190  
of section 3301.0710 of the Revised Code, on an assessment, the 1191  
department shall assign to the student an additional 1192  
proportional weight, as approved by the state board. For each 1193  
school year that such a student's score is included in the 1194  
performance index score and the student attains the proficient 1195  
score on an assessment, that additional weight shall be assigned 1196  
to the student on a subject-by-subject basis. 1197

Students shall be included in the "performance index 1198  
score" in accordance with division ~~(K) (2)~~ (L) (2) of section 1199  
3302.03 of the Revised Code. 1200

(B) "Subgroup" means a subset of the entire student 1201  
population of the state, a school district, or a school building 1202  
and includes each of the following: 1203

(1) Major racial and ethnic groups; 1204

(2) Students with disabilities; 1205

(3) Economically disadvantaged students; 1206

(4) English learners; 1207

(5) Students identified as gifted in superior cognitive 1208  
ability and specific academic ability fields under Chapter 3324. 1209  
of the Revised Code. For students who are gifted in specific 1210  
academic ability fields, the department shall use data for those 1211  
students with specific academic ability in math and reading. If 1212  
any other academic field is assessed, the department shall also 1213  
include data for students with specific academic ability in that 1214

field. 1215

(6) Students in the lowest quintile for achievement 1216  
statewide, as determined by a method prescribed by the state 1217  
board of education. 1218

(C) "No Child Left Behind Act of 2001" includes the 1219  
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 1220  
waivers, or both thereto, rules and regulations promulgated 1221  
pursuant to those statutes, guidance documents, and any other 1222  
policy directives regarding implementation of that act issued by 1223  
the United States department of education. 1224

(D) "Adequate yearly progress" means a measure of annual 1225  
academic performance as calculated in accordance with the "No 1226  
Child Left Behind Act of 2001." 1227

(E) "Supplemental educational services" means additional 1228  
academic assistance, such as tutoring, remediation, or other 1229  
educational enrichment activities, that is conducted outside of 1230  
the regular school day by a provider approved by the department 1231  
in accordance with the "No Child Left Behind Act of 2001." 1232

(F) "Value-added progress dimension" means a measure of 1233  
academic gain for a student or group of students over a specific 1234  
period of time that is calculated by applying a statistical 1235  
methodology to individual student achievement data derived from 1236  
the achievement assessments prescribed by section 3301.0710 of 1237  
the Revised Code. The "value-added progress dimension" shall be 1238  
developed and implemented in accordance with section 3302.021 of 1239  
the Revised Code. 1240

(G) (1) "Four-year adjusted cohort graduation rate" means 1241  
the number of students who graduate in four years or less with a 1242  
regular high school diploma divided by the number of students 1243

who form the adjusted cohort for the graduating class. 1244

(2) "Five-year adjusted cohort graduation rate" means the 1245  
number of students who graduate in five years with a regular 1246  
high school diploma divided by the number of students who form 1247  
the adjusted cohort for the four-year graduation rate. 1248

(H) "State institution of higher education" has the same 1249  
meaning as in section 3345.011 of the Revised Code. 1250

(I) "Annual measurable objectives" means a measure of 1251  
student progress determined in accordance with an agreement 1252  
between the department of education and the United States 1253  
department of education. 1254

(J) "Community school" means a community school 1255  
established under Chapter 3314. of the Revised Code. 1256

(K) "STEM school" means a science, technology, 1257  
engineering, and mathematics school established under Chapter 1258  
3326. of the Revised Code. 1259

(L) "Entitled to attend school in the district" means 1260  
entitled to attend school in a school district under section 1261  
3313.64 or 3313.65 of the Revised Code. 1262

**Sec. 3302.02.** (A) Not later than one year after the 1263  
adoption of rules under division (D) of section 3301.0712 of the 1264  
Revised Code and at least every sixth year thereafter, upon 1265  
recommendations of the superintendent of public instruction, the 1266  
state board of education shall establish ~~a~~ all of the following: 1267

(1) A set of performance indicators that considered as a 1268  
unit will be used as one of the performance categories for the 1269  
report cards required by section 3302.03 of the Revised Code. In 1270  
establishing these indicators, the superintendent shall consider 1271

inclusion of student performance on assessments prescribed under 1272  
section 3301.0710 or 3301.0712 of the Revised Code, rates of 1273  
student improvement on such assessments, the breadth of 1274  
coursework available within the district, and other indicators 1275  
of student success. 1276

~~Beginning with the report card for the 2014-2015 school~~ 1277  
~~year, the performance indicators shall include an Beginning with~~ 1278  
~~the report card issued under section 3302.03 of the Revised Code~~ 1279  
~~for the 2021-2022 school year, the performance indicators~~ 1280  
~~prescribed under division (A)(1) of this section regarding~~ 1281  
~~student performance on state assessments shall not require a~~ 1282  
~~school district or building to attain a proficiency percentage~~ 1283  
~~to meet an indicator. Rather, the performance indicators only~~ 1284  
~~shall report proficiency percentages, trends, and comparisons.~~ 1285

(2) A performance indicator that reflects the level of 1286  
identification and services provided to, and the performance of, 1287  
students identified as gifted under Chapter 3324. of the Revised 1288  
Code. The indicator shall include the performance of students 1289  
identified as gifted on state assessments and value-added growth 1290  
measure disaggregated for students identified as gifted. The 1291  
indicator also shall disaggregate the level of identification 1292  
and services provided to underrepresented and economically 1293  
disadvantaged students. 1294

(3) A performance indicator that measures chronic 1295  
absenteeism, as determined by the department of education, in a 1296  
school district or school building. 1297

Beginning with the report card issued under section 1298  
3302.03 of the Revised Code for the 2021-2022 school year, the 1299  
performance indicators prescribed in divisions (A)(2) and (3) of 1300  
this section shall not be part of the performance indicator unit 1301

under division (A) (1) of this section. 1302

(B) For the 2013-2014 school year, except as otherwise 1303  
provided in this section, for any indicator based on the 1304  
percentage of students attaining a proficient score on the 1305  
assessments prescribed by divisions (A) and (B) (1) of section 1306  
3301.0710 of the Revised Code, a school district or building 1307  
shall be considered to have met the indicator if at least eighty 1308  
per cent of the tested students attain a score of proficient or 1309  
higher on the assessment. A school district or building shall be 1310  
considered to have met the indicator for the assessments 1311  
prescribed by division (B) (1) of section 3301.0710 of the 1312  
Revised Code and only as administered to eleventh grade 1313  
students, if at least eighty-five per cent of the tested 1314  
students attain a score of proficient or higher on the 1315  
assessment. 1316

The state board shall adopt rules, under Chapter 119. of 1317  
the Revised Code, to establish proficiency percentages to meet 1318  
each indicator that is based on a state assessment, prescribed 1319  
under section 3301.0710 or 3301.0712 of the Revised Code, for 1320  
the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019- 1321  
2020, and 2020-2021 school ~~year and thereafter years~~ by the 1322  
following dates: 1323

~~(A)~~ (1) Not later than December 31, 2015, for the 2014- 1324  
2015 school year; 1325

~~(B)~~ (2) Not later than July 1, 2016, for the 2015-2016 1326  
school year; 1327

~~(C)~~ (3) Not later than July 1, 2017, for the 2016-2017,  1328  
2017-2018, 2018-2019, 2019-2020, and 2020-2021 school ~~year, and~~ 1329  
~~for each school year thereafter years.~~ 1330

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1331  
later than July 1, 2007, the department of education shall 1332  
implement a value-added progress dimension for school districts 1333  
and buildings and shall incorporate the value-added progress 1334  
dimension into the report cards and performance ratings issued 1335  
for districts and buildings under section 3302.03 of the Revised 1336  
Code. 1337

The state board of education shall adopt rules, pursuant 1338  
to Chapter 119. of the Revised Code, for the implementation of 1339  
the value-added progress dimension. The rules adopted under this 1340  
division shall specify both of the following: 1341

(1) A scale for describing the levels of academic progress 1342  
in reading and mathematics relative to a standard year of 1343  
academic growth in those subjects for each of grades three 1344  
through eight; 1345

(2) That the department shall maintain the confidentiality 1346  
of individual student test scores and individual student reports 1347  
in accordance with sections 3301.0711, 3301.0714, and 3319.321 1348  
of the Revised Code and federal law. The department may require 1349  
school districts to use a unique identifier for each student for 1350  
this purpose. Individual student test scores and individual 1351  
student reports shall be made available only to a student's 1352  
classroom teacher and other appropriate educational personnel 1353  
and to the student's parent or guardian. 1354

(B) The department shall explore the feasibility of using 1355  
the value-added gain score and effect size to improve 1356  
differentiation and interpretation of the measure. If the 1357  
department determines that it is feasible, the state board may 1358  
update the rules adopted under division (A) of this section to 1359  
implement the use of gain index and effect size. If rules are 1360

adopted under division (A) of this section that use the gain 1361  
index and effect size, the letter grade assignment prescribed in 1362  
division (A)(1)(e) of section 3302.03 of the Revised Code no 1363  
longer applies. The rules also shall include how a letter grade 1364  
will be assigned for each level of performance. 1365

(C) The department shall use a system designed for 1366  
collecting necessary data, calculating the value-added progress 1367  
dimension, analyzing data, and generating reports, which system 1368  
has been used previously by a nonprofit organization led by the 1369  
Ohio business community for at least one year in the operation 1370  
of a pilot program in cooperation with school districts to 1371  
collect and report student achievement data via electronic means 1372  
and to provide information to the districts regarding the 1373  
academic performance of individual students, grade levels, 1374  
school buildings, and the districts as a whole. 1375

~~(C)~~ (D) The department shall not pay more than two dollars 1376  
per student for data analysis and reporting to implement the 1377  
value-added progress dimension in the same manner and with the 1378  
same services as under the pilot program described by division 1379  
(B) of this section. However, nothing in this section shall 1380  
preclude the department or any school district from entering 1381  
into a contract for the provision of more services at a higher 1382  
fee per student. Any data analysis conducted under this section 1383  
by an entity under contract with the department shall be 1384  
completed in accordance with timelines established by the 1385  
superintendent of public instruction. 1386

~~(D)~~ (E) The department shall share any aggregate student 1387  
data and any calculation, analysis, or report utilizing 1388  
aggregate student data that is generated under this section with 1389  
the chancellor of the Ohio board of regents. The department 1390



shall not share individual student test scores and individual 1391  
student reports with the chancellor. 1392

**Sec. 3302.03.** Not later than the thirty-first day of July 1393  
of each year, the department of education shall submit 1394  
preliminary report card data for overall academic performance 1395  
and for each separate performance measure for each school 1396  
district, and each school building, in accordance with this 1397  
section. 1398

Annually, not later than the fifteenth day of September or 1399  
the preceding Friday when that day falls on a Saturday or 1400  
Sunday, the department shall assign a letter grade for overall 1401  
academic performance and for each separate performance measure 1402  
for each school district, and each school building in a 1403  
district, in accordance with this section. ~~The Except as~~ 1404  
provided for in division (D) of this section, the state board of 1405  
education shall adopt rules pursuant to Chapter 119. of the 1406  
Revised Code to establish performance criteria for each letter 1407  
grade and prescribe a method by which the department assigns 1408  
each letter grade. For a school building to which any of the 1409  
performance measures do not apply, due to grade levels served by 1410  
the building, the ~~state board~~ department shall designate the 1411  
performance measures that are applicable to the building and 1412  
that must be calculated separately and used to calculate the 1413  
building's overall grade. The department shall issue annual 1414  
report cards reflecting the performance of each school district, 1415  
each building within each district, and for the state as a whole 1416  
using the performance measures and letter grade system described 1417  
in this section. The department shall include on the report card 1418  
for each district and each building within each district the 1419  
most recent two-year trend data in student achievement for each 1420  
subject and each grade. 1421

(A) (1) For the 2012-2013 school year, the department shall 1422  
issue grades as described in division ~~(E)~~ (F) of this section 1423  
for each of the following performance measures: 1424

(a) Annual measurable objectives; 1425

(b) Performance index score for a school district or 1426  
building. Grades shall be awarded as a percentage of the total 1427  
possible points on the performance index system as adopted by 1428  
the state board of education. In adopting benchmarks for 1429  
assigning letter grades under division (A) (1) (b) of this 1430  
section, the state board ~~of education~~ shall designate ninety per 1431  
cent or higher for an "A," at least seventy per cent but not 1432  
more than eighty per cent for a "C," and less than fifty per 1433  
cent for an "F." 1434

(c) The extent to which the school district or building 1435  
meets each of the applicable performance indicators established 1436  
by the state board under section 3302.02 of the Revised Code and 1437  
the percentage of applicable performance indicators that have 1438  
been achieved. In adopting benchmarks for assigning letter 1439  
grades under division (A) (1) (c) of this section, the state board 1440  
shall designate ninety per cent or higher for an "A." 1441

(d) The four- and five-year adjusted cohort graduation 1442  
rates. 1443

In adopting benchmarks for assigning letter grades under 1444  
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1445  
department shall designate a four-year adjusted cohort 1446  
graduation rate of ninety-three per cent or higher for an "A" 1447  
and a five-year cohort graduation rate of ninety-five per cent 1448  
or higher for an "A." 1449

(e) The overall score under the value-added progress 1450

dimension of a school district or building, for which the 1451  
department shall use up to three years of value-added data as 1452  
available. The letter grade assigned for this growth measure 1453  
shall be as follows: 1454

(i) A score that is at least one standard error of measure 1455  
above the mean score shall be designated as an "A." 1456

(ii) A score that is less than one standard error of 1457  
measure above but greater than one standard error of measure 1458  
below the mean score shall be designated as a "B." 1459

(iii) A score that is less than or equal to one standard 1460  
error of measure below the mean score but greater than two 1461  
standard errors of measure below the mean score shall be 1462  
designated as a "C." 1463

(iv) A score that is less than or equal to two standard 1464  
errors of measure below the mean score but is greater than three 1465  
standard errors of measure below the mean score shall be 1466  
designated as a "D." 1467

(v) A score that is less than or equal to three standard 1468  
errors of measure below the mean score shall be designated as an 1469  
"F." 1470

Whenever the value-added progress dimension is used as a 1471  
graded performance measure in this division and divisions (B) 1472  
and (C) of this section, whether as an overall measure or as a 1473  
measure of separate subgroups, the grades for the measure shall 1474  
be calculated in the same manner as prescribed in division (A) 1475  
(1) (e) of this section. 1476

(f) The value-added progress dimension score for a school 1477  
district or building disaggregated for each of the following 1478  
subgroups: students identified as gifted, students with 1479

disabilities, and students whose performance places them in the 1480  
lowest quintile for achievement on a statewide basis. Each 1481  
subgroup shall be a separate graded measure. 1482

(2) Not later than April 30, 2013, the state board of 1483  
education shall adopt a resolution describing the performance 1484  
measures, benchmarks, and grading system for the 2012-2013 1485  
school year and, not later than June 30, 2013, shall adopt rules 1486  
in accordance with Chapter 119. of the Revised Code that 1487  
prescribe the methods by which the performance measures under 1488  
division (A) (1) of this section shall be assessed and assigned a 1489  
letter grade, including performance benchmarks for each letter 1490  
grade. 1491

At least forty-five days prior to the state board's 1492  
adoption of rules to prescribe the methods by which the 1493  
performance measures under division (A) (1) of this section shall 1494  
be assessed and assigned a letter grade, the department shall 1495  
conduct a public presentation before the standing committees of 1496  
the house of representatives and the senate that consider 1497  
education legislation describing such methods, including 1498  
performance benchmarks. 1499

(3) There shall not be an overall letter grade for a 1500  
school district or building for the 2012-2013 school year. 1501

(B) (1) For the 2013-2014 ~~and 2014-2015~~ school ~~years~~year, 1502  
the department shall issue grades as described in division ~~(E)~~ 1503  
(F) of this section for each of the following performance 1504  
measures: 1505

(a) Annual measurable objectives; 1506

(b) Performance index score for a school district or 1507  
building. Grades shall be awarded as a percentage of the total 1508

possible points on the performance index system as created by 1509  
the department. In adopting benchmarks for assigning letter 1510  
grades under division (B) (1) (b) of this section, the state board 1511  
shall designate ninety per cent or higher for an "A," at least 1512  
seventy per cent but not more than eighty per cent for a "C," 1513  
and less than fifty per cent for an "F." 1514

(c) The extent to which the school district or building 1515  
meets each of the applicable performance indicators established 1516  
by the state board under section 3302.03 of the Revised Code and 1517  
the percentage of applicable performance indicators that have 1518  
been achieved. In adopting benchmarks for assigning letter 1519  
grades under division (B) (1) (c) of this section, the state board 1520  
shall designate ninety per cent or higher for an "A." 1521

(d) The four- and five-year adjusted cohort graduation 1522  
rates; 1523

(e) The overall score under the value-added progress 1524  
dimension of a school district or building, for which the 1525  
department shall use up to three years of value-added data as 1526  
available. 1527

(f) The value-added progress dimension score for a school 1528  
district or building disaggregated for each of the following 1529  
subgroups: students identified as gifted in superior cognitive 1530  
ability and specific academic ability fields under Chapter 3324. 1531  
of the Revised Code, students with disabilities, and students 1532  
whose performance places them in the lowest quintile for 1533  
achievement on a statewide basis. Each subgroup shall be a 1534  
separate graded measure. 1535

(g) Whether a school district or building is making 1536  
progress in improving literacy in grades kindergarten through 1537

three, as determined using a method prescribed by the state 1538  
board. The state board shall adopt rules to prescribe benchmarks 1539  
and standards for assigning grades to districts and buildings 1540  
for purposes of division (B) (1) (g) of this section. In adopting 1541  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1542  
and (C) (1) (g) of this section, the state board shall determine 1543  
progress made based on the reduction in the total percentage of 1544  
students scoring below grade level, or below proficient, 1545  
compared from year to year on the reading and writing diagnostic 1546  
assessments administered under section 3301.0715 of the Revised 1547  
Code and the third grade English language arts assessment under 1548  
section 3301.0710 of the Revised Code, as applicable. The state 1549  
board shall designate for a "C" grade a value that is not lower 1550  
than the statewide average value for this measure. No grade 1551  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1552  
section for a district or building in which less than five per 1553  
cent of students have scored below grade level on the diagnostic 1554  
assessment administered to students in kindergarten under 1555  
division (B) (1) of section 3313.608 of the Revised Code. 1556

(h) For a high mobility school district or building, an 1557  
additional value-added progress dimension score. For this 1558  
measure, the department shall use value-added data from the most 1559  
recent school year available and shall use assessment scores for 1560  
only those students to whom the district or building has 1561  
administered the assessments prescribed by section 3301.0710 of 1562  
the Revised Code for each of the two most recent consecutive 1563  
school years. 1564

