

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 684

Representatives Hood, Brinkman

**Cosponsors: Representatives Dean, Becker, Keller, Lang, Romanchuk, Vitale,
Kick, Hoops, Stein, Riedel**

A BILL

To amend sections 3301.078, 3301.079, 3301.0710,	1
3301.0711, 3301.0712, 3301.0714, 3301.0718,	2
3301.0728, 3301.0729, 3302.01, 3302.02, 3302.03,	3
3302.036, 3302.05, 3310.03, 3310.14, 3310.522,	4
3311.80, 3311.84, 3313.60, 3313.603, 3313.608,	5
3313.6017, 3313.6020, 3313.61, 3313.612,	6
3313.618, 3313.619, 3313.6114, 3313.903,	7
3314.016, 3314.017, 3314.02, 3314.05, 3314.08,	8
3314.26, 3314.36, 3317.03, 3319.02, 3319.111,	9
3319.23, 3326.37, 3328.01, 3333.0411, and	10
3365.05; to enact sections 3301.65 and 3319.324;	11
and to repeal sections 3301.0721 and 3319.112 of	12
the Revised Code to revise the law with regard	13
to the state academic content standards and	14
primary and secondary education assessments and	15
teacher evaluations, to create the Legislative	16
Office of Education Oversight, and to make other	17
changes regarding the operation of primary and	18
secondary schools.	19

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

Section 1. That sections 3301.078, 3301.079, 3301.0710, 20
3301.0711, 3301.0712, 3301.0714, 3301.0718, 3301.0728, 21
3301.0729, 3302.01, 3302.02, 3302.03, 3302.036, 3302.05, 22
3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 3313.603, 23
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 24
3313.619, 3313.6114, 3313.903, 3314.016, 3314.017, 3314.02, 25
3314.05, 3314.08, 3314.26, 3314.36, 3317.03, 3319.02, 3319.111, 26
3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 be amended and 27
sections 3301.65 and 3319.324 of the Revised Code be enacted to 28
read as follows: 29

Sec. 3301.078. (A) Notwithstanding anything to the 30
contrary in the Revised Code or in any rule or directive of the 31
state board of education, superintendent of public instruction, 32
or department of education, on or after July 1, 2021, the 33
department of education shall not use any assessment related to 34
the partnership for assessment of readiness for college and 35
careers (PARCC), the smarter balanced assessments, American 36
institutes for research, or any other assessment developed by a 37
multistate consortium, for use as any of the assessments 38
prescribed under sections 3301.0710 and 3301.0712 of the Revised 39
Code. 40

(B) No official or board of this state, whether appointed 41
or elected, shall enter into any agreement or memorandum of 42
understanding with any federal or private entity that would 43
require the state to cede any measure of control over the 44
development, adoption, or revision of academic content 45
standards. 46

~~(B)~~ (C) No funds appropriated from the general revenue fund 47
shall be used to purchase an assessment developed by the 48
partnership for assessment of readiness for college and careers 49

or the smarter balanced assessment consortium for use as the 50
assessments prescribed under sections 3301.0710 and 3301.0712 of 51
the Revised Code. 52

~~(C)~~ (D) The department of education shall request that each 53
assessment vendor contracted by the department provide an 54
analysis explaining how questions on each of the assessments 55
prescribed under section 3301.0710 ~~of the Revised Code and the~~ 56
~~end of course examinations prescribed under division (B) (2) of~~ 57
section 3301.0712 of the Revised Code developed by that vendor 58
are aligned to the academic content standards adopted under 59
section 3301.079 of the Revised Code. The analysis shall be 60
provided to all school districts and schools for all grade 61
levels for which assessments are prescribed under sections 62
3301.0710 and 3301.0712 of the Revised Code. The analysis shall 63
be produced beginning with the 2019-2020 school year and for 64
each school year thereafter. 65

~~(D)~~ (E) The department shall request that each assessment 66
vendor described in division ~~(C)~~ (D) of this section provide 67
information and materials to school districts and schools for 68
assistance with the state achievement assessments. The 69
information and materials shall include practice assessments and 70
other preparatory materials. The information and materials shall 71
be distributed to districts and schools beginning with the 2019- 72
2020 school year and for each school year thereafter. 73

(F) The state board of education shall not adopt, and the 74
department of education shall not implement, academic content 75
standards in English language arts, mathematics, science, or 76
social studies that were developed by the common core state 77
standards initiative or any similar initiative process or 78
program. 79

Any actions taken to adopt or implement the common core 80
state standards as of the effective date of this section are 81
void. 82

Sec. 3301.079. (A) (1) ~~The Subject to division (A) of~~ 83
~~section 3301.0718 and section 3301.65 of the Revised Code, the~~ 84
state board of education periodically shall adopt statewide 85
academic content standards ~~with emphasis on coherence, focus,~~ 86
~~and essential knowledge and that are more challenging and~~ 87
~~demanding when compared to international standards for each of~~ 88
grades kindergarten through twelve in English language arts, 89
mathematics, science, and social studies. The state board shall 90
not adopt academic content standards that are developed at the 91
national level or by a multistate consortium. The state board 92
shall not adopt academic content standards that are developed at 93
the national level or by a multistate consortium. 94

~~(a) The state board shall ensure that the standards do all~~ 95
~~of the following:~~ 96

~~(i) Include the essential academic content and skills that~~ 97
~~students are expected to know and be able to do at each grade~~ 98
~~level that will allow each student to be prepared for~~ 99
~~postsecondary instruction and the workplace for success in the~~ 100
~~twenty-first century;~~ 101

~~(ii) Include the development of skill sets that promote~~ 102
~~information, media, and technological literacy;~~ 103

~~(iii) Include interdisciplinary, project based, real world~~ 104
~~learning opportunities;~~ 105

~~(iv) Instill life-long learning by providing essential~~ 106
~~knowledge and skills based in the liberal arts tradition, as~~ 107
~~well as science, technology, engineering, mathematics, and~~ 108

~~career technical education,~~ 109

~~(v) Be clearly written, transparent, and understandable by~~ 110
~~parents, educators, and the general public.~~ 111

~~(b)~~ Not later than July 1, 2012, the state board shall 112
incorporate into the social studies standards for grades four to 113
twelve academic content regarding the original texts of the 114
Declaration of Independence, the Northwest Ordinance, the 115
Constitution of the United States and its amendments, with 116
emphasis on the Bill of Rights, and the Ohio Constitution, and 117
their original context. The state board shall revise the ~~model-~~ 118
~~curricula and achievement assessments adopted under divisions-~~ 119
~~(B) and division~~ (C) of this section as necessary to reflect the 120
additional American history and American government content. The 121
state board shall make available a list of suggested grade- 122
appropriate supplemental readings that place the documents 123
prescribed by this division in their historical context, which 124
teachers may use as a resource to assist students in reading the 125
documents within that context. 126

~~(e)~~ When the state board adopts or revises academic 127
content standards in social studies, American history, American 128
government, or science under division (A)(1) of this section, 129
the state board shall develop such standards independently and 130
not as part of a multistate consortium. 131

