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135th General Assembly

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Sub. S. B. No. 162

Senator Brenner

**Cosponsors: Senators Cirino, Dolan, Gavarone, Lang, Reineke, Reynolds,
Romanchuk, Sykes**

A BILL

To amend sections 3301.0714, 3314.03, and 3326.11 1
and to enact sections 3302.131, 3302.132, and 2
3313.6030 of the Revised Code with regard to 3
academic intervention services at public schools 4
and the establishment of mathematics improvement 5
and intervention plans and to amend the versions 6
of sections 3301.0714 and 3314.03 of the Revised 7
Code that are scheduled to take effect January 8
1, 2025, to continue the changes on and after 9
that effective date. 10

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

Section 1. That sections 3301.0714, 3314.03, and 3326.11 11
be amended and sections 3302.131, 3302.132, and 3313.6030 of the 12
Revised Code be enacted to read as follows: 13

Sec. 3301.0714. (A) The department of education and 14
workforce shall adopt rules for a statewide education management 15
information system. The rules shall require the department to 16
establish guidelines for the establishment and maintenance of 17
the system in accordance with this section and the rules adopted 18

under this section. The guidelines shall include:	19
(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	20 21 22
(2) Procedures for annually collecting and reporting the data to the department in accordance with division (D) of this section;	23 24 25
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	26 27
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	28 29
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	30 31
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	32 33 34
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	35 36 37
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific	38 39 40 41 42 43 44 45 46

subject, a specific type of student, or both, such as regular 47
instructional services in mathematics, remedial reading 48
instructional services, instructional services specifically for 49
students gifted in mathematics or some other subject area, or 50
instructional services for students with a specific type of 51
disability. The categories of instructional services required by 52
the guidelines under this division shall be the same as the 53
categories of instructional services used in determining cost 54
units pursuant to division (C) (3) of this section. 55

(b) The numbers of students receiving support or 56
extracurricular services for each of the support services or 57
extracurricular programs offered by the school district, such as 58
counseling services, health services, and extracurricular sports 59
and fine arts programs. The categories of services required by 60
the guidelines under this division shall be the same as the 61
categories of services used in determining cost units pursuant 62
to division (C) (4) (a) of this section. 63

(c) Average student grades in each subject in grades nine 64
through twelve; 65

(d) Academic achievement levels as assessed under sections 66
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 67

(e) The number of students designated as having a 68
disabling condition pursuant to division (C) (1) of section 69
3301.0711 of the Revised Code; 70

(f) The numbers of students reported to the department 71
pursuant to division (C) (2) of section 3301.0711 of the Revised 72
Code; 73

(g) Attendance rates and the average daily attendance for 74
the year. For purposes of this division, a student shall be 75

counted as present for any field trip that is approved by the school administration.	76 77
(h) Expulsion rates;	78
(i) Suspension rates;	79
(j) Dropout rates;	80
(k) Rates of retention in grade;	81
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	82 83 84
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	85 86 87 88 89
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	90 91 92 93 94 95 96 97 98
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (5) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was	99 100 101 102 103

directed. The person or persons shall be identified by the 104
respective classification at the district or school, such as 105
student, teacher, or nonteaching employee, but shall not be 106
identified by name. 107

Division (B) (1) (o) of this section does not apply after 108
the date that is two years following the submission of the 109
report required by Section 733.13 of H.B. 49 of the 132nd 110
general assembly. 111

(p) The number of students earning each state diploma seal 112
included in the system prescribed under division (A) of section 113
3313.6114 of the Revised Code; 114

(q) The number of students demonstrating competency for 115
graduation using each option described in divisions (B) (1) (a) to 116
(d) of section 3313.618 of the Revised Code; 117

(r) The number of students completing each foundational 118
and supporting option as part of the demonstration of competency 119
for graduation pursuant to division (B) (1) (b) of section 120
3313.618 of the Revised Code; 121

(s) The number of students enrolled in all-day 122
kindergarten, as defined in section 3321.05 of the Revised Code. 123

(2) Personnel and classroom enrollment data for each 124
school district, including: 125

(a) The total numbers of licensed employees and 126
nonlicensed employees and the numbers of full-time equivalent 127
licensed employees and nonlicensed employees providing each 128
category of instructional service, instructional support 129
service, and administrative support service used pursuant to 130
division (C) (3) of this section. The guidelines adopted under 131
this section shall require these categories of data to be 132

maintained for the school district as a whole and, wherever 133
applicable, for each grade in the school district as a whole, 134
for each school building as a whole, and for each grade in each 135
school building. 136

(b) The total number of employees and the number of full- 137
time equivalent employees providing each category of service 138
used pursuant to divisions (C) (4) (a) and (b) of this section, 139
and the total numbers of licensed employees and nonlicensed 140
employees and the numbers of full-time equivalent licensed 141
employees and nonlicensed employees providing each category used 142
pursuant to division (C) (4) (c) of this section. The guidelines 143
adopted under this section shall require these categories of 144
data to be maintained for the school district as a whole and, 145
wherever applicable, for each grade in the school district as a 146
whole, for each school building as a whole, and for each grade 147
in each school building. 148

(c) The total number of regular classroom teachers 149
teaching classes of regular education and the average number of 150
pupils enrolled in each such class, in each of grades 151
kindergarten through five in the district as a whole and in each 152
school building in the school district. 153

(d) The number of lead teachers employed by each school 154
district and each school building. 155

(3) (a) Student demographic data for each school district, 156
including information regarding the gender ratio of the school 157
district's pupils, the racial make-up of the school district's 158
pupils, the number of English learners in the district, and an 159
appropriate measure of the number of the school district's 160
pupils who reside in economically disadvantaged households. The 161
demographic data shall be collected in a manner to allow 162

correlation with data collected under division (B) (1) of this 163
section. Categories for data collected pursuant to division (B) 164
(3) of this section shall conform, where appropriate, to 165
standard practices of agencies of the federal government. 166

(b) With respect to each student entering kindergarten, 167
whether the student previously participated in a public 168
preschool program, a private preschool program, or a head start 169
program, and the number of years the student participated in 170
each of these programs. 171

(4) (a) The core curriculum and instructional materials 172
being used for English language arts in each of grades pre- 173
kindergarten to five; 174

(b) The reading intervention programs being used in each 175
of grades pre-kindergarten to twelve. 176

~~(5)~~ (5) (a) The core curriculum and instructional materials 177
being used for mathematics in each of grades kindergarten to 178
eight; 179

(b) The mathematics intervention programs being used in 180
each of grades kindergarten to twelve. 181

(6) Any data required to be collected pursuant to federal 182
law. 183

(C) The education management information system shall 184
include cost accounting data for each district as a whole and 185
for each school building in each school district. The guidelines 186
adopted under this section shall require the cost data for each 187
school district to be maintained in a system of mutually 188
exclusive cost units and shall require all of the costs of each 189
school district to be divided among the cost units. The 190
guidelines shall require the system of mutually exclusive cost 191

units to include at least the following:	192
(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C) (1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.	193 194 195 196 197 198
(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C) (2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.	199 200 201 202 203 204
(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B) (1) (a) of this section. The guidelines shall require the cost units under division (C) (3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:	205 206 207 208 209 210 211 212 213 214 215
(a) The cost of each instructional services category required by guidelines adopted under division (B) (1) (a) of this section that is provided directly to students by a classroom teacher;	216 217 218 219
(b) The cost of the instructional support services, such	220

as services provided by a speech-language pathologist, classroom 221
aide, multimedia aide, or librarian, provided directly to 222
students in conjunction with each instructional services 223
category; 224

(c) The cost of the administrative support services 225
related to each instructional services category, such as the 226
cost of personnel that develop the curriculum for the 227
instructional services category and the cost of personnel 228
supervising or coordinating the delivery of the instructional 229
services category. 230

(4) Support or extracurricular services costs for each 231
category of service directly provided to students and required 232
by guidelines adopted pursuant to division (B) (1) (b) of this 233
section. The guidelines shall require the cost units under 234
division (C) (4) of this section to be designed so that each of 235
them may be compiled and reported in terms of average 236
expenditure per pupil receiving the service in the school 237
district as a whole and average expenditure per pupil receiving 238
the service in each building in the school district and in terms 239
of a total cost for each category of service and, as a breakdown 240
of the total cost, a cost for each of the following components: 241

(a) The cost of each support or extracurricular services 242
category required by guidelines adopted under division (B) (1) (b) 243
of this section that is provided directly to students by a 244
licensed employee, such as services provided by a guidance 245
counselor or any services provided by a licensed employee under 246
a supplemental contract; 247

(b) The cost of each such services category provided 248
directly to students by a nonlicensed employee, such as 249
janitorial services, cafeteria services, or services of a sports 250

trainer;	251
(c) The cost of the administrative services related to	252
each services category in division (C) (4) (a) or (b) of this	253
section, such as the cost of any licensed or nonlicensed	254
employees that develop, supervise, coordinate, or otherwise are	255
involved in administering or aiding the delivery of each	256
services category.	257
(D) (1) The guidelines adopted under this section shall	258
require school districts to collect information about individual	259
students, staff members, or both in connection with any data	260
required by division (B) or (C) of this section or other	261
reporting requirements established in the Revised Code. The	262
guidelines may also require school districts to report	263
information about individual staff members in connection with	264
any data required by division (B) or (C) of this section or	265
other reporting requirements established in the Revised Code.	266
The guidelines shall not authorize school districts to request	267
social security numbers of individual students. The guidelines	268
shall prohibit the reporting under this section of a student's	269
name, address, and social security number to the department. The	270
guidelines shall also prohibit the reporting under this section	271
of any personally identifiable information about any student,	272
except for the purpose of assigning the data verification code	273
required by division (D) (2) of this section, to any other person	274
unless such person is employed by the school district or the	275
information technology center operated under section 3301.075 of	276
the Revised Code and is authorized by the district or technology	277
center to have access to such information or is employed by an	278
entity with which the department contracts for the scoring or	279
the development of state assessments. The guidelines may require	280
school districts to provide the social security numbers of	281

individual staff members and the county of residence for a 282
student. Nothing in this section prohibits the department from 283
providing a student's county of residence to the department of 284
taxation to facilitate the distribution of tax revenue. 285