As used in this division, "high mobility school district 1565  
or building" means a school district or building where at least 1566  
twenty-five per cent of its total enrollment is made up of 1567  
students who have attended that school district or building for 1568

less than one year. 1569

(2) In addition to the graded measures in division (B) (1) 1570  
of this section, the department shall include on a school 1571  
district's or building's report card all of the following 1572  
without an assigned letter grade: 1573

(a) The percentage of students enrolled in a district or 1574  
building participating in advanced placement classes and the 1575  
percentage of those students who received a score of three or 1576  
better on advanced placement examinations; 1577

(b) The number of a district's or building's students who 1578  
have earned at least three college credits through dual 1579  
enrollment or advanced standing programs, such as the post- 1580  
secondary enrollment options program under Chapter 3365. of the 1581  
Revised Code and state-approved career-technical courses offered 1582  
through dual enrollment or statewide articulation, that appear 1583  
on a student's transcript or other official document, either of 1584  
which is issued by the institution of higher education from 1585  
which the student earned the college credit. The credits earned 1586  
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1587  
this section shall not include any that are remedial or 1588  
developmental and shall include those that count toward the 1589  
curriculum requirements established for completion of a degree. 1590

(c) The percentage of students enrolled in a district or 1591  
building who have taken a national standardized test used for 1592  
college admission determinations and the percentage of those 1593  
students who are determined to be remediation-free in accordance 1594  
with standards adopted under division (F) of section 3345.061 of 1595  
the Revised Code; 1596

(d) The percentage of the district's or the building's 1597

students who receive industry-recognized credentials as approved 1598  
under section 3313.6113 of the Revised Code. 1599

(e) The percentage of students enrolled in a district or 1600  
building who are participating in an international baccalaureate 1601  
program and the percentage of those students who receive a score 1602  
of four or better on the international baccalaureate 1603  
examinations. 1604

(f) The percentage of the district's or building's 1605  
students who receive an honors diploma under division (B) of 1606  
section 3313.61 of the Revised Code. 1607

(3) Not later than December 31, 2013, the state board 1608  
shall adopt rules in accordance with Chapter 119. of the Revised 1609  
Code that prescribe the methods by which the performance 1610  
measures under divisions (B)(1)(f) and (B)(1)(g) of this section 1611  
will be assessed and assigned a letter grade, including 1612  
performance benchmarks for each grade. 1613

At least forty-five days prior to the state board's 1614  
adoption of rules to prescribe the methods by which the 1615  
performance measures under division (B)(1) of this section shall 1616  
be assessed and assigned a letter grade, the department shall 1617  
conduct a public presentation before the standing committees of 1618  
the house of representatives and the senate that consider 1619  
education legislation describing such methods, including 1620  
performance benchmarks. 1621

(4) There shall not be an overall letter grade for a 1622  
school district or building for the 2013-2014, 2014-2015, 2015- 1623  
2016, and 2016-2017 school years. 1624

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 1625  
2018-2019, 2019-2020, and 2020-2021 school-year and each school- 1626



~~year thereafter~~ years, the department shall issue grades as 1627  
described in division ~~(E)~~ (F) of this section for each of the 1628  
performance measures prescribed in division (C) (1) of this 1629  
section. The graded measures are as follows: 1630

(a) Annual measurable objectives. For the 2017-2018 school 1631  
year, the department shall not include any subgroup data in the 1632  
annual measurable objectives that includes data from fewer than 1633  
twenty-five students. For the 2018-2019 school year, the 1634  
department shall not include any subgroup data in the annual 1635  
measurable objectives that includes data from fewer than twenty 1636  
students. Beginning with the 2019-2020 school year, the 1637  
department shall not include any subgroup data in the annual 1638  
measurable objectives that includes data from fewer than fifteen 1639  
students. 1640

(b) Performance index score for a school district or 1641  
building. Grades shall be awarded as a percentage of the total 1642  
possible points on the performance index system as created by 1643  
the department. In adopting benchmarks for assigning letter 1644  
grades under division (C) (1) (b) of this section, the state board 1645  
shall designate ninety per cent or higher for an "A," at least 1646  
seventy per cent but not more than eighty per cent for a "C," 1647  
and less than fifty per cent for an "F." 1648

(c) The extent to which the school district or building 1649  
meets each of the applicable performance indicators established 1650  
by the state board under section 3302.03 of the Revised Code and 1651  
the percentage of applicable performance indicators that have 1652  
been achieved. In adopting benchmarks for assigning letter 1653  
grades under division (C) (1) (c) of this section, the state board 1654  
shall designate ninety per cent or higher for an "A." 1655

(d) The four- and five-year adjusted cohort graduation 1656

rates; 1657

(e) The overall score under the value-added progress 1658  
dimension, or another measure of student academic progress if 1659  
adopted by the state board, of a school district or building, 1660  
for which the department shall use up to three years of value- 1661  
added data as available. 1662

In adopting benchmarks for assigning letter grades for 1663  
overall score on value-added progress dimension under division 1664  
(C) (1) (e) of this section, the state board shall prohibit the 1665  
assigning of a grade of "A" for that measure unless the 1666  
district's or building's grade assigned for value-added progress 1667  
dimension for all subgroups under division (C) (1) (f) of this 1668  
section is a "C" or higher. 1669

For the metric prescribed by division (C) (1) (e) of this 1670  
section, the state board may adopt a student academic progress 1671  
measure to be used instead of the value-added progress 1672  
dimension. If the state board adopts such a measure, it also 1673  
shall prescribe a method for assigning letter grades for the new 1674  
measure that is comparable to the method prescribed in division 1675  
(A) (1) (e) of this section. 1676

(f) The value-added progress dimension score of a school 1677  
district or building disaggregated for each of the following 1678  
subgroups: students identified as gifted in superior cognitive 1679  
ability and specific academic ability fields under Chapter 3324. 1680  
of the Revised Code, students with disabilities, and students 1681  
whose performance places them in the lowest quintile for 1682  
achievement on a statewide basis, as determined by a method 1683  
prescribed by the state board. Each subgroup shall be a separate 1684  
graded measure. 1685

The state board may adopt student academic progress 1686  
measures to be used instead of the value-added progress 1687  
dimension. If the state board adopts such measures, it also 1688  
shall prescribe a method for assigning letter grades for the new 1689  
measures that is comparable to the method prescribed in division 1690  
(A) (1) (e) of this section. 1691

(g) Whether a school district or building is making 1692  
progress in improving literacy in grades kindergarten through 1693  
three, as determined using a method prescribed by the state 1694  
board. The state board shall adopt rules to prescribe benchmarks 1695  
and standards for assigning grades to a district or building for 1696  
purposes of division (C) (1) (g) of this section. The state board 1697  
shall designate for a "C" grade a value that is not lower than 1698  
the statewide average value for this measure. No grade shall be 1699  
issued under division (C) (1) (g) of this section for a district 1700  
or building in which less than five per cent of students have 1701  
scored below grade level on the kindergarten diagnostic 1702  
assessment under division (B) (1) of section 3313.608 of the 1703  
Revised Code. 1704

(h) For a high mobility school district or building, an 1705  
additional value-added progress dimension score. For this 1706  
measure, the department shall use value-added data from the most 1707  
recent school year available and shall use assessment scores for 1708  
only those students to whom the district or building has 1709  
administered the assessments prescribed by section 3301.0710 of 1710  
the Revised Code for each of the two most recent consecutive 1711  
school years. 1712

As used in this division, "high mobility school district 1713  
or building" means a school district or building where at least 1714  
twenty-five per cent of its total enrollment is made up of 1715

students who have attended that school district or building for 1716  
less than one year. 1717

(2) In addition to the graded measures in division (C) (1) 1718  
of this section, the department shall include on a school 1719  
district's or building's report card all of the following 1720  
without an assigned letter grade: 1721

(a) The percentage of students enrolled in a district or 1722  
building who have taken a national standardized test used for 1723  
college admission determinations and the percentage of those 1724  
students who are determined to be remediation-free in accordance 1725  
with the standards adopted under division (F) of section 1726  
3345.061 of the Revised Code; 1727

(b) The percentage of students enrolled in a district or 1728  
building participating in advanced placement classes and the 1729  
percentage of those students who received a score of three or 1730  
better on advanced placement examinations; 1731

(c) The percentage of a district's or building's students 1732  
who have earned at least three college credits through advanced 1733  
standing programs, such as the college credit plus program under 1734  
Chapter 3365. of the Revised Code and state-approved career- 1735  
technical courses offered through dual enrollment or statewide 1736  
articulation, that appear on a student's college transcript 1737  
issued by the institution of higher education from which the 1738  
student earned the college credit. The credits earned that are 1739  
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1740  
shall not include any that are remedial or developmental and 1741  
shall include those that count toward the curriculum 1742  
requirements established for completion of a degree. 1743

(d) The percentage of the district's or building's 1744

students who receive an honor's diploma under division (B) of	1745
section 3313.61 of the Revised Code;	1746
(e) The percentage of the district's or building's	1747
students who receive industry-recognized credentials as approved	1748
under section 3313.6113 of the Revised Code;	1749
(f) The percentage of students enrolled in a district or	1750
building who are participating in an international baccalaureate	1751
program and the percentage of those students who receive a score	1752
of four or better on the international baccalaureate	1753
examinations;	1754
(g) The results of the college and career-ready	1755
assessments administered under division (B) (1) of section	1756
3301.0712 of the Revised Code;	1757
(h) Whether the school district or building has	1758
implemented a positive behavior intervention and supports	1759
framework in compliance with the requirements of section 3319.46	1760
of the Revised Code, notated as a "yes" or "no" answer.	1761
(3) The state board shall adopt rules pursuant to Chapter	1762
119. of the Revised Code that establish a method to assign an	1763
overall grade for a school district or school building for the	1764
2017-2018 school year and each school year thereafter. The rules	1765
shall group the performance measures in divisions (C) (1) and (2)	1766
of this section into the following components:	1767
(a) Gap closing, which shall include the performance	1768
measure in division (C) (1) (a) of this section;	1769
(b) Achievement, which shall include the performance	1770
measures in divisions (C) (1) (b) and (c) of this section;	1771
(c) Progress, which shall include the performance measures	1772

in divisions (C) (1) (e) and (f) of this section; 1773

(d) Graduation, which shall include the performance 1774  
measure in division (C) (1) (d) of this section; 1775

(e) Kindergarten through third-grade literacy, which shall 1776  
include the performance measure in division (C) (1) (g) of this 1777  
section; 1778

(f) Prepared for success, which shall include the 1779  
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 1780  
and (f) of this section. The state board shall develop a method 1781  
to determine a grade for the component in division (C) (3) (f) of 1782  
this section using the performance measures in divisions (C) (2) 1783  
(a), (b), (c), (d), (e), and (f) of this section. When 1784  
available, the state board may incorporate the performance 1785  
measure under division (C) (2) (g) of this section into the 1786  
component under division (C) (3) (f) of this section. When 1787  
determining the overall grade for the prepared for success 1788  
component prescribed by division (C) (3) (f) of this section, no 1789  
individual student shall be counted in more than one performance 1790  
measure. However, if a student qualifies for more than one 1791  
performance measure in the component, the state board may, in 1792  
its method to determine a grade for the component, specify an 1793  
additional weight for such a student that is not greater than or 1794  
equal to 1.0. In determining the overall score under division 1795  
(C) (3) (f) of this section, the state board shall ensure that the 1796  
pool of students included in the performance measures aggregated 1797  
under that division are all of the students included in the 1798  
four- and five-year adjusted graduation cohort. 1799

In the rules adopted under division (C) (3) of this 1800  
section, the state board shall adopt a method for determining a 1801  
grade for each component in divisions (C) (3) (a) to (f) of this 1802

section. The state board also shall establish a method to assign 1803  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1804  
assigned for each component. The method the state board adopts 1805  
for assigning an overall grade shall give equal weight to the 1806  
components in divisions (C) (3) (b) and (c) of this section. 1807

At least forty-five days prior to the state board's 1808  
adoption of rules to prescribe the methods for calculating the 1809  
overall grade for the report card, as required by this division, 1810  
the department shall conduct a public presentation before the 1811  
standing committees of the house of representatives and the 1812  
senate that consider education legislation describing the format 1813  
for the report card, weights that will be assigned to the 1814  
components of the overall grade, and the method for calculating 1815  
the overall grade. 1816

(D) (1) For the 2021-2022 school year and each school year 1817  
thereafter, the department shall include on a school district's 1818  
or building's report card all of the following performance 1819  
measures without an assigned letter grade: 1820

(a) The extent to which the district or building meets the 1821  
gifted performance indicator under division (A) (2) of section 1822  
3302.02 of the Revised Code; 1823

(b) The extent to which the district or building meets the 1824  
chronic absenteeism indicator under division (A) (3) of section 1825  
3302.02 of the Revised Code; 1826

(c) Performance index score for a district or building, 1827  
according to the performance index system created by the 1828  
department; 1829

(d) The overall score under the value-added progress 1830  
dimension of a district or building, for which the department 1831

shall use three consecutive years of value-added data. In using 1832  
three years of value-added data to calculate the measure 1833  
prescribed under division (D)(1)(d) of this section, the 1834  
department shall assign a weight of fifty per cent to the most 1835  
recent year's data and a weight of twenty-five per cent to the 1836  
data of each of the other years. However, if three consecutive 1837  
years of value-added data is not available, the department shall 1838  
use prior years of value-added data to calculate the measure, as 1839  
follows: 1840

(i) If two consecutive years of value-added data is not 1841  
available, the department shall use one year of value-added data 1842  
to calculate the measure. 1843

(ii) If two consecutive years of value-added data is 1844  
available, the department shall use two consecutive years of 1845  
value-added data to calculate the measure. In using two years of 1846  
value-added data to calculate the measure, the department shall 1847  
assign a weight of sixty-seven per cent to the most recent 1848  
year's data and a weight of thirty-three per cent to the data of 1849  
the other year. 1850

(e) High school graduation rate. The high school 1851  
graduation rate shall include both the four- and five-year 1852  
adjusted cohort graduation rates. The four-year adjusted cohort 1853  
graduation rate shall be assigned a weight of sixty per cent and 1854  
the five-year graduation rate shall be assigned a weight of 1855  
forty per cent. The department also shall report each of the 1856  
four- and five-year adjusted cohort graduation rates separately. 1857

(f) The percentage of students in the district or building 1858  
who score proficient or higher on the reading segment of the 1859  
third grade English language arts assessment under section 1860  
3301.0710 of the Revised Code. 1861



To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D)(1)(f) and (g) of this section. 1862  
1863  
1864  
1865  
1866

(g) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The method shall not include a deduction for students who did not pass the third grade English language arts assessment under section 3301.0710 of the Revised Code and were not on a reading improvement and monitoring plan. 1867  
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The performance measure prescribed under division (D)(1)(g) of this section shall not be included on the report card of a district or building in which less than ten per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code. 1880  
1881  
1882  
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1885

(h) A post-secondary readiness measure. This measure shall be calculated by dividing the number of students included in the four-year adjusted graduation rate cohort who demonstrate post-secondary readiness by the total number of students included in the denominator of the four-year adjusted graduation rate cohort. Demonstration of post-secondary readiness shall include 1886  
1887  
1888  
1889  
1890  
1891

any of the following: 1892

(i) A remediation-free score, in accordance with standards 1893  
adopted under division (F) of section 3345.061 of the Revised 1894  
Code, on a nationally standardized assessment prescribed under 1895  
division (B) (1) of section 3301.0712 of the Revised Code; 1896

(ii) Attaining required scores on three or more advanced 1897  
placement or international baccalaureate examinations. The 1898  
required score for an advanced placement examination shall be a 1899  
three or better. The required score for an international 1900  
baccalaureate examination shall be a four or better. A student 1901  
may satisfy this condition with any combination of advanced 1902  
placement or international baccalaureate examinations. 1903

(iii) Earning at least twelve college credits through 1904  
advanced standing programs, such as the college credit plus 1905  
program under Chapter 3365. of the Revised Code and state- 1906  
approved career-technical courses offered through dual 1907  
enrollment or statewide articulation, that appear on a student's 1908  
college transcript issued by the institution of higher education 1909  
from which the student earned the college credit. Earned credits 1910  
reported under division (D) (1) (h) (iii) of this section shall 1911  
include credits that count toward the curriculum requirements 1912  
established for completion of a degree, but shall not include 1913  
any remedial or developmental credits. 1914

(iv) Meeting the additional criteria for an honors diploma 1915  
under division (B) of section 3313.61 of the Revised Code; 1916

(v) Earning an industry-recognized credential or license 1917  
issued by a state agency or board for practice in a vocation 1918  
that requires an examination for issuance of that license 1919  
approved under section 3313.6113 of the Revised Code; 1920

<u>(vi) Completion of a pre-apprenticeship or apprenticeship</u>	1921
<u>in the student's chosen career field;</u>	1922
<u>(vii) A score of proficient or higher on three or more</u>	1923
<u>state technical assessments aligned with section 3313.903 of the</u>	1924
<u>Revised Code in a single career pathway;</u>	1925
<u>(viii) Earning an OhioMeansJobs-readiness seal established</u>	1926
<u>under section 3313.6112 of the Revised Code and completion of</u>	1927
<u>two hundred fifty hours of an internship or other work-based</u>	1928
<u>learning experience approved by the business advisory council</u>	1929
<u>established under section 3313.82 of the Revised Code that</u>	1930
<u>represents the student's district;</u>	1931
<u>(ix) Evidence that the student has enlisted in a branch of</u>	1932
<u>the armed services of the United States as defined in section</u>	1933
<u>5910.01 of the Revised Code.</u>	1934
<u>A student who satisfies more than one of the conditions</u>	1935
<u>prescribed under this division shall be counted as one student</u>	1936
<u>for the purposes of calculating the measure prescribed under</u>	1937
<u>division (D)(1)(h) of this section.</u>	1938
<u>(2) In addition to the performance measures under division</u>	1939
<u>(D)(1) of this section, the department shall report on a</u>	1940
<u>district's or building's report card all of the following data</u>	1941
<u>without an assigned letter grade:</u>	1942
<u>(a) The applicable performance indicators established by</u>	1943
<u>the state board under division (A)(1) of section 3302.02 of the</u>	1944
<u>Revised Code;</u>	1945
<u>(b) The overall score under the value-added progress</u>	1946
<u>dimension of a district or building for the most recent school</u>	1947
<u>year;</u>	1948

(c) An average of the overall scores under the value-added progress dimension of a district or building for the three most recent school years or, if only two years of value-added data are available, for the two most recent years; 1949  
1950  
1951  
1952

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories: 1953  
1954  
1955  
1956  
1957  
1958

(i) Students who are still enrolled in the district or building and receiving general education services; 1959  
1960

(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; 1961  
1962  
1963  
1964  
1965

(iii) Students who officially withdrew from a district or building. 1966  
1967

The department may disaggregate the data prescribed under division (D) (2) (d) of this section according to other categories that the department determines are appropriate. 1968  
1969  
1970

