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H. B. No. 117

Representatives Manning, Robinson

Cosponsors: Representatives Abdullahi, Abrams, Bird, Blackshear, Brennan, Brent, Brown, Dell'Aquila, Denson, Galonski, Grim, Humphrey, Isaacsohn, Jones, Liston, McNally, Miller, J., Miranda, Mohamed, Rogers, Russo, Stein, Thomas, C., Upchurch, Weinstein, Sweeney, Fowler Arthur, Click, Lightbody, Brewer, Carruthers, Creech, Dobos, Ghanbari, Hillyer, Miller, A., Patton, Ray, Willis

A BILL

To amend sections 3301.07, 3301.0711, 3301.163, 1
3302.151, and 3313.608 of the Revised Code to 2
eliminate retention under the Third Grade 3
Reading Guarantee, to expand the grades for 4
which intensive reading intervention is 5
provided, and expand the inclusion of phonics in 6
learning standards. 7

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

Section 1. That sections 3301.07, 3301.0711, 3301.163, 8
3302.151, and 3313.608 of the Revised Code be amended to read as 9
follows: 10

Sec. 3301.07. The state board of education shall exercise 11
under the acts of the general assembly general supervision of 12
the system of public education in the state. In addition to the 13
powers otherwise imposed on the state board under the provisions 14
of law, the board shall have the powers described in this 15

section. 16

(A) The state board shall exercise policy forming, 17
planning, and evaluative functions for the public schools of the 18
state except as otherwise provided by law. 19

(B) (1) The state board shall exercise leadership in the 20
improvement of public education in this state, and administer 21
the educational policies of this state relating to public 22
schools, and relating to instruction and instructional material, 23
building and equipment, transportation of pupils, administrative 24
responsibilities of school officials and personnel, and finance 25
and organization of school districts, educational service 26
centers, and territory. Consultative and advisory services in 27
such matters shall be provided by the board to school districts 28
and educational service centers of this state. 29

(2) The state board also shall develop a standard of 30
financial reporting which shall be used by each school district 31
board of education and each governing board of an educational 32
service center, each governing authority of a community school 33
established under Chapter 3314., each governing body of a STEM 34
school established under Chapter ~~3328.~~ 3326., and each board of 35
trustees of a college-preparatory boarding school established 36
under Chapter 3328. of the Revised Code to make its financial 37
information and annual budgets for each school building under 38
its control available to the public in a format understandable 39
by the average citizen. The format shall show, both at the 40
district and at the school building level, revenue by source; 41
expenditures for salaries, wages, and benefits of employees, 42
showing such amounts separately for classroom teachers, other 43
employees required to hold licenses issued pursuant to sections 44
3319.22 to 3319.31 of the Revised Code, and all other employees; 45

expenditures other than for personnel, by category, including 46
utilities, textbooks and other educational materials, equipment, 47
permanent improvements, pupil transportation, extracurricular 48
athletics, and other extracurricular activities; and per pupil 49
expenditures. The format shall also include information on total 50
revenue and expenditures, per pupil revenue, and expenditures 51
for both classroom and nonclassroom purposes, as defined by the 52
standards adopted under section 3302.20 of the Revised Code in 53
the aggregate and for each subgroup of students, as defined by 54
section 3317.40 of the Revised Code, that receives services 55
provided for by state or federal funding. 56

(3) Each school district board, governing authority, 57
governing body, or board of trustees, or its respective 58
designee, shall annually report, to the department of education, 59
all financial information required by the standards for 60
financial reporting, as prescribed by division (B) (2) of this 61
section and adopted by the state board. The department shall 62
make all reports submitted pursuant to this division available 63
in such a way that allows for comparison between financial 64
information included in these reports and financial information 65
included in reports produced prior to July 1, 2013. The 66
department shall post these reports in a prominent location on 67
its web site and shall notify each school when reports are made 68
available. 69

(C) The state board shall administer and supervise the 70
allocation and distribution of all state and federal funds for 71
public school education under the provisions of law, and may 72
prescribe such systems of accounting as are necessary and proper 73
to this function. It may require county auditors and treasurers, 74
boards of education, educational service center governing 75
boards, treasurers of such boards, teachers, and other school 76

officers and employees, or other public officers or employees, 77
to file with it such reports as it may prescribe relating to 78
such funds, or to the management and condition of such funds. 79

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 80
XLVII, and LI of the Revised Code a reference is made to 81
standards prescribed under this section or division (D) of this 82
section, that reference shall be construed to refer to the 83
standards prescribed under division (D) (2) of this section, 84
unless the context specifically indicates a different meaning or 85
intent. 86

(2) The state board shall formulate and prescribe minimum 87
standards to be applied to all elementary and secondary schools 88
in this state for the purpose of providing children access to a 89
general education of high quality according to the learning 90
needs of each individual, including students with disabilities, 91
economically disadvantaged students, English learners, and 92
students identified as gifted. Such standards shall provide 93
adequately for: the licensing of teachers, administrators, and 94
other professional personnel and their assignment according to 95
training and qualifications; efficient and effective 96
instructional materials and equipment, including library 97
facilities; the proper organization, administration, and 98
supervision of each school, including regulations for preparing 99
all necessary records and reports and the preparation of a 100
statement of policies and objectives for each school; the 101
provision of safe buildings, grounds, health and sanitary 102
facilities and services; admission of pupils, and such 103
requirements for their promotion from grade to grade as will 104
assure that they are capable and prepared for the level of study 105
to which they are certified; requirements for graduation; and 106
such other factors as the board finds necessary. 107

The state board shall base any standards governing the 108
promotion of students or requirements for graduation on the 109
ability of students, at any grade level, to earn credits or 110
advance upon demonstration of mastery of knowledge and skills 111
through competency-based learning models. Credits of grade level 112
advancement shall not require a minimum number of days or hours 113
in a classroom. 114

The state board shall base any standards governing the 115
assignment of staff on ensuring each school has a sufficient 116
number of teachers to ensure a student has an appropriate level 117
of interaction to meet each student's personal learning goals. 118

In the formulation and administration of such standards 119
for nonpublic schools the board shall also consider the 120
particular needs, methods and objectives of those schools, 121
provided they do not conflict with the provision of a general 122
education of a high quality and provided that regular procedures 123
shall be followed for promotion from grade to grade of pupils 124
who have met the educational requirements prescribed. 125

(3) In addition to the minimum standards required by 126
division (D)(2) of this section, the state board may formulate 127
and prescribe the following additional minimum operating 128
standards for school districts: 129

(a) Standards for the effective and efficient 130
organization, administration, and supervision of each school 131
district with a commitment to high expectations for every 132
student based on the learning needs of each individual, 133
including students with disabilities, economically disadvantaged 134
students, English learners, and students identified as gifted, 135
and commitment to closing the achievement gap without 136
suppressing the achievement levels of higher achieving students 137

so that all students achieve core knowledge and skills in 138
accordance with the statewide academic standards adopted under 139
section 3301.079 of the Revised Code; 140

(b) Standards for the establishment of business advisory 141
councils under section 3313.82 of the Revised Code; 142

(c) Standards for school district buildings that may 143
require the effective and efficient organization, 144
administration, and supervision of each school district building 145
with a commitment to high expectations for every student based 146
on the learning needs of each individual, including students 147
with disabilities, economically disadvantaged students, English 148
learners, and students identified as gifted, and commitment to 149
closing the achievement gap without suppressing the achievement 150
levels of higher achieving students so that all students achieve 151
core knowledge and skills in accordance with the statewide 152
academic standards adopted under section 3301.079 of the Revised 153
Code. 154

(E) The state board may require as part of the health 155
curriculum information developed under section 2108.34 of the 156
Revised Code promoting the donation of anatomical gifts pursuant 157
to Chapter 2108. of the Revised Code and may provide the 158
information to high schools, educational service centers, and 159
joint vocational school district boards of education; 160