(2) After completing the standards required by division 132
(A)(1) of this section, the state board shall adopt standards 133
~~and model curricula~~ for instruction in technology, financial 134
literacy and entrepreneurship, fine arts, and foreign language 135
for grades kindergarten through twelve. The standards shall meet 136
the same requirements prescribed in division (A)(1) ~~(a)~~ of this 137
section. 138

(3) The state board shall adopt the most recent standards 139
developed by the national association for sport and physical 140
education for physical education in grades kindergarten through 141
twelve or shall adopt its own standards for physical education 142
in those grades and revise and update them periodically. 143

The department of education shall employ a full-time 144
physical education coordinator to provide guidance and technical 145
assistance to districts, community schools, and STEM schools in 146
implementing the physical education standards adopted under this 147
division. The superintendent of public instruction shall 148
determine that the person employed as coordinator is qualified 149
for the position, as demonstrated by possessing an adequate 150
combination of education, license, and experience. 151

(4) Not later than December 31, 2018, the state board 152
shall adopt standards and a model curriculum for instruction in 153
computer science in grades kindergarten through twelve, which 154
shall include standards for introductory and advanced computer 155
science courses in grades nine through twelve. When developing 156
the standards and curriculum, the state board shall consider 157
recommendations from computer science education stakeholder 158
groups, including teachers and representatives from higher 159
education, industry, computer science organizations in Ohio, and 160
national computer science organizations. 161

Any district or school may utilize the computer science 162
standards or model curriculum or any part thereof adopted 163
pursuant to division (A) (4) of this section. However, no 164
district or school shall be required to utilize all or any part 165
of the standards or curriculum. 166

(5) When academic standards have been completed for any 167
subject area required by this section, the state board shall 168

inform all school districts, all community schools established 169
under Chapter 3314. of the Revised Code, all STEM schools 170
established under Chapter 3326. of the Revised Code, and all 171
nonpublic schools required to administer the assessments 172
prescribed by sections 3301.0710 and 3301.0712 of the Revised 173
Code of the content of those standards. Additionally, upon 174
completion of any academic standards under this section, the 175
department shall post those standards on the department's web 176
site. 177

(B) ~~(1)~~ The state board shall not adopt a model curriculum 178
for instruction in ~~each~~ any subject area for which updated 179
academic standards are required by ~~division~~ divisions (A) (1) and 180
(2) of this section and for each of grades kindergarten through 181
~~twelve that is sufficient to meet the needs of students in every~~ 182
~~community. The model curriculum shall be aligned with the~~ 183
~~standards, to ensure that the academic content and skills~~ 184
~~specified for each grade level are taught to students, and shall~~ 185
~~demonstrate vertical articulation and emphasize coherence,~~ 186
~~focus, and rigor. When any model curriculum has been completed,~~ 187
~~the state board shall inform all school districts, community~~ 188
~~schools, and STEM schools of the content of that model~~ 189
~~curriculum.~~ 190

~~(2) Not later than June 30, 2013, the state board, in~~ 191
~~consultation with any office housed in the governor's office~~ 192
~~that deals with workforce development, shall adopt model~~ 193
~~curricula for grades kindergarten through twelve that embed~~ 194
~~career connection learning strategies into regular classroom~~ 195
~~instruction.~~ 196

~~(3) All school districts, community schools, and STEM~~ 197
~~schools may utilize the state standards and the model curriculum~~ 198

~~established by the state board, together with other relevant~~ 199
~~resources, examples, or models to ensure that students have the~~ 200
~~opportunity to attain the academic standards. Upon request, the~~ 201
~~department shall provide technical assistance to any district,~~ 202
~~community school, or STEM school in implementing the model~~ 203
~~curriculum.~~ 204

~~Nothing in this section requires any school district to~~ 205
~~utilize all or any part of a model curriculum developed under~~ 206
~~this section.~~ 207

(C) ~~The state board shall develop elementary and secondary~~ 208
~~achievement assessments prescribed under sections 3301.0710 and~~ 209
~~3301.0712 of the Revised Code shall be aligned with the academic~~ 210
~~standards and model curriculum for each of the subject areas and~~ 211
~~grade levels required by divisions (A) (1) and (B) (1) of section~~ 212
~~3301.0710 of the Revised Code.~~ 213

~~When any achievement assessment has been completed~~ 214
~~approved for use,~~ the state board shall inform all school 215
districts, community schools, STEM schools, and nonpublic 216
schools required to administer the assessment of its ~~completion~~ 217
~~approval,~~ and the department shall make the achievement 218
assessment available to the districts and schools. 219

(D) (1) The state board shall adopt a norm-referenced 220
diagnostic assessment aligned with the academic standards ~~and~~ 221
~~model curriculum~~ for each of grades kindergarten through two in 222
reading, writing, and mathematics and for grade three in reading 223
and writing. The diagnostic assessment shall be designed to 224
measure student comprehension of academic content and mastery of 225
related skills for the relevant subject area and grade level. 226
Any diagnostic assessment shall not include components to 227
identify gifted students. Blank copies of diagnostic assessments 228

shall be public records. 229

(2) When each diagnostic assessment has been ~~completed~~ 230
approved for use, the state board shall inform all school 231
districts of its ~~completion approval~~ and the department shall 232
make the diagnostic assessment available to the districts at no 233
cost to the district. 234

(3) School districts shall administer the diagnostic 235
assessment pursuant to section 3301.0715 of the Revised Code 236
beginning the first school year following the ~~development~~ 237
approval of the assessment. 238

However, beginning with the 2017-2018 school year, both of 239
the following shall apply: 240

(a) In the case of the diagnostic assessments for grades 241
one or two in writing or mathematics or for grade three in 242
writing, a school district shall not be required to administer 243
any such assessment, but may do so at the discretion of the 244
district board; 245

(b) In the case of any diagnostic assessment that is not 246
for the grade levels and subject areas specified in division (D) 247
(3) (a) of this section, each school district shall administer 248
the assessment in the manner prescribed by section 3301.0715 of 249
the Revised Code. 250

(E) The state board shall not adopt a diagnostic or 251
achievement assessment for any grade level or subject area other 252
than those specified in this section. 253

(F) Whenever the state board or the department consults 254
with persons for the purpose of drafting or reviewing any 255
standards, diagnostic assessments, or achievement assessments, ~~or~~ 256
~~or model curriculum~~ required under this section, the state board 257

or the department shall first consult with parents of students 258
in kindergarten through twelfth grade and with active Ohio 259
classroom teachers, other school personnel, and administrators 260
with expertise in the appropriate subject area. Whenever 261
practicable, the state board and department shall consult with 262
teachers recognized as outstanding in their fields. 263

~~If the department contracts with more than one outside 264~~
~~entity for the development of the achievement assessments 265~~
~~required by this section, the department shall ensure the 266~~
~~interchangeability of those assessments. 267~~

(G) Whenever the state board adopts standards ~~or model 268~~
~~curricula~~ under this section, the department also shall provide 269
information on the use of blended or digital learning in the 270
delivery of the standards ~~or curricula~~ to students in accordance 271
with division (A) (5) of this section. 272