(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code; 1971  
1972  
1973

(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card 1974  
1975  
1976  
1977

<u>is issued, including the percentage of students who:</u>	1978
<u>(i) Enrolled in a post-secondary educational institution.</u>	1979
<u>To the extent possible, the department shall disaggregate that</u>	1980
<u>data according to whether the student enrolled in a four-year</u>	1981
<u>institution of higher education, a two-year institution of</u>	1982
<u>higher education, an Ohio technical center that provides adult</u>	1983
<u>technical education services and is recognized by the chancellor</u>	1984
<u>of higher education, or another type of post-secondary</u>	1985
<u>educational institution.</u>	1986
<u>(ii) Entered an apprenticeship program registered with the</u>	1987
<u>apprenticeship council established under Chapter 4139. of the</u>	1988
<u>Revised Code. The department may include other job training</u>	1989
<u>programs with similar rigor and outcomes.</u>	1990
<u>(iii) Attained gainful employment, as determined by the</u>	1991
<u>department;</u>	1992
<u>(iv) Enlisted in a branch of the armed forces of the</u>	1993
<u>United States, as defined in section 5910.01 of the Revised</u>	1994
<u>Code.</u>	1995
<u>(g) Whether the school district or building has</u>	1996
<u>implemented a positive behavior intervention and supports</u>	1997
<u>framework in compliance with the requirements of section 3319.46</u>	1998
<u>of the Revised Code, notated with a "yes" or "no";</u>	1999
<u>(h) The number and percentage of high school seniors in</u>	2000
<u>each school year who completed the free application for federal</u>	2001
<u>student aid.</u>	2002
<u>(3) Subject to division (D)(4) of this section, the</u>	2003
<u>department shall develop a method to assign letter grades</u>	2004
<u>described in division (F) of this section for a district or</u>	2005
<u>building for the components prescribed under division (D)(3) of</u>	2006

this section. The method shall use the performance measures 2007  
prescribed under division (D) (1) of this section to calculate 2008  
letter grades for components. The method may report data under 2009  
division (D) (2) of this section with corresponding components, 2010  
but shall not use the data to calculate grades for that 2011  
component. The performance measures and reported data shall be 2012  
grouped together into components as follows: 2013

(a) Equity, which shall include the performance measures 2014  
in divisions (D) (1) (a) and (b) of this section. The department 2015  
shall not include any subgroup data in this measure that 2016  
includes data from fewer than fifteen students. In addition to 2017  
other criteria determined appropriate by the department, grades 2018  
for the equity component shall reflect all of the following: 2019

(i) The extent to which English learners develop English 2020  
language proficiency; 2021

(ii) The extent to which subgroups are meeting graduation 2022  
targets; 2023

(iii) The extent to which subgroups are meeting 2024  
achievement targets in both mathematics and English language 2025  
arts; 2026

(iv) The extent to which subgroups are meeting progress 2027  
targets in both mathematics and English language arts calculated 2028  
in the same manner as under division (D) (1) (e) of this section. 2029

(b) Achievement, which shall include the performance 2030  
measure in division (D) (1) (c) of this section and the reported 2031  
data in division (D) (2) (a) of this section. Grades for the 2032  
achievement component shall be awarded as a percentage of the 2033  
total possible points on the performance index system as created 2034  
by the department. 2035

(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 section; 2036  
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(d) Graduation, which shall include the performance measure in division (D) (1) (e) of this section and the reported data in division (D) (2) (d) of this section; 2039  
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(e) Early literacy, which shall include the performance measures in divisions (D) (1) (f) and (g) of this section and the reported data in division (D) (2) (e) of this section. If the measure prescribed under division (D) (1) (g) is included in a report card, grades for the early literacy component shall give equal weight to the measure prescribed under divisions (D) (1) (f) and (g) of this section. 2042  
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(f) Prepared for success, which shall include the performance measure in division (D) (1) (h) of this section and the reported data in division (D) (2) (f) of this section. A district or building shall not receive a letter grade lower than a "C" for the prepared for success component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D) (4) (b) of this section, more than half of districts and buildings may earn a letter grade of "C" on this component to account for the districts and buildings that earned a letter grade of "C" because they met or exceeded the level of improvement set by the department. 2049  
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(g) Under the method developed under division (D) (3) of this section, the department shall use the letter grades assigned for the components prescribed in divisions (D) (3) (a) to (f) of this section to determine and assign an overall grade of "A," "B," "C," "D," or "F" for a district or building. The 2061  
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method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section, and the combined weight of the components in divisions (D) (3) (b) and (c) of this section shall be equal to the combined weight of the components in divisions (D) (3) (a), (d), (e), and (f) of this section. For a district or building with six graded components, the weight for each component shall be: 2066  
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(i) For the equity component in division (D) (3) (a) of this section, a weight of twelve and one-half per cent; 2073  
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(ii) For the achievement component in division (D) (3) (b) of this section, a weight of twenty-five per cent; 2075  
2076

(iii) For the progress component in division (D) (3) (c) of this section, a weight of twenty five per cent; 2077  
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(iv) For the graduation component in division (D) (3) (d) of this section, a weight of twelve and one-half per cent; 2079  
2080

(v) For the early literacy component in division (D) (3) (e) of this section, a weight of twelve and one-half per cent; 2081  
2082

(vi) For the prepared for success component in division (D) (3) (f) of this section, a weight of twelve and one-half per cent. 2083  
2084  
2085

The data reported under division (D) (2) of this section shall not be used in the method to assign an overall grade. 2086  
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(4) (a) The state board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and grading system necessary to implement divisions (D) and (F) of this section, including the method to assign letter grades under division (D) (3) of this section. 2088  
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(b) In establishing the performance criteria, benchmarks, 2094  
and grading system, the state board shall consult with 2095  
stakeholder groups and advocates that represent parents, 2096  
community members, students, business leaders and educators from 2097  
different school typology regions. The state board shall use 2098  
data from prior school years and simulations to ensure that 2099  
there is meaningful differentiation among districts and 2100  
buildings across all letter grades and that, except as permitted 2101  
in division (D) (3) (f) of this section, more than half of all 2102  
districts or buildings do not earn the same letter grade in any 2103  
component or overall grade. 2104

(c) The state board shall adopt the rules prescribed by 2105  
division (D) (4) of this section not later than March 31, 2022. 2106  
However, the department shall notify districts and buildings of 2107  
the changes to the report card prescribed in law not later than 2108  
one week after the effective date of this section. 2109

(d) Prior to adopting or updating rules under division (D) 2110  
(4) of this section, the president of the state board and the 2111  
department shall conduct a public presentation before the 2112  
standing committees of the house of representatives and the 2113  
senate that consider primary and secondary education legislation 2114  
describing the format for the report card and the performance 2115  
criteria, benchmarks, and grading system, including the method 2116  
to assign letter grades under division (D) (3) of this section. 2117

(E) On or after July 1, 2015, the state board may develop 2118  
a measure of student academic progress for high school students 2119  
using only data from assessments in English language arts and 2120  
mathematics. If the state board develops this measure, each 2121  
school district and applicable school building shall be assigned 2122  
a separate letter grade for it not sooner than the 2017-2018 2123

school year. The district's or building's grade for that measure 2124  
shall not be included in determining the district's or 2125  
building's overall letter grade. 2126

~~(E)~~ (F) (1) The letter grades assigned to a school district 2127  
or building under this section shall be as follows: 2128

~~(1)~~ (a) "A" for a district or school making excellent 2129  
progress; 2130

~~(2)~~ (b) "B" for a district or school making above average 2131  
progress; 2132

~~(3)~~ (c) "C" for a district or school making average 2133  
progress; 2134

~~(4)~~ (d) "D" for a district or school making below average 2135  
progress; 2136

~~(5)~~ (e) "F" for a district or school failing to meet 2137  
minimum progress. 2138

(2) For the overall letter grade under division (D) (3) of 2139  
this section, the department shall include a descriptor for each 2140  
grade as follows: 2141

(a) "Significantly exceeds state targets" for an "A" 2142  
letter grade; 2143

(b) "Exceeds state targets" for a "B" letter grade; 2144

(c) "Meets state targets" for a "C" letter grade; 2145

(d) "Meets few state targets" for a "D" letter grade; 2146

(e) "Does not meet state targets" for an "F" letter grade. 2147

(3) For letter grades for each component under divisions 2148  
(D) (3) (a) to (f) of this section, the state board shall include 2149

a description of each component and letter grade. The 2150  
description shall include component-specific context to each 2151  
letter grade earned, estimated comparisons to other school 2152  
districts and buildings if appropriate, and any other 2153  
information determined by the state board. The descriptions 2154  
shall be not longer than twenty-five words in length when 2155  
possible. The state board may use the descriptors in division 2156  
(F) (2) of this section for component letter grades. 2157

(4) Each report card shall include both of the following: 2158

(a) A graphic that depicts the letter grades of a district 2159  
or school on a color scale. The color associated with the letter 2160  
grade of "C" shall be green and the color associated with the 2161  
letter grade of "F" shall be red. 2162

(b) An arrow graph that shows data trends for letter 2163  
grades for school districts or buildings. The state board shall 2164  
determine the data to be used for this graph, including the 2165  
number of years of data to be used. 2166

~~(F)~~(G) When reporting data on student achievement and 2167  
progress, the department shall disaggregate that data according 2168  
to the following categories: 2169

(1) Performance of students by grade-level; 2170

(2) Performance of students by race and ethnic group; 2171

(3) Performance of students by gender; 2172

(4) Performance of students grouped by those who have been 2173  
enrolled in a district or school for three or more years; 2174

(5) Performance of students grouped by those who have been 2175  
enrolled in a district or school for more than one year and less 2176  
than three years; 2177

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2178 2179
(7) Performance of students grouped by those who are economically disadvantaged;	2180 2181
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2182 2183 2184
(9) Performance of students grouped by those who are classified as English learners;	2185 2186
(10) Performance of students grouped by those who have disabilities;	2187 2188
(11) Performance of students grouped by those who are classified as migrants;	2189 2190
(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.	2191 2192 2193 2194 2195 2196 2197 2198 2199
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	2200 2201 2202
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the	2203 2204 2205

department shall disaggregate data on student performance 2206  
according to any combinations of two or more of the categories 2207  
listed in divisions ~~(F)(1)~~ (G)(1) to (13) of this section that 2208  
it deems relevant. 2209

In reporting data pursuant to division ~~(F)~~ (G) of this 2210  
section, the department shall not include in the report cards 2211  
any data statistical in nature that is statistically unreliable 2212  
or that could result in the identification of individual 2213  
students. For this purpose, the department shall not report 2214  
student performance data for any group identified in division 2215  
~~(F)~~ (G) of this section that contains less than ten students. If 2216  
the department does not report student performance data for a 2217  
group because it contains less than ten students, the department 2218  
shall indicate on the report card that is why data was not 2219  
reported. 2220

~~(G)~~ (H) The department may include with the report cards 2221  
any additional education and fiscal performance data it deems 2222  
valuable. 2223

~~(H)~~ (I) The department shall include on each report card a 2224  
list of additional information collected by the department that 2225  
is available regarding the district or building for which the 2226  
report card is issued. When available, such additional 2227  
information shall include student mobility data disaggregated by 2228  
race and socioeconomic status, college enrollment data, and the 2229  
reports prepared under section 3302.031 of the Revised Code. 2230

The department shall maintain a site on the world wide 2231  
web. The report card shall include the address of the site and 2232  
shall specify that such additional information is available to 2233  
the public at that site. The department shall also provide a 2234  
copy of each item on the list to the superintendent of each 2235

school district. The district superintendent shall provide a 2236  
copy of any item on the list to anyone who requests it. 2237

~~(I)(1)(a)~~ (J)(1)(a) Except as provided in division ~~(I)(1)~~ 2238  
~~(b)~~ (J)(1)(b) of this section, for any district that sponsors a 2239  
conversion community school under Chapter 3314. of the Revised 2240  
Code, the department shall combine data regarding the academic 2241  
performance of students enrolled in the community school with 2242  
comparable data from the schools of the district for the purpose 2243  
of determining the performance of the district as a whole on the 2244  
report card issued for the district under this section or 2245  
section 3302.033 of the Revised Code. 2246

(b) The department shall not combine data from any 2247  
conversion community school that a district sponsors if a 2248  
majority of the students enrolled in the conversion community 2249  
school are enrolled in a dropout prevention and recovery program 2250  
that is operated by the school, as described in division (A)(4) 2251  
(a) of section 3314.35 of the Revised Code. The department shall 2252  
include as an addendum to the district's report card the ratings 2253  
and performance measures that are required under section 2254  
3314.017 of the Revised Code for any community school to which 2255  
division ~~(I)(1)(b)~~ (J)(1)(b) of this section applies. This 2256  
addendum shall include, at a minimum, the data specified in 2257  
divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of 2258  
the Revised Code. 2259

(2) Any district that leases a building to a community 2260  
school located in the district or that enters into an agreement 2261  
with a community school located in the district whereby the 2262  
district and the school endorse each other's programs may elect 2263  
to have data regarding the academic performance of students 2264  
enrolled in the community school combined with comparable data 2265

from the schools of the district for the purpose of determining 2266  
the performance of the district as a whole on the district 2267  
report card. Any district that so elects shall annually file a 2268  
copy of the lease or agreement with the department. 2269

(3) Any municipal school district, as defined in section 2270  
3311.71 of the Revised Code, that sponsors a community school 2271  
located within the district's territory, or that enters into an 2272  
agreement with a community school located within the district's 2273  
territory whereby the district and the community school endorse 2274  
each other's programs, may exercise either or both of the 2275  
following elections: 2276

(a) To have data regarding the academic performance of 2277  
students enrolled in that community school combined with 2278  
comparable data from the schools of the district for the purpose 2279  
of determining the performance of the district as a whole on the 2280  
district's report card; 2281

(b) To have the number of students attending that 2282  
community school noted separately on the district's report card. 2283

The election authorized under division ~~(I) (3) (a)~~ (J) (3) (a) 2284  
of this section is subject to approval by the governing 2285  
authority of the community school. 2286

Any municipal school district that exercises an election 2287  
to combine or include data under division ~~(I) (3)~~ (J) (3) of this 2288  
section, by the first day of October of each year, shall file 2289  
with the department documentation indicating eligibility for 2290  
that election, as required by the department. 2291

~~(J)~~ (K) The department shall include on each report card 2292  
the percentage of teachers in the district or building who are 2293  
properly certified or licensed teachers, as defined in section 2294

3319.074 of the Revised Code, and a comparison of that 2295  
percentage with the percentages of such teachers in similar 2296  
districts and buildings. 2297

~~(K)(1)~~ (L)(1) In calculating English language arts, 2298  
mathematics, ~~or~~ science, American history, or American 2299  
government assessment passage rates used to determine school 2300  
district or building performance under this section, the 2301  
department shall include all students taking an assessment with 2302  
accommodation or to whom an alternate assessment is administered 2303  
pursuant to division (C)(1) or (3) of section 3301.0711 of the 2304  
Revised Code and all students who take substitute examinations 2305  
approved under division (B)(4) of section 3301.0712 of the 2306  
Revised Code in the subject areas of American history and 2307  
American government. 2308

(2) In calculating performance index scores, rates of 2309  
achievement on the performance indicators established by the 2310  
state board under section 3302.02 of the Revised Code, and 2311  
annual measurable objectives for determining adequate yearly 2312  
progress for school districts and buildings under this section, 2313  
the department shall do all of the following: 2314

(a) Include for each district or building only those 2315  
students who are included in the ADM certified for the first 2316  
full school week of October and are continuously enrolled in the 2317  
district or building through the time of the spring 2318  
administration of any assessment prescribed by division (A)(1) 2319  
or (B)(1) of section 3301.0710 or division (B) of section 2320  
3301.0712 of the Revised Code that is administered to the 2321  
student's grade level; 2322

(b) Include cumulative totals from both the fall and 2323  
spring administrations of the third grade English language arts 2324



achievement assessment and, to the extent possible, the summer 2325  
administration of that assessment; 2326

(c) Except as required by the No Child Left Behind Act of 2327  
2001, exclude for each district or building any English learner 2328  
who has been enrolled in United States schools for less than one 2329  
full school year. 2330

~~(L)~~ (M) Beginning with the 2015-2016 school year and at 2331  
least once every three years thereafter, the state board of 2332  
education shall review and may adjust the benchmarks for 2333  
assigning letter grades to the performance measures and 2334  
components prescribed under divisions (C) (3) and ~~(D)~~ (E) of this 2335  
section. 2336

**Sec. 3302.035.** (A) Not later than October 1, 2015, and not 2337  
later than the first day of October each year thereafter, the 2338  
department of education shall report for each school district, 2339  
each community school established under Chapter 3314., each STEM 2340  
school established under Chapter 3326., and each college- 2341  
preparatory boarding school established under Chapter 3328. of 2342  
the Revised Code, the following measures for students with 2343  
disabilities enrolled in that school district or community, 2344  
STEM, or college-preparatory boarding school: 2345

(1) The value-added progress dimension score, ~~as~~ 2346  
disaggregated for that subgroup ~~under division (C) (1) (f) of~~ 2347  
~~section 3302.03 of the Revised Code,~~ as determined by the 2348  
department; 2349

(2) The performance index score for that subgroup, as 2350  
defined under division (A) of section 3302.01 of the Revised 2351  
Code; 2352

(3) The four- and five-year adjusted cohort graduation 2353

rates, as defined under divisions (G) (1) and (2) of section 2354  
3302.01 of the Revised Code, for that subgroup. 2355

(B) The department shall make each report completed 2356  
pursuant to division (A) of this section available on its web 2357  
site for comparison purposes. 2358

Sec. 3302.037. (A) Not more than thirty days after the 2359  
department of education issues report cards under section 2360  
3302.03 of the Revised Code, each school district and school 2361  
building shall do the following: 2362

(1) Notify parents that the report card has been released 2363  
and how parents can access the report card. Notification may 2364  
include mailed letters, emails, newsletters, or any other 2365  
proactive notification method used by districts and buildings to 2366  
contact parents. 2367

(2) Include a link to the report card on the district's or 2368  
school's web site. 2369

(B) Each superintendent of a school district shall present 2370  
the results of the district's report card to the school district 2371  
board of education not later than thirty days after the report 2372  
cards are issued under section 3302.03 of the Revised Code. 2373

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2374  
this section, for the 2014-2015 school year, and for each school 2375  
year thereafter, when a provision refers to a school district or 2376  
school building in a state of academic emergency, it shall mean 2377  
a district or building rated "F"; when a provision refers to a 2378  
school district or school building under an academic watch, it 2379  
shall mean a district or building rated "D"; and when a 2380  
provision refers to a school district or school building in need 2381  
of continuous improvement, it shall mean a district or building 2382

rated "C" as those letter grade ratings for overall performance 2383  
are assigned under division (C) (3) or (D) (3) of section 3302.03 2384  
of the Revised Code, as it exists on or after March 22, 2013. 2385