(F) The state board shall prepare and submit annually to 161
the governor and the general assembly a report on the status, 162
needs, and major problems of the public schools of the state, 163
with recommendations for necessary legislative action and a ten- 164
year projection of the state's public and nonpublic school 165
enrollment, by year and by grade level. 166

(G) The state board shall prepare and submit to the 167
director of budget and management the biennial budgetary 168
requests of the state board of education, for its agencies and 169
for the public schools of the state. 170

(H) The state board shall cooperate with federal, state, 171
and local agencies concerned with the health and welfare of 172
children and youth of the state. 173

(I) The state board shall require such reports from school 174
districts and educational service centers, school officers, and 175
employees as are necessary and desirable. The superintendents 176
and treasurers of school districts and educational service 177
centers shall certify as to the accuracy of all reports required 178
by law or state board or state department of education rules to 179
be submitted by the district or educational service center and 180
which contain information necessary for calculation of state 181
funding. Any superintendent who knowingly falsifies such report 182
shall be subject to license revocation pursuant to section 183
3319.31 of the Revised Code. 184

(J) In accordance with Chapter 119. of the Revised Code, 185
the state board shall adopt procedures, standards, and 186
guidelines for the education of children with disabilities 187
pursuant to Chapter 3323. of the Revised Code, including 188
procedures, standards, and guidelines governing programs and 189
services operated by county boards of developmental disabilities 190
pursuant to section 3323.09 of the Revised Code. 191

(K) For the purpose of encouraging the development of 192
special programs of education for academically gifted children, 193
the state board shall employ competent persons to analyze and 194
publish data, promote research, advise and counsel with boards 195
of education, and encourage the training of teachers in the 196

special instruction of gifted children. The board may provide 197
financial assistance out of any funds appropriated for this 198
purpose to boards of education and educational service center 199
governing boards for developing and conducting programs of 200
education for academically gifted children. 201

(L) The state board shall require that all public schools 202
emphasize and encourage, within existing units of study, the 203
teaching of energy and resource conservation as recommended to 204
each district board of education by leading business persons 205
involved in energy production and conservation, beginning in the 206
primary grades. 207

(M) The state board shall formulate and prescribe minimum 208
standards requiring the use of phonics as a technique in the 209
teaching of reading in grades kindergarten through ~~three~~five. In 210
addition, the state board shall provide in-service training 211
programs for teachers on the use of phonics as a technique in 212
the teaching of reading in grades kindergarten through 213
~~three~~five. 214

(N) The state board may adopt rules necessary for carrying 215
out any function imposed on it by law, and may provide rules as 216
are necessary for its government and the government of its 217
employees, and may delegate to the superintendent of public 218
instruction the management and administration of any function 219
imposed on it by law. It may provide for the appointment of 220
board members to serve on temporary committees established by 221
the board for such purposes as are necessary. Permanent or 222
standing committees shall not be created. 223

(O) Upon application from the board of education of a 224
school district, the superintendent of public instruction may 225
issue a waiver exempting the district from compliance with the 226

standards adopted under divisions (B)(2) and (D) of this 227
section, as they relate to the operation of a school operated by 228
the district. The state board shall adopt standards for the 229
approval or disapproval of waivers under this division. The 230
state superintendent shall consider every application for a 231
waiver, and shall determine whether to grant or deny a waiver in 232
accordance with the state board's standards. For each waiver 233
granted, the state superintendent shall specify the period of 234
time during which the waiver is in effect, which shall not 235
exceed five years. A district board may apply to renew a waiver. 236

Sec. 3301.0711. (A) The department of education shall: 237

(1) Annually furnish to, grade, and score all assessments 238
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 239
the Revised Code to be administered by city, local, exempted 240
village, and joint vocational school districts, except that each 241
district shall score any assessment administered pursuant to 242
division (B)(10) of this section. Each assessment so furnished 243
shall include the data verification code of the student to whom 244
the assessment will be administered, as assigned pursuant to 245
division (D)(2) of section 3301.0714 of the Revised Code. In 246
furnishing the practice versions of Ohio graduation tests 247
prescribed by division (D) of section 3301.0710 of the Revised 248
Code, the department shall make the tests available on its web 249
site for reproduction by districts. In awarding contracts for 250
grading assessments, the department shall give preference to 251
Ohio-based entities employing Ohio residents. 252

(2) Adopt rules for the ethical use of assessments and 253
prescribing the manner in which the assessments prescribed by 254
section 3301.0710 of the Revised Code shall be administered to 255
students. 256

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

(1) ~~Administer~~Until the 2022-2023 school year, administer the English language arts assessments prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code. Beginning with the 2023-2024 school year, the English language arts assessment shall be administered only once to all students in the third grade.

(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division

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| (A) (1) (f) of section 3301.0710 of the Revised Code at least once | 286 |
| annually to all students in the eighth grade. | 287 |
| (8) Except as provided in division (B) (9) of this section, | 288 |
| administer any assessment prescribed under division (B) (1) of | 289 |
| section 3301.0710 of the Revised Code as follows: | 290 |
| (a) At least once annually to all tenth grade students and | 291 |
| at least twice annually to all students in eleventh or twelfth | 292 |
| grade who have not yet attained the score on that assessment | 293 |
| designated under that division; | 294 |
| (b) To any person who has successfully completed the | 295 |
| curriculum in any high school or the individualized education | 296 |
| program developed for the person by any high school pursuant to | 297 |
| section 3323.08 of the Revised Code but has not received a high | 298 |
| school diploma and who requests to take such assessment, at any | 299 |
| time such assessment is administered in the district. | 300 |
| (9) In lieu of the board of education of any city, local, | 301 |
| or exempted village school district in which the student is also | 302 |
| enrolled, the board of a joint vocational school district shall | 303 |
| administer any assessment prescribed under division (B) (1) of | 304 |
| section 3301.0710 of the Revised Code at least twice annually to | 305 |
| any student enrolled in the joint vocational school district who | 306 |
| has not yet attained the score on that assessment designated | 307 |
| under that division. A board of a joint vocational school | 308 |
| district may also administer such an assessment to any student | 309 |
| described in division (B) (8) (b) of this section. | 310 |
| (10) If the district has a three-year average graduation | 311 |
| rate of not more than seventy-five per cent, administer each | 312 |
| assessment prescribed by division (D) of section 3301.0710 of | 313 |
| the Revised Code in September to all ninth grade students who | 314 |

entered ninth grade prior to July 1, 2014. 315

Except as provided in section 3313.614 of the Revised Code 316
for administration of an assessment to a person who has 317
fulfilled the curriculum requirement for a high school diploma 318
but has not passed one or more of the required assessments, the 319
assessments prescribed under division (B) (1) of section 320
3301.0710 of the Revised Code shall not be administered after 321
the date specified in the rules adopted by the state board of 322
education under division (D) (1) of section 3301.0712 of the 323
Revised Code. 324

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 325
of this section, administer the assessments prescribed by 326
division (B) (2) of section 3301.0710 and section 3301.0712 of 327
the Revised Code in accordance with the timeline and plan for 328
implementation of those assessments prescribed by rule of the 329
state board adopted under division (D) (1) of section 3301.0712 330
of the Revised Code; 331

(b) A student who has presented evidence to the district 332
or school of having satisfied the condition prescribed by 333
division (A) (1) of section 3313.618 of the Revised Code to 334
qualify for a high school diploma prior to the date of the 335
administration of the assessment prescribed under division (B) 336
(1) of section 3301.0712 of the Revised Code shall not be 337
required to take that assessment. However, no board shall 338
prohibit a student who is not required to take such assessment 339
from taking the assessment. 340

(c) A student shall not be required to retake the Algebra 341
I end-of-course examination or the English language arts II end- 342
of-course examination prescribed under division (B) (2) of 343
section 3301.0712 of the Revised Code in grades nine through 344

twelve if the student demonstrates at least a proficient level 345
of skill, as prescribed under division (B) (5) (a) of that 346
section, or achieves a competency score, as prescribed under 347
division (B) (10) of that section, in an administration of the 348
examination prior to grade nine. 349