(H) The fairness sensitivity review committee, established 273
by rule of the state board of education, shall not allow any 274
question on any achievement or diagnostic assessment developed 275
under this section or any proficiency test prescribed by former 276
section 3301.0710 of the Revised Code, as it existed prior to 277
September 11, 2001, to include, be written to promote, or 278
inquire as to individual moral or social values or beliefs. ~~The 279~~
~~decision of the committee shall be final. This section does not 280~~
~~create a private cause of action. 281~~

(I) ~~(1) (a) The English language arts academic standards 282~~
~~review committee is hereby created to review academic content 283~~
~~standards in the subject of English language arts. The committee 284~~
~~shall consist of the following members: 285~~

~~(i) Three experts who are residents of this state and who 286~~

~~primarily conduct research, provide instruction, currently work- 287~~
~~in, or possess an advanced degree in the subject area. One 288~~
~~expert shall be appointed by each of the president of the 289~~
~~senate, the speaker of the house of representatives, and the 290~~
~~governor; 291~~

~~(ii) One parent or guardian appointed by the president of- 292~~
~~the senate; 293~~

~~(iii) One educator who is currently teaching in a 294~~
~~classroom, appointed by the speaker of the house of 295~~
~~representatives; 296~~

~~(iv) The chancellor of the Ohio board of regents, or the 297~~
~~chancellor's designee; 298~~

~~(v) The state superintendent, or the superintendent's 299~~
~~designee, who shall serve as the chairperson of the committee. 300~~

~~(b) The mathematics academic standards review committee is 301~~
~~hereby created to review academic content standards in the 302~~
~~subject of mathematics. The committee shall consist of the 303~~
~~following members: 304~~

~~(i) Three experts who are residents of this state and who 305~~
~~primarily conduct research, provide instruction, currently work- 306~~
~~in, or possess an advanced degree in the subject area. One 307~~
~~expert shall be appointed by each of the president of the 308~~
~~senate, the speaker of the house of representatives, and the 309~~
~~governor; 310~~

~~(ii) One parent or guardian appointed by the speaker of- 311~~
~~the house of representatives; 312~~

~~(iii) One educator who is currently teaching in a 313~~
~~classroom, appointed by the president of the senate; 314~~

- ~~(iv) The chancellor, or the chancellor's designee;~~ 315
- ~~(v) The state superintendent, or the superintendent's~~ 316
~~designee, who shall serve as the chairperson of the committee.~~ 317
- ~~(c) The science academic standards review committee is~~ 318
~~hereby created to review academic content standards in the~~ 319
~~subject of science. The committee shall consist of the following~~ 320
~~members:~~ 321
- ~~(i) Three experts who are residents of this state and who~~ 322
~~primarily conduct research, provide instruction, currently work~~ 323
~~in, or possess an advanced degree in the subject area. One~~ 324
~~expert shall be appointed by each of the president of the~~ 325
~~senate, the speaker of the house of representatives, and the~~ 326
~~governor;~~ 327
- ~~(ii) One parent or guardian appointed by the president of~~ 328
~~the senate;~~ 329
- ~~(iii) One educator who is currently teaching in a~~ 330
~~classroom, appointed by the speaker of the house of~~ 331
~~representatives;~~ 332
- ~~(iv) The chancellor, or the chancellor's designee;~~ 333
- ~~(v) The state superintendent, or the superintendent's~~ 334
~~designee, who shall serve as the chairperson of the committee.~~ 335
- ~~(d) The social studies academic standards review committee~~ 336
~~is hereby created to review academic content standards in the~~ 337
~~subject of social studies. The committee shall consist of the~~ 338
~~following members:~~ 339
- ~~(i) Three experts who are residents of this state and who~~ 340
~~primarily conduct research, provide instruction, currently work~~ 341
~~in, or possess an advanced degree in the subject area. One~~ 342

~~expert shall be appointed by each of the president of the~~ 343
~~senate, the speaker of the house of representatives, and the~~ 344
~~governor;~~ 345

~~(ii) One parent or guardian appointed by the speaker of~~ 346
~~the house of representatives;~~ 347

~~(iii) One educator who is currently teaching in a~~ 348
~~classroom, appointed by the president of the senate;~~ 349

~~(iv) The chancellor, or the chancellor's designee;~~ 350

~~(v) The state superintendent, or the superintendent's~~ 351
~~designee, who shall serve as the chairperson of the committee.~~ 352

~~(2) (a) Each committee created in division (I) (1) of this~~ 353
~~section shall review the academic content standards for its~~ 354
~~respective subject area to ensure that such standards are clear,~~ 355
~~concise, and appropriate for each grade level and promote higher~~ 356
~~student performance, learning, subject matter comprehension, and~~ 357
~~improved student achievement. Each committee also shall review~~ 358
~~whether the standards for its respective subject area promote~~ 359
~~essential knowledge in the subject, lifelong learning, the~~ 360
~~liberal arts tradition, and college and career readiness and~~ 361
~~whether the standards reduce remediation.~~ 362

~~(b) Each committee shall determine whether the assessments~~ 363
~~submitted to that committee under division (I) (4) of this~~ 364
~~section are appropriate for the committee's respective subject~~ 365
~~area and meet the academic content standards adopted under this~~ 366
~~section and community expectations.~~ 367

~~(3) The department of education shall provide~~ 368
~~administrative support for each committee created in division~~ 369
~~(I) (1) of this section. Members of each committee shall be~~ 370
~~reimbursed for reasonable and necessary expenses related to the~~ 371

~~operations of the committee. Members of each committee shall~~ 372
~~serve at the pleasure of the appointing authority.~~ 373

~~(4) Notwithstanding anything to the contrary in division~~ 374
~~(O) of section 3301.0711 of the Revised Code, the department~~ 375
~~shall submit to the appropriate committee created under division~~ 376
~~(I) (1) of this section copies of the questions and corresponding~~ 377
~~answers on the relevant assessments required by section~~ 378
~~3301.0710 of the Revised Code on the first day of July following~~ 379
~~the school year that the assessments were administered. The~~ 380
~~department shall provide each committee with the entire content~~ 381
~~of each relevant assessment, including corresponding answers.~~ 382

~~The assessments received by the committees are not public~~ 383
~~records of the committees and are not subject to release by the~~ 384
~~committees to any other person or entity under section 149.43 of~~ 385
~~the Revised Code. However, the assessments shall become public~~ 386
~~records in accordance with division (O) of section 3301.0711 of~~ 387
~~the Revised Code.~~ 388

~~(J) Not later than sixty days prior to the adoption by the~~ 389
~~state board of updated academic standards under division (A) (1)~~ 390
~~of this section or updated model curricula under division (B) (1)~~ 391
~~of this section, the superintendent of public instruction shall~~ 392
~~present the academic content standards or model curricula, as~~ 393
~~applicable, in person at a public hearing of the respective~~ 394
~~committees of the house of representatives and senate that~~ 395
~~consider education legislation.~~ 396

~~(K)~~ (J) As used in this section: 397

(1) "Blended learning" means the delivery of instruction 398
in a combination of time in a supervised physical location away 399
from home and online delivery whereby the student has some 400

element of control over time, place, path, or pace of learning. 401

~~(2) "Coherence" means a reflection of the structure of the~~ 402
~~discipline being taught.~~ 403

~~(3) "Digital learning" means learning facilitated by~~ 404
technology that gives students some element of control over 405
time, place, path, or pace of learning. 406