(A) The department of education shall establish a system 2386  
of intensive, ongoing support for the improvement of school 2387  
districts and school buildings. In accordance with the model of 2388  
differentiated accountability described in section 3302.041 of 2389  
the Revised Code, the system shall give priority to the 2390  
following: 2391

(1) For any school year prior to the 2012-2013 school 2392  
year, districts and buildings that have been declared to be 2393  
under an academic watch or in a state of academic emergency 2394  
under section 3302.03 of the Revised Code; 2395

(2) For the 2012-2013 school year, and for each school 2396  
year thereafter, districts and buildings in the manner 2397  
prescribed by any agreement currently in force between the 2398  
department and the United States department of education. The 2399  
department shall endeavor to include schools and buildings that 2400  
receive grades under section 3302.03 of the Revised Code that 2401  
the department considers to be low performing. 2402

The system shall include services provided to districts 2403  
and buildings through regional service providers, such as 2404  
educational service centers. The system may include the 2405  
appointment of an improvement coordinator for any of the lowest 2406  
performing districts, as determined by the department, to 2407  
coordinate the district's academic improvement efforts and to 2408  
build support among the community for those efforts. 2409

(B) This division does not apply to any school district 2410  
after June 30, 2008. 2411

When a school district has been notified by the department 2412  
pursuant to section 3302.03 of the Revised Code that the 2413  
district or a building within the district has failed to make 2414  
adequate yearly progress for two consecutive school years, the 2415  
district shall develop a three-year continuous improvement plan 2416  
for the district or building containing each of the following: 2417

(1) An analysis of the reasons for the failure of the 2418  
district or building to meet any of the applicable performance 2419  
indicators established under section 3302.02 of the Revised Code 2420  
that it did not meet and an analysis of the reasons for its 2421  
failure to make adequate yearly progress; 2422

(2) Specific strategies that the district or building will 2423  
use to address the problems in academic achievement identified 2424  
in division (B) (1) of this section; 2425

(3) Identification of the resources that the district will 2426  
allocate toward improving the academic achievement of the 2427  
district or building; 2428

(4) A description of any progress that the district or 2429  
building made in the preceding year toward improving its 2430  
academic achievement; 2431

(5) An analysis of how the district is utilizing the 2432  
professional development standards adopted by the state board 2433  
pursuant to section 3319.61 of the Revised Code; 2434

(6) Strategies that the district or building will use to 2435  
improve the cultural competency, as defined pursuant to section 2436  
3319.61 of the Revised Code, of teachers and other educators. 2437

No three-year continuous improvement plan shall be 2438  
developed or adopted pursuant to this division unless at least 2439  
one public hearing is held within the affected school district 2440

or building concerning the final draft of the plan. Notice of 2441  
the hearing shall be given two weeks prior to the hearing by 2442  
publication in one newspaper of general circulation within the 2443  
territory of the affected school district or building. Copies of 2444  
the plan shall be made available to the public. 2445

(C) (1) For any school year prior to the school year that 2446  
begins on July 1, 2012, when a school district or building has 2447  
been notified by the department pursuant to section 3302.03 of 2448  
the Revised Code that the district or building is under an 2449  
academic watch or in a state of academic emergency, the district 2450  
or building shall be subject to any rules establishing 2451  
intervention in academic watch or emergency school districts or 2452  
buildings. 2453

(2) For the 2012-2013 school year, and for each school 2454  
year thereafter, a district or building that meets the 2455  
conditions for intervention prescribed by the agreement 2456  
described in division (A) (2) of this section shall be subject to 2457  
any rules establishing such intervention. 2458

(D) (1) For any school year prior to the 2012-2013 school 2459  
year, within one hundred twenty days after any school district 2460  
or building is declared to be in a state of academic emergency 2461  
under section 3302.03 of the Revised Code, the department may 2462  
initiate a site evaluation of the building or school district. 2463

(2) For the 2012-2013 school year, and for each school 2464  
year thereafter, the department may initiate a site evaluation 2465  
of a building or school district that meets the conditions for a 2466  
site evaluation prescribed by the agreement described in 2467  
division (A) (2) of this section. 2468

(3) Division (D) (3) of this section does not apply to any 2469

school district after June 30, 2008. 2470

If any school district that is declared to be in a state 2471  
of academic emergency or in a state of academic watch under 2472  
section 3302.03 of the Revised Code or encompasses a building 2473  
that is declared to be in a state of academic emergency or in a 2474  
state of academic watch fails to demonstrate to the department 2475  
satisfactory improvement of the district or applicable buildings 2476  
or fails to submit to the department any information required 2477  
under rules established by the state board of education, prior 2478  
to approving a three-year continuous improvement plan under 2479  
rules established by the state board of education, the 2480  
department shall conduct a site evaluation of the school 2481  
district or applicable buildings to determine whether the school 2482  
district is in compliance with minimum standards established by 2483  
law or rule. 2484

(4) Division (D) (4) of this section does not apply to any 2485  
school district after June 30, 2008. Site evaluations conducted 2486  
under divisions (D) (1), (2), and (3) of this section shall 2487  
include, but not be limited to, the following: 2488

(a) Determining whether teachers are assigned to subject 2489  
areas for which they are licensed or certified; 2490

(b) Determining pupil-teacher ratios; 2491

(c) Examination of compliance with minimum instruction 2492  
time requirements for each school day and for each school year; 2493

(d) Determining whether materials and equipment necessary 2494  
to implement the curriculum approved by the school district 2495  
board are available; 2496

(e) Examination of whether the teacher and principal 2497  
evaluation systems comply with sections 3311.80, 3311.84, 2498

3319.02, and 3319.111 of the Revised Code;	2499
(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.	2500 2501 2502
(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.	2503 2504 2505 2506 2507 2508
(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:	2509 2510 2511
(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 performance of the building and any progress achieved toward that goal in the immediately preceding school year.	2512 2513 2514 2515 2516 2517 2518
(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it	2519 2520 2521 2522 2523 2524 2525 2526 2527

receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

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

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



(b) If the building receives funds under Title I, Part A 2558  
of the "Elementary and Secondary Education Act of 1965," 20 2559  
U.S.C. 6311 to 6339, from the district, offer supplemental 2560  
educational services to students who are enrolled in the 2561  
building and who are in the subgroup described in division (B) 2562  
(3) of section 3302.01 of the Revised Code. 2563

The district shall spend a combined total of an amount 2564  
equal to twenty per cent of the funds it receives under Title I, 2565  
Part A of the "Elementary and Secondary Education Act of 1965," 2566  
20 U.S.C. 6311 to 6339, to provide transportation for students 2567  
who enroll in alternative buildings under division (E) (1) (b) or 2568  
(E) (2) (a) of this section and to pay the costs of the 2569  
supplemental educational services provided to students under 2570  
division (E) (2) (b) of this section, unless the district can 2571  
satisfy all demand for transportation and pay the costs of 2572  
supplemental educational services for those students who request 2573  
them with a lesser amount. In allocating funds between the 2574  
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2575  
this section, the district shall spend at least an amount equal 2576  
to five per cent of the funds it receives under Title I, Part A 2577  
of the "Elementary and Secondary Education Act of 1965," 20 2578  
U.S.C. 6311 to 6339, to provide transportation for students who 2579  
enroll in alternative buildings under division (E) (1) (b) or (E) 2580  
(2) (a) of this section, unless the district can satisfy all 2581  
demand for transportation with a lesser amount, and at least an 2582  
amount equal to five per cent of the funds it receives under 2583  
Title I, Part A of the "Elementary and Secondary Education Act 2584  
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2585  
supplemental educational services provided to students under 2586  
division (E) (2) (b) of this section, unless the district can pay 2587  
the costs of such services for all students requesting them with 2588

a lesser amount. If an amount equal to twenty per cent of the 2589  
funds the district receives under Title I, Part A of the 2590  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2591  
to 6339, is insufficient to satisfy all demand for 2592  
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2593  
section and to pay the costs of all of the supplemental 2594  
educational services provided to students under division (E) (2) 2595  
(b) of this section, the district shall grant priority over all 2596  
other students in providing transportation and in paying the 2597  
costs of supplemental educational services to the lowest 2598  
achieving students among the subgroup described in division (B) 2599  
(3) of section 3302.01 of the Revised Code. 2600

Any district that does not receive funds under Title I, 2601  
Part A of the "Elementary and Secondary Education Act of 1965," 2602  
20 U.S.C. 6311 to 6339, shall not be required to provide 2603  
transportation to any student who enrolls in an alternative 2604  
building under division (E) (2) (a) of this section or to pay the 2605  
costs of supplemental educational services provided to any 2606  
student under division (E) (2) (b) of this section. 2607

No student who enrolls in an alternative building under 2608  
division (E) (2) (a) of this section shall be eligible for 2609  
supplemental educational services under division (E) (2) (b) of 2610  
this section. 2611

(3) For any school building that fails to make adequate 2612  
yearly progress for four consecutive school years, the district 2613  
shall continue to comply with division (E) (2) of this section 2614  
and shall implement at least one of the following options with 2615  
respect to the building: 2616

(a) Institute a new curriculum that is consistent with the 2617  
statewide academic standards adopted pursuant to division (A) of 2618

section 3301.079 of the Revised Code;	2619
(b) Decrease the degree of authority the building has to manage its internal operations;	2620 2621
(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.	2622 2623 2624 2625
(d) Extend the length of the school day or year;	2626
(e) Replace the building principal or other key personnel;	2627
(f) Reorganize the administrative structure of the building.	2628 2629
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2630 2631 2632 2633 2634 2635
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2636 2637
(b) Replace personnel;	2638
(c) Contract with a nonprofit or for-profit entity to operate the building;	2639 2640
(d) Turn operation of the building over to the department;	2641
(e) Other significant restructuring of the building's governance.	2642 2643
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district	2644 2645

shall continue to comply with division (E) (2) of this section 2646  
and shall implement the plan developed pursuant to division (E) 2647  
(4) of this section. 2648

(6) A district shall continue to comply with division (E) 2649  
(1) (b) or (E) (2) of this section, whichever was most recently 2650  
applicable, with respect to any building formerly subject to one 2651  
of those divisions until the building makes adequate yearly 2652  
progress for two consecutive school years. 2653

(F) This division applies only to school districts that 2654  
have been identified for improvement by the department pursuant 2655  
to the "No Child Left Behind Act of 2001." It does not apply to 2656  
any such district after June 30, 2008. 2657

(1) If a school district has been identified for 2658  
improvement for one school year, the district shall provide a 2659  
written description of the continuous improvement plan developed 2660  
by the district pursuant to division (B) of this section to the 2661  
parent or guardian of each student enrolled in the district. If 2662  
the district does not have a continuous improvement plan, the 2663  
district shall develop such a plan in accordance with division 2664  
(B) of this section and provide a written description of the 2665  
plan to the parent or guardian of each student enrolled in the 2666  
district. 2667

(2) If a school district has been identified for 2668  
improvement for two consecutive school years, the district shall 2669  
continue to implement the continuous improvement plan developed 2670  
by the district pursuant to division (B) or (F) (1) of this 2671  
section. 2672

(3) If a school district has been identified for 2673  
improvement for three consecutive school years, the department 2674

shall take at least one of the following corrective actions with respect to the district: 2675  
2676

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2677  
2678  
2679

(b) Direct the district to replace key district personnel; 2680

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code; 2681  
2682  
2683

(d) Establish alternative forms of governance for individual school buildings within the district; 2684  
2685

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education. 2686  
2687

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department. 2688  
2689  
2690

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F) (3) of this section with respect to the district. 2691  
2692  
2693  
2694  
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(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F) (3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F) (3) of this section with respect to the district. 2696  
2697  
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2701  
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(G) The department may establish a state intervention team 2703  
to evaluate all aspects of a school district or building, 2704  
including management, curriculum, instructional methods, 2705  
resource allocation, and scheduling. Any such intervention team 2706  
shall be appointed by the department and shall include teachers 2707  
and administrators recognized as outstanding in their fields. 2708  
The intervention team shall make recommendations regarding 2709  
methods for improving the performance of the district or 2710  
building. 2711

The department shall not approve a district's request for 2712  
an intervention team under division (E) (3) of this section if 2713  
the department cannot adequately fund the work of the team, 2714  
unless the district agrees to pay for the expenses of the team. 2715

(H) The department shall conduct individual audits of a 2716  
sampling of community schools established under Chapter 3314. of 2717  
the Revised Code to determine compliance with this section. 2718

(I) The state board shall adopt rules for implementing 2719  
this section. 2720

**Sec. 3302.05.** The state board of education shall adopt 2721  
rules freeing school districts from specified state mandates if 2722  
one of the following applies: 2723

(A) For the 2011-2012 school year, the school district was 2724  
declared to be excellent under section 3302.03 of the Revised 2725  
Code, as that section existed prior to March 22, 2013, and had 2726  
above expected growth in the overall value-added measure. 2727

(B) For the 2012-2013 school year, the school district 2728  
received a grade of "A" for the number of performance indicators 2729  
met under division (A) (1) (c) of section 3302.03 of the Revised 2730  
Code and for the value-added dimension under division (A) (1) (e) 2731

of section 3302.03 of the Revised Code. 2732

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 2733  
year, the school district received a grade of "A" for the number 2734  
of performance indicators met under division (B) (1) (c) of 2735  
section 3302.03 of the Revised Code and for the value-added 2736  
dimension under division (B) (1) (e) of section 3302.03 of the 2737  
Revised Code. 2738

(D) For the 2016-2017 school year and for each school year 2739  
thereafter, the school district received an overall grade of "A" 2740  
under division (C) (3) or (D) (3) of section 3302.03 of the 2741  
Revised Code. 2742

Any mandates included in the rules shall be only those 2743  
statutes or rules pertaining to state education requirements. 2744  
The rules shall not exempt districts from any operating standard 2745  
adopted under division (D) (3) of section 3301.07 of the Revised 2746  
Code. 2747

**Sec. 3302.10.** (A) The superintendent of public instruction 2748  
shall establish an academic distress commission for any school 2749  
district that meets one of the following conditions: 2750

(1) The district has received an overall grade of "F" 2751  
under division (C) (3) or (D) (3) of section 3302.03 of the 2752  
Revised Code for three consecutive years. 2753

(2) An academic distress commission established for the 2754  
district under former section 3302.10 of the Revised Code was 2755  
still in existence ~~on the effective date of this section~~ October 2756  
15, 2015, and has been in existence for at least four years. 2757

(B) (1) The academic distress commission shall consist of 2758  
five members as follows: 2759

(a) Three members appointed by the state superintendent, 2760  
one of whom is a resident in the county in which a majority of 2761  
the district's territory is located; 2762

(b) One member appointed by the president of the district 2763  
board of education, who shall be a teacher employed by the 2764  
district; 2765

(c) One member appointed by the mayor of the municipality 2766  
in which a majority of the district's territory is located or, 2767  
if no such municipality exists, by the mayor of a municipality 2768  
selected by the state superintendent in which the district has 2769  
territory. 2770

Appointments to the commission shall be made within thirty 2771  
days after the district is notified that it is subject to this 2772  
section. Members of the commission shall serve at the pleasure 2773  
of their appointing authority. The state superintendent shall 2774  
designate a chairperson for the commission from among the 2775  
members appointed by the state superintendent. The chairperson 2776  
shall call and conduct meetings, set meeting agendas, and serve 2777  
as a liaison between the commission and the chief executive 2778  
officer appointed under division (C) (1) of this section. 2779

(2) In the case of a school district that meets the 2780  
condition in division (A) (2) of this section, the academic 2781  
distress commission established for the district under former 2782  
section 3302.10 of the Revised Code shall be abolished and a new 2783  
academic distress commission shall be appointed for the district 2784  
pursuant to division (B) (1) of this section. 2785

(C) (1) Within sixty days after the state superintendent 2786  
has designated a chairperson for the academic distress 2787  
commission, the commission shall appoint a chief executive 2788



officer for the district, who shall be paid by the department of	2789
education and shall serve at the pleasure of the commission. The	2790
individual appointed as chief executive officer shall have high-	2791
level management experience in the public or private sector. The	2792
chief executive officer shall exercise complete operational,	2793
managerial, and instructional control of the district, which	2794
shall include, but shall not be limited to, the following powers	2795
and duties, but the chief executive officer may delegate, in	2796
writing, specific powers or duties to the district board or	2797
district superintendent:	2798
(a) Replacing school administrators and central office	2799
staff;	2800
(b) Assigning employees to schools and approving	2801
transfers;	2802
(c) Hiring new employees;	2803
(d) Defining employee responsibilities and job	2804
descriptions;	2805
(e) Establishing employee compensation;	2806
(f) Allocating teacher class loads;	2807
(g) Conducting employee evaluations;	2808
(h) Making reductions in staff under section 3319.17,	2809
3319.171, or 3319.172 of the Revised Code;	2810
(i) Setting the school calendar;	2811
(j) Creating a budget for the district;	2812
(k) Contracting for services for the district;	2813
(l) Modifying policies and procedures established by the	2814
district board;	2815

(m) Establishing grade configurations of schools;	2816
(n) Determining the school curriculum;	2817
(o) Selecting instructional materials and assessments;	2818
(p) Setting class sizes;	2819
(q) Providing for staff professional development.	2820
(2) If an improvement coordinator was previously appointed	2821
for the district pursuant to division (A) of section 3302.04 of	2822
the Revised Code, that position shall be terminated. However,	2823
nothing in this section shall prohibit the chief executive	2824
officer from employing the same individual or other staff to	2825
perform duties or functions previously performed by the	2826
improvement coordinator.	2827
(D) The academic distress commission, in consultation with	2828
the state superintendent and the chief executive officer, shall	2829
be responsible for expanding high-quality school choice options	2830
in the district. The commission, in consultation with the state	2831
superintendent, may create an entity to act as a high-quality	2832
school accelerator for schools not operated by the district. The	2833
accelerator shall promote high-quality schools in the district,	2834
lead improvement efforts for underperforming schools, recruit	2835
high-quality sponsors for community schools, attract new high-	2836
quality schools to the district, and increase the overall	2837
capacity of schools to deliver a high-quality education for	2838
students. Any accelerator shall be an independent entity and the	2839
chief executive officer shall have no authority over the	2840
accelerator.	2841
(E) (1) Within thirty days after the chief executive	2842
officer is appointed, the chief executive officer shall convene	2843
a group of community stakeholders. The purpose of the group	2844

shall be to develop expectations for academic improvement in the 2845  
district and to assist the district in building relationships 2846  
with organizations in the community that can provide needed 2847  
services to students. Members of the group shall include, but 2848  
shall not be limited to, educators, civic and business leaders, 2849  
and representatives of institutions of higher education and 2850  
government service agencies. Within ninety days after the chief 2851  
executive officer is appointed, the chief executive officer also 2852  
shall convene a smaller group of community stakeholders for each 2853  
school operated by the district to develop expectations for 2854  
academic improvement in that school. The group convened for each 2855  
school shall have teachers employed in the school and parents of 2856  
students enrolled in the school among its members. 2857