(2) (a) The guidelines shall provide for each school 286
district or community school to assign a data verification code 287
that is unique on a statewide basis over time to each student 288
whose initial Ohio enrollment is in that district or school and 289
to report all required individual student data for that student 290
utilizing such code. The guidelines shall also provide for 291
assigning data verification codes to all students enrolled in 292
districts or community schools on the effective date of the 293
guidelines established under this section. The assignment of 294
data verification codes for other entities, as described in 295
division (D) (2) (d) of this section, the use of those codes, and 296
the reporting and use of associated individual student data 297
shall be coordinated by the department of education and 298
workforce in accordance with state and federal law. 299

School districts shall report individual student data to 300
the department through the information technology centers 301
utilizing the code. The entities described in division (D) (2) (d) 302
of this section shall report individual student data to the 303
department in the manner prescribed by the department. 304

(b) (i) Except as provided in sections 3301.941, 3310.11, 305
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 306
Code, and in division (D) (2) (b) (ii) of this section, at no time 307
shall the department have access to information that would 308
enable any data verification code to be matched to personally 309
identifiable student data. 310

(ii) For the purpose of making per-pupil payments to 311

community schools under section 3317.022 of the Revised Code, 312
the department shall have access to information that would 313
enable any data verification code to be matched to personally 314
identifiable student data. 315

(c) Each school district and community school shall ensure 316
that the data verification code is included in the student's 317
records reported to any subsequent school district, community 318
school, or state institution of higher education, as defined in 319
section 3345.011 of the Revised Code, in which the student 320
enrolls. Any such subsequent district or school shall utilize 321
the same identifier in its reporting of data under this section. 322

(d) (i) The director of any state agency that administers a 323
publicly funded program providing services to children who are 324
younger than compulsory school age, as defined in section 325
3321.01 of the Revised Code, including the directors of health, 326
job and family services, mental health and addiction services, 327
and developmental disabilities, shall request and receive, 328
pursuant to sections 3301.0723 and 5123.0423 of the Revised 329
Code, a data verification code for a child who is receiving 330
those services. 331

(ii) The director of developmental disabilities, director 332
of health, director of job and family services, director of 333
mental health and addiction services, medicaid director, 334
executive director of the commission on minority health, 335
executive director of the opportunities for Ohioans with 336
disabilities agency, or director of education and workforce, on 337
behalf of a program that receives public funds and provides 338
services to children who are younger than compulsory school age, 339
may request and receive, pursuant to section 3301.0723 of the 340
Revised Code, a data verification code for a child who is 341

receiving services from the program. 342

(E) The guidelines adopted under this section may require 343
school districts to collect and report data, information, or 344
reports other than that described in divisions (A), (B), and (C) 345
of this section for the purpose of complying with other 346
reporting requirements established in the Revised Code. The 347
other data, information, or reports may be maintained in the 348
education management information system but are not required to 349
be compiled as part of the profile formats required under 350
division (G) of this section or the annual statewide report 351
required under division (H) of this section. 352

(F) The board of education of each school district shall 353
annually collect and report to the department, in accordance 354
with the guidelines established by the department, the data 355
required pursuant to this section. A school district may collect 356
and report these data notwithstanding section 2151.357 or 357
3319.321 of the Revised Code. 358

(G) The department shall, in accordance with the 359
procedures it adopts, annually compile the data reported by each 360
school district pursuant to division (D) of this section. The 361
department shall design formats for profiling each school 362
district as a whole and each school building within each 363
district and shall compile the data in accordance with these 364
formats. These profile formats shall: 365

(1) Include all of the data gathered under this section in 366
a manner that facilitates comparison among school districts and 367
among school buildings within each school district; 368

(2) Present the data on academic achievement levels as 369
assessed by the testing of student achievement maintained 370

pursuant to division (B) (1) (d) of this section. 371

(H) (1) The department shall, in accordance with the 372
procedures it adopts, annually prepare a statewide report for 373
all school districts and the general public that includes the 374
profile of each of the school districts developed pursuant to 375
division (G) of this section. Copies of the report shall be sent 376
to each school district. 377

(2) The department shall, in accordance with the 378
procedures it adopts, annually prepare an individual report for 379
each school district and the general public that includes the 380
profiles of each of the school buildings in that school district 381
developed pursuant to division (G) of this section. Copies of 382
the report shall be sent to the superintendent of the district 383
and to each member of the district board of education. 384

(3) Copies of the reports prescribed in divisions (H) (1) 385
and (2) of this section shall be made available to the general 386
public at each school district's offices. Each district board of 387
education shall make copies of each report available to any 388
person upon request and payment of a reasonable fee for the cost 389
of reproducing the report. The board shall annually publish in a 390
newspaper of general circulation in the school district, at 391
least twice during the two weeks prior to the week in which the 392
reports will first be available, a notice containing the address 393
where the reports are available and the date on which the 394
reports will be available. 395

(I) Any data that is collected or maintained pursuant to 396
this section and that identifies an individual pupil is not a 397
public record for the purposes of section 149.43 of the Revised 398
Code. 399

(J) As used in this section:	400
(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.	401 402 403 404 405 406 407
(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	408 409 410 411 412
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	413 414 415 416 417
(L) (1) In accordance with division (L) (2) of this section and the rules adopted under division (L) (10) of this section, the department may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.	418 419 420 421 422 423 424 425
(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:	426 427 428

(a) Notify the district in writing that the department has 429
determined that data has not been reported as required under 430
this section and require the district to review its data 431
submission and submit corrected data by a deadline established 432
by the department. The department also may require the district 433
to develop a corrective action plan, which shall include 434
provisions for the district to provide mandatory staff training 435
on data reporting procedures. 436

(b) Withhold up to ten per cent of the total amount of 437
state funds due to the district for the current fiscal year and, 438
if not previously required under division (L) (2) (a) of this 439
section, require the district to develop a corrective action 440
plan in accordance with that division; 441

(c) Withhold an additional amount of up to twenty per cent 442
of the total amount of state funds due to the district for the 443
current fiscal year; 444

(d) Direct department staff or an outside entity to 445
investigate the district's data reporting practices and make 446
recommendations for subsequent actions. The recommendations may 447
include one or more of the following actions: 448

(i) Arrange for an audit of the district's data reporting 449
practices by department staff or an outside entity; 450

(ii) Conduct a site visit and evaluation of the district; 451

(iii) Withhold an additional amount of up to thirty per 452
cent of the total amount of state funds due to the district for 453
the current fiscal year; 454

(iv) Continue monitoring the district's data reporting; 455

(v) Assign department staff to supervise the district's 456

data management system; 457

(vi) Conduct an investigation to determine whether to 458
suspend or revoke the license of any district employee in 459
accordance with division (N) of this section; 460

(vii) If the district is issued a report card under 461
section 3302.03 of the Revised Code, indicate on the report card 462
that the district has been sanctioned for failing to report data 463
as required by this section; 464

(viii) If the district is issued a report card under 465
section 3302.03 of the Revised Code and incomplete or inaccurate 466
data submitted by the district likely caused the district to 467
receive a higher performance rating than it deserved under that 468
section, issue a revised report card for the district; 469

(ix) Any other action designed to correct the district's 470
data reporting problems. 471

(3) Any time the department takes an action against a 472
school district under division (L)(2) of this section, the 473
department shall make a report of the circumstances that 474
prompted the action. The department shall send a copy of the 475
report to the district superintendent or chief administrator and 476
maintain a copy of the report in its files. 477

(4) If any action taken under division (L)(2) of this 478
section resolves a school district's data reporting problems to 479
the department's satisfaction, the department shall not take any 480
further actions described by that division. If the department 481
withheld funds from the district under that division, the 482
department may release those funds to the district, except that 483
if the department withheld funding under division (L)(2)(c) of 484
this section, the department shall not release the funds 485

withheld under division (L) (2) (b) of this section and, if the 486
department withheld funding under division (L) (2) (d) of this 487
section, the department shall not release the funds withheld 488
under division (L) (2) (b) or (c) of this section. 489

(5) Notwithstanding anything in this section to the 490
contrary, the department may use its own staff or an outside 491
entity to conduct an audit of a school district's data reporting 492
practices any time the department has reason to believe the 493
district has not made a good faith effort to report data as 494
required by this section. If any audit conducted by an outside 495
entity under division (L) (2) (d) (i) or (5) of this section 496
confirms that a district has not made a good faith effort to 497
report data as required by this section, the district shall 498
reimburse the department for the full cost of the audit. The 499
department may withhold state funds due to the district for this 500
purpose. 501

(6) Prior to issuing a revised report card for a school 502
district under division (L) (2) (d) (viii) of this section, the 503
department may hold a hearing to provide the district with an 504
opportunity to demonstrate that it made a good faith effort to 505
report data as required by this section. The hearing shall be 506
conducted by a referee appointed by the department. Based on the 507
information provided in the hearing, the referee shall recommend 508
whether the department should issue a revised report card for 509
the district. If the referee affirms the department's contention 510
that the district did not make a good faith effort to report 511
data as required by this section, the district shall bear the 512
full cost of conducting the hearing and of issuing any revised 513
report card. 514

(7) If the department determines that any inaccurate data 515

reported under this section caused a school district to receive 516
excess state funds in any fiscal year, the district shall 517
reimburse the department an amount equal to the excess funds, in 518
accordance with a payment schedule determined by the department. 519
The department may withhold state funds due to the district for 520
this purpose. 521

(8) Any school district that has funds withheld under 522
division (L) (2) of this section may appeal the withholding in 523
accordance with Chapter 119. of the Revised Code. 524

(9) In all cases of a disagreement between the department 525
and a school district regarding the appropriateness of an action 526
taken under division (L) (2) of this section, the burden of proof 527
shall be on the district to demonstrate that it made a good 528
faith effort to report data as required by this section. 529

(10) The director of education and workforce shall adopt 530
rules under Chapter 119. of the Revised Code to implement 531
division (L) of this section. 532