~~(4) "Focus" means limiting the number of items included in~~ 407
~~a curriculum to allow for deeper exploration of the subject~~ 408
~~matter.~~ 409

~~(5) "Vertical articulation" means key academic concepts~~ 410
~~and skills associated with mastery in particular content areas~~ 411
~~should be articulated and reinforced in a developmentally~~ 412
~~appropriate manner at each grade level so that over time~~ 413
~~students acquire a depth of knowledge and understanding in the~~ 414
~~core academic disciplines.~~ 415

(3) "Norm-referenced" refers to a standardized test or 416
evaluative instrument that is not aligned to the common core 417
state standards and for which the resulting scores are 418
interpreted or are used to acquire additional meaning in terms 419
of comparisons made to a reference age or grade group to which 420
an individual belongs. 421

Sec. 3301.0710. The state board of education shall adopt 422
rules establishing a statewide program to assess student 423
achievement. The state board shall ensure that all assessments 424
administered under the program are aligned with the academic 425
standards ~~and model curricula adopted by the state board and are~~ 426
~~created with input from Ohio parents, Ohio classroom teachers,~~ 427
~~Ohio school administrators, and other Ohio school personnel~~ 428
~~pursuant to section 3301.079 of the Revised Code.~~ 429

The assessment program shall be designed to ensure that 430
students who receive a high school diploma demonstrate at least 431
high school levels of achievement in English language arts, 432
mathematics, science, and social studies. 433

(A) (1) The state board shall prescribe all of the 434
following: 435

(a) Two statewide norm-referenced achievement assessments, 436
one each designed to measure the level of English language arts 437
and mathematics skill expected at the end of third grade; 438

(b) Two statewide norm-referenced achievement assessments, 439
one each designed to measure the level of English language arts 440
and mathematics skill expected at the end of fourth grade; 441

(c) Three statewide norm-referenced achievement 442
assessments, one each designed to measure the level of English 443
language arts, mathematics, and science skill expected at the 444
end of fifth grade; 445

(d) Two statewide norm-referenced achievement assessments, 446
one each designed to measure the level of English language arts 447
and mathematics skill expected at the end of sixth grade; 448

(e) Two statewide norm-referenced achievement assessments, 449
one each designed to measure the level of English language arts 450
and mathematics skill expected at the end of seventh grade; 451

(f) Three statewide norm-referenced achievement 452
assessments, one each designed to measure the level of English 453
language arts, mathematics, and science skill expected at the 454
end of eighth grade. 455

(2) The state board shall ~~determine and designate at least~~ 456
utilize five percentile ranges of scores on each of the 457

achievement assessments described in divisions (A) (1) and (B) (1) 458
of this section. Each percentile range of scores shall be deemed 459
to demonstrate a level of achievement so that any student 460
attaining a score result within such range the following 461
quintiles has achieved ~~one of the following~~ a specified level of 462
skill: 463

(a) An advanced level of skill, which consists of the 464
eighty-first through one hundredth percentile; 465

(b) An accelerated level of skill, which consists of the 466
sixty-first through eightieth percentile; 467

(c) A proficient level of skill, which consists of the 468
forty-first through sixtieth percentile; 469

(d) A basic level of skill, which consists of the twenty- 470
first through fortieth percentile; 471

(e) A limited level of skill, which consists of the first 472
through the twentieth percentile. 473

(3) For the purpose of implementing division (A) of 474
section 3313.608 of the Revised Code, ~~the state board shall~~ 475
~~determine and designate a level of achievement, not lower than~~ 476
~~the level designated in division (A) (2) (c) of this section, on~~ 477
~~the third grade English language arts assessment for a student~~ 478
~~to be promoted to the fourth grade. The state board shall review~~ 479
~~and adjust upward the level of achievement designated under this~~ 480
~~division each year the test is administered until the level is~~ 481
~~set equal to the level designated in division (A) (2) (c) of this~~ 482
~~section~~ a student who receives a percentile score in the twenty- 483
first percentile or higher on the third grade English language 484
arts assessment shall not be retained under that section and 485
shall not be retained based solely on the student's percentile 486

score. However, the parent or guardian of a student who receives 487
a percentile score between the twenty-first and fortieth 488
percentile may choose to have the student retained and receive 489
services under section 3313.608 of the Revised Code. 490

(4) Each school district or school shall teach and assess 491
social studies in at least the fourth and sixth grades. Any 492
assessment in such area shall be determined by the district or 493
school and may be formative or summative in nature. The results 494
of such assessment shall not be reported to the department of 495
education. 496

(B) (1) The assessments prescribed under division (B) (1) of 497
this section shall collectively be known as the Ohio graduation 498
tests. The state board shall prescribe five statewide high 499
school achievement assessments, one each designed to measure the 500
level of reading, writing, mathematics, science, and social 501
studies skill expected at the end of tenth grade. The state 502
board shall designate a score in at least the range designated 503
under division (A) (2) (c) of this section on each such assessment 504
that shall be deemed to be a passing score on the assessment as 505
a condition toward granting high school diplomas under sections 506
3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code 507
until the assessment system prescribed by section 3301.0712 of 508
the Revised Code is implemented in accordance with division (B) 509
(2) of this section. 510

(2) ~~The state board shall prescribe an assessment system~~ 511
~~in accordance with prescribed under section 3301.0712 of the~~ 512
Revised Code ~~that~~ shall replace the Ohio graduation tests 513
beginning with students who enter the ninth grade for the first 514
time on or after July 1, 2014. 515

~~(3) The state board may enter into a reciprocal agreement~~ 516

~~with the appropriate body or agency of any other state that has~~ 517
~~similar statewide achievement assessment requirements for~~ 518
~~receiving high school diplomas, under which any student who has~~ 519
~~met an achievement assessment requirement of one state is~~ 520
~~recognized as having met the similar requirement of the other~~ 521
~~state for purposes of receiving a high school diploma. For~~ 522
~~purposes of this section and sections 3301.0711 and 3313.61 of~~ 523
~~the Revised Code, any student enrolled in any public high school~~ 524
~~in this state who has met an achievement assessment requirement~~ 525
~~specified in a reciprocal agreement entered into under this~~ 526
~~division shall be deemed to have attained at least the~~ 527
~~applicable score designated under this division on each~~ 528
~~assessment required by division (B) (1) or (2) of this section~~ 529
~~that is specified in the agreement.~~ 530

(C) The superintendent of public instruction shall 531
designate dates and times for the administration of the 532
assessments prescribed by divisions (A) and (B) of this section. 533

In prescribing administration dates pursuant to this 534
division, the superintendent shall designate the dates in such a 535
way as to allow a reasonable length of time between the 536
administration of assessments prescribed under this section and 537
any administration of the national assessment of educational 538
progress given to students in the same grade level pursuant to 539
section 3301.27 of the Revised Code or federal law. 540

~~(D) The state board shall prescribe a practice version of~~ 541
~~each Ohio graduation test described in division (B) (1) of this~~ 542
~~section that is of comparable length to the actual test.~~ 543

~~(E) Any committee established by the department of~~ 544
~~education for the purpose of making recommendations to the state~~ 545
~~board regarding the state board's designation of scores on the~~ 546