(2) The chief executive officer shall create a plan to 2858  
improve the district's academic performance. In creating the 2859  
plan, the chief executive officer shall consult with the groups 2860  
convened under division (E)(1) of this section. The chief 2861  
executive officer also shall consider the availability of 2862  
funding to ensure sustainability of the plan. The plan shall 2863  
establish clear, measurable performance goals for the district 2864  
and for each school operated by the district. The performance 2865  
goals shall include, but not be limited to, the performance 2866  
measures prescribed for report cards issued under section 2867  
3302.03 of the Revised Code. Within ninety days after the chief 2868  
executive officer is appointed, the chief executive officer 2869  
shall submit the plan to the academic distress commission for 2870  
approval. Within thirty days after the submission of the plan, 2871  
the commission shall approve the plan or suggest modifications 2872  
to the plan that will render it acceptable. If the commission 2873  
suggests modifications, the chief executive officer may revise 2874  
the plan before resubmitting it to the commission. The chief 2875

executive officer shall resubmit the plan, whether revised or 2876  
not, within fifteen days after the commission suggests 2877  
modifications. The commission shall approve the plan within 2878  
thirty days after the plan is resubmitted. Upon approval of the 2879  
plan by the commission, the chief executive officer shall 2880  
implement the plan. 2881

(F) Notwithstanding any provision to the contrary in 2882  
Chapter 4117. of the Revised Code, if the district board has 2883  
entered into, modified, renewed, or extended a collective 2884  
bargaining agreement on or after ~~the effective date of this~~ 2885  
~~section~~ October 15, 2015, that contains provisions relinquishing 2886  
one or more of the rights or responsibilities listed in division 2887  
(C) of section 4117.08 of the Revised Code, those provisions are 2888  
not enforceable and the chief executive officer and the district 2889  
board shall resume holding those rights or responsibilities as 2890  
if the district board had not relinquished them in that 2891  
agreement until such time as both the academic distress 2892  
commission ceases to exist and the district board agrees to 2893  
relinquish those rights or responsibilities in a new collective 2894  
bargaining agreement. For purposes of this section, "collective 2895  
bargaining agreement" shall include any labor contract or 2896  
agreement in effect with any applicable bargaining 2897  
representative. The chief executive officer and the district 2898  
board are not required to bargain on subjects reserved to the 2899  
management and direction of the school district, including, but 2900  
not limited to, the rights or responsibilities listed in 2901  
division (C) of section 4117.08 of the Revised Code. The way in 2902  
which these subjects and these rights or responsibilities may 2903  
affect the wages, hours, terms and conditions of employment, or 2904  
the continuation, modification, or deletion of an existing 2905  
provision of a collective bargaining agreement is not subject to 2906

collective bargaining or effects bargaining under Chapter 4117. 2907  
of the Revised Code. The provisions of this paragraph apply to a 2908  
collective bargaining agreement entered into, modified, renewed, 2909  
or extended on or after ~~the effective date of this section~~ 2910  
October 15, 2015, and those provisions are deemed to be part of 2911  
that agreement regardless of whether the district satisfied the 2912  
conditions prescribed in division (A) of this section at the 2913  
time the district entered into that agreement. If the district 2914  
board relinquished one or more of the rights or responsibilities 2915  
listed in division (C) of section 4117.08 of the Revised Code in 2916  
a collective bargaining agreement entered into prior to ~~the~~ 2917  
~~effective date of this section~~ October 15, 2015, and had resumed 2918  
holding those rights or responsibilities pursuant to division 2919  
(K) of former section 3302.10 of the Revised Code, as it existed 2920  
prior to that date, the district board shall continue to hold 2921  
those rights or responsibilities until such time as both the new 2922  
academic distress commission appointed under this section ceases 2923  
to exist upon completion of the transition period specified in 2924  
division (N)(1) of this section and the district board agrees to 2925  
relinquish those rights or responsibilities in a new collective 2926  
bargaining agreement. 2927

(G) In each school year that the district is subject to 2928  
this section, the following shall apply: 2929

(1) The chief executive officer shall implement the 2930  
improvement plan approved under division (E)(2) of this section 2931  
and shall review the plan annually to determine if changes are 2932  
needed. The chief executive officer may modify the plan upon the 2933  
approval of the modifications by the academic distress 2934  
commission. 2935

(2) The chief executive officer may implement innovative 2936

education programs to do any of the following:	2937
(a) Address the physical and mental well-being of students and their families;	2938 2939
(b) Provide mentoring;	2940
(c) Provide job resources;	2941
(d) Disseminate higher education information;	2942
(e) Offer recreational or cultural activities;	2943
(f) Provide any other services that will contribute to a successful learning environment.	2944 2945
 The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.	2946 2947 2948 2949 2950 2951 2952 2953
 (3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of	2954 2955 2956 2957 2958 2959 2960 2961 2962 2963 2964

the Revised Code and an application for the student may be 2965  
submitted during the next application period. 2966

(4) Notwithstanding anything to the contrary in the 2967  
Revised Code, the chief executive officer may limit, suspend, or 2968  
alter any contract with an administrator that is entered into, 2969  
modified, renewed, or extended by the district board on or after 2970  
~~the effective date of this section, October 15, 2015,~~ provided 2971  
that the chief executive officer shall not reduce any salary or 2972  
base hourly rate of pay unless such salary or base hourly rate 2973  
reductions are part of a uniform plan affecting all district 2974  
employees and shall not reduce any insurance benefits unless 2975  
such insurance benefit reductions are also applicable generally 2976  
to other employees of the district. 2977

(5) The chief executive officer shall represent the 2978  
district board during any negotiations to modify, renew, or 2979  
extend a collective bargaining agreement entered into by the 2980  
board under Chapter 4117. of the Revised Code. 2981

(H) If the report card for the district has been issued 2982  
under section 3302.03 of the Revised Code for the first school 2983  
year that the district is subject to this section and the 2984  
district does not meet the qualification in division (N) (1) of 2985  
this section, the following shall apply: 2986

(1) The chief executive officer may reconstitute any 2987  
school operated by the district. The chief executive officer 2988  
shall present to the academic distress commission a plan that 2989  
lists each school designated for reconstitution and explains how 2990  
the chief executive officer plans to reconstitute the school. 2991  
The chief executive officer may take any of the following 2992  
actions to reconstitute a school: 2993

(a) Change the mission of the school or the focus of its curriculum;	2994 2995
(b) Replace the school's principal and/or administrative staff;	2996 2997
(c) Replace a majority of the school's staff, including teaching and nonteaching employees;	2998 2999
(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.	3000 3001 3002 3003
(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;	3004 3005 3006
(f) Permanently close the school.	3007
If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.	3008 3009 3010 3011 3012 3013 3014
(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after <del>the effective date of this section</del> <u>October 15, 2015</u> , for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a	3015 3016 3017 3018 3019 3020 3021 3022



collective bargaining agreement as subject to reopening by 3023  
providing written notice to the bargaining representative. Any 3024  
provisions designated for reopening by the chief executive 3025  
officer shall be subject to collective bargaining as set forth 3026  
in Chapter 4117. of the Revised Code. Any changes to the 3027  
provisions subject to reopening shall take effect on the 3028  
following first day of July or another date agreed to by the 3029  
parties. The chief executive officer may reopen a collective 3030  
bargaining agreement under division (H) (2) of this section as 3031  
necessary to reconstitute a school under division (H) (1) of this 3032  
section. 3033

(I) If the report card for the district has been issued 3034  
under section 3302.03 of the Revised Code for the second school 3035  
year that the district is subject to this section and the 3036  
district does not meet the qualification in division (N) (1) of 3037  
this section, the following shall apply: 3038

(1) The chief executive officer may exercise any of the 3039  
powers authorized under division (H) of this section. 3040

(2) Notwithstanding any provision to the contrary in 3041  
Chapter 4117. of the Revised Code, the chief executive officer 3042  
may limit, suspend, or alter any provision of a collective 3043  
bargaining agreement entered into, modified, renewed, or 3044  
extended on or after ~~the effective date of this section~~ October 3045  
15, 2015, provided that the chief executive officer shall not 3046  
reduce any base hourly rate of pay and shall not reduce any 3047  
insurance benefits. The decision to limit, suspend, or alter any 3048  
provision of a collective bargaining agreement under this 3049  
division is not subject to bargaining under Chapter 4117. of the 3050  
Revised Code; however, the chief executive officer shall have 3051  
the discretion to engage in effects bargaining on the way any 3052

such decision may affect wages, hours, or terms and conditions 3053  
of employment. The chief executive officer may limit, suspend, 3054  
or alter a provision of a collective bargaining agreement under 3055  
division (I) (2) of this section as necessary to reconstitute a 3056  
school under division (H) (1) of this section. 3057

(J) If the report card for the district has been issued 3058  
under section 3302.03 of the Revised Code for the third school 3059  
year that the district is subject to this section and the 3060  
district does not meet the qualification in division (N) (1) of 3061  
this section, the following shall apply: 3062

(1) The chief executive officer may exercise any of the 3063  
powers authorized under division (H) or (I) of this section. 3064

(2) The chief executive officer may continue in effect a 3065  
limitation, suspension, or alteration of a provision of a 3066  
collective bargaining agreement issued under division (I) (2) of 3067  
this section. Any such continuation shall be subject to the 3068  
requirements and restrictions of that division. 3069

(K) If the report card for the district has been issued 3070  
under section 3302.03 of the Revised Code for the fourth school 3071  
year that the district is subject to this section and the 3072  
district does not meet the qualification in division (N) (1) of 3073  
this section, the following shall apply: 3074

(1) The chief executive officer may exercise any of the 3075  
powers authorized under division (H), (I), or (J) of this 3076  
section. 3077

(2) A new board of education shall be appointed for the 3078  
district in accordance with section 3302.11 of the Revised Code. 3079  
However, the chief executive officer shall retain complete 3080  
operational, managerial, and instructional control of the 3081

district until the chief executive officer relinquishes that 3082  
control to the district board under division (N) (1) of this 3083  
section. 3084

(L) If the report card for the district has been issued 3085  
under section 3302.03 of the Revised Code for the fifth school 3086  
year, or any subsequent school year, that the district is 3087  
subject to this section and the district does not meet the 3088  
qualification in division (N) (1) of this section, the chief 3089  
executive officer may exercise any of the powers authorized 3090  
under division (H), (I), (J), or (K) (1) of this section. 3091

(M) If division (I), (J), (K), or (L) of this section 3092  
applies to a district, community schools, STEM schools, 3093  
chartered nonpublic schools, and other school districts that 3094  
enroll students residing in the district and meet academic 3095  
accountability standards shall be eligible to be paid an 3096  
academic performance bonus in each fiscal year for which the 3097  
general assembly appropriates funds for that purpose. The 3098  
academic performance bonus is intended to give students residing 3099  
in the district access to a high-quality education by 3100  
encouraging high-quality schools to enroll those students. 3101

(N) (1) When a district subject to this section receives an 3102  
overall grade of "C" or higher under division (C) (3) or (D) (3) 3103  
of section 3302.03 of the Revised Code, the district shall begin 3104  
its transition out of being subject to this section. Except as 3105  
provided in division (N) (2) of this section, the transition 3106  
period shall last until the district has received an overall 3107  
grade higher than "F" under division (C) (3) or (D) (3) of section 3108  
3302.03 of the Revised Code for two consecutive school years 3109  
after the transition period begins. The overall grade of "C" or 3110  
higher that qualifies the district to begin the transition 3111

period shall not count as one of the two consecutive school 3112  
years. During the transition period, the conditions described in 3113  
divisions (F) to (L) of this section for the school year prior 3114  
to the school year in which the transition period begins shall 3115  
continue to apply and the chief executive officer shall work 3116  
closely with the district board and district superintendent to 3117  
increase their ability to resume control of the district and 3118  
sustain the district's academic improvement over time. Upon 3119  
completion of the transition period, the chief executive officer 3120  
shall relinquish all operational, managerial, and instructional 3121  
control of the district to the district board and district 3122  
superintendent and the academic distress commission shall cease 3123  
to exist. 3124

(2) If the district receives an overall grade of "F" under 3125  
division (C) (3) or (D) (3) of section 3302.03 of the Revised Code 3126  
at any time during the transition period, the transition period 3127  
shall end and the district shall be fully subject to this 3128  
section again. The district shall resume being fully subject to 3129  
this section at the point it began its transition out of being 3130  
subject to this section and the division in divisions (H) to (L) 3131  
of this section that would have applied to the district had the 3132  
district not qualified to begin its transition under division 3133  
(N) (1) of this section shall apply to the district. 3134

(O) If at any time there are no longer any schools 3135  
operated by the district due to reconstitution or other closure 3136  
of the district's schools under this section, the academic 3137  
distress commission shall cease to exist and the chief executive 3138  
officer shall cease to exercise any powers with respect to the 3139  
district. 3140

(P) Beginning ~~on the effective date of this section~~ 3141

October 15, 2015, each collective bargaining agreement entered 3142  
into by a school district board of education under Chapter 4117. 3143  
of the Revised Code shall incorporate the provisions of this 3144  
section. 3145

(Q) The chief executive officer, the members of the 3146  
academic distress commission, the state superintendent, and any 3147  
person authorized to act on behalf of or assist them shall not 3148  
be personally liable or subject to any suit, judgment, or claim 3149  
for damages resulting from the exercise of or failure to 3150  
exercise the powers, duties, and functions granted to them in 3151  
regard to their functioning under this section, but the chief 3152  
executive officer, commission, state superintendent, and such 3153  
other persons shall be subject to mandamus proceedings to compel 3154  
performance of their duties under this section. 3155

(R) The state superintendent shall not exempt any district 3156  
from this section by approving an application for an innovative 3157  
education pilot program submitted by the district under section 3158  
3302.07 of the Revised Code. 3159

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 3160  
and (D) of this section, this section applies to a school 3161  
building that is ranked according to performance index score 3162  
under section 3302.21 of the Revised Code in the lowest five per 3163  
cent of public school buildings statewide for three consecutive 3164  
years and that meets any combination of the following for three 3165  
consecutive years: 3166

(a) The school building is declared to be under an 3167  
academic watch or in a state of academic emergency under section 3168  
3302.03 of the Revised Code; 3169

(b) The school building that has received a grade of "F" 3170

for either the value-added progress dimension under division (A) 3171  
(1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the 3172  
Revised Code or progress under division (D) (3) (c) of that 3173  
section; 3174

(c) The school building that has received an overall grade 3175  
of "F" under section 3302.03 of the Revised Code. 3176

(2) In the case of a building to which this section 3177  
applies, the district board of education in control of that 3178  
building shall do one of the following at the conclusion of the 3179  
school year in which the building first becomes subject to this 3180  
section: 3181

(a) Close the school and direct the district 3182  
superintendent to reassign the students enrolled in the school 3183  
to other school buildings that demonstrate higher academic 3184  
achievement; 3185

(b) Contract with another school district or a nonprofit 3186  
or for-profit entity with a demonstrated record of effectiveness 3187  
to operate the school; 3188

(c) Replace the principal and all teaching staff of the 3189  
school and, upon request from the new principal, exempt the 3190  
school from all requested policies and regulations of the board 3191  
regarding curriculum and instruction. The board also shall 3192  
distribute funding to the school in an amount that is at least 3193  
equal to the product of the per pupil amount of state and local 3194  
revenues received by the district multiplied by the student 3195  
population of the school. 3196

(d) Reopen the school as a conversion community school 3197  
under Chapter 3314. of the Revised Code. 3198

(B) If an action taken by the board under division (A) (2) 3199

of this section causes the district to no longer maintain all 3200  
grades kindergarten through twelve, as required by section 3201  
3311.29 of the Revised Code, the board shall enter into a 3202  
contract with another school district pursuant to section 3203  
3327.04 of the Revised Code for enrollment of students in the 3204  
schools of that other district to the extent necessary to comply 3205  
with the requirement of section 3311.29 of the Revised Code. 3206  
Notwithstanding any provision of the Revised Code to the 3207  
contrary, if the board enters into and maintains a contract 3208  
under section 3327.04 of the Revised Code, the district shall 3209  
not be considered to have failed to comply with the requirement 3210  
of section 3311.29 of the Revised Code. If, however, the 3211  
district board fails to or is unable to enter into or maintain 3212  
such a contract, the state board of education shall take all 3213  
necessary actions to dissolve the district as provided in 3214  
division (A) of section 3311.29 of the Revised Code. 3215

(C) If a particular school is required to restructure 3216  
under this section and a petition with respect to that same 3217  
school has been filed and verified under divisions (B) and (C) 3218  
of section 3302.042 of the Revised Code, the provisions of that 3219  
section and the petition filed and verified under it shall 3220  
prevail over the provisions of this section and the school shall 3221  
be restructured under that section. However, if division (D) (1), 3222  
(2), or (3) of section 3302.042 of the Revised Code also applies 3223  
to the school, the school shall be subject to restructuring 3224  
under this section and not section 3302.042 of the Revised Code. 3225

If the provisions of this section conflict in any way with 3226  
the requirements of federal law, federal law shall prevail over 3227  
the provisions of this section. 3228

(D) If a school is restructured under this section, 3229

section 3302.042 or 3302.10 of the Revised Code, or federal law, 3230  
the school shall not be required to restructure again under 3231  
state law for three consecutive years after the implementation 3232  
of that prior restructuring. 3233

**Sec. 3302.13.** (A) This section applies to any school 3234  
district or community school that meets both of the following 3235  
criteria, as reported on the past two consecutive report cards 3236  
issued for that district or school under section 3302.03 of the 3237  
Revised Code: 3238

(1) The district or school received a grade of "D" or "F" 3239  
~~on~~ for either the kindergarten through third-grade literacy 3240  
progress measure under division (C) (3) (e) of section 3302.03 of 3241  
the Revised Code or early literacy under division (D) (3) (e) of 3242  
that section. 3243

(2) Less than sixty per cent of the district's students 3244  
who took the third grade English language arts assessment 3245  
prescribed under section 3301.0710 of the Revised Code for that 3246  
school year attained at least a proficient score on that 3247  
assessment. 3248

(B) By December 31, 2016, and by the thirty-first day of 3249  
each December thereafter, any school district or community 3250  
school that meets the criteria set forth in division (A) of this 3251  
section shall submit to the department of education a school or 3252  
district reading achievement improvement plan, which shall 3253  
include all requirements prescribed by the state board of 3254  
education pursuant to division (C) of this section. 3255