(M) No information technology center or school district 533
shall acquire, change, or update its student administration 534
software package to manage and report data required to be 535
reported to the department unless it converts to a student 536
software package that is certified by the department. 537

(N) The state board of education, in accordance with 538
sections 3319.31 and 3319.311 of the Revised Code, may suspend 539
or revoke a license as defined under division (A) of section 540
3319.31 of the Revised Code that has been issued to any school 541
district employee found to have willfully reported erroneous, 542
inaccurate, or incomplete data to the education management 543
information system. 544

(O) No person shall release or maintain any information 545
about any student in violation of this section. Whoever violates 546
this division is guilty of a misdemeanor of the fourth degree. 547

(P) The department shall disaggregate the data collected 548
under division (B) (1) (n) of this section according to the race 549
and socioeconomic status of the students assessed. 550

(Q) If the department cannot compile any of the 551
information required by division (I) of section 3302.03 of the 552
Revised Code based upon the data collected under this section, 553
the department shall develop a plan and a reasonable timeline 554
for the collection of any data necessary to comply with that 555
division. 556

Sec. 3302.131. (A) Beginning with the 2024-2025 school 557
year and each school year thereafter, each school district or 558
community school in which fifty-one per cent or less of the 559
district's or school's students who took the third grade 560
mathematics assessment prescribed under section 3301.0710 of the 561
Revised Code for that school year attained at least a proficient 562
score on that assessment shall establish and submit to the 563
department of education and workforce a mathematics achievement 564
improvement plan. 565

(B) The department shall establish guidelines prescribing 566
the content of and deadlines for mathematics achievement 567
improvement plans required under division (A) of this section. 568
The guidelines shall prescribe that each plan include, at a 569
minimum, an analysis of relevant student performance data, 570
measurable student performance goals, strategies to meet 571
specific student needs, a staffing and professional development 572
plan, and instructional strategies for improving student 573
performance. 574

(C) Beginning with the 2024-2025 school year and each 575
school year thereafter, any school district or community school 576
to which this section applies is no longer required to submit an 577
improvement plan pursuant to division (A) of this section when 578
not less than fifty-one per cent of the district's students who 579
took the third grade mathematics assessment prescribed under 580
section 3301.0710 of the Revised Code for that school year 581
attained at least a proficient score on that assessment. 582

(D) The department shall post in a prominent location on 583
its web site all plans submitted pursuant to this section. 584

Sec. 3302.132. (A) Beginning with the 2024-2025 school 585
year and each school year thereafter, for each student required 586
to be provided mathematics intervention services under section 587
3313.6030 of the Revised Code, the district shall develop a 588
mathematics improvement and monitoring plan within sixty days 589
after receiving the student's results on the third grade 590
mathematics assessment prescribed under section 3301.0710 of the 591
Revised Code. The district shall involve the student's parent or 592
guardian and classroom teacher in developing the plan. The plan 593
shall include all of the following: 594

(1) Identification of the student's specific mathematics 595
deficiencies; 596

(2) A description of the additional instructional services 597
and support that will be provided to the student to remediate 598
the identified mathematics deficiencies; 599

(3) Opportunities for the student's parent or guardian to 600
be involved in the instructional services and support described 601
in division (A) (2) of this section; 602

(4) A process for monitoring the extent to which the 603

student receives the instructional services and support 604
described in division (A) (2) of this section; 605

(5) A mathematics curriculum during regular school hours 606
that does all of the following: 607

(a) Assists students in mathematics at grade level; 608

(b) Provides scientifically based and reliable assessment; 609

(c) Provides initial and ongoing analysis of each 610
student's progress. 611

(6) High-dosage tutoring opportunities aligned with the 612
student's classroom instruction through a state-approved vendor 613
on the list of high-quality tutoring vendors under section 614
3301.136 of the Revised Code or a locally approved opportunity 615
that aligns with high-dosage tutoring best practices. High- 616
dosage tutoring opportunities shall include additional 617
instruction time delivered at least three days per week, or at 618
least fifty hours over thirty-six weeks. 619

(B) (1) The district shall continue to implement the plan 620
developed under division (A) of this section until the student 621
achieves the required level of skill in mathematics for the 622
student's current grade level. 623

(2) The district shall report any information requested by 624
the department of education and workforce about the mathematics 625
improvement and monitoring plans developed under this section in 626
the manner required by the department. 627

Sec. 3313.6030. (A) As used in this section: 628

(1) "Qualifying student" means a student who demonstrates 629
a limited level of skill on a state assessment in mathematics or 630
English language arts, or both. 631

(2) "State assessment" means an achievement assessment 632
prescribed under section 3301.0710 of the Revised Code or an 633
end-of-course examination prescribed under section 3301.0712 of 634
the Revised Code. 635

(3) "Tutoring supports" means high-dosage tutoring 636
opportunities aligned with the student's classroom instruction 637
through a state-approved vendor on the list of high-quality 638
tutoring vendors under section 3301.136 of the Revised Code or a 639
locally approved opportunity that aligns with high-dosage 640
tutoring best practices. High-dosage tutoring opportunities 641
shall include additional instruction time of at least three days 642
per week, or at least fifty hours over thirty-six weeks. 643

To the extent practicable, districts and schools shall 644
endeavor to provide each of a student's tutoring supports with 645
the same tutor. 646

(4) "Integrated student supports" means an evidence based 647
approach whereby schools intentionally and systematically 648
leverage and coordinate resources and relationships available in 649
the school and the surrounding community to address 650
comprehensive student strengths, interests, and needs. 651

(B) Each school district, community school established 652
pursuant to Chapter 3314., and STEM school established pursuant 653
to Chapter 3326. of the Revised Code shall provide evidence- 654
based academic intervention services, free of cost, to each 655
qualifying student. The district or school shall provide those 656
services directly, through a contracted vendor, or as a 657
combination of both options. A district or school annually shall 658
notify the department of education and workforce, through the 659
education management information system established under 660
section 3301.0714 of the Revised Code, of all of the following: 661

(1) The number of qualifying students enrolled in the 662
district or school; 663

(2) The number of qualifying students receiving academic 664
intervention services in mathematics, English language arts, or 665
both; 666

(3) The number of qualifying students receiving academic 667
intervention services from the district or school directly, 668
through a vendor, or a combination of both options. 669

(C) (1) Academic intervention services provided to a 670
student under this section may encompass a variety of evidence- 671
based supports, including tutoring supports, additional 672
instruction time, an extended school calendar, participation in 673
a learning support program, or any other academically centered 674
support service that the district or school determines will 675
improve the student's academic performance. Intervention 676
services may also be offered in combination with integrated 677
student supports. 678

(2) All academic intervention services provided to a 679
qualifying student under this section shall align with the 680
academic instruction the student receives. Intervention services 681
shall be in addition to and not a replacement for existing 682
academic instruction and other services provided to students. 683
All academic intervention services in English language arts 684
shall align with the science of reading as defined in section 685
3313.6028 of the Revised Code. 686

(D) A district or school shall ensure that academic 687
intervention services provided to a qualifying student under 688
division (C) of this section do not supplant the student's core 689
academic instructional time. 690

(E) (1) A district or school shall notify the parent or guardian of a qualifying student that the student will receive academic intervention services prior to providing services to the student. Notification shall include a description of which intervention or interventions the qualifying student will receive and who will provide services to the student. 691
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(2) The district or school periodically shall update the parent or guardian on the academic intervention services provided to the qualifying student and shall provide resources and recommendations for ways the parent or guardian may assist the qualifying student. 697
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(F) (1) Beginning with the 2024-2025 school year, and each school year thereafter, the department randomly shall identify and select individual schools operated by a school district, community schools, and STEM schools for a review of their academic intervention services for qualifying students under this section. The department shall not select more than five per cent of all schools to review each year. No school shall be selected for review more than once every three years. The review shall include, at a minimum, a document review, interviews with applicable school staff, and observations of interventions. 702
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The review shall assess all of the following: 712

(a) Whether qualifying students receive academic intervention services in accordance with division (B) of this section; 713
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(b) The types and methods of academic intervention services that qualifying students receive; 716
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(c) The quality of the academic intervention services provided by the school or the contracted vendor. To determine 718
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quality, the department may consider the length and duration of 720
the intervention, specific programs and curriculum being used, 721
the credentials and training of intervention providers, and data 722
regarding qualifying student progress. 723

(2) The department shall provide a report to the school 724
containing its review of the school's academic intervention 725
services not later than seventy-five days after the department 726
completes the review. Each report shall include an assessment of 727
the efficacy of the academic intervention services provided to 728
qualifying students, along with any recommendations the 729
department considers necessary. The school shall post a copy of 730
the report on its web site and shall make the report available 731
upon request to any person. The department shall include a 732
review completed under this division as part of the student 733
opportunity profile on the state report card under section 734
3302.03 of the Revised Code. 735

(3) The department may contract with an organization that 736
has documented expertise in supporting school improvement and 737
academic intervention services to help with conducting its 738
review under division (F) of this section. 739

(G) (1) A student is no longer a qualifying student under 740
this section when the student achieves a level of skill higher 741
than limited on a statewide assessment or diagnostic assessment 742
prescribed under sections 3301.079, 3301.0710, 3301.0712, and 743
3301.0715 of the Revised Code, in mathematics or English 744
language arts, taken for the grade level in which the student is 745
enrolled. 746

(2) A district or school shall not be required to provide 747
academic intervention services in either mathematics or English 748
language arts to a qualifying student if both of the following 749