~~assessments described by this section shall inform the state~~ 547
~~board of the probable percentage of students who would score in~~ 548
~~each of the ranges established under division (A) (2) of this~~ 549
~~section on the assessments if the committee's recommendations~~ 550
~~are adopted by the state board. To the extent possible, these~~ 551
~~percentages shall be disaggregated by gender, major racial and~~ 552
~~ethnic groups, English learners, economically disadvantaged~~ 553
~~students, students with disabilities, and migrant students.~~ 554
As used in this section, "norm-referenced" has the same meaning as 555
in section 3301.079 of the Revised Code. 556

Sec. 3301.0711. (A) ~~The department~~ state board of 557
education shall:— 558

~~(1) Annually furnish to, grade, and score all assessments~~ 559
~~required by divisions (A) (1) and (B) (1) of section 3301.0710 of~~ 560
~~the Revised Code to be administered by city, local, exempted~~ 561
~~village, and joint vocational school districts, except that each~~ 562
~~district shall score any assessment administered pursuant to~~ 563
~~division (B) (10) of this section. Each assessment so furnished~~ 564
~~shall include the data verification code of the student to whom~~ 565
~~the assessment will be administered, as assigned pursuant to~~ 566
~~division (D) (2) of section 3301.0714 of the Revised Code. In~~ 567
~~furnishing the practice versions of Ohio graduation tests~~ 568
~~prescribed by division (D) of section 3301.0710 of the Revised~~ 569
~~Code, the department shall make the tests available on its web~~ 570
~~site for reproduction by districts. In awarding contracts for~~ 571
~~grading assessments, the department shall give preference to~~ 572
~~Ohio-based entities employing Ohio residents.~~ 573

~~(2) Adopt~~ adopt rules for the ethical use of assessments 574
and prescribing the manner in which the assessments prescribed 575
by section 3301.0710 of the Revised Code shall be administered 576

to students. 577

(B) Except as provided in divisions (C) and (J) of this 578
section, the board of education of each city, local, and 579
exempted village school district shall, in accordance with rules 580
adopted under division (A) of this section: 581

(1) ~~Administer~~ (a) Until the school year that follows the 582
effective date of this amendment, administer the English 583
language arts assessments prescribed under division (A) (1) (a) of 584
section 3301.0710 of the Revised Code twice annually to all 585
students in the third grade who have not attained the score 586
designated for that assessment under division (A) (2) (c) of 587
section 3301.0710 of the Revised Code. ~~;~~ 588

(b) For the school year that follows the effective date of 589
this amendment, and for each school year thereafter, administer 590
the English language arts assessment prescribed under division 591
(A) (1) (a) of section 3301.0710 of the Revised Code once annually 592
to all students in the third grade. The department shall not 593
require districts to administer the assessment described in 594
division (B) (1) (b) of this section in the fall. 595

(2) Administer the mathematics assessment prescribed under 596
division (A) (1) (a) of section 3301.0710 of the Revised Code at 597
least once annually to all students in the third grade. 598

(3) Administer the assessments prescribed under division 599
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 600
annually to all students in the fourth grade. 601

(4) Administer the assessments prescribed under division 602
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 603
annually to all students in the fifth grade. 604

(5) Administer the assessments prescribed under division 605

(A) (1) (d) of section 3301.0710 of the Revised Code at least once 606
annually to all students in the sixth grade. 607

(6) Administer the assessments prescribed under division 608
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 609
annually to all students in the seventh grade. 610

(7) Administer the assessments prescribed under division 611
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 612
annually to all students in the eighth grade. 613

(8) Except as provided in division (B) (9) of this section, 614
administer any assessment prescribed under division (B) (1) of 615
section 3301.0710 of the Revised Code as follows: 616

(a) At least once annually to all tenth grade students and 617
at least twice annually to all students in eleventh or twelfth 618
grade who have not yet attained the score on that assessment 619
designated under that division; 620

(b) To any person who has successfully completed the 621
curriculum in any high school or the individualized education 622
program developed for the person by any high school pursuant to 623
section 3323.08 of the Revised Code but has not received a high 624
school diploma and who requests to take such assessment, at any 625
time such assessment is administered in the district. 626

(9) In lieu of the board of education of any city, local, 627
or exempted village school district in which the student is also 628
enrolled, the board of a joint vocational school district shall 629
administer any assessment prescribed under division (B) (1) of 630
section 3301.0710 of the Revised Code at least twice annually to 631
any student enrolled in the joint vocational school district who 632
has not yet attained the score on that assessment designated 633
under that division. A board of a joint vocational school 634

district may also administer such an assessment to any student
described in division (B) (8) (b) of this section.

~~(10) If the district has a three-year average graduation
rate of not more than seventy-five per cent, administer each
assessment prescribed by division (D) of section 3301.0710 of
the Revised Code in September to all ninth grade students who
entered ninth grade prior to July 1, 2014.~~

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

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

~~(b) A student who has presented evidence to the district
or school of having satisfied the condition prescribed by
division (A) (1) of section 3313.618 of the Revised Code to
qualify for a high school diploma prior to the date of the
administration of the assessment prescribed under division (B)
(1) of section 3301.0712 of the Revised Code shall not be
required to take that assessment. However, no board shall~~

~~prohibit a student who is not required to take such assessment
from taking the assessment.~~

~~(c) A student shall not be required to retake the Algebra
I end of course examination or the English language arts II end
of course examination prescribed under division (B) (2) of
section 3301.0712 of the Revised Code in grades nine through
twelve if the student demonstrates at least a proficient level
of skill, as prescribed under division (B) (5) (a) of that
section, or achieves a competency score, as prescribed under
division (B) (10) of that section, in an administration of the
examination prior to grade nine.~~

(C) (1) (a) In the case of a student receiving special
education services under Chapter 3323. of the Revised Code, the
individualized education program developed for the student under
that chapter shall specify the manner in which the student will
participate in the assessments administered under this section,
~~except that a student with significant cognitive disabilities to
whom an alternate assessment is administered in accordance with
division (C) (1) of this section and a student determined to have
a disability that includes an intellectual disability as
outlined in guidance issued by the department shall not be
required to take the assessment prescribed under division (B) (1)
of section 3301.0712 of the Revised Code.~~ The individualized
education program may excuse the student from taking any
particular assessment required to be administered under this
section if it instead specifies an alternate assessment method
approved by the department of education or the state board as
conforming to requirements of federal law for receipt of federal
funds for disadvantaged pupils. To the extent possible, the
individualized education program shall ~~not excuse provide~~ provide the
student ~~from taking with an opportunity to take~~ an assessment

~~unless no reasonable accommodation can be made to enable the~~ 696
~~student to take the assessment that is determined to approximate~~ 697
~~the student's grade level capacity, with reasonable~~ 698
accommodations. No board shall prohibit a student who is not 699
required to take an assessment under division (C)(1) of this 700
section from taking the assessment. 701

(b) Any alternate assessment approved by the department or 702
the state board for a student under this division shall produce 703
measurable results comparable to those produced by the 704
assessment it replaces in order to allow for the student's 705
results to be included in the data compiled for a school 706
district or building under section 3302.03 of the Revised Code. 707