(C) (1) (a) In the case of a student receiving special 350
education services under Chapter 3323. of the Revised Code, the 351
individualized education program developed for the student under 352
that chapter shall specify the manner in which the student will 353
participate in the assessments administered under this section, 354
except that a student with significant cognitive disabilities to 355
whom an alternate assessment is administered in accordance with 356
division (C) (1) of this section and a student determined to have 357
a disability that includes an intellectual disability as 358
outlined in guidance issued by the department shall not be 359
required to take the assessment prescribed under division (B) (1) 360
of section 3301.0712 of the Revised Code. The individualized 361
education program may excuse the student from taking any 362
particular assessment required to be administered under this 363
section if it instead specifies an alternate assessment method 364
approved by the department of education as conforming to 365
requirements of federal law for receipt of federal funds for 366
disadvantaged pupils. To the extent possible, the individualized 367
education program shall not excuse the student from taking an 368
assessment unless no reasonable accommodation can be made to 369
enable the student to take the assessment. No board shall 370
prohibit a student who is not required to take an assessment 371
under division (C) (1) of this section from taking the 372
assessment. 373

(b) Any alternate assessment approved by the department 374
for a student under this division shall produce measurable 375

results comparable to those produced by the assessment it 376
replaces in order to allow for the student's results to be 377
included in the data compiled for a school district or building 378
under section 3302.03 of the Revised Code. 379

(c) (i) Any student enrolled in a chartered nonpublic 380
school who has been identified, based on an evaluation conducted 381
in accordance with section 3323.03 of the Revised Code or 382
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 383
29 U.S.C.A. 794, as amended, as a child with a disability shall 384
be excused from taking any particular assessment required to be 385
administered under this section if either of the following 386
apply: 387

(I) A plan developed for the student pursuant to rules 388
adopted by the state board excuses the student from taking that 389
assessment. 390

(II) The chartered nonpublic school develops a written 391
plan in which the school, in consultation with the student's 392
parents, determines that an assessment or alternative assessment 393
with accommodations does not accurately assess the student's 394
academic performance. The plan shall include an academic profile 395
of the student's academic performance and shall be reviewed 396
annually to determine if the student's needs continue to require 397
excusal from taking the assessment. 398

(ii) A student with significant cognitive disabilities to 399
whom an alternate assessment is administered in accordance with 400
division (C) (1) of this section and a student determined to have 401
a disability that includes an intellectual disability as 402
outlined in guidance issued by the department shall not be 403
required to take the assessment prescribed under division (B) (1) 404
of section 3301.0712 of the Revised Code. 405

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

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

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

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

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

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

However, no board shall prohibit an English learner who is not required to take an assessment under division (C) (3) of this

section from taking the assessment. A board may permit any 435
English learner to take an assessment required to be 436
administered under this section with appropriate accommodations, 437
as determined by the department. For each English learner, each 438
school district shall annually assess that student's progress in 439
learning English, in accordance with procedures approved by the 440
department. 441

(4) (a) The governing authority of a chartered nonpublic 442
school may excuse an English learner from taking any assessment 443
administered under this section. 444

(b) No governing authority shall require an English 445
learner who has been enrolled in United States schools for less 446
than two years and for whom no appropriate accommodations are 447
available based on guidance issued by the department to take the 448
assessment prescribed under division (B) (1) of section 3301.0712 449
of the Revised Code. 450

(c) No governing authority shall prohibit an English 451
learner from taking an assessment from which the student was 452
excused under division (C) (4) of this section. 453

(D) (1) In the school year next succeeding the school year 454
in which the assessments prescribed by division (A) (1) or (B) (1) 455
of section 3301.0710 of the Revised Code or former division (A) 456
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 457
it existed prior to September 11, 2001, are administered to any 458
student, the board of education of any school district in which 459
the student is enrolled in that year shall provide to the 460
student intervention services commensurate with the student's 461
performance, including any intensive intervention required under 462
section 3313.608 of the Revised Code, in any skill in which the 463
student failed to demonstrate at least a score at the proficient 464

level on the assessment. 465

(2) Following any administration of the assessments 466
prescribed by division (D) of section 3301.0710 of the Revised 467
Code to ninth grade students, each school district that has a 468
three-year average graduation rate of not more than seventy-five 469
per cent shall determine for each high school in the district 470
whether the school shall be required to provide intervention 471
services to any students who took the assessments. In 472
determining which high schools shall provide intervention 473
services based on the resources available, the district shall 474
consider each school's graduation rate and scores on the 475
practice assessments. The district also shall consider the 476
scores received by ninth grade students on the English language 477
arts and mathematics assessments prescribed under division (A) 478
(1) (f) of section 3301.0710 of the Revised Code in the eighth 479
grade in determining which high schools shall provide 480
intervention services. 481

Each high school selected to provide intervention services 482
under this division shall provide intervention services to any 483
student whose results indicate that the student is failing to 484
make satisfactory progress toward being able to attain scores at 485
the proficient level on the Ohio graduation tests. Intervention 486
services shall be provided in any skill in which a student 487
demonstrates unsatisfactory progress and shall be commensurate 488
with the student's performance. Schools shall provide the 489
intervention services prior to the end of the school year, 490
during the summer following the ninth grade, in the next 491
succeeding school year, or at any combination of those times. 492

(E) Except as provided in section 3313.608 of the Revised 493
Code and division (N) of this section, no school district board 494

of education shall utilize any student's failure to attain a 495
specified score on an assessment administered under this section 496
as a factor in any decision to deny the student promotion to a 497
higher grade level. However, a district board may choose not to 498
promote to the next grade level any student who does not take an 499
assessment administered under this section or make up an 500
assessment as provided by division (C) (2) of this section and 501
who is not exempt from the requirement to take the assessment 502
under division (C) (3) of this section. 503

(F) No person shall be charged a fee for taking any 504
assessment administered under this section. 505

(G) (1) Each school district board shall designate one 506
location for the collection of assessments administered in the 507
spring under division (B) (1) of this section and those 508
administered under divisions (B) (2) to (7) of this section. Each 509
district board shall submit the assessments to the entity with 510
which the department contracts for the scoring of the 511
assessments as follows: 512

(a) If the district's total enrollment in grades 513
kindergarten through twelve during the first full school week of 514
October was less than two thousand five hundred, not later than 515
the Friday after all of the assessments have been administered; 516

(b) If the district's total enrollment in grades 517
kindergarten through twelve during the first full school week of 518
October was two thousand five hundred or more, but less than 519
seven thousand, not later than the Monday after all of the 520
assessments have been administered; 521

(c) If the district's total enrollment in grades 522
kindergarten through twelve during the first full school week of 523

October was seven thousand or more, not later than the Tuesday 524
after all of the assessments have been administered. 525

However, any assessment that a student takes during the 526
make-up period described in division (C) (2) of this section 527
shall be submitted not later than the Friday following the day 528
the student takes the assessment. 529

(2) The department or an entity with which the department 530
contracts for the scoring of the assessment shall send to each 531
school district board a list of the individual scores of all 532
persons taking a state achievement assessment as follows: 533

(a) Except as provided in division (G) (2) (b) or (c) of 534
this section, within forty-five days after the administration of 535
the assessments prescribed by sections 3301.0710 and 3301.0712 536
of the Revised Code, but in no case shall the scores be returned 537
later than the thirtieth day of June following the 538
administration; 539

(b) In the case of the third-grade English language arts 540
assessment, within forty-five days after the administration of 541
that assessment, but in no case shall the scores be returned 542
later than the fifteenth day of June following the 543
administration; 544

