

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 79

Senator Reynolds

A BILL

To amend section 3314.017 and to enact sections 1
3301.0727, 3314.381, and 3314.382 of the Revised 2
Code regarding dropout prevention and recovery 3
community schools 4

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

Section 1. That section 3314.017 be amended and sections 5
3301.0727, 3314.381, and 3314.382 of the Revised Code be enacted 6
to read as follows: 7

Sec. 3301.0727. (A) As used in this section, "dropout 8
recovery community school" has the same meaning as in section 9
3319.301 of the Revised Code. 10

(B) Notwithstanding any provision to the contrary in 11
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 12
a dropout recovery community school shall do both of the 13
following with regard to the administration of end-of-course 14
examinations required under section 3301.0712 of the Revised 15
Code: 16

(1) In addition to the annual testing windows established 17
by the superintendent of public instruction under division (C) 18
of section 3301.0710 of the Revised Code, administer the 19

examinations in an online format at any time of year based on 20
the needs of the student; 21

(2) Adhere to security requirements prescribed under 22
section 3319.151 of the Revised Code for the online examinations 23
administered under division (B)(1) of this section. 24

Sec. 3314.017. (A) The state board of education shall 25
prescribe by rules, adopted in accordance with Chapter 119. of 26
the Revised Code, an academic performance rating and report card 27
system that satisfies the requirements of this section for 28
community schools that primarily serve students enrolled in 29
dropout prevention and recovery programs as described in 30
division (A)(4)(a) of section 3314.35 of the Revised Code, to be 31
used in lieu of the system prescribed under sections 3302.03 and 32
3314.012 of the Revised Code beginning with the 2012-2013 school 33
year. Each such school shall comply with the testing and 34
reporting requirements of the system as prescribed by the state 35
board. 36

(B) Nothing in this section shall at any time relieve a 37
school from its obligations under the "No Child Left Behind Act 38
of 2001" to make "adequate yearly progress," as both that act 39
and that term are defined in section 3302.01 of the Revised 40
Code, or a school's amenability to the provisions of section 41
3302.04 or 3302.041 of the Revised Code. The department of 42
education shall continue to report each school's performance as 43
required by the act and to enforce applicable sanctions under 44
section 3302.04 or 3302.041 of the Revised Code. 45

(C) The rules adopted by the state board shall prescribe 46
the following performance indicators for the rating and report 47
card system required by this section: 48

(1) Graduation rate for each of the following student cohorts:	49 50
(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	51 52 53
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	54 55 56
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	57 58 59
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	60 61 62 63
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	64 65 66 67
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high	68 69 70 71 72 73 74 75 76 77

school achievement assessments or the cumulative performance 78
score on the end-of-course examinations, whichever applies, by 79
their twenty-second birthday; 80

(3) Annual measurable objectives as defined in section 81
3302.01 of the Revised Code; 82

(4) Growth in student achievement in reading, or 83
mathematics, or both as measured by separate nationally norm- 84
referenced assessments that have developed appropriate standards 85
for students enrolled in dropout prevention and recovery 86
programs, adopted or approved by the state board. 87

(D) (1) The state board's rules shall prescribe the 88
expected performance levels and benchmarks for each of the 89
indicators prescribed by division (C) of this section based on 90
the data gathered by the department under division (G) of this 91
section and simulations created by the department. Based on a 92
school's level of attainment or nonattainment of the expected 93
performance levels and benchmarks for each of the indicators, 94
the department shall rate each school in one of the following 95
categories: 96

(a) Exceeds standards; 97

(b) Meets standards; 98

(c) Does not meet standards. 99

(2) The state board's rules shall establish all of the 100
following: 101

(a) ~~Not later than June 30, 2013, performance~~ Performance 102
levels and benchmarks for the indicators described in divisions 103
(C) (1) to (3) of this section; 104

(b) ~~Not later than December 31, 2014, both~~ Both of the 105

following:	106
(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;	107 108
(ii) Standards for awarding a community school described in division (A) (4) (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	109 110 111
(I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.	112 113 114 115
(II) Thirty per cent of the score shall be based on the indicators described in division (C) (4) of this section.	116 117
(III) Twenty per cent of the score shall be based on the indicators described in division (C) (2) of this section.	118 119
(IV) Twenty per cent of the score shall be based on the indicators described in division (C) (3) of this section.	120 121
(3) If both of the indicators described in divisions (C) (1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	122 123 124 125
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	126 127 128 129
(E) (1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D) (1) (a) to (c) of this section, for each community	130 131 132 133

school described in division (A) (4) (a) of section 3314.35 of the Revised Code:	134 135
(a) The graduation rates as described in divisions (C) (1) (a) to (c) of this section;	136 137
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;	138 139 140 141
(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C) (1) (a) to (c) and (C) (2) of this section;	142 143 144
(d) Annual measurable objectives described in division (C) (3) of this section.	145 146
(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code:	147 148 149 150
(a) The graduation rates described in divisions (C) (1) (a) to (d) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	151 152 153
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	154 155 156 157 158
(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	159 160 161