(C) Not later than December 31, 2014, the state board 3256  
shall adopt rules in accordance with Chapter 119. of the Revised 3257  
Code prescribing the content of and deadlines for the reading 3258



achievement improvement plans required under division (B) of 3259  
this section. The rules shall prescribe that each plan include, 3260  
at a minimum, an analysis of relevant student performance data, 3261  
measurable student performance goals, strategies to meet 3262  
specific student needs, a staffing and professional development 3263  
plan, and instructional strategies for improving literacy. 3264

(D) Any school district or community school to which this 3265  
section applies shall no longer be required to submit an 3266  
improvement plan pursuant to division (B) of this section when 3267  
that district or school meets either of the following criteria, 3268  
as reported on the most recent report card issued for that 3269  
district or school under section 3302.03 of the Revised Code: 3270

(1) The district or school received a grade of "C" or 3271  
higher ~~on for either~~ the kindergarten through third-grade 3272  
literacy progress measure under division (C) (3) (e) of section 3273  
3302.03 of the Revised Code or early literacy under division (D) 3274  
(3) (e) of that section. 3275

(2) Not less than sixty per cent of the district's 3276  
students who took the third grade English language arts 3277  
assessment prescribed under section 3301.0710 of the Revised 3278  
Code for that school year attained at least a proficient score 3279  
on that assessment. 3280

(E) The department of education shall post in a prominent 3281  
location on its web site all plans submitted pursuant to this 3282  
section. 3283

**Sec. 3302.151.** (A) Notwithstanding anything to the 3284  
contrary in the Revised Code, a school district that qualifies 3285  
under division (D) of this section shall be exempt from all of 3286  
the following: 3287

(1) The teacher qualification requirements under the 3288  
third-grade reading guarantee, as prescribed under divisions (B) 3289  
(3) (c) and (H) of section 3313.608 of the Revised Code. This 3290  
exemption does not relieve a teacher from holding a valid Ohio 3291  
license in a subject area and grade level determined appropriate 3292  
by the board of education of that district. 3293

(2) The mentoring component of the Ohio teacher residency 3294  
program established under division (A) (1) of section 3319.223 of 3295  
the Revised Code, so long as the district utilizes a local 3296  
approach to train and support new teachers; 3297

(3) Any provision of the Revised Code or rule or standard 3298  
of the state board of education prescribing a minimum or maximum 3299  
class size; 3300

(4) Any provision of the Revised Code or rule or standard 3301  
of the state board requiring teachers to be licensed 3302  
specifically in the grade level in which they are teaching, 3303  
except unless otherwise prescribed by federal law. This 3304  
exemption does not apply to special education teachers. Nor does 3305  
this exemption relieve a teacher from holding a valid Ohio 3306  
license in the subject area in which that teacher is teaching 3307  
and at least some grade level determined appropriate by the 3308  
district board. 3309

(B) (1) Notwithstanding anything to the contrary in the 3310  
Revised Code, including sections 3319.30 and 3319.36 of the 3311  
Revised Code, the superintendent of a school district that 3312  
qualifies under division (D) of this section may employ an 3313  
individual who is not licensed as required by sections 3319.22 3314  
to 3319.30 of the Revised Code, but who is otherwise qualified 3315  
based on experience, to teach classes in the district, so long 3316  
as the board of education of the school district approves the 3317

individual's employment and provides mentoring and professional 3318  
development opportunities to that individual, as determined 3319  
necessary by the board. 3320

(2) As a condition of employment under this section, an 3321  
individual shall be subject to a criminal records check as 3322  
prescribed by section 3319.391 of the Revised Code. In the 3323  
manner prescribed by the department of education, the individual 3324  
shall submit the criminal records check to the department and 3325  
shall register with the department during the period in which 3326  
the individual is employed by the district. The department shall 3327  
use the information submitted to enroll the individual in the 3328  
retained applicant fingerprint database, established under 3329  
section 109.5721 of the Revised Code, in the same manner as any 3330  
teacher licensed under sections 3319.22 to 3319.31 of the 3331  
Revised Code. 3332

(3) An individual employed pursuant to this division is 3333  
subject to Chapter 3307. of the Revised Code. 3334

If the department receives notification of the arrest or 3335  
conviction of an individual employed under division (B) of this 3336  
section, the department shall promptly notify the employing 3337  
district and may take any action authorized under sections 3338  
3319.31 and 3319.311 of the Revised Code that it considers 3339  
appropriate. No district shall employ any individual under 3340  
division (B) of this section if the district learns that the 3341  
individual has plead guilty to, has been found guilty by a jury 3342  
or court of, or has been convicted of any of the offenses listed 3343  
in division (C) of section 3319.31 of the Revised Code. 3344

(C) Notwithstanding anything to the contrary in the 3345  
Revised Code, noncompliance with any of the requirements listed 3346  
in divisions (A) or (B) of this section shall not disqualify a 3347

school district that qualifies under division (D) of this 3348  
section from receiving funds under Chapter 3317. of the Revised 3349  
Code. 3350

(D) In order for a city, local, or exempted village school 3351  
district to qualify for the exemptions described in this 3352  
section, the school district shall meet all of the following 3353  
benchmarks on the most recent report card issued for that 3354  
district under section 3302.03 of the Revised Code: 3355

(1) The district received at least eighty-five per cent of 3356  
the total possible points for the performance index score 3357  
calculated under division (C) (1) (b) or (D) (1) (c) of that 3358  
section; 3359

(2) The district received a grade of an "A" for 3360  
performance indicators met under division (C) (1) (c) of that 3361  
section~~r~~. However, division (D) (2) of this section shall not 3362  
apply for the 2021-2022 school year or any school year 3363  
thereafter. 3364

(3) The district has a four-year adjusted cohort 3365  
graduation rate of at least ninety-three per cent and a five- 3366  
year adjusted cohort graduation rate of at least ninety-five per 3367  
cent, as calculated under division (C) (1) (d) or (D) (1) (e) of 3368  
that section. 3369

(E) A school district that meets the requirements 3370  
prescribed by division (D) of this section shall be qualified 3371  
for the exemptions prescribed by this section for three school 3372  
years, beginning with the school year in which the qualifying 3373  
report card is issued. 3374

(F) As used in this section, "license" has the same 3375  
meaning as in section 3319.31 of the Revised Code. 3376

**Sec. 3311.741.** (A) This section applies only to a 3377  
municipal school district in existence on July 1, 2012. 3378

(B) Not later than December 1, 2012, the board of 3379  
education of each municipal school district to which this 3380  
section applies shall submit to the superintendent of public 3381  
instruction an array of measures to be used in evaluating the 3382  
performance of the district. The measures shall assess at least 3383  
overall student achievement, student progress over time, the 3384  
achievement and progress over time of each of the applicable 3385  
categories of students described in division ~~(F)~~(G) of section 3386  
3302.03 of the Revised Code, and college and career readiness. 3387  
The state superintendent shall approve or disapprove the 3388  
measures by January 15, 2013. If the measures are disapproved, 3389  
the state superintendent shall recommend modifications that will 3390  
make the measures acceptable. 3391

(C) Beginning with the 2012-2013 school year, the board 3392  
annually shall establish goals for improvement on each of the 3393  
measures approved under division (B) of this section. The school 3394  
district's performance data for the 2011-2012 school year shall 3395  
be used as a baseline for determining improvement. 3396

(D) Not later than October 1, 2013, and by the first day 3397  
of October each year thereafter, the board shall issue a report 3398  
describing the school district's performance for the previous 3399  
school year on each of the measures approved under division (B) 3400  
of this section and whether the district has met each of the 3401  
improvement goals established for that year under division (C) 3402  
of this section. The board shall provide the report to the 3403  
governor, the superintendent of public instruction, and, in 3404  
accordance with section 101.68 of the Revised Code, the general 3405  
assembly. 3406

(E) Not later than November 15, 2017, the superintendent 3407  
of public instruction shall evaluate the school district's 3408  
performance based on the measures approved under division (B) of 3409  
this section and shall issue a report to the governor and 3410  
general assembly. 3411

**Sec. 3313.413.** (A) As used in this section, "high- 3412  
performing community school" means either of the following: 3413

(1) A community school established under Chapter 3314. of 3414  
the Revised Code that meets the following conditions: 3415

(a) Except as provided in division (A) (1) (b) or (c) of 3416  
this section, the school both: 3417

(i) Has received a grade of "A," "B," or "C" for either 3418  
the performance index score under division (C) (1) (b) of section 3419  
3302.03 of the Revised Code or achievement under division (D) (3) 3420  
(b) of that section in each of the previous three years of 3421  
operation; or has increased its performance index score under 3422  
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the 3423  
Revised Code in each of the previous three years of operation; 3424  
and 3425

(ii) Has received a grade of "A" or "B" for either the 3426  
value-added progress dimension under division (C) (1) (e) of 3427  
section 3302.03 of the Revised Code or progress under division 3428  
(D) (3) (c) of that section on its most recent report card rating 3429  
issued under that section. 3430

(b) If the school serves only grades kindergarten through 3431  
three, the school received a grade of "A" or "B" for either 3432  
making progress in improving literacy in grades kindergarten 3433  
through three under division (C) (1) (g) of section 3302.03 of the 3434  
Revised Code or early literacy under division (D) (3) (e) of that 3435

section on its most recent report card issued under that 3436  
section. 3437

(c) If the school primarily serves students enrolled in a 3438  
dropout prevention and recovery program as described in division 3439  
(A) (4) (a) of section 3314.35 of the Revised Code, the school 3440  
received a rating of "exceeds standards" on its most recent 3441  
report card issued under section 3314.017 of the Revised Code. 3442

(2) A newly established community school that is 3443  
implementing a community school model that has a track record of 3444  
high-quality academic performance, as determined by the 3445  
department of education. 3446

(B) When a school district board of education decides to 3447  
dispose of real property it owns in its corporate capacity under 3448  
section 3313.41 of the Revised Code, the board shall first offer 3449  
that property to the governing authorities of all start-up 3450  
community schools, the boards of trustees of any college- 3451  
preparatory boarding schools, and the governing bodies of any 3452  
STEM schools that are located within the territory of the 3453  
district. Not later than sixty days after the district board 3454  
makes the offer, interested governing authorities, boards of 3455  
trustees, and governing bodies shall notify the district 3456  
treasurer in writing of the intention to purchase the property. 3457

The district board shall give priority to the governing 3458  
authorities of high-performing community schools that are 3459  
located within the territory of the district. 3460

(1) If more than one governing authority of a high- 3461  
performing community school notifies the district treasurer of 3462  
its intention to purchase the property pursuant to division (B) 3463  
of this section, the board shall conduct a public auction in the 3464

manner required for auctions of district property under division 3465  
(A) of section 3313.41 of the Revised Code. Only the governing 3466  
authorities of high-performing community schools that notified 3467  
the district treasurer pursuant to division (B) of this section 3468  
are eligible to bid at the auction. 3469

(2) If no governing authority of a high-performing 3470  
community school notifies the district treasurer of its 3471  
intention to purchase the property pursuant to division (B) of 3472  
this section, the board shall then proceed with the offers from 3473  
all other start-up community schools, college-preparatory 3474  
boarding schools, and STEM schools made pursuant to that 3475  
division. If more than one such entity notifies the district 3476  
treasurer of its intention to purchase the property pursuant to 3477  
division (B) of this section, the board shall conduct a public 3478  
auction in the manner required for auctions of district property 3479  
under division (A) of section 3313.41 of the Revised Code. Only 3480  
the entities that notified the district treasurer pursuant to 3481  
division (B) of this section are eligible to bid at the auction. 3482

(3) If no governing authority, board of trustees, or 3483  
governing body notifies the district treasurer of its intention 3484  
to purchase the property pursuant to division (B) of this 3485  
section, the district may then offer the property for sale in 3486  
the manner prescribed under divisions (A) to (F) of section 3487  
3313.41 of the Revised Code. 3488

(C) Notwithstanding anything to the contrary in sections 3489  
3313.41 and 3313.411 of the Revised Code, the purchase price of 3490  
any real property sold to any of the entities in accordance with 3491  
division (B) of this section shall not be more than the 3492  
appraised fair market value of that property as determined in an 3493  
appraisal of the property that is not more than one year old. 3494



(D) Not later than the first day of October of each year, 3495  
the department of education shall post in a prominent location 3496  
on its web site a list of schools that qualify as high- 3497  
performing community schools for purposes of this section and 3498  
section 3313.411 of the Revised Code. 3499

**Sec. 3313.618.** (A) In addition to the curriculum 3500  
requirements specified by the board of education of a school 3501  
district or governing authority of a chartered nonpublic school, 3502  
each student entering ninth grade for the first time on or after 3503  
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 3504  
one of the following conditions or the conditions prescribed 3505  
under division (B) of this section in order to qualify for a 3506  
high school diploma: 3507

(1) Be remediation-free, in accordance with standards 3508  
adopted under division (F) of section 3345.061 of the Revised 3509  
Code, on each of the nationally standardized assessments in 3510  
English, mathematics, and reading; 3511

(2) Attain a score specified under division (B) (5) (c) of 3512  
section 3301.0712 of the Revised Code on the end-of-course 3513  
examinations prescribed under division (B) of section 3301.0712 3514  
of the Revised Code. 3515

(3) Attain a score that demonstrates workforce readiness 3516  
and employability on a nationally recognized job skills 3517  
assessment selected by the state board of education under 3518  
division (G) of section 3301.0712 of the Revised Code and obtain 3519  
either an industry-recognized credential or a license issued by 3520  
a state agency or board for practice in a vocation that requires 3521  
an examination for issuance of that license. 3522

For the purposes of this division, the industry-recognized 3523

credentials and licenses shall be as approved under section 3524  
3313.6113 of the Revised Code. 3525

A student may choose to qualify for a high school diploma 3526  
by satisfying any of the separate requirements prescribed by 3527  
divisions (A) (1) to (3) of this section. If the student's school 3528  
district or school does not administer the examination 3529  
prescribed by one of those divisions that the student chooses to 3530  
take to satisfy the requirements of this section, the school 3531  
district or school may require that student to arrange for the 3532  
applicable scores to be sent directly to the district or school 3533  
by the company or organization that administers the examination. 3534

(B) In addition to the curriculum requirements specified 3535  
by the district board or school governing authority, each 3536  
student entering ninth grade for the first time on or after July 3537  
1, 2019, shall satisfy the following conditions in order to 3538  
qualify for a high school diploma: 3539

(1) Attain a competency score as determined under division 3540  
(B) (10) of section 3301.0712 of the Revised Code on each of the 3541  
Algebra I and English language arts II end-of-course 3542  
examinations prescribed under division (B) (2) of section 3543  
3301.0712 of the Revised Code. 3544

School districts shall offer remedial support to any 3545  
student who fails to attain a competency score on one or both of 3546  
the Algebra I and English language arts II end-of-course 3547  
examinations. 3548

Following the first administration of the exam, if a 3549  
student fails to attain a competency score on one or both of the 3550  
Algebra I and English language arts II end-of-course 3551  
examinations that student must retake the respective examination 3552

at least once. 3553

If a student fails to attain a competency score on a 3554  
retake examination, the student may demonstrate competency in 3555  
the failed subject area through one of the following options: 3556

(a) Earn course credit taken through the college credit 3557  
plus program established under Chapter 3365. of the Revised Code 3558  
in the failed subject area; 3559

(b) Complete two of the following options, one of which 3560  
must be foundational: 3561

(i) Foundational options to demonstrate competency, which 3562  
include earning a score of proficient or higher on three or more 3563  
state technical assessments aligned with section 3313.903 of the 3564  
Revised Code in a single career pathway, obtaining an industry- 3565  
recognized credential approved under section 3313.6113 of the 3566  
Revised Code or a license issued by a state agency or board for 3567  
practice in a vocation that requires an examination for issuance 3568  
of that license approved under that section, completing a pre- 3569  
apprenticeship or apprenticeship in the student's chosen career 3570  
field, or providing evidence of acceptance into an 3571  
apprenticeship program after high school that is restricted to 3572  
participants eighteen years of age or older; 3573

(ii) Supporting options to demonstrate competency, which 3574  
include completing two hundred fifty hours of a work-based 3575  
learning experience with evidence of positive evaluations, 3576  
obtaining an OhioMeansJobs-readiness seal under section 3577  
3313.6112 of the Revised Code, or attaining a workforce 3578  
readiness score, as determined by the department of education, 3579  
on the nationally recognized job skills assessment selected by 3580  
the state board under division (G) of section 3301.0712 of the 3581

Revised Code. 3582

(c) Provide evidence that the student has enlisted in a 3583  
branch of the armed services of the United States as defined in 3584  
section 5910.01 of the Revised Code. 3585

For any students receiving special education and related 3586  
services under Chapter 3323. of the Revised Code, the 3587  
individualized education program developed for the student under 3588  
that chapter shall specify the manner in which the student will 3589  
participate in the assessments administered under this division. 3590

(2) Earn at least two of the state diploma seals 3591  
prescribed under division (A) of section 3313.6114 of the 3592  
Revised Code, at least one of which shall be any of the 3593  
following: 3594

(a) The state seal of biliteracy established under section 3595  
3313.6111 of the Revised Code; 3596

(b) The OhioMeansJobs-readiness seal established under 3597  
section 3313.6112 of the Revised Code; 3598

(c) One of the state diploma seals established under 3599  
divisions (C) (1) to (7) of section 3313.6114 of the Revised 3600  
Code. 3601

(C) The state board of education shall not create or 3602  
require any additional assessment for the granting of any type 3603  
of high school diploma other than as prescribed by this section. 3604  
Except as provided in sections 3313.6111, 3313.6112, and 3605  
3313.6114 of the Revised Code, the state board or the 3606  
superintendent of public instruction shall not create any 3607  
endorsement or designation that may be affiliated with a high 3608  
school diploma. 3609

**Sec. 3313.6113.** (A) The superintendent of public 3610  
instruction, in collaboration with the governor's office of 3611  
workforce transformation and representatives of business 3612  
organizations, shall establish a committee to develop a list of 3613  
industry-recognized credentials and licenses that may be used to 3614  
qualify for a high school diploma under ~~division (A) (3) of~~ 3615  
section 3313.618 of the Revised Code and shall be used for state 3616  
report card purposes under section 3302.03 of the Revised Code. 3617  
The state superintendent shall appoint the members of the 3618  
committee not later than January 1, 2018. 3619

(B) The committee shall do the following: 3620

(1) Establish criteria for acceptable industry-recognized 3621  
credentials and licenses aligned with the in-demand jobs list 3622  
published by the department of job and family services; 3623

(2) Review the list of industry-recognized credentials and 3624  
licenses that was in existence on January 1, 2018, and update 3625  
the list as it considers necessary; 3626

(3) Review and update the list of industry-recognized 3627  
credentials and licenses at least biennially; 3628

(4) Assign a point value for each industry-recognized 3629  
credential and establish the total number of points for 3630  
industry-recognized credentials that a student must earn to 3631  
qualify for a high school diploma under sections 3313.618 and 3632  
3313.6114 of the Revised Code. 3633