(c) In the case of the writing component of an assessment 545
or end-of-course examination in the area of English language 546
arts, except for the third-grade English language arts 547
assessment, the results may be sent after forty-five days of the 548
administration of the writing component, but in no case shall 549
the scores be returned later than the thirtieth day of June 550
following the administration. 551

(3) For assessments administered under this section by a 552

joint vocational school district, the department or entity shall 553
also send to each city, local, or exempted village school 554
district a list of the individual scores of any students of such 555
city, local, or exempted village school district who are 556
attending school in the joint vocational school district. 557

(4) Beginning with the 2019-2020 school year, a school 558
district, other public school, or chartered nonpublic school may 559
administer the third-grade English language arts or mathematics 560
assessment, or both, in a paper format in any school year for 561
which the district board of education or school governing body 562
adopts a resolution indicating that the district or school 563
chooses to administer the assessment in a paper format. The 564
board or governing body shall submit a copy of the resolution to 565
the department of education not later than the first day of May 566
prior to the school year for which it will apply. If the 567
resolution is submitted, the district or school shall administer 568
the assessment in a paper format to all students in the third 569
grade, except that any student whose individualized education 570
program or plan developed under section 504 of the 571
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 572
amended, specifies that taking the assessment in an online 573
format is an appropriate accommodation for the student may take 574
the assessment in an online format. 575

(H) Individual scores on any assessments administered 576
under this section shall be released by a district board only in 577
accordance with section 3319.321 of the Revised Code and the 578
rules adopted under division (A) of this section. No district 579
board or its employees shall utilize individual or aggregate 580
results in any manner that conflicts with rules for the ethical 581
use of assessments adopted pursuant to division (A) of this 582
section. 583

(I) Except as provided in division (G) of this section, 584
the department or an entity with which the department contracts 585
for the scoring of the assessment shall not release any 586
individual scores on any assessment administered under this 587
section. The state board shall adopt rules to ensure the 588
protection of student confidentiality at all times. The rules 589
may require the use of the data verification codes assigned to 590
students pursuant to division (D)(2) of section 3301.0714 of the 591
Revised Code to protect the confidentiality of student scores. 592

(J) Notwithstanding division (D) of section 3311.52 of the 593
Revised Code, this section does not apply to the board of 594
education of any cooperative education school district except as 595
provided under rules adopted pursuant to this division. 596

(1) In accordance with rules that the state board shall 597
adopt, the board of education of any city, exempted village, or 598
local school district with territory in a cooperative education 599
school district established pursuant to divisions (A) to (C) of 600
section 3311.52 of the Revised Code may enter into an agreement 601
with the board of education of the cooperative education school 602
district for administering any assessment prescribed under this 603
section to students of the city, exempted village, or local 604
school district who are attending school in the cooperative 605
education school district. 606

(2) In accordance with rules that the state board shall 607
adopt, the board of education of any city, exempted village, or 608
local school district with territory in a cooperative education 609
school district established pursuant to section 3311.521 of the 610
Revised Code shall enter into an agreement with the cooperative 611
district that provides for the administration of any assessment 612
prescribed under this section to both of the following: 613

(a) Students who are attending school in the cooperative 614
district and who, if the cooperative district were not 615
established, would be entitled to attend school in the city, 616
local, or exempted village school district pursuant to section 617
3313.64 or 3313.65 of the Revised Code; 618

(b) Persons described in division (B) (8) (b) of this 619
section. 620

Any assessment of students pursuant to such an agreement 621
shall be in lieu of any assessment of such students or persons 622
pursuant to this section. 623

(K) (1) (a) Except as otherwise provided in division (K) (1) 624
or (2) of this section, each chartered nonpublic school for 625
which at least sixty-five per cent of its total enrollment is 626
made up of students who are participating in state scholarship 627
programs shall administer the assessments prescribed by division 628
(A) of section 3301.0710 of the Revised Code or an alternative 629
standardized assessment determined by the department. In 630
accordance with procedures and deadlines prescribed by the 631
department, the parent or guardian of a student enrolled in the 632
school who is not participating in a state scholarship program 633
may submit notice to the chief administrative officer of the 634
school that the parent or guardian does not wish to have the 635
student take the assessments prescribed for the student's grade 636
level under division (A) of section 3301.0710 of the Revised 637
Code. If a parent or guardian submits an opt-out notice, the 638
school shall not administer the assessments to that student. 639
This option does not apply to any assessment required for a high 640
school diploma under section 3313.612 of the Revised Code. 641

(b) Any chartered nonpublic school that enrolls students 642
who are participating in state scholarship programs may 643

administer an alternative standardized assessment determined by 644
the department instead of the assessments prescribed by division 645
(A) of section 3301.0710 of the Revised Code. 646

Each chartered nonpublic school subject to division (K) (1) 647
(a) or (b) of this section shall report the results of each 648
assessment administered under those divisions to the department. 649

(2) A chartered nonpublic school may submit to the 650
superintendent of public instruction a request for a waiver from 651
administering the elementary assessments prescribed by division 652
(A) of section 3301.0710 of the Revised Code. The state 653
superintendent shall approve or disapprove a request for a 654
waiver submitted under division (K) (2) of this section. No 655
waiver shall be approved for any school year prior to the 2015- 656
2016 school year. 657

To be eligible to submit a request for a waiver, a 658
chartered nonpublic school shall meet the following conditions: 659

(a) At least ninety-five per cent of the students enrolled 660
in the school are children with disabilities, as defined under 661
section 3323.01 of the Revised Code, or have received a 662
diagnosis by a school district or from a physician, including a 663
neuropsychiatrist or psychiatrist, or a psychologist who is 664
authorized to practice in this or another state as having a 665
condition that impairs academic performance, such as dyslexia, 666
dyscalculia, attention deficit hyperactivity disorder, or 667
Asperger's syndrome. 668

(b) The school has solely served a student population 669
described in division (K) (1) (a) of this section for at least ten 670
years. 671

(c) The school provides to the department at least five 672

years of records of internal testing conducted by the school 673
that affords the department data required for accountability 674
purposes, including diagnostic assessments and nationally 675
standardized norm-referenced achievement assessments that 676
measure reading and math skills. 677

(3) Any chartered nonpublic school that is not subject to 678
division (K) (1) of this section may participate in the 679
assessment program by administering any of the assessments 680
prescribed by division (A) of section 3301.0710 of the Revised 681
Code. The chief administrator of the school shall specify which 682
assessments the school will administer. Such specification shall 683
be made in writing to the superintendent of public instruction 684
prior to the first day of August of any school year in which 685
assessments are administered and shall include a pledge that the 686
nonpublic school will administer the specified assessments in 687
the same manner as public schools are required to do under this 688
section and rules adopted by the department. 689

(4) The department of education shall furnish the 690
assessments prescribed by section 3301.0710 of the Revised Code 691
to each chartered nonpublic school that is subject to division 692
(K) (1) of this section or participates under division (K) (3) of 693
this section. 694

(L) If a chartered nonpublic school is educating students 695
in grades nine through twelve, the following shall apply: 696

(1) Except as provided in division (L) (4) of this section, 697
for a student who is enrolled in a chartered nonpublic school 698
that is accredited through the independent schools association 699
of the central states and who is attending the school under a 700
state scholarship program, the student shall either take all of 701
the assessments prescribed by division (B) of section 3301.0712 702

of the Revised Code or take an alternative assessment approved 703
by the department under section 3313.619 of the Revised Code. 704
However, a student who is excused from taking an assessment 705
under division (C) of this section or has presented evidence to 706
the chartered nonpublic school of having satisfied the condition 707
prescribed by division (A) (1) of section 3313.618 of the Revised 708
Code to qualify for a high school diploma prior to the date of 709
the administration of the assessment prescribed under division 710
(B) (1) of section 3301.0712 of the Revised Code shall not be 711
required to take that assessment. No governing authority of a 712
chartered nonpublic school shall prohibit a student who is not 713
required to take such assessment from taking the assessment. 714