(c)(i) Any student enrolled in a chartered nonpublic 708
school who has been identified, based on an evaluation conducted 709
in accordance with section 3323.03 of the Revised Code or 710
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 711
29 U.S.C.A. 794, as amended, as a child with a disability shall 712
be excused from taking any particular assessment required to be 713
administered under this section if either of the following 714
apply: 715

(I) A plan developed for the student pursuant to rules 716
adopted by the state board excuses the student from taking that 717
assessment. 718

(II) The chartered nonpublic school develops a written 719
plan in which the school, in consultation with the student's 720
parents, determines that an assessment or alternative assessment 721
with accommodations does not accurately assess the student's 722
academic performance. The plan shall include an academic profile 723
of the student's academic performance and shall be reviewed 724
annually to determine if the student's needs continue to require 725

excusal from taking the assessment. 726

(ii) A student with significant cognitive disabilities to 727
whom an alternate assessment is administered in accordance with 728
division (C)(1) of this section and a student determined to have 729
a disability that includes an intellectual disability as 730
outlined in guidance issued by the department shall not be 731
required to take the assessment prescribed under ~~division (B)(1)~~ 732
~~of~~ section 3301.0712 of the Revised Code. 733

(iii) In the case of any student so excused from taking an 734
assessment under division (C)(1)(c) of this section, the 735
chartered nonpublic school shall not prohibit the student from 736
taking the assessment. 737

(2) A district board may, for medical reasons or other 738
good cause, excuse a student from taking an assessment 739
administered under this section on the date scheduled, but that 740
assessment shall be administered to the excused student not 741
later than nine days following the scheduled date. The district 742
board shall annually report the number of students who have not 743
taken one or more of the assessments required by this section to 744
the state board not later than the thirtieth day of June. 745

(3) As used in this division, "English learner" has the 746
same meaning as in 20 U.S.C. 7801. 747

No school district board shall excuse any English learner 748
from taking any particular assessment required to be 749
administered under this section, except as follows: 750

(a) Any English learner who has been enrolled in United 751
States schools for less than two years and for whom no 752
appropriate accommodations are available based on guidance 753
issued by the department shall not be required to take the 754

assessment prescribed under ~~division (B) (1) of~~ section 3301.0712 755
of the Revised Code. 756

(b) Any English learner who has been enrolled in United 757
States schools for less than one full school year shall not be 758
required to take any reading, writing, or English language arts 759
assessment. 760

However, no board shall prohibit an English learner who is 761
not required to take an assessment under division (C) (3) of this 762
section from taking the assessment. A board may permit any 763
English learner to take an assessment required to be 764
administered under this section with appropriate accommodations, 765
as determined by the department. For each English learner, each 766
school district shall annually assess that student's progress in 767
learning English, in accordance with procedures approved by the 768
department. 769

(4) (a) The governing authority of a chartered nonpublic 770
school may excuse an English learner from taking any assessment 771
administered under this section. 772

(b) No governing authority shall require an English 773
learner who has been enrolled in United States schools for less 774
than two years and for whom no appropriate accommodations are 775
available based on guidance issued by the department to take the 776
assessment prescribed under ~~division (B) (1) of~~ section 3301.0712 777
of the Revised Code. 778

(c) No governing authority shall prohibit an English 779
learner from taking an assessment from which the student was 780
excused under division (C) (4) of this section. 781

(D) (1) In the school year next succeeding the school year 782
in which the assessments prescribed by division (A) (1) or (B) (1) 783

of section 3301.0710 of the Revised Code or former division (A) 784
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 785
it existed prior to September 11, 2001, are administered to any 786
student, the board of education of any school district in which 787
the student is enrolled in that year shall provide to the 788
student intervention services commensurate with the student's 789
performance, including any intensive intervention required under 790
section 3313.608 of the Revised Code, in any skill in which the 791
student failed to demonstrate at least a score at the proficient 792
level on the assessment. 793

(2) Following any administration of the assessments 794
prescribed by ~~division (D) of section 3301.0710-3301.0712~~ of the 795
Revised Code ~~to ninth grade students~~, each school district that 796
has a three-year average graduation rate of not more than 797
seventy-five per cent shall determine for each high school in 798
the district whether the school shall be required to provide 799
intervention services to any students who took the assessments. 800
In determining which high schools shall provide intervention 801
services based on the resources available, the district shall 802
consider each school's graduation rate and scores on ~~the any~~ 803
practice assessments. The district also shall consider the 804
~~scores received results attained~~ by ninth grade students on the 805
English language arts and mathematics assessments prescribed 806
under division (A) (1) (f) of section 3301.0710 of the Revised 807
Code in the eighth grade in determining which high schools shall 808
provide intervention services. 809

Each high school selected to provide intervention services 810
under this division shall provide intervention services to any 811
student whose results indicate that the student is failing to 812
make satisfactory progress toward being able to attain ~~scores a~~ 813
result at the proficient level on the ~~Ohio graduation tests~~ 814

assessments prescribed under section 3301.0712 of the Revised 815
Code. Intervention services shall be provided in any skill in 816
which a student demonstrates unsatisfactory progress and shall 817
be commensurate with the student's performance. Schools shall 818
provide the intervention services prior to the end of the school 819
year, during the summer following the ninth grade, in the next 820
succeeding school year, or at any combination of those times. 821

(E) Except as provided in section 3313.608 of the Revised 822
Code and division (N) of this section, no school district board 823
of education shall utilize any student's failure to attain a 824
specified score on an assessment administered under this section 825
as a factor in any decision to deny the student promotion to a 826
higher grade level. ~~However, a district board may choose not to~~ 827
~~promote to the next grade level any student who does not take an~~ 828
~~assessment administered under this section or make up an~~ 829
~~assessment as provided by division (C) (2) of this section and~~ 830
~~who is not exempt from the requirement to take the assessment~~ 831
~~under division (C) (3) of this section.~~ 832

(F) No person shall be charged a fee for taking any 833
assessment administered under this section. 834

(G) (1) Each school district board shall designate one 835
location for the collection of assessments administered in the 836
spring under division (B) (1) of this section and those 837
administered under divisions (B) (2) to (7) of this section. Each 838
district board shall submit the assessments to the entity with 839
which the department contracts for the scoring of the 840
assessments as follows: 841

(a) If the district's total enrollment in grades 842
kindergarten through twelve during the first full school week of 843
October was less than two thousand five hundred, not later than 844

the Friday after all of the assessments have been administered; 845

(b) If the district's total enrollment in grades 846
kindergarten through twelve during the first full school week of 847
October was two thousand five hundred or more, but less than 848
seven thousand, not later than the Monday after all of the 849
assessments have been administered; 850

(c) If the district's total enrollment in grades 851
kindergarten through twelve during the first full school week of 852
October was seven thousand or more, not later than the Tuesday 853
after all of the assessments have been administered. 854

However, any assessment that a student takes during the 855
make-up period described in division (C) (2) of this section 856
shall be submitted not later than the Friday following the day 857
the student takes the assessment. 858

(2) The department or an entity with which the department 859
contracts for the scoring of the assessment shall send to each 860
school district board a list of the individual ~~scores~~ results of 861
all persons taking a state achievement assessment as follows: 862