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 3634  
(D) (1) (h) of section 3302.03 of the Revised Code, the department 3635  
of education shall include only those students who earn an 3636  
industry-recognized credential, or group of credentials, at 3637  
least equal to the total number of points established by the 3638

committee under this section to qualify for a high school 3639  
diploma. 3640

**Sec. 3313.6114.** (A) The state board of education shall 3641  
establish a system of state diploma seals for the purposes of 3642  
allowing a student to qualify for graduation under section 3643  
3313.618 of the Revised Code. State diploma seals may be 3644  
attached or affixed to the high school diploma of a student 3645  
enrolled in a public or chartered nonpublic school. The system 3646  
of state diploma seals shall consist of all of the following: 3647

(1) The state seal of biliteracy established under section 3648  
3313.6111 of the Revised Code; 3649

(2) The OhioMeansJobs-readiness seal established under 3650  
section 3313.6112 of the Revised Code; 3651

(3) The state diploma seals prescribed under division (C) 3652  
of this section. 3653

(B) A school district, community school established under 3654  
Chapter 3314. of the Revised Code, STEM school established under 3655  
Chapter 3326. of the Revised Code, college-preparatory boarding 3656  
school established under Chapter 3328. of the Revised Code, or 3657  
chartered nonpublic school shall attach or affix the state seals 3658  
prescribed under division (C) of this section to the diploma and 3659  
transcript of a student enrolled in the district or school who 3660  
meets the requirements established under that division. 3661

(C) The state board shall establish all of the following 3662  
state diploma seals: 3663

(1) An industry-recognized credential seal. A student 3664  
shall meet the requirement for this seal by ~~earning~~ doing any of 3665  
the following: 3666

(a) Earning an industry-recognized credential approved 3667  
under section 3313.6113 of the Revised Code that is aligned to a 3668  
job that is determined to be in demand in this state and its 3669  
regions under section 6301.11 of the Revised Code; 3670

(b) Obtaining a license issued by a state agency or board 3671  
for practice in a vocation that requires an examination for 3672  
issuance of that license approved under section 3313.6113 of the 3673  
Revised Code. 3674

(2) A college-ready seal. A student shall meet the 3675  
requirement for this seal by attaining a score that is 3676  
remediation-free, in accordance with standards adopted under 3677  
division (F) of section 3345.061 of the Revised Code, on a 3678  
nationally standardized assessment prescribed under division (B) 3679  
(1) of section 3301.0712 of the Revised Code. 3680

(3) A military enlistment seal. A student shall meet the 3681  
requirement for this seal by doing either of the following: 3682

(a) Providing evidence that the student has enlisted in a 3683  
branch of the armed services of the United States as defined in 3684  
section 5910.01 of the Revised Code; 3685

(b) Participating in a junior reserve officer training 3686  
program approved by the congress of the United States under 3687  
title 10 of the United States Code. 3688

(4) A citizenship seal. A student shall meet the 3689  
requirement for this seal by doing any of the following: 3690

(a) Demonstrating at least a proficient level of skill as 3691  
prescribed under division (B) (5) (a) of section 3301.0712 of the 3692  
Revised Code on both the American history and American 3693  
government end-of-course examinations prescribed under division 3694  
(B) (2) of section 3301.0712 of the Revised Code; 3695

(b) Attaining a score level prescribed under division (B) 3696  
(5) (d) of section 3301.0712 of the Revised Code that is at least 3697  
the equivalent of a proficient level of skill in appropriate 3698  
advanced placement or international baccalaureate examinations 3699  
in lieu of the American history and American government end-of- 3700  
course examinations; 3701

(c) Attaining a final course grade that is the equivalent 3702  
of a "B" or higher in appropriate courses taken through the 3703  
college credit plus program established under Chapter 3365. of 3704  
the Revised Code in lieu of the American history and American 3705  
government end-of-course examinations. 3706

(5) A science seal. A student shall meet the requirement 3707  
for this seal by doing any of the following: 3708

(a) Demonstrating at least a proficient level of skill as 3709  
prescribed under division (B) (5) (a) of section 3301.0712 of the 3710  
Revised Code on the science end-of-course examination prescribed 3711  
under division (B) (2) of section 3301.0712 of the Revised Code; 3712

(b) Attaining a score level prescribed under division (B) 3713  
(5) (d) of section 3301.0712 of the Revised Code that is at least 3714  
the equivalent of a proficient level of skill in an appropriate 3715  
advanced placement or international baccalaureate examination in 3716  
lieu of the science end-of-course examination; 3717

(c) Attaining a final course grade that is the equivalent 3718  
of a "B" or higher in an appropriate course taken through the 3719  
college credit plus program established under Chapter 3365. of 3720  
the Revised Code in lieu of the science end-of-course 3721  
examination. 3722

(6) An honors diploma seal. A student shall meet the 3723  
requirement for this seal by meeting the additional criteria for 3724



an honors diploma under division (B) of section 3313.61 of the Revised Code. 3725  
3726

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 3727  
3728

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination; 3729  
3730  
3731  
3732

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code; 3733  
3734  
3735  
3736

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department. 3737  
3738  
3739  
3740  
3741

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority. 3742  
3743  
3744  
3745

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority. 3746  
3747  
3748  
3749  
3750

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a 3751  
3752  
3753

meaningful extent, as determined by guidelines adopted by the 3754  
student's district board or school governing authority. 3755

(D) Each district or school shall develop guidelines for 3756  
at least one of the state seals prescribed under divisions (C) 3757  
(8) to (10) of this section. 3758

(E) Each district or school shall maintain appropriate 3759  
records to identify students who have met the requirements 3760  
prescribed under division (C) of this section for earning the 3761  
state seals established under that division. 3762

(F) The department shall prepare and deliver to each 3763  
district or school an appropriate mechanism for assigning a 3764  
state diploma seal established under division (C) of this 3765  
section. 3766

(G) A student shall not be charged a fee to be assigned a 3767  
state seal prescribed under division (C) of this section on the 3768  
student's diploma and transcript. 3769

**Sec. 3314.012.** (A) Within ninety days of September 28, 3770  
1999, the superintendent of public instruction shall appoint 3771  
representatives of the department of education, including 3772  
employees who work with the education management information 3773  
system, to a committee to develop report card models for 3774  
community schools. The committee shall design model report cards 3775  
appropriate for the various types of community schools approved 3776  
to operate in the state. Sufficient models shall be developed to 3777  
reflect the variety of grade levels served and the missions of 3778  
the state's community schools. All models shall include both 3779  
financial and academic data. The initial models shall be 3780  
developed by March 31, 2000. 3781

(B) Except as provided in section 3314.017 of the Revised 3782

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

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

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

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

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C) (1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code

from obtaining approval, and with which the governing authority 3813  
of a community school enters into a contract under section 3814  
3314.03 of the Revised Code. 3815

(2) "Pilot project area" means the school districts 3816  
included in the territory of the former community school pilot 3817  
project established by former Section 50.52 of Am. Sub. H.B. No. 3818  
215 of the 122nd general assembly. 3819

(3) "Challenged school district" means any of the 3820  
following: 3821

(a) A school district that is part of the pilot project 3822  
area; 3823

(b) A school district that meets one of the following 3824  
conditions: 3825

(i) On March 22, 2013, the district was in a state of 3826  
academic emergency or in a state of academic watch under section 3827  
3302.03 of the Revised Code, as that section existed prior to 3828  
March 22, 2013; 3829

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 3830  
2015-2016 school years, the district received a grade of "D" or 3831  
"F" for the performance index score and a grade of "F" for the 3832  
value-added progress dimension under section 3302.03 of the 3833  
Revised Code; 3834

(iii) For the 2016-2017 school year and for any school 3835  
year thereafter, the district has received an overall grade of 3836  
"D" or "F" under division (C) (3) or (D) (3) of section 3302.03 of 3837  
the Revised Code, or, for at least two of the three most recent 3838  
school years, the district received a grade of "F" either for 3839  
the value-added progress dimension under division (C) (1) (e) of 3840  
that section or progress under division (D) (3) (c) of that 3841

<u>section.</u>	3842
(c) A big eight school district;	3843
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	3844 3845 3846
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	3847 3848
(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;	3849 3850 3851 3852
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	3853 3854 3855
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.	3856 3857 3858 3859 3860
(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.	3861 3862 3863 3864
(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional	3865 3866 3867 3868 3869

method that does not rely on regular classroom instruction or 3870  
via comprehensive instructional methods that include internet- 3871  
based, other computer-based, and noncomputer-based learning 3872  
opportunities unless a student receives career-technical 3873  
education under section 3314.086 of the Revised Code. 3874

A community school that operates mainly as an internet- or 3875  
computer-based community school and provides career-technical 3876  
education under section 3314.086 of the Revised Code shall be 3877  
considered an internet- or computer-based community school, even 3878  
if it provides some classroom-based instruction, so long as it 3879  
provides instruction via the methods described in this division. 3880

(8) "Operator" or "management company" means either of the 3881  
following: 3882

(a) An individual or organization that manages the daily 3883  
operations of a community school pursuant to a contract between 3884  
the operator or management company and the school's governing 3885  
authority; 3886

(b) A nonprofit organization that provides programmatic 3887  
oversight and support to a community school under a contract 3888  
with the school's governing authority and that retains the right 3889  
to terminate its affiliation with the school if the school fails 3890  
to meet the organization's quality standards. 3891

(9) "Alliance municipal school district" has the same 3892  
meaning as in section 3311.86 of the Revised Code. 3893

(B) (1) Any person or group of individuals may initially 3894  
propose under this division the conversion of all or a portion 3895  
of a public school to a community school. The proposal shall be 3896  
made to the board of education of the city, local, exempted 3897  
village, or joint vocational school district in which the public 3898

school is proposed to be converted. 3899

(2) Any person or group of individuals may initially 3900  
propose under this division the conversion of all or a portion 3901  
of a building operated by an educational service center to a 3902  
community school. The proposal shall be made to the governing 3903  
board of the service center. 3904

On or after July 1, 2017, except as provided in section 3905  
3314.027 of the Revised Code, any educational service center 3906  
that sponsors a community school shall be approved by and enter 3907  
into a written agreement with the department as described in 3908  
section 3314.015 of the Revised Code. 3909

(3) Upon receipt of a proposal, and after an agreement has 3910  
been entered into pursuant to section 3314.015 of the Revised 3911  
Code, a board may enter into a preliminary agreement with the 3912  
person or group proposing the conversion of the public school or 3913  
service center building, indicating the intention of the board 3914  
to support the conversion to a community school. A proposing 3915  
person or group that has a preliminary agreement under this 3916  
division may proceed to finalize plans for the school, establish 3917  
a governing authority for the school, and negotiate a contract 3918  
with the board. Provided the proposing person or group adheres 3919  
to the preliminary agreement and all provisions of this chapter, 3920  
the board shall negotiate in good faith to enter into a contract 3921  
in accordance with section 3314.03 of the Revised Code and 3922  
division (C) of this section. 3923

(4) The sponsor of a conversion community school proposed 3924  
to open in an alliance municipal school district shall be 3925  
subject to approval by the department of education for 3926  
sponsorship of that school using the criteria established under 3927  
division (A) of section 3311.87 of the Revised Code. 3928

Division (B) (4) of this section does not apply to a 3929  
sponsor that, on or before September 29, 2015, was exempted 3930  
under section 3314.021 or 3314.027 of the Revised Code from the 3931  
requirement to be approved for sponsorship under divisions (A) 3932  
(2) and (B) (1) of section 3314.015 of the Revised Code. 3933

(5) A school established in accordance with division (B) 3934  
of this section that later enters into a sponsorship contract 3935  
with an entity that is not a school district or educational 3936  
service center shall, at the time of entering into the new 3937  
contract, be deemed a community school established in accordance 3938  
with division (C) of this section. 3939

(C) (1) Any person or group of individuals may propose 3940  
under this division the establishment of a new start-up school 3941  
to be located in a challenged school district. The proposal may 3942  
be made to any of the following entities: 3943

(a) The board of education of the district in which the 3944  
school is proposed to be located; 3945

(b) The board of education of any joint vocational school 3946  
district with territory in the county in which is located the 3947  
majority of the territory of the district in which the school is 3948  
proposed to be located; 3949

(c) The board of education of any other city, local, or 3950  
exempted village school district having territory in the same 3951  
county where the district in which the school is proposed to be 3952  
located has the major portion of its territory; 3953

(d) The governing board of any educational service center, 3954  
regardless of the location of the proposed school, may sponsor a 3955  
new start-up school in any challenged school district in the 3956  
state if all of the following are satisfied: 3957



(i) If applicable, it satisfies the requirements of	3958
division (E) of section 3311.86 of the Revised Code;	3959
(ii) It is approved to do so by the department;	3960
(iii) It enters into an agreement with the department	3961
under section 3314.015 of the Revised Code.	3962
(e) A sponsoring authority designated by the board of	3963
trustees of any of the thirteen state universities listed in	3964
section 3345.011 of the Revised Code or the board of trustees	3965
itself as long as a mission of the proposed school to be	3966
specified in the contract under division (A) (2) of section	3967
3314.03 of the Revised Code and as approved by the department	3968
under division (B) (3) of section 3314.015 of the Revised Code	3969
will be the practical demonstration of teaching methods,	3970
educational technology, or other teaching practices that are	3971
included in the curriculum of the university's teacher	3972
preparation program approved by the state board of education;	3973
(f) Any qualified tax-exempt entity under section 501(c)	3974
(3) of the Internal Revenue Code as long as all of the following	3975
conditions are satisfied:	3976
(i) The entity has been in operation for at least five	3977
years prior to applying to be a community school sponsor.	3978
(ii) The entity has assets of at least five hundred	3979
thousand dollars and a demonstrated record of financial	3980
responsibility.	3981
(iii) The department has determined that the entity is an	3982
education-oriented entity under division (B) (4) of section	3983
3314.015 of the Revised Code and the entity has a demonstrated	3984
record of successful implementation of educational programs.	3985

(iv) The entity is not a community school. 3986

(g) The mayor of a city in which the majority of the 3987  
territory of a school district to which section 3311.60 of the 3988  
Revised Code applies is located, regardless of whether that 3989  
district has created the position of independent auditor as 3990  
prescribed by that section. The mayor's sponsorship authority 3991  
under this division is limited to community schools that are 3992  
located in that school district. Such mayor may sponsor 3993  
community schools only with the approval of the city council of 3994  
that city, after establishing standards with which community 3995  
schools sponsored by the mayor must comply, and after entering 3996  
into a sponsor agreement with the department as prescribed under 3997  
section 3314.015 of the Revised Code. The mayor shall establish 3998  
the standards for community schools sponsored by the mayor not 3999  
later than one hundred eighty days after July 15, 2013, and 4000  
shall submit them to the department upon their establishment. 4001  
The department shall approve the mayor to sponsor community 4002  
schools in the district, upon receipt of an application by the 4003  
mayor to do so. Not later than ninety days after the 4004  
department's approval of the mayor as a community school 4005  
sponsor, the department shall enter into the sponsor agreement 4006  
with the mayor. 4007

Any entity described in division (C) (1) of this section 4008  
may enter into a preliminary agreement pursuant to division (C) 4009  
(2) of this section with the proposing person or group, provided 4010  
that entity has been approved by and entered into a written 4011  
agreement with the department pursuant to section 3314.015 of 4012  
the Revised Code. 4013

(2) A preliminary agreement indicates the intention of an 4014  
entity described in division (C) (1) of this section to sponsor 4015

the community school. A proposing person or group that has such 4016  
a preliminary agreement may proceed to finalize plans for the 4017  
school, establish a governing authority as described in division 4018  
(E) of this section for the school, and negotiate a contract 4019  
with the entity. Provided the proposing person or group adheres 4020  
to the preliminary agreement and all provisions of this chapter, 4021  
the entity shall negotiate in good faith to enter into a 4022  
contract in accordance with section 3314.03 of the Revised Code. 4023

(3) A new start-up school that is established in a school 4024  
district described in either division (A) (3) (b) or (d) of this 4025  
section may continue in existence once the school district no 4026  
longer meets the conditions described in either division, 4027  
provided there is a valid contract between the school and a 4028  
sponsor. 4029

(4) A copy of every preliminary agreement entered into 4030  
under this division shall be filed with the superintendent of 4031  
public instruction. 4032

(D) A majority vote of the board of a sponsoring entity 4033  
and a majority vote of the members of the governing authority of 4034  
a community school shall be required to adopt a contract and 4035  
convert the public school or educational service center building 4036  
to a community school or establish the new start-up school. 4037  
Beginning September 29, 2005, adoption of the contract shall 4038  
occur not later than the fifteenth day of March, and signing of 4039  
the contract shall occur not later than the fifteenth day of 4040  
May, prior to the school year in which the school will open. The 4041  
governing authority shall notify the department of education 4042  
when the contract has been signed. Subject to sections 3314.013 4043  
and 3314.016 of the Revised Code, an unlimited number of 4044  
community schools may be established in any school district 4045

provided that a contract is entered into for each community 4046  
school pursuant to this chapter. 4047

(E) (1) As used in this division, "immediate relatives" are 4048  
limited to spouses, children, parents, grandparents, and 4049  
siblings, as well as in-laws residing in the same household as 4050  
the person serving on the governing authority. 4051

Each new start-up community school established under this 4052  
chapter shall be under the direction of a governing authority 4053  
which shall consist of a board of not less than five 4054  
individuals. 4055

(2) (a) No person shall serve on the governing authority or 4056  
operate the community school under contract with the governing 4057  
authority under any of the following circumstances: 4058

(i) The person owes the state any money or is in a dispute 4059  
over whether the person owes the state any money concerning the 4060  
operation of a community school that has closed. 4061

(ii) The person would otherwise be subject to division (B) 4062  
of section 3319.31 of the Revised Code with respect to refusal, 4063  
limitation, or revocation of a license to teach, if the person 4064  
were a licensed educator. 4065

(iii) The person has pleaded guilty to or been convicted 4066  
of theft in office under section 2921.41 of the Revised Code, or 4067  
has pleaded guilty to or been convicted of a substantially 4068  
similar offense in another state. 4069

(b) No person shall serve on the governing authority or 4070  
engage in the financial day-to-day management of the community 4071  
school under contract with the governing authority unless and 4072  
until that person has submitted to a criminal records check in 4073  
the manner prescribed by section 3319.39 of the Revised Code. 4074

(c) Each sponsor of a community school shall annually 4075  
verify that a finding for recovery has not been issued by the 4076  
auditor of state against any individual or individuals who 4077  
propose to create a community school or any member of the 4078  
governing authority, the operator, or any employee of each 4079  
community school with responsibility for fiscal operations or 4080  
authorization to expend money on behalf of the school. 4081

(3) No person shall serve on the governing authorities of 4082  
more than five start-up community schools at the same time 4083  
unless both of the following apply: 4084