(2) For a student who is enrolled in a chartered nonpublic 715
school that is accredited through the independent schools 716
association of the central states, and who is not attending the 717
school under a state scholarship program, the student shall not 718
be required to take any assessment prescribed under section 719
3301.0712 or 3313.619 of the Revised Code. 720

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 721
of this section, for a student who is enrolled in a chartered 722
nonpublic school that is not accredited through the independent 723
schools association of the central states, regardless of whether 724
the student is attending or is not attending the school under a 725
state scholarship program, the student shall do one of the 726
following: 727

(i) Take all of the assessments prescribed by division (B) 728
of section 3301.0712 of the Revised Code; 729

(ii) Take only the assessment prescribed by division (B) 730
(1) of section 3301.0712 of the Revised Code, provided that the 731
student's school publishes the results of that assessment for 732

each graduating class. The published results of that assessment 733
shall include the overall composite scores, mean scores, twenty- 734
fifth percentile scores, and seventy-fifth percentile scores for 735
each subject area of the assessment. 736

(iii) Take an alternative assessment approved by the 737
department under section 3313.619 of the Revised Code. 738

(b) A student who is excused from taking an assessment 739
under division (C) of this section or has presented evidence to 740
the chartered nonpublic school of having satisfied the condition 741
prescribed by division (A) (1) of section 3313.618 of the Revised 742
Code to qualify for a high school diploma prior to the date of 743
the administration of the assessment prescribed under division 744
(B) (1) of section 3301.0712 of the Revised Code shall not be 745
required to take that assessment. No governing authority of a 746
chartered nonpublic school shall prohibit a student who is not 747
required to take such assessment from taking the assessment. 748

(4) The assessments prescribed by sections 3301.0712 and 749
3313.619 of the Revised Code shall not be administered to any 750
student attending the school, if the school meets all of the 751
following conditions: 752

(a) At least ninety-five per cent of the students enrolled 753
in the school are children with disabilities, as defined under 754
section 3323.01 of the Revised Code, or have received a 755
diagnosis by a school district or from a physician, including a 756
neuropsychologist or psychiatrist, or a psychologist who is 757
authorized to practice in this or another state as having a 758
condition that impairs academic performance, such as dyslexia, 759
dyscalculia, attention deficit hyperactivity disorder, or 760
Asperger's syndrome. 761

(b) The school has solely served a student population 762
described in division (L) (4) (a) of this section for at least ten 763
years. 764

(c) The school makes available to the department at least 765
five years of records of internal testing conducted by the 766
school that affords the department data required for 767
accountability purposes, including growth in student achievement 768
in reading or mathematics, or both, as measured by nationally 769
norm-referenced assessments that have developed appropriate 770
standards for students. 771

Division (L) (4) of this section applies to any student 772
attending such school regardless of whether the student receives 773
special education or related services and regardless of whether 774
the student is attending the school under a state scholarship 775
program. 776

(M) (1) The superintendent of the state school for the 777
blind and the superintendent of the state school for the deaf 778
shall administer the assessments described by sections 3301.0710 779
and 3301.0712 of the Revised Code. Each superintendent shall 780
administer the assessments in the same manner as district boards 781
are required to do under this section and rules adopted by the 782
department of education and in conformity with division (C) (1) 783
(a) of this section. 784

(2) The department of education shall furnish the 785
assessments described by sections 3301.0710 and 3301.0712 of the 786
Revised Code to each superintendent. 787

(N) Notwithstanding division (E) of this section, a school 788
district may use a student's failure to attain a score in at 789
least the proficient range on the mathematics assessment 790

described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

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

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

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

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

(4) This division applies to the assessments prescribed by

division (A) of section 3301.0710 of the Revised Code. 820

(a) The first administration of each assessment, as 821
specified in former section 3301.0712 of the Revised Code, shall 822
be a public record. 823

(b) For subsequent administrations of each assessment 824
prior to the 2011-2012 school year, not less than forty per cent 825
of the questions on the assessment that are used to compute a 826
student's score shall be a public record. The department shall 827
determine which questions will be needed for reuse on a future 828
assessment and those questions shall not be public records and 829
shall be redacted from the assessment prior to its release as a 830
public record. However, for each redacted question, the 831
department shall inform each city, local, and exempted village 832
school district of the statewide academic standard adopted by 833
the state board under section 3301.079 of the Revised Code and 834
the corresponding benchmark to which the question relates. The 835
preceding sentence does not apply to field test questions that 836
are redacted under division (O) (3) of this section. 837

(c) The administrations of each assessment in the 2011- 838
2012, 2012-2013, and 2013-2014 school years shall not be a 839
public record. 840

(5) Each assessment prescribed by division (B) (1) of 841
section 3301.0710 of the Revised Code shall not be a public 842
record. 843

(6) (a) Except as provided in division (O) (6) (b) of this 844
section, for the administrations in the 2014-2015, 2015-2016, 845
and 2016-2017 school years, questions on the assessments 846
prescribed under division (A) of section 3301.0710 and division 847
(B) (2) of section 3301.0712 of the Revised Code and the 848

corresponding preferred answers that are used to compute a 849
student's score shall become a public record as follows: 850

(i) Forty per cent of the questions and preferred answers 851
on the assessments on the thirty-first day of July following the 852
administration of the assessment; 853

(ii) Twenty per cent of the questions and preferred 854
answers on the assessment on the thirty-first day of July one 855
year after the administration of the assessment; 856

(iii) The remaining forty per cent of the questions and 857
preferred answers on the assessment on the thirty-first day of 858
July two years after the administration of the assessment. 859

The entire content of an assessment shall become a public 860
record within three years of its administration. 861

The department shall make the questions that become a 862
public record under this division readily accessible to the 863
public on the department's web site. Questions on the spring 864
administration of each assessment shall be released on an annual 865
basis, in accordance with this division. 866

(b) No questions and corresponding preferred answers shall 867
become a public record under division (O) (6) of this section 868
after July 31, 2017. 869

(7) Division (O) (7) of this section applies to the 870
assessments prescribed by division (A) of section 3301.0710 and 871
division (B) (2) of section 3301.0712 of the Revised Code. 872

Beginning with the assessments administered in the spring 873
of the 2017-2018 school year, not less than forty per cent of 874
the questions on each assessment that are used to compute a 875
student's score shall be a public record. The department shall 876

determine which questions will be needed for reuse on a future 877
assessment and those questions shall not be public records and 878
shall be redacted from the assessment prior to its release as a 879
public record. However, for each redacted question, the 880
department shall inform each city, local, and exempted village 881
school district of the corresponding statewide academic standard 882
adopted by the state board under section 3301.079 of the Revised 883
Code and the corresponding benchmark to which the question 884
relates. The department is not required to provide corresponding 885
standards and benchmarks to field test questions that are 886
redacted under division (O) (3) of this section. 887

(P) As used in this section: 888

(1) "Three-year average" means the average of the most 889
recent consecutive three school years of data. 890

(2) "Dropout" means a student who withdraws from school 891
before completing course requirements for graduation and who is 892
not enrolled in an education program approved by the state board 893
of education or an education program outside the state. 894
"Dropout" does not include a student who has departed the 895
country. 896

(3) "Graduation rate" means the ratio of students 897
receiving a diploma to the number of students who entered ninth 898
grade four years earlier. Students who transfer into the 899
district are added to the calculation. Students who transfer out 900
of the district for reasons other than dropout are subtracted 901
from the calculation. If a student who was a dropout in any 902
previous year returns to the same school district, that student 903
shall be entered into the calculation as if the student had 904
entered ninth grade four years before the graduation year of the 905
graduating class that the student joins. 906

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

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

Sec. 3301.163. (A) ~~Beginning July 1, 2015~~Until the 2022-2023 school year, any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A) (2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A) (2) of

section 3313.608 of the Revised Code. 938

As used in this section, "child with a disability" and 939
"school district of residence" have the same meanings as in 940
section 3323.01 of the Revised Code. 941