<u>apply:</u>	750
<u>(a) The student receives a final course letter grade of</u>	751
<u>"C" or higher, or the equivalent, in the course in the subject</u>	752
<u>area that is associated with the state assessment on which the</u>	753
<u>student demonstrates a limited level of skill.</u>	754
<u>(b) The student scored at or above grade level in the last</u>	755
<u>two diagnostic assessments in the subject area described in</u>	756
<u>division (G) (2) (a) of this section that were administered to the</u>	757
<u>student.</u>	758
<u>(3) If a qualifying student receiving academic</u>	759
<u>intervention services in both mathematics and English language</u>	760
<u>arts demonstrates a skill greater than limited under this</u>	761
<u>section in one, but not both, subject areas, the student shall</u>	762
<u>continue to receive academic intervention services for the</u>	763
<u>subject area in which the student continues to demonstrate a</u>	764
<u>limited level of skill.</u>	765
<u>(4) Any student in any of grades nine through twelve who</u>	766
<u>fails to demonstrate a level of skill greater than limited on an</u>	767
<u>end-of-course examination in mathematics or English language</u>	768
<u>arts, or both, as prescribed under section 3301.0712 of the</u>	769
<u>Revised Code, and is not required to retake the examination,</u>	770
<u>continues to qualify for intervention services under this</u>	771
<u>section. For such a student, the district or school shall align</u>	772
<u>intervention services with the student's selected graduation</u>	773
<u>pathway prescribed under section 3313.618 of the Revised Code.</u>	774
<u>(H) Nothing in this section prohibits a district or school</u>	775
<u>from providing academic intervention services to a student who</u>	776
<u>does not meet the definition of a qualifying student under this</u>	777
<u>section.</u>	778

Sec. 3314.03. A copy of every contract entered into under 779
this section shall be filed with the director of education and 780
workforce. The department of education and workforce shall make 781
available on its web site a copy of every approved, executed 782
contract filed with the director under this section. 783

(A) Each contract entered into between a sponsor and the 784
governing authority of a community school shall specify the 785
following: 786

(1) That the school shall be established as either of the 787
following: 788

(a) A nonprofit corporation established under Chapter 789
1702. of the Revised Code, if established prior to April 8, 790
2003; 791

(b) A public benefit corporation established under Chapter 792
1702. of the Revised Code, if established after April 8, 2003. 793

(2) The education program of the school, including the 794
school's mission, the characteristics of the students the school 795
is expected to attract, the ages and grades of students, and the 796
focus of the curriculum; 797

(3) The academic goals to be achieved and the method of 798
measurement that will be used to determine progress toward those 799
goals, which shall include the statewide achievement 800
assessments; 801

(4) Performance standards, including but not limited to 802
all applicable report card measures set forth in section 3302.03 803
or 3314.017 of the Revised Code, by which the success of the 804
school will be evaluated by the sponsor; 805

(5) The admission standards of section 3314.06 of the 806

Revised Code and, if applicable, section 3314.061 of the Revised Code;	807 808
(6) (a) Dismissal procedures;	809
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	810 811 812 813 814 815
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	816 817
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	818 819 820 821 822 823
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	824 825
(a) A detailed description of each facility used for instructional purposes;	826 827
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	828 829
(c) The annual mortgage principal and interest payments that are paid by the school;	830 831
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	832 833 834

(10) Qualifications of employees, including both of the following:	835 836
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;	837 838 839 840 841
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	842 843 844
(11) That the school will comply with the following requirements:	845 846
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	847 848 849
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	850 851 852
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	853 854 855 856
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, <u>3302.131, 3302.132</u> , 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, <u>3313.6030</u> , 3313.643, 3313.648,	857 858 859 860 861 862 863

3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 864
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 865
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 866
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 867
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 868
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 869
3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 870
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 871
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 872
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 873
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 874
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 875
it were a school district and will comply with section 3301.0714 876
of the Revised Code in the manner specified in section 3314.17 877
of the Revised Code. 878

(e) The school shall comply with Chapter 102. and section 879
2921.42 of the Revised Code. 880

(f) The school will comply with sections 3313.61, 881
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 882
Revised Code, except that for students who enter ninth grade for 883
the first time before July 1, 2010, the requirement in sections 884
3313.61 and 3313.611 of the Revised Code that a person must 885
successfully complete the curriculum in any high school prior to 886
receiving a high school diploma may be met by completing the 887
curriculum adopted by the governing authority of the community 888
school rather than the curriculum specified in Title XXXVIII of 889
the Revised Code or any rules of the department. Beginning with 890
students who enter ninth grade for the first time on or after 891
July 1, 2010, the requirement in sections 3313.61 and 3313.611 892
of the Revised Code that a person must successfully complete the 893
curriculum of a high school prior to receiving a high school 894

diploma shall be met by completing the requirements prescribed 895
in section 3313.6027 and division (C) of section 3313.603 of the 896
Revised Code, unless the person qualifies under division (D) or 897
(F) of that section. Each school shall comply with the plan for 898
awarding high school credit based on demonstration of subject 899
area competency, and beginning with the 2017-2018 school year, 900
with the updated plan that permits students enrolled in seventh 901
and eighth grade to meet curriculum requirements based on 902
subject area competency adopted by the department under 903
divisions (J) (1) and (2) of section 3313.603 of the Revised 904
Code. Beginning with the 2018-2019 school year, the school shall 905
comply with the framework for granting units of high school 906
credit to students who demonstrate subject area competency 907
through work-based learning experiences, internships, or 908
cooperative education developed by the department under division 909
(J) (3) of section 3313.603 of the Revised Code. 910

(g) The school governing authority will submit within four 911
months after the end of each school year a report of its 912
activities and progress in meeting the goals and standards of 913
divisions (A) (3) and (4) of this section and its financial 914
status to the sponsor and the parents of all students enrolled 915
in the school. 916

(h) The school, unless it is an internet- or computer- 917
based community school, will comply with section 3313.801 of the 918
Revised Code as if it were a school district. 919

(i) If the school is the recipient of moneys from a grant 920
awarded under the federal race to the top program, Division (A), 921
Title XIV, Sections 14005 and 14006 of the "American Recovery 922
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 923
the school will pay teachers based upon performance in 924

accordance with section 3317.141 and will comply with section 925
3319.111 of the Revised Code as if it were a school district. 926

(j) If the school operates a preschool program that is 927
licensed by the department under sections 3301.52 to 3301.59 of 928
the Revised Code, the school shall comply with sections 3301.50 929
to 3301.59 of the Revised Code and the minimum standards for 930
preschool programs prescribed in rules adopted by the department 931
under section 3301.53 of the Revised Code. 932

(k) The school will comply with sections 3313.6021 and 933
3313.6023 of the Revised Code as if it were a school district 934
unless it is either of the following: 935

(i) An internet- or computer-based community school; 936

(ii) A community school in which a majority of the 937
enrolled students are children with disabilities as described in 938
division (A) (4) (b) of section 3314.35 of the Revised Code. 939

(l) The school will comply with section 3321.191 of the 940
Revised Code, unless it is an internet- or computer-based 941
community school that is subject to section 3314.261 of the 942
Revised Code. 943

(12) Arrangements for providing health and other benefits 944
to employees; 945

(13) The length of the contract, which shall begin at the 946
beginning of an academic year. No contract shall exceed five 947
years unless such contract has been renewed pursuant to division 948
(E) of this section. 949

(14) The governing authority of the school, which shall be 950
responsible for carrying out the provisions of the contract; 951

(15) A financial plan detailing an estimated school budget 952

for each year of the period of the contract and specifying the 953
total estimated per pupil expenditure amount for each such year. 954

(16) Requirements and procedures regarding the disposition 955
of employees of the school in the event the contract is 956
terminated or not renewed pursuant to section 3314.07 of the 957
Revised Code; 958

(17) Whether the school is to be created by converting all 959
or part of an existing public school or educational service 960
center building or is to be a new start-up school, and if it is 961
a converted public school or service center building, 962
specification of any duties or responsibilities of an employer 963
that the board of education or service center governing board 964
that operated the school or building before conversion is 965
delegating to the governing authority of the community school 966
with respect to all or any specified group of employees provided 967
the delegation is not prohibited by a collective bargaining 968
agreement applicable to such employees; 969

(18) Provisions establishing procedures for resolving 970
disputes or differences of opinion between the sponsor and the 971
governing authority of the community school; 972

(19) A provision requiring the governing authority to 973
adopt a policy regarding the admission of students who reside 974
outside the district in which the school is located. That policy 975
shall comply with the admissions procedures specified in 976
sections 3314.06 and 3314.061 of the Revised Code and, at the 977
sole discretion of the authority, shall do one of the following: 978

(a) Prohibit the enrollment of students who reside outside 979
the district in which the school is located; 980

(b) Permit the enrollment of students who reside in 981

districts adjacent to the district in which the school is	982
located;	983
(c) Permit the enrollment of students who reside in any	984
other district in the state.	985
(20) A provision recognizing the authority of the	986
department to take over the sponsorship of the school in	987
accordance with the provisions of division (C) of section	988
3314.015 of the Revised Code;	989
(21) A provision recognizing the sponsor's authority to	990
assume the operation of a school under the conditions specified	991
in division (B) of section 3314.073 of the Revised Code;	992
(22) A provision recognizing both of the following:	993
(a) The authority of public health and safety officials to	994
inspect the facilities of the school and to order the facilities	995
closed if those officials find that the facilities are not in	996
compliance with health and safety laws and regulations;	997
(b) The authority of the department as the community	998
school oversight body to suspend the operation of the school	999
under section 3314.072 of the Revised Code if the department has	1000
evidence of conditions or violations of law at the school that	1001
pose an imminent danger to the health and safety of the school's	1002
students and employees and the sponsor refuses to take such	1003
action.	1004
(23) A description of the learning opportunities that will	1005
be offered to students including both classroom-based and non-	1006
classroom-based learning opportunities that is in compliance	1007
with criteria for student participation established by the	1008
department under division (H) (2) of section 3314.08 of the	1009
Revised Code;	1010

(24) The school will comply with sections 3302.04 and 1011
3302.041 of the Revised Code, except that any action required to 1012
be taken by a school district pursuant to those sections shall 1013
be taken by the sponsor of the school. 1014

(25) Beginning in the 2006-2007 school year, the school 1015
will open for operation not later than the thirtieth day of 1016
September each school year, unless the mission of the school as 1017
specified under division (A) (2) of this section is solely to 1018
serve dropouts. In its initial year of operation, if the school 1019
fails to open by the thirtieth day of September, or within one 1020
year after the adoption of the contract pursuant to division (D) 1021
of section 3314.02 of the Revised Code if the mission of the 1022
school is solely to serve dropouts, the contract shall be void. 1023

(26) Whether the school's governing authority is planning 1024
to seek designation for the school as a STEM school equivalent 1025
under section 3326.032 of the Revised Code; 1026