(a) Except as provided in division (G) (2) (b) or (c) of 863
this section, within forty-five days after the administration of 864
the assessments prescribed by sections 3301.0710 and 3301.0712 865
of the Revised Code, but in no case shall the ~~scores~~ results be 866
returned later than the thirtieth day of June following the 867
administration; 868

(b) In the case of the third-grade English language arts 869
assessment, within forty-five days after the administration of 870
that assessment, but in no case shall the ~~scores~~ results be 871
returned later than the fifteenth day of June following the 872
administration; 873

(c) In the case of the writing component of an assessment 874
~~or end-of-course examination~~ in the area of English language 875
arts, except for the third-grade English language arts 876
assessment, the results may be sent after forty-five days of the 877
administration of the writing component, but in no case shall 878
the ~~scores~~ results be returned later than the thirtieth day of 879
June following the administration. 880

(3) For assessments administered under this section by a 881
joint vocational school district, the department or entity shall 882
also send to each city, local, or exempted village school 883
district a list of the individual ~~scores~~ results of any students 884
of such city, local, or exempted village school district who are 885
attending school in the joint vocational school district. 886

(4) Beginning with the 2019-2020 school year, a school 887
district, other public school, or chartered nonpublic school may 888
administer the third-grade English language arts or mathematics 889
assessment, or both, in a paper format in any school year for 890
which the district board of education or school governing body 891
adopts a resolution indicating that the district or school 892
chooses to administer the assessment in a paper format. The 893
board or governing body shall submit a copy of the resolution to 894
the department of education not later than the first day of May 895
prior to the school year for which it will apply. If the 896
resolution is submitted, the district or school shall administer 897
the assessment in a paper format to all students in the third 898
grade, except that any student whose individualized education 899
program or plan developed under section 504 of the 900
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 901
amended, specifies that taking the assessment in an online 902
format is an appropriate accommodation for the student may take 903
the assessment in an online format. 904

(H) Individual ~~scores~~results on any assessments 905
administered under this section shall be released by a district 906
board only in accordance with section 3319.321 of the Revised 907
Code and the rules adopted under division (A) of this section. 908
No district board or its employees shall utilize individual or 909
aggregate results in any manner that conflicts with rules for 910
the ethical use of assessments adopted pursuant to division (A) 911
of this section. 912

(I) Except as provided in division (G) of this section, 913
the department or an entity with which the department contracts 914
for the scoring of the assessment shall not release any 915
individual ~~scores~~results on any assessment administered under 916
this section. The state board shall adopt rules to ensure the 917
protection of student confidentiality at all times. The rules 918
may require the use of the data verification codes assigned to 919
students pursuant to division (D)(2) of section 3301.0714 of the 920
Revised Code to protect the confidentiality of student~~scores~~ 921
results. 922

(J) Notwithstanding division (D) of section 3311.52 of the 923
Revised Code, this section does not apply to the board of 924
education of any cooperative education school district except as 925
provided under rules adopted pursuant to this division. 926

(1) In accordance with rules that the state board shall 927
adopt, the board of education of any city, exempted village, or 928
local school district with territory in a cooperative education 929
school district established pursuant to divisions (A) to (C) of 930
section 3311.52 of the Revised Code may enter into an agreement 931
with the board of education of the cooperative education school 932
district for administering any assessment prescribed under this 933
section to students of the city, exempted village, or local 934

school district who are attending school in the cooperative 935
education school district. 936

(2) In accordance with rules that the state board shall 937
adopt, the board of education of any city, exempted village, or 938
local school district with territory in a cooperative education 939
school district established pursuant to section 3311.521 of the 940
Revised Code shall enter into an agreement with the cooperative 941
district that provides for the administration of any assessment 942
prescribed under this section to both of the following: 943

(a) Students who are attending school in the cooperative 944
district and who, if the cooperative district were not 945
established, would be entitled to attend school in the city, 946
local, or exempted village school district pursuant to section 947
3313.64 or 3313.65 of the Revised Code; 948

(b) Persons described in division (B) (8) (b) of this 949
section. 950

Any assessment of students pursuant to such an agreement 951
shall be in lieu of any assessment of such students or persons 952
pursuant to this section. 953

(K) (1) (a) Except as otherwise provided in division (K) (1) 954
or (2) of this section, each chartered nonpublic school for 955
which at least sixty-five per cent of its total enrollment is 956
made up of students who are participating in state scholarship 957
programs shall administer the assessments prescribed by division 958
(A) of section 3301.0710 of the Revised Code or an alternative 959
standardized assessment determined by the department or the 960
state board. In accordance with procedures and deadlines 961
prescribed by the department, the parent or guardian of a 962
student enrolled in the school who is not participating in a 963

state scholarship program may submit notice to the chief 964
administrative officer of the school that the parent or guardian 965
does not wish to have the student take the assessments 966
prescribed for the student's grade level under division (A) of 967
section 3301.0710 of the Revised Code. If a parent or guardian 968
submits an opt-out notice, the school shall not administer the 969
assessments to that student. This option does not apply to any 970
assessment required for a high school diploma under section 971
3313.612 of the Revised Code. 972

(b) Any chartered nonpublic school that enrolls students 973
who are participating in state scholarship programs may 974
administer an alternative standardized assessment determined by 975
the department or the state board instead of the assessments 976
prescribed by division (A) of section 3301.0710 of the Revised 977
Code. 978

Each chartered nonpublic school subject to division (K) (1) 979
(a) or (b) of this section shall report the results of each 980
assessment administered under those divisions to the department. 981

(2) A chartered nonpublic school may submit to the 982
superintendent of public instruction a request for a waiver from 983
administering the elementary assessments prescribed by division 984
(A) of section 3301.0710 of the Revised Code. The state 985
superintendent shall approve or disapprove a request for a 986
waiver submitted under division (K) (2) of this section. No 987
waiver shall be approved for any school year prior to the 2015- 988
2016 school year. 989

To be eligible to submit a request for a waiver, a 990
chartered nonpublic school shall meet the following conditions: 991

(a) At least ninety-five per cent of the students enrolled 992

in the school are children with disabilities, as defined under 993
section 3323.01 of the Revised Code, or have received a 994
diagnosis by a school district or from a physician, including a 995
neuropsychiatrist or psychiatrist, or a psychologist who is 996
authorized to practice in this or another state as having a 997
condition that impairs academic performance, such as dyslexia, 998
dyscalculia, attention deficit hyperactivity disorder, or 999
Asperger's syndrome. 1000

(b) The school has solely served a student population 1001
described in division (K) (1) (a) of this section for at least ten 1002
years. 1003

(c) The school provides to the department at least five 1004
years of records of internal testing conducted by the school 1005
that affords the department data required for accountability 1006
purposes, including diagnostic assessments and nationally 1007
standardized norm-referenced achievement assessments that 1008
measure reading and math skills. 1009

(3) Any chartered nonpublic school that is not subject to 1010
division (K) (1) of this section may participate in the 1011
assessment program by administering any of the assessments 1012
prescribed by division (A) of section 3301.0710 of the Revised 1013
Code. The chief administrator of the school shall specify which 1014
assessments the school will administer. Such specification shall 1015
be made in writing to the superintendent of public instruction 1016
prior to the first day of August of any school year in which 1017
assessments are administered and shall include a pledge that the 1018
nonpublic school will administer the specified assessments in 1019
the same manner as public schools are required to do under this 1020
section and rules adopted by the ~~department~~ state board. 1021