(B) (1) Each chartered nonpublic school that enrolls 942
students in any of grades kindergarten through three and that 943
accepts students under the educational choice scholarship pilot 944
program or the pilot project scholarship program shall adopt 945
policies and procedures for the annual assessment of the reading 946
skills of those students. Each school may use the diagnostic 947
assessment to measure reading ability for the appropriate grade 948
level prescribed in division (D) of section 3301.079 of the 949
Revised Code. If the school uses such assessments, the 950
department of education shall furnish them to the chartered 951
nonpublic school. 952

(2) For each student identified as having reading skills 953
below grade level, the school shall do both of the following: 954

(a) Provide to the student's parent or guardian, in 955
writing, all of the following: 956

(i) Notification that the student has been identified as 957
having a substantial deficiency in reading; 958

(ii) ~~Notification~~ Through the 2022-2023 school year, 959
notification that if the student attains a score in the range 960
designated under division (A) (3) of section 3301.0710 of the 961
Revised Code on the assessment prescribed under that section to 962
measure skill in English language arts expected at the end of 963
third grade, the student shall be retained unless the student is 964
exempt under division (A) (1) of section 3313.608 of the Revised 965
Code. 966

(b) Provide intensive reading instruction services, as 967
determined appropriate by the school, to each student identified 968
under this section. 969

(C) Each chartered nonpublic school subject to this 970
section annually shall report to the department the number of 971
students identified as reading at grade level and the number of 972
students identified as reading below grade level. 973

(D) Each chartered nonpublic school shall provide reading 974
intervention services required under division (B)(2) of this 975
section to either of the following: 976

(1) A student in grade four or five who has been 977
identified as having reading skills below grade level; 978

(2) A student who has been retained in any of grades 979
kindergarten through three and has received remediation in 980
reading for two school years but continues to read below grade 981
level. 982

Sec. 3302.151. (A) Notwithstanding anything to the 983
contrary in the Revised Code, a school district that qualifies 984
under division (D) of this section shall be exempt from all of 985
the following: 986

(1) The teacher qualification requirements under the 987
third-grade reading guarantee, as prescribed under divisions (B) 988
(3) (c) and ~~(H)~~ (I) of section 3313.608 of the Revised Code. This 989
exemption does not relieve a teacher from holding a valid Ohio 990
license in a subject area and grade level determined appropriate 991
by the board of education of that district. 992

(2) The mentoring component of the Ohio teacher residency 993
program established under division (A) (1) of section 3319.223 of 994
the Revised Code, so long as the district utilizes a local 995

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| approach to train and support new teachers; | 996 |
| (3) Any provision of the Revised Code or rule or standard | 997 |
| of the state board of education prescribing a minimum or maximum | 998 |
| class size; | 999 |
| (4) Any provision of the Revised Code or rule or standard | 1000 |
| of the state board requiring teachers to be licensed | 1001 |
| specifically in the grade level in which they are teaching, | 1002 |
| except unless otherwise prescribed by federal law. This | 1003 |
| exemption does not apply to special education teachers. Nor does | 1004 |
| this exemption relieve a teacher from holding a valid Ohio | 1005 |
| license in the subject area in which that teacher is teaching | 1006 |
| and at least some grade level determined appropriate by the | 1007 |
| district board. | 1008 |
| (B) (1) Notwithstanding anything to the contrary in the | 1009 |
| Revised Code, including sections 3319.30 and 3319.36 of the | 1010 |
| Revised Code, the superintendent of a school district that | 1011 |
| qualifies under division (D) of this section may employ an | 1012 |
| individual who is not licensed as required by sections 3319.22 | 1013 |
| to 3319.30 of the Revised Code, but who is otherwise qualified | 1014 |
| based on experience, to teach classes in the district, so long | 1015 |
| as the board of education of the school district approves the | 1016 |
| individual's employment and provides mentoring and professional | 1017 |
| development opportunities to that individual, as determined | 1018 |
| necessary by the board. | 1019 |
| (2) As a condition of employment under this section, an | 1020 |
| individual shall be subject to a criminal records check as | 1021 |
| prescribed by section 3319.391 of the Revised Code. In the | 1022 |
| manner prescribed by the department of education, the individual | 1023 |
| shall submit the criminal records check to the department and | 1024 |
| shall register with the department during the period in which | 1025 |

the individual is employed by the district. The department shall 1026
use the information submitted to enroll the individual in the 1027
retained applicant fingerprint database, established under 1028
section 109.5721 of the Revised Code, in the same manner as any 1029
teacher licensed under sections 3319.22 to 3319.31 of the 1030
Revised Code. 1031

(3) An individual employed pursuant to this division is 1032
subject to Chapter 3307. of the Revised Code. 1033

If the department receives notification of the arrest or 1034
conviction of an individual employed under division (B) of this 1035
section, the department shall promptly notify the employing 1036
district and may take any action authorized under sections 1037
3319.31 and 3319.311 of the Revised Code that it considers 1038
appropriate. No district shall employ any individual under 1039
division (B) of this section if the district learns that the 1040
individual has plead guilty to, has been found guilty by a jury 1041
or court of, or has been convicted of any of the offenses listed 1042
in division (C) of section 3319.31 of the Revised Code. 1043

(C) Notwithstanding anything to the contrary in the 1044
Revised Code, noncompliance with any of the requirements listed 1045
in divisions (A) or (B) of this section shall not disqualify a 1046
school district that qualifies under division (D) of this 1047
section from receiving funds under Chapter 3317. of the Revised 1048
Code. 1049

(D) In order for a city, local, or exempted village school 1050
district to qualify for the exemptions described in this 1051
section, the school district shall meet all of the following 1052
benchmarks on the most recent report card issued for that 1053
district under section 3302.03 of the Revised Code: 1054

(1) The district received at least eighty-five per cent of 1055
the total possible points for the performance index score 1056
calculated under division (C) (1) (b) or (D) (1) (c) of that 1057
section; 1058

(2) The district received a grade of an "A" for 1059
performance indicators met under division (C) (1) (c) of that 1060
section. However, division (D) (2) of this section shall not 1061
apply for the 2021-2022 school year or any school year 1062
thereafter. 1063

(3) The district has a four-year adjusted cohort 1064
graduation rate of at least ninety-three per cent and a five- 1065
year adjusted cohort graduation rate of at least ninety-five per 1066
cent, as calculated under division (C) (1) (d) or divisions (D) (1) 1067
(e) and (D) (1) (f) of that section. 1068

(E) A school district that meets the requirements 1069
prescribed by division (D) of this section shall be qualified 1070
for the exemptions prescribed by this section for three school 1071
years, beginning with the school year in which the qualifying 1072
report card is issued. 1073

(F) As used in this section, "license" has the same 1074
meaning as in section 3319.31 of the Revised Code. 1075

Sec. 3313.608. (A) (1) Beginning with students who enter 1076
third grade in the school year that starts July 1, 2009, and 1077
until June 30, 2013, unless the student is excused under 1078
division (C) of section 3301.0711 of the Revised Code from 1079
taking the assessment described in this section, for any student 1080
who does not attain at least the equivalent level of achievement 1081
designated under division (A) (3) of section 3301.0710 of the 1082
Revised Code on the assessment prescribed under that section to 1083

measure skill in English language arts expected at the end of 1084
third grade, each school district, in accordance with the policy 1085
adopted under section 3313.609 of the Revised Code, shall do one 1086
of the following: 1087

(a) Promote the student to fourth grade if the student's 1088
principal and reading teacher agree that other evaluations of 1089
the student's skill in reading demonstrate that the student is 1090
academically prepared to be promoted to fourth grade; 1091

(b) Promote the student to fourth grade but provide the 1092
student with intensive intervention services in fourth grade; 1093