(27) That the school's attendance and participation 1027
policies will be available for public inspection; 1028

(28) That the school's attendance and participation 1029
records shall be made available to the department, auditor of 1030
state, and school's sponsor to the extent permitted under and in 1031
accordance with the "Family Educational Rights and Privacy Act 1032
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1033
regulations promulgated under that act, and section 3319.321 of 1034
the Revised Code; 1035

(29) If a school operates using the blended learning 1036
model, as defined in section 3301.079 of the Revised Code, all 1037
of the following information: 1038

(a) An indication of what blended learning model or models 1039

will be used;	1040
(b) A description of how student instructional needs will	1041
be determined and documented;	1042
(c) The method to be used for determining competency,	1043
granting credit, and promoting students to a higher grade level;	1044
(d) The school's attendance requirements, including how	1045
the school will document participation in learning	1046
opportunities;	1047
(e) A statement describing how student progress will be	1048
monitored;	1049
(f) A statement describing how private student data will	1050
be protected;	1051
(g) A description of the professional development	1052
activities that will be offered to teachers.	1053
(30) A provision requiring that all moneys the school's	1054
operator loans to the school, including facilities loans or cash	1055
flow assistance, must be accounted for, documented, and bear	1056
interest at a fair market rate;	1057
(31) A provision requiring that, if the governing	1058
authority contracts with an attorney, accountant, or entity	1059
specializing in audits, the attorney, accountant, or entity	1060
shall be independent from the operator with which the school has	1061
contracted.	1062
(32) A provision requiring the governing authority to	1063
adopt an enrollment and attendance policy that requires a	1064
student's parent to notify the community school in which the	1065
student is enrolled when there is a change in the location of	1066
the parent's or student's primary residence.	1067

(33) A provision requiring the governing authority to 1068
adopt a student residence and address verification policy for 1069
students enrolling in or attending the school. 1070

(B) The community school shall also submit to the sponsor 1071
a comprehensive plan for the school. The plan shall specify the 1072
following: 1073

(1) The process by which the governing authority of the 1074
school will be selected in the future; 1075

(2) The management and administration of the school; 1076

(3) If the community school is a currently existing public 1077
school or educational service center building, alternative 1078
arrangements for current public school students who choose not 1079
to attend the converted school and for teachers who choose not 1080
to teach in the school or building after conversion; 1081

(4) The instructional program and educational philosophy 1082
of the school; 1083

(5) Internal financial controls. 1084

When submitting the plan under this division, the school 1085
shall also submit copies of all policies and procedures 1086
regarding internal financial controls adopted by the governing 1087
authority of the school. 1088

(C) A contract entered into under section 3314.02 of the 1089
Revised Code between a sponsor and the governing authority of a 1090
community school may provide for the community school governing 1091
authority to make payments to the sponsor, which is hereby 1092
authorized to receive such payments as set forth in the contract 1093
between the governing authority and the sponsor. The total 1094
amount of such payments for monitoring, oversight, and technical 1095

assistance of the school shall not exceed three per cent of the 1096
total amount of payments for operating expenses that the school 1097
receives from the state. 1098

(D) The contract shall specify the duties of the sponsor 1099
which shall be in accordance with the written agreement entered 1100
into with the department under division (B) of section 3314.015 1101
of the Revised Code and shall include the following: 1102

(1) Monitor the community school's compliance with all 1103
laws applicable to the school and with the terms of the 1104
contract; 1105

(2) Monitor and evaluate the academic and fiscal 1106
performance and the organization and operation of the community 1107
school on at least an annual basis; 1108

(3) Report on an annual basis the results of the 1109
evaluation conducted under division (D) (2) of this section to 1110
the department and to the parents of students enrolled in the 1111
community school; 1112

(4) Provide technical assistance to the community school 1113
in complying with laws applicable to the school and terms of the 1114
contract; 1115

(5) Take steps to intervene in the school's operation to 1116
correct problems in the school's overall performance, declare 1117
the school to be on probationary status pursuant to section 1118
3314.073 of the Revised Code, suspend the operation of the 1119
school pursuant to section 3314.072 of the Revised Code, or 1120
terminate the contract of the school pursuant to section 3314.07 1121
of the Revised Code as determined necessary by the sponsor; 1122

(6) Have in place a plan of action to be undertaken in the 1123
event the community school experiences financial difficulties or 1124

closes prior to the end of a school year. 1125

(E) Upon the expiration of a contract entered into under 1126
this section, the sponsor of a community school may, with the 1127
approval of the governing authority of the school, renew that 1128
contract for a period of time determined by the sponsor, but not 1129
ending earlier than the end of any school year, if the sponsor 1130
finds that the school's compliance with applicable laws and 1131
terms of the contract and the school's progress in meeting the 1132
academic goals prescribed in the contract have been 1133
satisfactory. Any contract that is renewed under this division 1134
remains subject to the provisions of sections 3314.07, 3314.072, 1135
and 3314.073 of the Revised Code. 1136

(F) If a community school fails to open for operation 1137
within one year after the contract entered into under this 1138
section is adopted pursuant to division (D) of section 3314.02 1139
of the Revised Code or permanently closes prior to the 1140
expiration of the contract, the contract shall be void and the 1141
school shall not enter into a contract with any other sponsor. A 1142
school shall not be considered permanently closed because the 1143
operations of the school have been suspended pursuant to section 1144
3314.072 of the Revised Code. 1145

Sec. 3326.11. Each science, technology, engineering, and 1146
mathematics school established under this chapter and its 1147
governing body shall comply with sections 9.90, 9.91, 109.65, 1148
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1149
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3302.131, 1150
3302.132, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 1151
3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 1152
3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.6012, 3313.6013, 1153
3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 1154

3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.6030, 3313.61, 1155
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 1156
3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 1157
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 1158
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 1159
3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 1160
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 1161
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 1162
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 1163
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 1164
3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 1165
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 1166
3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 1167
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 1168
117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 1169
4141., and 4167. of the Revised Code as if it were a school 1170
district. 1171

Section 2. That existing sections 3301.0714, 3314.03, and 1172
3326.11 of the Revised Code are hereby repealed. 1173

Section 3. That the versions of sections 3301.0714 and 1174
3314.03 of the Revised Code that are scheduled to take effect 1175
January 1, 2025, be amended to read as follows: 1176

Sec. 3301.0714. (A) The department of education and 1177
workforce shall adopt rules for a statewide education management 1178
information system. The rules shall require the department to 1179
establish guidelines for the establishment and maintenance of 1180
the system in accordance with this section and the rules adopted 1181
under this section. The guidelines shall include: 1182

(1) Standards identifying and defining the types of data 1183
in the system in accordance with divisions (B) and (C) of this 1184

section;	1185
(2) Procedures for annually collecting and reporting the data to the department in accordance with division (D) of this section;	1186 1187 1188
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	1189 1190
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	1191 1192
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	1193 1194
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	1195 1196 1197
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	1198 1199 1200
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or	1201 1202 1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213

instructional services for students with a specific type of 1214
disability. The categories of instructional services required by 1215
the guidelines under this division shall be the same as the 1216
categories of instructional services used in determining cost 1217
units pursuant to division (C) (3) of this section. 1218

(b) The numbers of students receiving support or 1219
extracurricular services for each of the support services or 1220
extracurricular programs offered by the school district, such as 1221
counseling services, health services, and extracurricular sports 1222
and fine arts programs. The categories of services required by 1223
the guidelines under this division shall be the same as the 1224
categories of services used in determining cost units pursuant 1225
to division (C) (4) (a) of this section. 1226

(c) Average student grades in each subject in grades nine 1227
through twelve; 1228

(d) Academic achievement levels as assessed under sections 1229
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1230

(e) The number of students designated as having a 1231
disabling condition pursuant to division (C) (1) of section 1232
3301.0711 of the Revised Code; 1233

(f) The numbers of students reported to the department 1234
pursuant to division (C) (2) of section 3301.0711 of the Revised 1235
Code; 1236

(g) Attendance rates and the average daily attendance for 1237
the year. For purposes of this division, a student shall be 1238
counted as present for any field trip that is approved by the 1239
school administration. 1240

(h) Expulsion rates; 1241

(i) Suspension rates;	1242
(j) Dropout rates;	1243
(k) Rates of retention in grade;	1244
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with the director's rules;	1245 1246 1247
(m) Graduation rates, to be calculated in a manner specified by the department that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1248 1249 1250 1251 1252
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	1253 1254 1255 1256 1257 1258 1259 1260 1261
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (5) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.	1262 1263 1264 1265 1266 1267 1268 1269 1270

Division (B) (1) (o) of this section does not apply after	1271
the date that is two years following the submission of the	1272
report required by Section 733.13 of H.B. 49 of the 132nd	1273
general assembly.	1274
(p) The number of students earning each state diploma seal	1275
included in the system prescribed under division (A) of section	1276
3313.6114 of the Revised Code;	1277
(q) The number of students demonstrating competency for	1278
graduation using each option described in divisions (B) (1) (a) to	1279
(d) of section 3313.618 of the Revised Code;	1280
(r) The number of students completing each foundational	1281
and supporting option as part of the demonstration of competency	1282
for graduation pursuant to division (B) (1) (b) of section	1283
3313.618 of the Revised Code;	1284
(s) The number of students enrolled in all-day	1285
kindergarten, as defined in section 3321.05 of the Revised Code.	1286
(2) Personnel and classroom enrollment data for each	1287
school district, including:	1288
(a) The total numbers of licensed employees and	1289
nonlicensed employees and the numbers of full-time equivalent	1290
licensed employees and nonlicensed employees providing each	1291
category of instructional service, instructional support	1292
service, and administrative support service used pursuant to	1293
division (C) (3) of this section. The guidelines adopted under	1294
this section shall require these categories of data to be	1295
maintained for the school district as a whole and, wherever	1296
applicable, for each grade in the school district as a whole,	1297
for each school building as a whole, and for each grade in each	1298
school building.	1299

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C) (4) (a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C) (4) (c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