(a) The person serves in a volunteer capacity and receives 4085  
no compensation under division (E) (5) of this section from any 4086  
governing authority on which the person serves. 4087

(b) For any school that has an operator, the operator is a 4088  
nonprofit organization. 4089

(4) (a) For a community school established under this 4090  
chapter that is not sponsored by a school district or an 4091  
educational service center, no present or former member, or 4092  
immediate relative of a present or former member, of the 4093  
governing authority shall be an owner, employee, or consultant 4094  
of the community school's sponsor or operator, unless at least 4095  
one year has elapsed since the conclusion of the person's 4096  
membership on the governing authority. 4097

(b) For a community school established under this chapter 4098  
that is sponsored by a school district or an educational service 4099  
center, no present or former member, or immediate relative of a 4100  
present or former member, of the governing authority shall: 4101

(i) Be an officer of the district board or service center 4102  
governing board that serves as the community school's sponsor, 4103

unless at least one year has elapsed since the conclusion of the 4104  
person's membership on the governing authority; 4105

(ii) Serve as an employee of, or a consultant for, the 4106  
department, division, or section of the sponsoring district or 4107  
service center that is directly responsible for sponsoring 4108  
community schools, or have supervisory authority over such a 4109  
department, division, or section, unless at least one year has 4110  
elapsed since the conclusion of the person's membership on the 4111  
governing authority. 4112

(5) The governing authority of a start-up or conversion 4113  
community school may provide by resolution for the compensation 4114  
of its members. However, no individual who serves on the 4115  
governing authority of a start-up or conversion community school 4116  
shall be compensated more than one hundred twenty-five dollars 4117  
per meeting of that governing authority and no such individual 4118  
shall be compensated more than a total amount of five thousand 4119  
dollars per year for all governing authorities upon which the 4120  
individual serves. Each member of the governing authority may be 4121  
paid compensation for attendance at an approved training 4122  
program, provided that such compensation shall not exceed sixty 4123  
dollars a day for attendance at a training program three hours 4124  
or less in length and one hundred twenty-five dollars a day for 4125  
attendance at a training program longer than three hours in 4126  
length. 4127

(6) No person who is the employee of a school district or 4128  
educational service center shall serve on the governing 4129  
authority of any community school sponsored by that school 4130  
district or service center. 4131

(7) Each member of the governing authority of a community 4132  
school shall annually file a disclosure statement setting forth 4133

the names of any immediate relatives or business associates 4134  
employed by any of the following within the previous three 4135  
years: 4136

(a) The sponsor or operator of that community school; 4137

(b) A school district or educational service center that 4138  
has contracted with that community school; 4139

(c) A vendor that is or has engaged in business with that 4140  
community school. 4141

(8) No person who is a member of a school district board 4142  
of education shall serve on the governing authority of any 4143  
community school. 4144

(F) (1) A new start-up school that is established prior to 4145  
August 15, 2003, in an urban school district that is not also a 4146  
big-eight school district may continue to operate after that 4147  
date and the contract between the school's governing authority 4148  
and the school's sponsor may be renewed, as provided under this 4149  
chapter, after that date, but no additional new start-up schools 4150  
may be established in such a district unless the district is a 4151  
challenged school district as defined in this section as it 4152  
exists on and after that date. 4153

(2) A community school that was established prior to June 4154  
29, 1999, and is located in a county contiguous to the pilot 4155  
project area and in a school district that is not a challenged 4156  
school district may continue to operate after that date, 4157  
provided the school complies with all provisions of this 4158  
chapter. The contract between the school's governing authority 4159  
and the school's sponsor may be renewed, but no additional 4160  
start-up community school may be established in that district 4161  
unless the district is a challenged school district. 4162

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

**Sec. 3314.034.** (A) Subject to division (B) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

(1) The community school has received ~~a,~~ on the most recent report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C) (1) (b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the state board of education, under division (C) (1) (e) of that section, ~~on the most recent report card issued for the school pursuant to that section;~~

(b) A grade of "D" or "F" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and a grade of "D" or "F" for progress under division (D) (3) (c) of that section.



(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request that was granted.

(4) The department grants the school's request pursuant to division (C) of this section.

(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community

school shall file its notice of appeal to the state board not 4221  
later than ten days after receiving the decision from the 4222  
department. The state board shall conduct the hearing not later 4223  
than thirty days after receiving the school's notice of appeal 4224  
and act upon the determination of the hearing officer not later 4225  
than the twenty-fifth day of June of the year in which the 4226  
school wishes to change sponsors. 4227

(D) Factors to be considered during a hearing held 4228  
pursuant to division (C) of this section include, but are not 4229  
limited to, the following: 4230

(1) The school's impact on the students and the community 4231  
or communities it serves; 4232

(2) The quality and quantity of academic and 4233  
administrative support the school receives from its current 4234  
sponsor to help the school to improve; 4235

(3) The sponsor's annual evaluations of the community 4236  
school under division (D) (2) of section 3314.03 of the Revised 4237  
Code for the previous three years; 4238

(4) The academic performance of the school, taking into 4239  
account the demographic information of the students enrolled in 4240  
the school; 4241

(5) The academic performance of alternative schools that 4242  
serve comparable populations of students as those served by the 4243  
community school; 4244

(6) The fiscal stability of the school; 4245

(7) The results of any audits of the school by the auditor 4246  
of state; 4247

(8) The length of time the school has been under the 4248

oversight of its current sponsor; 4249

(9) The number of times the school has changed sponsors 4250  
prior to the current request; 4251

(10) Parent and student satisfaction rates as demonstrated 4252  
by surveys, if available. 4253

**Sec. 3314.05.** (A) The contract between the community 4254  
school and the sponsor shall specify the facilities to be used 4255  
for the community school and the method of acquisition. Except 4256  
as provided in divisions (B) (3) and (4) of this section, no 4257  
community school shall be established in more than one school 4258  
district under the same contract. 4259

(B) Division (B) of this section shall not apply to 4260  
internet- or computer-based community schools. 4261

(1) A community school may be located in multiple 4262  
facilities under the same contract only if the limitations on 4263  
availability of space prohibit serving all the grade levels 4264  
specified in the contract in a single facility or division (B) 4265  
(2), (3), or (4) of this section applies to the school. The 4266  
school shall not offer the same grade level classrooms in more 4267  
than one facility. 4268

(2) A community school may be located in multiple 4269  
facilities under the same contract and, notwithstanding division 4270  
(B) (1) of this section, may assign students in the same grade 4271  
level to multiple facilities, as long as all of the following 4272  
apply: 4273

(a) The governing authority has entered into and maintains 4274  
a contract with an operator of the type described in division 4275  
(A) (8) (b) of section 3314.02 of the Revised Code. 4276

(b) The contract with that operator qualified the school 4277  
to be established pursuant to division (A) of former section 4278  
3314.016 of the Revised Code. 4279

(c) The school's rating under section 3302.03 of the 4280  
Revised Code does not fall below a combination of any of the 4281  
following for two or more consecutive years: 4282

(i) A rating of "in need of continuous improvement" under 4283  
section 3302.03 of the Revised Code, as that section existed 4284  
prior to March 22, 2013; 4285

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 4286  
2016 school years, a rating of "C" for both the performance 4287  
index score under division (A) (1) (b) or (B) (1) (b) and the value- 4288  
added dimension under division (A) (1) (e) or (B) (1) (e) of section 4289  
3302.03 of the Revised Code; or if the building serves only 4290  
grades ten through twelve, the building received a grade of "C" 4291  
for the performance index score under division (A) (1) (b) or (B) 4292  
(1) (b) of section 3302.03 of the Revised Code; 4293

(iii) For the 2016-2017 school year and for any school 4294  
year thereafter, an overall grade of "C" under division (C) (3) 4295  
or (D) (3) of section 3302.03 of the Revised Code or an overall 4296  
performance designation of "meets standards" under division (E) 4297  
(3) (e) of section 3314.017 of the Revised Code. 4298

(3) A new start-up community school may be established in 4299  
two school districts under the same contract if all of the 4300  
following apply: 4301

(a) At least one of the school districts in which the 4302  
school is established is a challenged school district; 4303

(b) The school operates not more than one facility in each 4304  
school district and, in accordance with division (B) (1) of this 4305

section, the school does not offer the same grade level 4306  
classrooms in both facilities; and 4307

(c) Transportation between the two facilities does not 4308  
require more than thirty minutes of direct travel time as 4309  
measured by school bus. 4310

In the case of a community school to which division (B) (3) 4311  
of this section applies, if only one of the school districts in 4312  
which the school is established is a challenged school district, 4313  
that district shall be considered the school's primary location 4314  
and the district in which the school is located for the purposes 4315  
of division (A) (19) of section 3314.03 and divisions (C) and (H) 4316  
of section 3314.06 of the Revised Code and for all other 4317  
purposes of this chapter. If both of the school districts in 4318  
which the school is established are challenged school districts, 4319  
the school's governing authority shall designate one of those 4320  
districts to be considered the school's primary location and the 4321  
district in which the school is located for the purposes of 4322  
those divisions and all other purposes of this chapter and shall 4323  
notify the department of education of that designation. 4324

(4) A community school may be located in multiple 4325  
facilities under the same contract and, notwithstanding division 4326  
(B) (1) of this section, may assign students in the same grade 4327  
level to multiple facilities, as long as both of the following 4328  
apply: 4329

(a) The facilities are all located in the same county. 4330

(b) Either of the following conditions are satisfied: 4331

(i) The community school is sponsored by a board of 4332  
education of a city, local, or exempted village school district 4333  
having territory in the same county where the facilities of the 4334

community school are located; 4335

(ii) The community school is managed by an operator. 4336

In the case of a community school to which division (B) (4) 4337  
of this section applies and that maintains facilities in more 4338  
than one school district, the school's governing authority shall 4339  
designate one of those districts to be considered the school's 4340  
primary location and the district in which the school is located 4341  
for the purposes of division (A) (19) of section 3314.03 and 4342  
divisions (C) and (H) of section 3314.06 of the Revised Code and 4343  
for all other purposes of this chapter and shall notify the 4344  
department of that designation. 4345

(5) Any facility used for a community school shall meet 4346  
all health and safety standards established by law for school 4347  
buildings. 4348

(C) In the case where a community school is proposed to be 4349  
located in a facility owned by a school district or educational 4350  
service center, the facility may not be used for such community 4351  
school unless the district or service center board owning the 4352  
facility enters into an agreement for the community school to 4353  
utilize the facility. Use of the facility may be under any terms 4354  
and conditions agreed to by the district or service center board 4355  
and the school. 4356

(D) Two or more separate community schools may be located 4357  
in the same facility. 4358

(E) In the case of a community school that is located in 4359  
multiple facilities, beginning July 1, 2012, the department 4360  
shall assign a unique identification number to the school and to 4361  
each facility maintained by the school. Each number shall be 4362  
used for identification purposes only. Nothing in this division 4363

shall be construed to require the department to calculate the 4364  
amount of funds paid under this chapter, or to compute any data 4365  
required for the report cards issued under section 3314.012 of 4366  
the Revised Code, for each facility separately. The department 4367  
shall make all such calculations or computations for the school 4368  
as a whole. 4369

**Sec. 3314.35.** (A) (1) Except as provided in division (A) (4) 4370  
of this section, this section applies to any community school 4371  
that meets one of the following criteria after July 1, 2009, but 4372  
before July 1, 2011: 4373

(a) The school does not offer a grade level higher than 4374  
three and has been declared to be in a state of academic 4375  
emergency under section 3302.03 of the Revised Code for three of 4376  
the four most recent school years. 4377

(b) The school satisfies all of the following conditions: 4378

(i) The school offers any of grade levels four to eight 4379  
but does not offer a grade level higher than nine. 4380

(ii) The school has been declared to be in a state of 4381  
academic emergency under section 3302.03 of the Revised Code for 4382  
two of the three most recent school years. 4383

(iii) In at least two of the three most recent school 4384  
years, the school showed less than one standard year of academic 4385  
growth in either reading or mathematics, as determined by the 4386  
department of education in accordance with rules adopted under 4387  
division (A) of section 3302.021 of the Revised Code. 4388

(c) The school offers any of grade levels ten to twelve 4389  
and has been declared to be in a state of academic emergency 4390  
under section 3302.03 of the Revised Code for three of the four 4391  
most recent school years. 4392

(2) Except as provided in division (A)(4) of this section, 4393  
this section applies to any community school that meets one of 4394  
the following criteria after July 1, 2011, but before July 1, 4395  
2013: 4396

(a) The school does not offer a grade level higher than 4397  
three and has been declared to be in a state of academic 4398  
emergency under section 3302.03 of the Revised Code for two of 4399  
the three most recent school years. 4400

(b) The school satisfies all of the following conditions: 4401

(i) The school offers any of grade levels four to eight 4402  
but does not offer a grade level higher than nine. 4403

(ii) The school has been declared to be in a state of 4404  
academic emergency under section 3302.03 of the Revised Code for 4405  
two of the three most recent school years. 4406

(iii) In at least two of the three most recent school 4407  
years, the school showed less than one standard year of academic 4408  
growth in either reading or mathematics, as determined by the 4409  
department in accordance with rules adopted under division (A) 4410  
of section 3302.021 of the Revised Code. 4411

(c) The school offers any of grade levels ten to twelve 4412  
and has been declared to be in a state of academic emergency 4413  
under section 3302.03 of the Revised Code for two of the three 4414  
most recent school years. 4415

(3) Except as provided in division (A)(4) of this section, 4416  
this section applies to any community school that meets one of 4417  
the following criteria on or after July 1, 2013: 4418

(a) The school does not offer a grade level higher than 4419  
three and, for the three most recent school years, satisfies any 4420



of the following criteria: 4421

(i) The school has been declared to be in a state of 4422  
academic emergency under section 3302.03 of the Revised Code, as 4423  
it existed prior to March 22, 2013; 4424

(ii) The school has received a grade of "F" ~~in for~~ 4425  
improving literacy in grades kindergarten through three under 4426  
division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the 4427  
Revised Code or early literacy under division (D) (3) (e) of that 4428  
section; 4429

(iii) The school has received an overall grade of "F" 4430  
under division (C) or (D) of section 3302.03 of the Revised 4431  
Code. 4432

(b) The school offers any of grade levels four to eight 4433  
but does not offer a grade level higher than nine and, for the 4434  
three most recent school years, satisfies any of the following 4435  
criteria: 4436

(i) The school has been declared to be in a state of 4437  
academic emergency under section 3302.03 of the Revised Code, as 4438  
it existed prior to March 22, 2013, and the school showed less 4439  
than one standard year of academic growth in either reading or 4440  
mathematics, as determined by the department in accordance with 4441  
rules adopted under division (A) of section 3302.021 of the 4442  
Revised Code; 4443

(ii) The school has received a grade of "F" for the 4444  
performance index score under division (A) (1) (b), (B) (1) (b), or 4445  
(C) (1) (b) and a grade of "F" for the value-added progress 4446  
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 4447  
section 3302.03 of the Revised Code; or the school has received 4448  
a grade of "F" for both achievement under division (D) (3) (b) of 4449

section 3302.03 of the Revised Code and progress under division 4450  
(D) (3) (c) of that section; 4451

(iii) The school has received an overall grade of "F" 4452  
under division (C) or (D) and a grade of "F" for either the 4453  
value-added progress dimension under division (C) (1) (e) of 4454  
section 3302.03 of the Revised Code or progress under division 4455  
(D) (3) (c) of that section. 4456

(c) The school offers any of grade levels ten to twelve 4457  
and, for the three most recent school years, satisfies any of 4458  
the following criteria: 4459

(i) The school has been declared to be in a state of 4460  
academic emergency under section 3302.03 of the Revised Code, as 4461  
it existed prior to March 22, 2013; 4462

(ii) The school has received a grade of "F" for either the 4463  
performance index score under division (A) (1) (b), (B) (1) (b), or 4464  
(C) (1) (b) of section 3302.03 of the Revised Code or achievement 4465  
under division (D) (3) (b) of that section; and has not met annual 4466  
measurable objectives under division (A) (1) (a), (B) (1) (a), ~~or~~ 4467  
(C) (1) (a), or (D) (1) (a) of section 3302.03 of the Revised Code; 4468

(iii) The school has received an overall grade of "F" 4469  
under division (C) or (D) of section 3302.03 of the Revised Code 4470  
and a grade of "F" for either the value-added progress dimension 4471  
under division (C) (1) (e) of section 3302.03 of the Revised Code 4472  
or progress under division (D) (1) (b) of that section. 4473

For purposes of division (A) (3) of this section only, the 4474  
department of education shall calculate the value-added progress 4475  
dimension for a community school using assessment scores for 4476  
only those students to whom the school has administered the 4477  
achievement assessments prescribed by section 3301.0710 of the 4478

Revised Code for at least the two most recent school years but 4479  
using value-added data from only the most recent school year. 4480

(4) This section does not apply to either of the 4481  
following: 4482

(a) Any community school in which a majority of the 4483  
students are enrolled in a dropout prevention and recovery 4484  
program that is operated by the school. Rather, such schools 4485  
shall be subject to closure only as provided in section 3314.351 4486  
of the Revised Code. However, prior to July 1, 2014, a community 4487  
school in which a majority of the students are enrolled in a 4488  
dropout prevention and recovery program shall be exempt from 4489  
this section only if it has been granted a waiver under section 4490  
3314.36 of the Revised Code. 4491

(b) Any community school in which a majority of the 4492  
enrolled students are children with disabilities receiving 4493  
special education and related services in accordance with 4494  
Chapter 3323. of the Revised Code. 4495

(B) Any community school to which this section applies 4496  
shall permanently close at the conclusion of the school year in 4497  
which the school first becomes subject to this section. The 4498  
sponsor and governing authority of the school shall comply with 4499  
all procedures for closing a community school adopted by the 4500  
department under division (E) of section 3314.015 of the Revised 4501  
Code. The governing authority of the school shall not enter into 4502  
a contract with any other sponsor under section 3314.03 of the 4503  
Revised Code after the school closes. 4504

(C) In accordance with division (B) of section 3314.012 of 4505  
the Revised Code, the department shall not consider the 4506  
performance ratings assigned to a community school for its first 4507

two years of operation when determining whether the school meets 4508  
the criteria prescribed by division (A) (1) or (2) of this 4509  
section. 4510

(D) Nothing in this section or in any other provision of 4511  
the Revised Code prohibits the sponsor of a community school 4512  
from exercising its option not to renew a contract for any 4513  
reason or from terminating a contract prior to its expiration 4514  
for any of the reasons set forth in section 3314.07 of the 4515  
Revised Code. 4516

**Section 2.** That existing sections 3301.0710, 3301.0712, 4517  
3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 4518  
3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 4519  
3302.151, 3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 4520  
3314.012, 3314.02, 3314.034, 3314.05, and 3314.35 of the Revised 4521  
Code are hereby repealed. 4522