(c) Retain the student in third grade. 1094

(2) Beginning with students who enter third grade in the 1095
2013-2014 school year and until June 30, 2023, unless the 1096
student is excused under division (C) of section 3301.0711 of 1097
the Revised Code from taking the assessment described in this 1098
section, no school district shall promote to fourth grade any 1099
student who does not attain at least the equivalent level of 1100
achievement designated under division (A) (3) of section 1101
3301.0710 of the Revised Code on the assessment prescribed under 1102
that section to measure skill in English language arts expected 1103
at the end of third grade, unless one of the following applies: 1104

(a) The student is an English learner who has been 1105
enrolled in United States schools for less than three full 1106
school years and has had less than three years of instruction in 1107
an English as a second language program. 1108

(b) The student is a child with a disability entitled to 1109
special education and related services under Chapter 3323. of 1110
the Revised Code and the student's individualized education 1111
program exempts the student from retention under this division. 1112

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. 1113
1114
1115

(d) All of the following apply: 1116

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code. 1117
1118
1119

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 1120
1121
1122

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 1123
1124
1125
1126
1127

(iv) The student previously was retained in any of grades kindergarten to three. 1128
1129

(e) (i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 1130
1131
1132
1133

(ii) A student who is promoted under division (A) (2) (e) (i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 1134
1135
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(3) Beginning with students who enter the third grade in 1141
the 2023-2024 school year, no school district shall retain a 1142
student under this section based upon the student's score on the 1143
assessment prescribed by section 3301.0710 of the Revised Code 1144
to measure skill in English language arts expected at the end of 1145
third grade. Districts shall continue to offer intervention and 1146
remediation services in the manner prescribed under this section 1147
for students found to be reading below grade level. 1148

(B) (1) Beginning in the 2012-2013 school year, to assist 1149
students in meeting the third grade guarantee established by 1150
this section, each school district board of education shall 1151
adopt policies and procedures with which it annually shall 1152
assess the reading skills of each student, except those students 1153
with significant cognitive disabilities or other disabilities as 1154
authorized by the department on a case-by-case basis, enrolled 1155
in kindergarten to third grade and shall identify students who 1156
are reading below their grade level. The reading skills 1157
assessment shall be completed by the thirtieth day of September 1158
for students in grades one to three, and by the twentieth day of 1159
instruction of the school year for students in kindergarten. 1160
Each district shall use the diagnostic assessment to measure 1161
reading ability for the appropriate grade level adopted under 1162
section 3301.079 of the Revised Code, or a comparable tool 1163
approved by the department of education, to identify such 1164
students. The policies and procedures shall require the 1165
students' classroom teachers to be involved in the assessment 1166
and the identification of students reading below grade level. 1167
The assessment may be administered electronically using live, 1168
two-way video and audio connections whereby the teacher 1169
administering the assessment may be in a separate location from 1170
the student. 1171

(2) For each student identified by the diagnostic 1172
assessment prescribed under this section as having reading 1173
skills below grade level, the district shall do both of the 1174
following: 1175

(a) Provide to the student's parent or guardian, in 1176
writing, all of the following: 1177

(i) Notification that the student has been identified as 1178
having a substantial deficiency in reading; 1179

(ii) A description of the current services that are 1180
provided to the student; 1181

(iii) A description of the proposed supplemental 1182
instructional services and supports that will be provided to the 1183
student that are designed to remediate the identified areas of 1184
reading deficiency; 1185

~~(iv) Notification that if the student attains a score in 1186
the range designated under division (A) (3) of section 3301.0710- 1187
of the Revised Code on the assessment prescribed under that 1188
section to measure skill in English language arts expected at 1189
the end of third grade, the student shall be retained unless the 1190
student is exempt under division (A) of this section. The 1191
notification shall specify that the assessment under section 1192
3301.0710 of the Revised Code is not the sole determinant of 1193
promotion and that additional evaluations and assessments are 1194
available to the student to assist parents and the district in 1195
knowing when a student is reading at or above grade level and 1196
ready for promotion. 1197~~

(b) Provide intensive reading instruction services and 1198
regular diagnostic assessments to the student immediately 1199
following identification of a reading deficiency until the 1200

development of the reading improvement and monitoring plan 1201
required by division (C) of this section. These intervention 1202
services shall include research-based reading strategies that 1203
have been shown to be successful in improving reading among low- 1204
performing readers and instruction targeted at the student's 1205
identified reading deficiencies. 1206

(3) ~~For~~ Prior to the 2023-2024 school year, for each 1207
student retained under division (A) of this section, the 1208
district shall do all of the following: 1209

(a) Provide intense remediation services until the student 1210
is able to read at grade level. The remediation services shall 1211
include intensive interventions in reading that address the 1212
areas of deficiencies identified under this section including, 1213
but not limited to, not less than ninety minutes of reading 1214
instruction per day, and may include any of the following: 1215

(i) Small group instruction; 1216

(ii) Reduced teacher-student ratios; 1217

(iii) More frequent progress monitoring; 1218

(iv) Tutoring or mentoring; 1219

(v) Transition classes containing third and fourth grade 1220
students; 1221

(vi) Extended school day, week, or year; 1222

(vii) Summer reading camps. 1223

(b) Establish a policy for the mid-year promotion of a 1224
student retained under division (A) of this section who 1225
demonstrates that the student is reading at or above grade 1226
level; 1227

(c) Provide each student with a teacher who satisfies one 1228
or more of the criteria set forth in division ~~(H)~~ (I) of this 1229
section. 1230

The district shall offer the option for students to 1231
receive applicable services from one or more providers other 1232
than the district. Providers shall be screened and approved by 1233
the district or the department of education. If the student 1234
participates in the remediation services and demonstrates 1235
reading proficiency in accordance with standards adopted by the 1236
department prior to the start of fourth grade, the district 1237
shall promote the student to that grade. 1238

(4) For each student retained under division (A) of this 1239
section who has demonstrated proficiency in a specific academic 1240
ability field, each district shall provide instruction 1241
commensurate with student achievement levels in that specific 1242
academic ability field. 1243

As used in this division, "specific academic ability 1244
field" has the same meaning as in section 3324.01 of the Revised 1245
Code. 1246

(C) For each student required to be provided intervention 1247
services under this section, the district shall develop a 1248
reading improvement and monitoring plan within sixty days after 1249
receiving the student's results on the diagnostic assessment or 1250
comparable tool administered under division (B) (1) of this 1251
section. The district shall involve the student's parent or 1252
guardian and classroom teacher in developing the plan. The plan 1253
shall include all of the following: 1254

(1) Identification of the student's specific reading 1255
deficiencies; 1256

(2) A description of the additional instructional services 1257
and support that will be provided to the student to remediate 1258
the identified reading deficiencies; 1259

(3) Opportunities for the student's parent or guardian to 1260
be involved in the instructional services and support described 1261
in division (C) (2) of this section; 1262

(4) A process for monitoring the extent to which the 1263
student receives the instructional services and support 1264
described in division (C) (2) of this section; 1265

(5) A reading curriculum during regular school hours that 1266
does all of the following: 1267

(a) Assists students to read at grade level; 1268

(b) Provides scientifically based and reliable assessment; 1269

(c) Provides initial and ongoing analysis of each 1270
student's reading progress. 1271

~~(6) A statement that if the student does not attain at 1272
least the equivalent level of achievement designated under 1273
division (A) (3) of section 3301.0710 of the Revised Code on the 1274
assessment prescribed under that section to measure skill in 1275
English language arts expected by the end of third grade, the 1276
student may be retained in third grade. 1277~~

Each student with a reading improvement and monitoring 1278
plan under this division who enters third grade after July 1, 1279
2013, shall be assigned to a teacher who satisfies one or more 1280
of the criteria set forth in division ~~(H)~~ (I) of this section. 1281