(d) Both of the following without an assigned rating:	162
(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;	163 164 165
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	166 167 168
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:	169 170 171 172 173 174 175
(a) The graduation rates as described in division (C) (1) of this section;	176 177
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;	178 179 180 181
(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	182 183 184
(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;	185 186
(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this section.	187 188 189

The department shall also include student outcome data, 190
including postsecondary credit earned, nationally recognized 191
career or technical certification, military enlistment, job 192
placement, attendance rate, and progress on closing achievement 193
gaps for each school. This information shall not be included in 194
the calculation of a school's performance rating. 195

(F) Not later than the thirty-first day of July of each 196
year, the department shall submit preliminary report card data 197
for overall academic performance for each performance measure 198
prescribed in division (E) (3) of this section for each community 199
school to which this section applies. 200

~~(G) In developing the rating and report card system 201
required by this section, during the 2012-2013 and 2013-2014 202
school years, For the purposes of prescribing performance levels 203
and benchmarks under division (D) of this section, the 204
department shall gather and analyze data ~~as determined necessary~~ 205
from prior school years for each community school described in 206
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 207
such school shall cooperate with the department ~~by supplying~~ 208
~~requested data and administering required assessments, including~~ 209
~~sample assessments for purposes of measuring student achievement~~ 210
~~growth as described in division (C) (4) of this section.~~ The 211
department shall consult with stakeholder groups in performing 212
its duties under this division. 213~~

~~The department shall also identify one or more states that 214
have established or are in the process of establishing similar 215
academic performance rating systems for dropout prevention and 216
recovery programs and consult with the departments of education 217
of those states in developing the system required by this 218
section. 219~~

(H) Not later than December 31, 2014, the state board 220
shall review the performance levels and benchmarks for 221
performance indicators in the report card issued under this 222
section and may revise them based on the data collected under 223
division (G) of this section. 224

(I) For the purposes of division (F) of section 3314.351 225
of the Revised Code, the department shall recalculate the 226
ratings for each school under division (E) (3) of this section 227
for the 2017-2018 school year and calculate the ratings under 228
that division for the 2018-2019 school year using the indicators 229
prescribed by division (C) of this section, as it exists on and 230
after July 18, 2019. 231

Sec. 3314.381. (A) As used in this section, "dropout 232
recovery community school" has the same meaning as in section 233
3319.301 of the Revised Code. 234

(B) The department of education shall establish the 235
dropout prevention and recovery advisory council. The council 236
shall provide a forum for communication and collaboration 237
between the department and parties involved in the establishment 238
and operation of dropout recovery community schools, including 239
sponsors and operators. 240

(C) The advisory council shall consist of the following 241
members appointed by the state board of education: 242

(1) Two members of the state board; 243

(2) One employee of the department who works directly with 244
dropout recovery community schools, including any employee who 245
works as a liaison with such schools; 246

(3) Seven individuals with experience in dropout recovery 247
community schools, their operators, and their sponsors. In 248

appointing these individuals, the state board shall ensure they 249
represent a diverse array of schools in terms of enrollment, 250
programs, learning models, and methods of instruction. 251

(D) The advisory council shall, in collaboration with the 252
state board of education, review all existing rules and guidance 253
previously developed or adopted by the department pursuant to 254
division (D) of section 3314.382 of the Revised Code. 255

Sec. 3314.382. (A) As used in this section, "dropout 256
recovery community school" has the same meaning as in section 257
3319.301 of the Revised Code. 258

(B) Notwithstanding anything to the contrary in the 259
Revised Code, the department of education shall only adopt rules 260
in accordance with Chapter 119. of the Revised Code for any 261
requirement to be imposed on a dropout recovery community 262
school. The department shall not develop guidelines that impose 263
requirements on the general and uniform operation of a dropout 264
recovery community school. 265

(C) Pursuant to section 119.035 of the Revised Code, prior 266
to adoption, the dropout prevention and recovery advisory 267
council established under section 3314.381 of the Revised Code 268
shall review any proposed rule described in division (B) of this 269
section. 270

(D) Any guidance document previously developed by the 271
department that establishes general and uniform operations 272
regarding a dropout recovery community school in effect on the 273
effective date of this section is void after that date. 274

Section 2. That existing section 3314.017 of the Revised 275
Code is hereby repealed. 276