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

(b) With respect to each student entering kindergarten, 1330
whether the student previously participated in a public 1331
preschool program, a private preschool program, or a head start 1332
program, and the number of years the student participated in 1333
each of these programs. 1334

(4) (a) The core curriculum and instructional materials 1335
being used for English language arts in each of grades pre- 1336
kindergarten to five; 1337

(b) The reading intervention programs being used in each 1338
of grades pre-kindergarten to twelve. 1339

~~(5) (a) The core curriculum and instructional materials~~ 1340
~~being used for mathematics in each of grades kindergarten to~~ 1341
~~eight;~~ 1342

~~(b) The mathematics intervention programs being used in~~ 1343
~~each of grades kindergarten to twelve.~~ 1344

~~(6) Any data required to be collected pursuant to federal~~ 1345
~~law.~~ 1346

(C) The education management information system shall 1347
include cost accounting data for each district as a whole and 1348
for each school building in each school district. The guidelines 1349
adopted under this section shall require the cost data for each 1350
school district to be maintained in a system of mutually 1351
exclusive cost units and shall require all of the costs of each 1352
school district to be divided among the cost units. The 1353
guidelines shall require the system of mutually exclusive cost 1354
units to include at least the following: 1355

(1) Administrative costs for the school district as a 1356
whole. The guidelines shall require the cost units under this 1357
division (C) (1) to be designed so that each of them may be 1358

compiled and reported in terms of average expenditure per pupil 1359
in enrolled ADM in the school district, as determined pursuant 1360
to section 3317.03 of the Revised Code. 1361

(2) Administrative costs for each school building in the 1362
school district. The guidelines shall require the cost units 1363
under this division (C) (2) to be designed so that each of them 1364
may be compiled and reported in terms of average expenditure per 1365
full-time equivalent pupil receiving instructional or support 1366
services in each building. 1367

(3) Instructional services costs for each category of 1368
instructional service provided directly to students and required 1369
by guidelines adopted pursuant to division (B) (1) (a) of this 1370
section. The guidelines shall require the cost units under 1371
division (C) (3) of this section to be designed so that each of 1372
them may be compiled and reported in terms of average 1373
expenditure per pupil receiving the service in the school 1374
district as a whole and average expenditure per pupil receiving 1375
the service in each building in the school district and in terms 1376
of a total cost for each category of service and, as a breakdown 1377
of the total cost, a cost for each of the following components: 1378

(a) The cost of each instructional services category 1379
required by guidelines adopted under division (B) (1) (a) of this 1380
section that is provided directly to students by a classroom 1381
teacher; 1382

(b) The cost of the instructional support services, such 1383
as services provided by a speech-language pathologist, classroom 1384
aide, multimedia aide, or librarian, provided directly to 1385
students in conjunction with each instructional services 1386
category; 1387

(c) The cost of the administrative support services 1388
related to each instructional services category, such as the 1389
cost of personnel that develop the curriculum for the 1390
instructional services category and the cost of personnel 1391
supervising or coordinating the delivery of the instructional 1392
services category. 1393

(4) Support or extracurricular services costs for each 1394
category of service directly provided to students and required 1395
by guidelines adopted pursuant to division (B) (1) (b) of this 1396
section. The guidelines shall require the cost units under 1397
division (C) (4) of this section to be designed so that each of 1398
them may be compiled and reported in terms of average 1399
expenditure per pupil receiving the service in the school 1400
district as a whole and average expenditure per pupil receiving 1401
the service in each building in the school district and in terms 1402
of a total cost for each category of service and, as a breakdown 1403
of the total cost, a cost for each of the following components: 1404

(a) The cost of each support or extracurricular services 1405
category required by guidelines adopted under division (B) (1) (b) 1406
of this section that is provided directly to students by a 1407
licensed employee, such as services provided by a guidance 1408
counselor or any services provided by a licensed employee under 1409
a supplemental contract; 1410

(b) The cost of each such services category provided 1411
directly to students by a nonlicensed employee, such as 1412
janitorial services, cafeteria services, or services of a sports 1413
trainer; 1414

(c) The cost of the administrative services related to 1415
each services category in division (C) (4) (a) or (b) of this 1416
section, such as the cost of any licensed or nonlicensed 1417

employees that develop, supervise, coordinate, or otherwise are 1418
involved in administering or aiding the delivery of each 1419
services category. 1420

(D) (1) The guidelines adopted under this section shall 1421
require school districts to collect information about individual 1422
students, staff members, or both in connection with any data 1423
required by division (B) or (C) of this section or other 1424
reporting requirements established in the Revised Code. The 1425
guidelines may also require school districts to report 1426
information about individual staff members in connection with 1427
any data required by division (B) or (C) of this section or 1428
other reporting requirements established in the Revised Code. 1429
The guidelines shall not authorize school districts to request 1430
social security numbers of individual students. The guidelines 1431
shall prohibit the reporting under this section of a student's 1432
name, address, and social security number to the department. The 1433
guidelines shall also prohibit the reporting under this section 1434
of any personally identifiable information about any student, 1435
except for the purpose of assigning the data verification code 1436
required by division (D) (2) of this section, to any other person 1437
unless such person is employed by the school district or the 1438
information technology center operated under section 3301.075 of 1439
the Revised Code and is authorized by the district or technology 1440
center to have access to such information or is employed by an 1441
entity with which the department contracts for the scoring or 1442
the development of state assessments. The guidelines may require 1443
school districts to provide the social security numbers of 1444
individual staff members and the county of residence for a 1445
student. Nothing in this section prohibits the department from 1446
providing a student's county of residence to the department of 1447
taxation to facilitate the distribution of tax revenue. 1448

(2) (a) The guidelines shall provide for each school 1449
district or community school to assign a data verification code 1450
that is unique on a statewide basis over time to each student 1451
whose initial Ohio enrollment is in that district or school and 1452
to report all required individual student data for that student 1453
utilizing such code. The guidelines shall also provide for 1454
assigning data verification codes to all students enrolled in 1455
districts or community schools on the effective date of the 1456
guidelines established under this section. The assignment of 1457
data verification codes for other entities, as described in 1458
division (D) (2) (d) of this section, the use of those codes, and 1459
the reporting and use of associated individual student data 1460
shall be coordinated by the department of education and 1461
workforce in accordance with state and federal law. 1462

School districts shall report individual student data to 1463
the department through the information technology centers 1464
utilizing the code. The entities described in division (D) (2) (d) 1465
of this section shall report individual student data to the 1466
department in the manner prescribed by the department. 1467

(b) (i) Except as provided in sections 3301.941, 3310.11, 1468
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 1469
Code, and in division (D) (2) (b) (ii) of this section, at no time 1470
shall the department have access to information that would 1471
enable any data verification code to be matched to personally 1472
identifiable student data. 1473

(ii) For the purpose of making per-pupil payments to 1474
community schools under section 3317.022 of the Revised Code, 1475
the department shall have access to information that would 1476
enable any data verification code to be matched to personally 1477
identifiable student data. 1478

(c) Each school district and community school shall ensure 1479
that the data verification code is included in the student's 1480
records reported to any subsequent school district, community 1481
school, or state institution of higher education, as defined in 1482
section 3345.011 of the Revised Code, in which the student 1483
enrolls. Any such subsequent district or school shall utilize 1484
the same identifier in its reporting of data under this section. 1485

(d) (i) The director of any state agency that administers a 1486
publicly funded program providing services to children who are 1487
younger than compulsory school age, as defined in section 1488
3321.01 of the Revised Code, including the directors of health, 1489
job and family services, mental health and addiction services, 1490
children and youth, and developmental disabilities, shall 1491
request and receive, pursuant to sections 3301.0723 and 5180.33 1492
of the Revised Code, a data verification code for a child who is 1493
receiving those services. 1494

(ii) The director of developmental disabilities, director 1495
of health, director of job and family services, director of 1496
mental health and addiction services, medicaid director, 1497
executive director of the commission on minority health, 1498
executive director of the opportunities for Ohioans with 1499
disabilities agency, or director of education and workforce, on 1500
behalf of a program that receives public funds and provides 1501
services to children who are younger than compulsory school age, 1502
may request and receive, pursuant to section 3301.0723 of the 1503
Revised Code, a data verification code for a child who is 1504
receiving services from the program. 1505

(E) The guidelines adopted under this section may require 1506
school districts to collect and report data, information, or 1507
reports other than that described in divisions (A), (B), and (C) 1508

of this section for the purpose of complying with other 1509
reporting requirements established in the Revised Code. The 1510
other data, information, or reports may be maintained in the 1511
education management information system but are not required to 1512
be compiled as part of the profile formats required under 1513
division (G) of this section or the annual statewide report 1514
required under division (H) of this section. 1515

(F) The board of education of each school district shall 1516
annually collect and report to the department, in accordance 1517
with the guidelines established by the department, the data 1518
required pursuant to this section. A school district may collect 1519
and report these data notwithstanding section 2151.357 or 1520
3319.321 of the Revised Code. 1521

(G) The department shall, in accordance with the 1522
procedures it adopts, annually compile the data reported by each 1523
school district pursuant to division (D) of this section. The 1524
department shall design formats for profiling each school 1525
district as a whole and each school building within each 1526
district and shall compile the data in accordance with these 1527
formats. These profile formats shall: 1528

(1) Include all of the data gathered under this section in 1529
a manner that facilitates comparison among school districts and 1530
among school buildings within each school district; 1531

(2) Present the data on academic achievement levels as 1532
assessed by the testing of student achievement maintained 1533
pursuant to division (B)(1)(d) of this section. 1534

(H)(1) The department shall, in accordance with the 1535
procedures it adopts, annually prepare a statewide report for 1536
all school districts and the general public that includes the 1537

profile of each of the school districts developed pursuant to 1538
division (G) of this section. Copies of the report shall be sent 1539
to each school district. 1540

(2) The department shall, in accordance with the 1541
procedures it adopts, annually prepare an individual report for 1542
each school district and the general public that includes the 1543
profiles of each of the school buildings in that school district 1544
developed pursuant to division (G) of this section. Copies of 1545
the report shall be sent to the superintendent of the district 1546
and to each member of the district board of education. 1547