The district shall report any information requested by the 1282
department about the reading improvement monitoring plans 1283
developed under this division in the manner required by the 1284

department. 1285

(D) Each school district shall provide reading 1286
intervention services required under division (B) (2) of this 1287
section and the reading improvement and monitoring plans 1288
required under division (C) of this section to either of the 1289
following: 1290

(1) A student in grade four or five who has been 1291
identified as having reading skills below grade level; 1292

(2) A student who has been retained in any of grades 1293
kindergarten through three and has received remediation in 1294
reading for two school years but continues to read below grade 1295
level. 1296

Each school district shall notify the parent or guardian 1297
of students who receive services or a plan under division (D) of 1298
this section. 1299

(E) Each school district shall report annually to the 1300
department on its implementation and compliance with this 1301
section using guidelines prescribed by the superintendent of 1302
public instruction. The superintendent of public instruction 1303
annually shall report to the governor and general assembly the 1304
number and percentage of students in grades kindergarten through 1305
four reading below grade level based on the diagnostic 1306
assessments administered under division (B) of this section and 1307
the achievement assessments administered under divisions (A) (1) 1308
(a) and (b) of section 3301.0710 of the Revised Code in English 1309
language arts, aggregated by school district and building; the 1310
types of intervention services provided to students; and, if 1311
available, an evaluation of the efficacy of the intervention 1312
services provided. 1313

~~(E)~~ (F) Any summer remediation services funded in whole or 1314
in part by the state and offered by school districts to students 1315
under this section shall meet the following conditions: 1316

(1) The remediation methods are based on reliable 1317
educational research. 1318

(2) The school districts conduct assessment before and 1319
after students participate in the program to facilitate 1320
monitoring results of the remediation services. 1321

(3) The parents of participating students are involved in 1322
programming decisions. 1323

~~(F)~~ (G) Any intervention or remediation services required 1324
by this section shall include intensive, explicit, and 1325
systematic instruction. 1326

~~(G)~~ (H) This section does not create a new cause of action 1327
or a substantive legal right for any person. 1328

~~(H) (1)~~ (I) (1) Except as provided under divisions ~~(H) (2)~~ (I) 1329
(2), (3), and (4) of this section, each student described in 1330
division (B) (3) ~~or~~, (C), or (D) of this section who enters 1331
third grade for the first time on or after July 1, 2013, shall 1332
be assigned a teacher who has at least one year of teaching 1333
experience and who satisfies one or more of the following 1334
criteria: 1335

(a) The teacher holds a reading endorsement on the 1336
teacher's license and has attained a passing score on the 1337
corresponding assessment for that endorsement, as applicable. 1338

(b) The teacher has completed a master's degree program 1339
with a major in reading. 1340

(c) The teacher was rated "most effective" for reading 1341

instruction consecutively for the most recent two years based on 1342
assessments of student growth measures developed by a vendor and 1343
that is on the list of student assessments approved by the state 1344
board under division (B) (2) of section 3319.112 of the Revised 1345
Code. 1346

(d) The teacher was rated "above expected value added," in 1347
reading instruction, as determined by criteria established by 1348
the department, for the most recent, consecutive two years. 1349

(e) The teacher has earned a passing score on a rigorous 1350
test of principles of scientifically research-based reading 1351
instruction as approved by the state board. 1352

(f) The teacher holds an educator license for teaching 1353
grades pre-kindergarten through three or four through nine 1354
issued on or after July 1, 2017. 1355

(2) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1356
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1357
of this section who enters third grade for the first time on or 1358
after July 1, 2013, may be assigned to a teacher with less than 1359
one year of teaching experience provided that the teacher meets 1360
one or more of the criteria described in divisions ~~(H) (1) (a)~~ (I) 1361
(1) (a) to (f) of this section and that teacher is assigned a 1362
teacher mentor who meets the qualifications of division ~~(H) (1)~~ 1363
(I) (1) of this section. 1364

(3) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1365
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1366
of this section who enters third grade for the first time on or 1367
after July 1, 2013, but prior to July 1, 2016, may be assigned 1368
to a teacher who holds an alternative credential approved by the 1369
department or who has successfully completed training that is 1370

based on principles of scientifically research-based reading 1371
instruction that has been approved by the department. Beginning 1372
on July 1, 2014, the alternative credentials and training 1373
described in division ~~(H) (3)~~ (I) (3) of this section shall be 1374
aligned with the reading competencies adopted by the state board 1375
of education under section 3301.077 of the Revised Code. 1376

(4) Notwithstanding division ~~(H) (1)~~ (I) (1) of this 1377
section, a student described in division (B) (3) ~~or, (C), or (D)~~ 1378
of this section who enters third grade for the first time on or 1379
after July 1, 2013, may receive reading intervention or 1380
remediation services under this section from an individual 1381
employed as a speech-language pathologist who holds a license 1382
issued by the state speech and hearing professionals board under 1383
Chapter 4753. of the Revised Code and a professional pupil 1384
services license as a school speech-language pathologist issued 1385
by the state board of education. 1386

(5) A teacher, other than a student's teacher of record, 1387
may provide any services required under this section, so long as 1388
that other teacher meets the requirements of division ~~(H)~~ (I) of 1389
this section and the teacher of record and the school principal 1390
agree to the assignment. Any such assignment shall be documented 1391
in the student's reading improvement and monitoring plan. 1392

As used in this division, "teacher of record" means the 1393
classroom teacher to whom a student is assigned. 1394

~~(I)~~ (J) Notwithstanding division ~~(H)~~ (I) of this section, 1395
a teacher may teach reading to any student who is an English 1396
language learner, and has been in the United States for three 1397
years or less, or to a student who has an individualized 1398
education program developed under Chapter 3323. of the Revised 1399
Code if that teacher holds an alternative credential approved by 1400

the department or has successfully completed training that is 1401
based on principles of scientifically research-based reading 1402
instruction that has been approved by the department. Beginning 1403
on July 1, 2014, the alternative credentials and training 1404
described in this division shall be aligned with the reading 1405
competencies adopted by the state board of education under 1406
section 3301.077 of the Revised Code. 1407

~~(J)~~ (K) If, on or after June 4, 2013, a school district or 1408
community school cannot furnish the number of teachers needed 1409
who satisfy one or more of the criteria set forth in division 1410
~~(H)~~ (I) of this section for the 2013-2014 school year, the 1411
school district or community school shall develop and submit a 1412
staffing plan by June 30, 2013. The staffing plan shall include 1413
criteria that will be used to assign a student described in 1414
division (B) (3) ~~or~~, (C), or (D) of this section to a teacher, 1415
credentials or training held by teachers currently teaching at 1416
the school, and how the school district or community school will 1417
meet the requirements of this section. The school district or 1418
community school shall post the staffing plan on its web site 1419
for the applicable school year. 1420

Not later than March 1, 2014, and on the first day of 1421
March in each year thereafter, a school district or community 1422
school that has submitted a plan under this division shall 1423
submit to the department a detailed report of the progress the 1424
district or school has made in meeting the requirements under 1425
this section. 1426

A school district or community school may request an 1427
extension of a staffing plan beyond the 2013-2014 school year. 1428
Extension requests must be submitted to the department not later 1429
than the thirtieth day of April prior to the start of the 1430

applicable school year. The department may grant extensions 1431
valid through the 2015-2016 school year. 1432

Until June 30, 2015, the department annually shall review 1433
all staffing plans and report to the state board not later than 1434
the thirtieth day of June of each year the progress of school 1435
districts and community schools in meeting the requirements of 1436
this section. 1437

~~(K)~~ (L) The department of education shall designate one or 1438
more staff members to provide guidance and assistance to school 1439
districts and community schools in implementing the third grade 1440
guarantee established by this section, including any standards 1441
or requirements adopted to implement the guarantee and to 1442
provide information and support for reading instruction and 1443
achievement. 1444

Section 2. That existing sections 3301.07, 3301.0711, 1445
3301.163, 3302.151, and 3313.608 of the Revised Code are hereby 1446
repealed. 1447