(3) Copies of the reports prescribed in divisions (H) (1) 1548
and (2) of this section shall be made available to the general 1549
public at each school district's offices. Each district board of 1550
education shall make copies of each report available to any 1551
person upon request and payment of a reasonable fee for the cost 1552
of reproducing the report. The board shall annually publish in a 1553
newspaper of general circulation in the school district, at 1554
least twice during the two weeks prior to the week in which the 1555
reports will first be available, a notice containing the address 1556
where the reports are available and the date on which the 1557
reports will be available. 1558

(I) Any data that is collected or maintained pursuant to 1559
this section and that identifies an individual pupil is not a 1560
public record for the purposes of section 149.43 of the Revised 1561
Code. 1562

(J) As used in this section: 1563

(1) "School district" means any city, local, exempted 1564
village, or joint vocational school district and, in accordance 1565
with section 3314.17 of the Revised Code, any community school. 1566

As used in division (L) of this section, "school district" also 1567
includes any educational service center or other educational 1568
entity required to submit data using the system established 1569
under this section. 1570

(2) "Cost" means any expenditure for operating expenses 1571
made by a school district excluding any expenditures for debt 1572
retirement except for payments made to any commercial lending 1573
institution for any loan approved pursuant to section 3313.483 1574
of the Revised Code. 1575

(K) Any person who removes data from the information 1576
system established under this section for the purpose of 1577
releasing it to any person not entitled under law to have access 1578
to such information is subject to section 2913.42 of the Revised 1579
Code prohibiting tampering with data. 1580

(L) (1) In accordance with division (L) (2) of this section 1581
and the rules adopted under division (L) (10) of this section, 1582
the department may sanction any school district that reports 1583
incomplete or inaccurate data, reports data that does not 1584
conform to data requirements and descriptions published by the 1585
department, fails to report data in a timely manner, or 1586
otherwise does not make a good faith effort to report data as 1587
required by this section. 1588

(2) If the department decides to sanction a school 1589
district under this division, the department shall take the 1590
following sequential actions: 1591

(a) Notify the district in writing that the department has 1592
determined that data has not been reported as required under 1593
this section and require the district to review its data 1594
submission and submit corrected data by a deadline established 1595

by the department. The department also may require the district 1596
to develop a corrective action plan, which shall include 1597
provisions for the district to provide mandatory staff training 1598
on data reporting procedures. 1599

(b) Withhold up to ten per cent of the total amount of 1600
state funds due to the district for the current fiscal year and, 1601
if not previously required under division (L) (2) (a) of this 1602
section, require the district to develop a corrective action 1603
plan in accordance with that division; 1604

(c) Withhold an additional amount of up to twenty per cent 1605
of the total amount of state funds due to the district for the 1606
current fiscal year; 1607

(d) Direct department staff or an outside entity to 1608
investigate the district's data reporting practices and make 1609
recommendations for subsequent actions. The recommendations may 1610
include one or more of the following actions: 1611

(i) Arrange for an audit of the district's data reporting 1612
practices by department staff or an outside entity; 1613

(ii) Conduct a site visit and evaluation of the district; 1614

(iii) Withhold an additional amount of up to thirty per 1615
cent of the total amount of state funds due to the district for 1616
the current fiscal year; 1617

(iv) Continue monitoring the district's data reporting; 1618

(v) Assign department staff to supervise the district's 1619
data management system; 1620

(vi) Conduct an investigation to determine whether to 1621
suspend or revoke the license of any district employee in 1622
accordance with division (N) of this section; 1623

(vii) If the district is issued a report card under 1624
section 3302.03 of the Revised Code, indicate on the report card 1625
that the district has been sanctioned for failing to report data 1626
as required by this section; 1627

(viii) If the district is issued a report card under 1628
section 3302.03 of the Revised Code and incomplete or inaccurate 1629
data submitted by the district likely caused the district to 1630
receive a higher performance rating than it deserved under that 1631
section, issue a revised report card for the district; 1632

(ix) Any other action designed to correct the district's 1633
data reporting problems. 1634

(3) Any time the department takes an action against a 1635
school district under division (L) (2) of this section, the 1636
department shall make a report of the circumstances that 1637
prompted the action. The department shall send a copy of the 1638
report to the district superintendent or chief administrator and 1639
maintain a copy of the report in its files. 1640

(4) If any action taken under division (L) (2) of this 1641
section resolves a school district's data reporting problems to 1642
the department's satisfaction, the department shall not take any 1643
further actions described by that division. If the department 1644
withheld funds from the district under that division, the 1645
department may release those funds to the district, except that 1646
if the department withheld funding under division (L) (2) (c) of 1647
this section, the department shall not release the funds 1648
withheld under division (L) (2) (b) of this section and, if the 1649
department withheld funding under division (L) (2) (d) of this 1650
section, the department shall not release the funds withheld 1651
under division (L) (2) (b) or (c) of this section. 1652

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

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

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

this purpose. 1684

(8) Any school district that has funds withheld under 1685
division (L) (2) of this section may appeal the withholding in 1686
accordance with Chapter 119. of the Revised Code. 1687

(9) In all cases of a disagreement between the department 1688
and a school district regarding the appropriateness of an action 1689
taken under division (L) (2) of this section, the burden of proof 1690
shall be on the district to demonstrate that it made a good 1691
faith effort to report data as required by this section. 1692

(10) The director of education and workforce shall adopt 1693
rules under Chapter 119. of the Revised Code to implement 1694
division (L) of this section. 1695

(M) No information technology center or school district 1696
shall acquire, change, or update its student administration 1697
software package to manage and report data required to be 1698
reported to the department unless it converts to a student 1699
software package that is certified by the department. 1700

(N) The state board of education, in accordance with 1701
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1702
or revoke a license as defined under division (A) of section 1703
3319.31 of the Revised Code that has been issued to any school 1704
district employee found to have willfully reported erroneous, 1705
inaccurate, or incomplete data to the education management 1706
information system. 1707

(O) No person shall release or maintain any information 1708
about any student in violation of this section. Whoever violates 1709
this division is guilty of a misdemeanor of the fourth degree. 1710

(P) The department shall disaggregate the data collected 1711
under division (B) (1) (n) of this section according to the race 1712

and socioeconomic status of the students assessed. 1713

(Q) If the department cannot compile any of the 1714
information required by division (I) of section 3302.03 of the 1715
Revised Code based upon the data collected under this section, 1716
the department shall develop a plan and a reasonable timeline 1717
for the collection of any data necessary to comply with that 1718
division. 1719

Sec. 3314.03. A copy of every contract entered into under 1720
this section shall be filed with the director of education and 1721
workforce. The department of education and workforce shall make 1722
available on its web site a copy of every approved, executed 1723
contract filed with the director under this section. 1724

(A) Each contract entered into between a sponsor and the 1725
governing authority of a community school shall specify the 1726
following: 1727

(1) That the school shall be established as either of the 1728
following: 1729

(a) A nonprofit corporation established under Chapter 1730
1702. of the Revised Code, if established prior to April 8, 1731
2003; 1732

(b) A public benefit corporation established under Chapter 1733
1702. of the Revised Code, if established after April 8, 2003. 1734

(2) The education program of the school, including the 1735
school's mission, the characteristics of the students the school 1736
is expected to attract, the ages and grades of students, and the 1737
focus of the curriculum; 1738

(3) The academic goals to be achieved and the method of 1739
measurement that will be used to determine progress toward those 1740

goals, which shall include the statewide achievement 1741
assessments; 1742

(4) Performance standards, including but not limited to 1743
all applicable report card measures set forth in section 3302.03 1744
or 3314.017 of the Revised Code, by which the success of the 1745
school will be evaluated by the sponsor; 1746

(5) The admission standards of section 3314.06 of the 1747
Revised Code and, if applicable, section 3314.061 of the Revised 1748
Code; 1749

(6) (a) Dismissal procedures; 1750

(b) A requirement that the governing authority adopt an 1751
attendance policy that includes a procedure for automatically 1752
withdrawing a student from the school if the student without a 1753
legitimate excuse fails to participate in seventy-two 1754
consecutive hours of the learning opportunities offered to the 1755
student. 1756

(7) The ways by which the school will achieve racial and 1757
ethnic balance reflective of the community it serves; 1758

(8) Requirements for financial audits by the auditor of 1759
state. The contract shall require financial records of the 1760
school to be maintained in the same manner as are financial 1761
records of school districts, pursuant to rules of the auditor of 1762
state. Audits shall be conducted in accordance with section 1763
117.10 of the Revised Code. 1764

(9) An addendum to the contract outlining the facilities 1765
to be used that contains at least the following information: 1766

(a) A detailed description of each facility used for 1767
instructional purposes; 1768

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	1769 1770
(c) The annual mortgage principal and interest payments that are paid by the school;	1771 1772
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	1773 1774 1775
(10) Qualifications of employees, including both of the following:	1776 1777
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;	1778 1779 1780 1781 1782
(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.	1783 1784 1785
(11) That the school will comply with the following requirements:	1786 1787
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	1788 1789 1790
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	1791 1792 1793
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or	1794 1795 1796

religious institution. 1797

(d) The school will comply with sections 9.90, 9.91, 1798
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1799
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 1800
3302.131, 3302.132, 3313.472, 3313.50, 3313.539, 3313.5310, 1801
3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 1802
3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 1803
3313.6026, 3313.6028, 3313.6029, 3313.6030, 3313.643, 3313.648, 1804
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 1805
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 1806
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 1807
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 1808
3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 1809
3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 1810
3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 1811
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 1812
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 1813
3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 1814
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 1815
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 1816
it were a school district and will comply with section 3301.0714 1817
of the Revised Code in the manner specified in section 3314.17 1818
of the Revised Code. 1819

(e) The school shall comply with Chapter 102. and section 1820
2921.42 of the Revised Code. 1821

(f) The school will comply with sections 3313.61, 1822
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1823
Revised Code, except that for students who enter ninth grade for 1824
the first time before July 1, 2010, the requirement in sections 1825
3313.61 and 3313.611 of the Revised Code that a person must 1826

successfully complete the curriculum in any high school prior to 1827
receiving a high school diploma may be met by completing the 1828
curriculum adopted by the governing authority of the community 1829
school rather than the curriculum specified in Title XXXIII of 1830
the Revised Code or any rules of the department. Beginning with 1831
students who enter ninth grade for the first time on or after 1832
July 1, 2010, the requirement in sections 3313.61 and 3313.611 1833
of the Revised Code that a person must successfully complete the 1834
curriculum of a high school prior to receiving a high school 1835
diploma shall be met by completing the requirements prescribed 1836
in section 3313.6027 and division (C) of section 3313.603 of the 1837
Revised Code, unless the person qualifies under division (D) or 1838
(F) of that section. Each school shall comply with the plan for 1839
awarding high school credit based on demonstration of subject 1840
area competency, and beginning with the 2017-2018 school year, 1841
with the updated plan that permits students enrolled in seventh 1842
and eighth grade to meet curriculum requirements based on 1843
subject area competency adopted by the department under 1844
divisions (J) (1) and (2) of section 3313.603 of the Revised 1845
Code. Beginning with the 2018-2019 school year, the school shall 1846
comply with the framework for granting units of high school 1847
credit to students who demonstrate subject area competency 1848
through work-based learning experiences, internships, or 1849
cooperative education developed by the department under division 1850
(J) (3) of section 3313.603 of the Revised Code. 1851

(g) The school governing authority will submit within four 1852
months after the end of each school year a report of its 1853
activities and progress in meeting the goals and standards of 1854
divisions (A) (3) and (4) of this section and its financial 1855
status to the sponsor and the parents of all students enrolled 1856
in the school. 1857

(h) The school, unless it is an internet- or computer- 1858
based community school, will comply with section 3313.801 of the 1859
Revised Code as if it were a school district. 1860

(i) If the school is the recipient of moneys from a grant 1861
awarded under the federal race to the top program, Division (A), 1862
Title XIV, Sections 14005 and 14006 of the "American Recovery 1863
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1864
the school will pay teachers based upon performance in 1865
accordance with section 3317.141 and will comply with section 1866
3319.111 of the Revised Code as if it were a school district. 1867

(j) If the school operates a preschool program that is 1868
licensed by the department under sections 3301.52 to 3301.59 of 1869
the Revised Code, the school shall comply with sections 3301.50 1870
to 3301.59 of the Revised Code and the minimum standards for 1871
preschool programs prescribed in rules adopted by the department 1872
of children and youth under section 3301.53 of the Revised Code. 1873

(k) The school will comply with sections 3313.6021 and 1874
3313.6023 of the Revised Code as if it were a school district 1875
unless it is either of the following: 1876

(i) An internet- or computer-based community school; 1877

(ii) A community school in which a majority of the 1878
enrolled students are children with disabilities as described in 1879
division (A) (4) (b) of section 3314.35 of the Revised Code. 1880

(l) The school will comply with section 3321.191 of the 1881
Revised Code, unless it is an internet- or computer-based 1882
community school that is subject to section 3314.261 of the 1883
Revised Code. 1884

(12) Arrangements for providing health and other benefits 1885
to employees; 1886

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

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

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

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside

outside the district in which the school is located. That policy 1916
shall comply with the admissions procedures specified in 1917
sections 3314.06 and 3314.061 of the Revised Code and, at the 1918
sole discretion of the authority, shall do one of the following: 1919

(a) Prohibit the enrollment of students who reside outside 1920
the district in which the school is located; 1921

(b) Permit the enrollment of students who reside in 1922
districts adjacent to the district in which the school is 1923
located; 1924

(c) Permit the enrollment of students who reside in any 1925
other district in the state. 1926

(20) A provision recognizing the authority of the 1927
department to take over the sponsorship of the school in 1928
accordance with the provisions of division (C) of section 1929
3314.015 of the Revised Code; 1930

(21) A provision recognizing the sponsor's authority to 1931
assume the operation of a school under the conditions specified 1932
in division (B) of section 3314.073 of the Revised Code; 1933

(22) A provision recognizing both of the following: 1934

(a) The authority of public health and safety officials to 1935
inspect the facilities of the school and to order the facilities 1936
closed if those officials find that the facilities are not in 1937
compliance with health and safety laws and regulations; 1938

(b) The authority of the department as the community 1939
school oversight body to suspend the operation of the school 1940
under section 3314.072 of the Revised Code if the department has 1941
evidence of conditions or violations of law at the school that 1942
pose an imminent danger to the health and safety of the school's 1943

students and employees and the sponsor refuses to take such 1944
action. 1945

(23) A description of the learning opportunities that will 1946
be offered to students including both classroom-based and non- 1947
classroom-based learning opportunities that is in compliance 1948
with criteria for student participation established by the 1949
department under division (H) (2) of section 3314.08 of the 1950
Revised Code; 1951

(24) The school will comply with sections 3302.04 and 1952
3302.041 of the Revised Code, except that any action required to 1953
be taken by a school district pursuant to those sections shall 1954
be taken by the sponsor of the school. 1955

(25) Beginning in the 2006-2007 school year, the school 1956
will open for operation not later than the thirtieth day of 1957
September each school year, unless the mission of the school as 1958
specified under division (A) (2) of this section is solely to 1959
serve dropouts. In its initial year of operation, if the school 1960
fails to open by the thirtieth day of September, or within one 1961
year after the adoption of the contract pursuant to division (D) 1962
of section 3314.02 of the Revised Code if the mission of the 1963
school is solely to serve dropouts, the contract shall be void. 1964

(26) Whether the school's governing authority is planning 1965
to seek designation for the school as a STEM school equivalent 1966
under section 3326.032 of the Revised Code; 1967

(27) That the school's attendance and participation 1968
policies will be available for public inspection; 1969

(28) That the school's attendance and participation 1970
records shall be made available to the department, auditor of 1971
state, and school's sponsor to the extent permitted under and in 1972

accordance with the "Family Educational Rights and Privacy Act	1973
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	1974
regulations promulgated under that act, and section 3319.321 of	1975
the Revised Code;	1976
(29) If a school operates using the blended learning	1977
model, as defined in section 3301.079 of the Revised Code, all	1978
of the following information:	1979
(a) An indication of what blended learning model or models	1980
will be used;	1981
(b) A description of how student instructional needs will	1982
be determined and documented;	1983
(c) The method to be used for determining competency,	1984
granting credit, and promoting students to a higher grade level;	1985
(d) The school's attendance requirements, including how	1986
the school will document participation in learning	1987
opportunities;	1988
(e) A statement describing how student progress will be	1989
monitored;	1990
(f) A statement describing how private student data will	1991
be protected;	1992
(g) A description of the professional development	1993
activities that will be offered to teachers.	1994
(30) A provision requiring that all moneys the school's	1995
operator loans to the school, including facilities loans or cash	1996
flow assistance, must be accounted for, documented, and bear	1997
interest at a fair market rate;	1998
(31) A provision requiring that, if the governing	1999

authority contracts with an attorney, accountant, or entity 2000
specializing in audits, the attorney, accountant, or entity 2001
shall be independent from the operator with which the school has 2002
contracted. 2003

(32) A provision requiring the governing authority to 2004
adopt an enrollment and attendance policy that requires a 2005
student's parent to notify the community school in which the 2006
student is enrolled when there is a change in the location of 2007
the parent's or student's primary residence. 2008

(33) A provision requiring the governing authority to 2009
adopt a student residence and address verification policy for 2010
students enrolling in or attending the school. 2011

(B) The community school shall also submit to the sponsor 2012
a comprehensive plan for the school. The plan shall specify the 2013
following: 2014

(1) The process by which the governing authority of the 2015
school will be selected in the future; 2016

(2) The management and administration of the school; 2017

(3) If the community school is a currently existing public 2018
school or educational service center building, alternative 2019
arrangements for current public school students who choose not 2020
to attend the converted school and for teachers who choose not 2021
to teach in the school or building after conversion; 2022

(4) The instructional program and educational philosophy 2023
of the school; 2024

(5) Internal financial controls. 2025

When submitting the plan under this division, the school 2026
shall also submit copies of all policies and procedures 2027

regarding internal financial controls adopted by the governing authority of the school. 2028
2029

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 2030
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 2040
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2042
2043

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 2044
2045
2046

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 2047
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2049

(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department and to the parents of students enrolled in the community school; 2050
2051
2052
2053

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; 2054
2055
2056

(5) Take steps to intervene in the school's operation to 2057
correct problems in the school's overall performance, declare 2058
the school to be on probationary status pursuant to section 2059
3314.073 of the Revised Code, suspend the operation of the 2060
school pursuant to section 3314.072 of the Revised Code, or 2061
terminate the contract of the school pursuant to section 3314.07 2062
of the Revised Code as determined necessary by the sponsor; 2063

(6) Have in place a plan of action to be undertaken in the 2064
event the community school experiences financial difficulties or 2065
closes prior to the end of a school year. 2066

(E) Upon the expiration of a contract entered into under 2067
this section, the sponsor of a community school may, with the 2068
approval of the governing authority of the school, renew that 2069
contract for a period of time determined by the sponsor, but not 2070
ending earlier than the end of any school year, if the sponsor 2071
finds that the school's compliance with applicable laws and 2072
terms of the contract and the school's progress in meeting the 2073
academic goals prescribed in the contract have been 2074
satisfactory. Any contract that is renewed under this division 2075
remains subject to the provisions of sections 3314.07, 3314.072, 2076
and 3314.073 of the Revised Code. 2077

(F) If a community school fails to open for operation 2078
within one year after the contract entered into under this 2079
section is adopted pursuant to division (D) of section 3314.02 2080
of the Revised Code or permanently closes prior to the 2081
expiration of the contract, the contract shall be void and the 2082
school shall not enter into a contract with any other sponsor. A 2083
school shall not be considered permanently closed because the 2084
operations of the school have been suspended pursuant to section 2085
3314.072 of the Revised Code. 2086

Section 4. That the existing versions of sections 2087
3301.0714 and 3314.03 of the Revised Code that are scheduled to 2088
take effect January 1, 2025, are hereby repealed. 2089

Section 5. Sections 3 and 4 of this act take effect 2090
January 1, 2025. 2091