(4) The department of education shall furnish the 1022

assessments prescribed by section 3301.0710 of the Revised Code 1023
to each chartered nonpublic school that is subject to division 1024
(K) (1) of this section or participates under division (K) (3) of 1025
this section. 1026

(L) If a chartered nonpublic school is educating students 1027
in grades nine through twelve, the following shall apply: 1028

(1) Except as provided in division (L) (4) of this section, 1029
for a student who is enrolled in a chartered nonpublic school 1030
that is accredited through the independent schools association 1031
of the central states and who is attending the school under a 1032
state scholarship program, the student shall either take all of 1033
the assessments prescribed by ~~division (B) of~~ section 3301.0712 1034
of the Revised Code or take an alternative assessment approved 1035
by the department or the state board under section 3313.619 of 1036
the Revised Code. ~~However, a student who is excused from taking~~ 1037
~~an assessment under division (C) of this section or has~~ 1038
~~presented evidence to the chartered nonpublic school of having~~ 1039
~~satisfied the condition prescribed by division (A) (1) of section~~ 1040
~~3313.618 of the Revised Code to qualify for a high school~~ 1041
~~diploma prior to the date of the administration of the~~ 1042
~~assessment prescribed under division (B) (1) of section 3301.0712~~ 1043
~~of the Revised Code shall not be required to take that~~ 1044
~~assessment. No governing authority of a chartered nonpublic~~ 1045
~~school shall prohibit a student who is not required to take such~~ 1046
~~assessment from taking the assessment.~~ 1047

(2) For a student who is enrolled in a chartered nonpublic 1048
school that is accredited through the independent schools 1049
association of the central states, and who is not attending the 1050
school under a state scholarship program, the student shall not 1051
be required to take any assessment prescribed under section 1052

3301.0712 or 3313.619 of the Revised Code. 1053

~~(3) (a) Except as provided in divisions (L) (3) (b) and (4)~~ 1054
~~of this section, for~~ For a student who is enrolled in a 1055
chartered nonpublic school that is not accredited through the 1056
independent schools association of the central states, 1057
regardless of whether the student is attending or is not 1058
attending the school under a state scholarship program, the 1059
student shall do ~~one~~ either of the following: 1060

~~(i) (a) Take all of the assessments prescribed by division~~ 1061
~~(B) of section 3301.0712 of the Revised Code;~~ 1062

~~(ii) Take only the assessment prescribed by division (B)~~ 1063
~~(1) of section 3301.0712 of the Revised Code, provided that the~~ 1064
~~student's school publishes the results of that assessment for~~ 1065
~~each graduating class. The published results of that assessment~~ 1066
~~shall include the overall composite scores, mean scores, twenty~~ 1067
~~fifth percentile scores, and seventy fifth percentile scores for~~ 1068
~~each subject area of the assessment.~~ 1069

~~(iii) (b) Take an alternative assessment approved by the~~ 1070
~~department~~ or the state board under section 3313.619 of the 1071
Revised Code. 1072

~~(b) A student who is excused from taking an assessment~~ 1073
~~under division (C) of this section or has presented evidence to~~ 1074
~~the chartered nonpublic school of having satisfied the condition~~ 1075
~~prescribed by division (A) (1) of section 3313.618 of the Revised~~ 1076
~~Code to qualify for a high school diploma prior to the date of~~ 1077
~~the administration of the assessment prescribed under division~~ 1078
~~(B) (1) of section 3301.0712 of the Revised Code shall not be~~ 1079
~~required to take that assessment. No governing authority of a~~ 1080
~~chartered nonpublic school shall prohibit a student who is not~~ 1081

~~required to take such assessment from taking the assessment.~~ 1082

(4) The assessments prescribed by sections 3301.0712 and 1083
3313.619 of the Revised Code shall not be administered to any 1084
student attending the school, if the school meets all of the 1085
following conditions: 1086

(a) At least ninety-five per cent of the students enrolled 1087
in the school are children with disabilities, as defined under 1088
section 3323.01 of the Revised Code, or have received a 1089
diagnosis by a school district or from a physician, including a 1090
neuropsychologist or psychiatrist, or a psychologist who is 1091
authorized to practice in this or another state as having a 1092
condition that impairs academic performance, such as dyslexia, 1093
dyscalculia, attention deficit hyperactivity disorder, or 1094
Asperger's syndrome. 1095

(b) The school has solely served a student population 1096
described in division (L) (4) (a) of this section for at least ten 1097
years. 1098

(c) The school makes available to the department at least 1099
five years of records of internal testing conducted by the 1100
school that affords the department data required for 1101
accountability purposes, including growth in student achievement 1102
in reading or mathematics, or both, as measured by nationally 1103
norm-referenced assessments that have developed appropriate 1104
standards for students. 1105

Division (L) (4) of this section applies to any student 1106
attending such school regardless of whether the student receives 1107
special education or related services and regardless of whether 1108
the student is attending the school under a state scholarship 1109
program. 1110

(M) (1) The superintendent of the state school for the 1111
blind and the superintendent of the state school for the deaf 1112
shall administer the assessments described by sections 3301.0710 1113
and 3301.0712 of the Revised Code. Each superintendent shall 1114
administer the assessments in the same manner as district boards 1115
are required to do under this section and rules adopted by the 1116
~~department of education state board~~ and in conformity with 1117
division (C) (1) (a) of this section. 1118

(2) The department of education shall furnish the 1119
assessments described by sections 3301.0710 and 3301.0712 of the 1120
Revised Code to each superintendent. 1121

(N) Notwithstanding division (E) of this section, a school 1122
district may use a student's failure to attain a score in at 1123
least the proficient range on the mathematics assessment 1124
described by division (A) (1) (a) of section 3301.0710 of the 1125
Revised Code or on an assessment described by division (A) (1) 1126
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 1127
Code as a factor in retaining that student in the current grade 1128
level. 1129

~~(O) (1) In the manner specified in divisions (O) (3), (4),~~ 1130
~~(6), and (7) of this section, the~~ The assessments required by 1131
division (A) (1) of section 3301.0710 of the Revised Code shall 1132
become public records pursuant to section 149.43 of the Revised 1133
Code on the thirty-first day of July following the school year 1134
that the assessments were administered. 1135

~~(2) The department may field test proposed questions with~~ 1136
~~samples of students to determine the validity, reliability, or~~ 1137
~~appropriateness of questions for possible inclusion in a future~~ 1138
~~year's assessment. The department also may use anchor questions~~ 1139
~~on assessments to ensure that different versions of the same~~ 1140

~~assessment are of comparable difficulty.~~

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

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

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~~(4) This division applies to the assessments prescribed by
division (A) of section 3301.0710 of the Revised Code.~~

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

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~~(b) For subsequent administrations of each assessment
prior to the 2011-2012 school year, not less than forty per cent
of the questions on the assessment that are used to compute a
student's score shall be a public record. The department shall
determine which questions will be needed for reuse on a future
assessment and those questions shall not be public records and
shall be redacted from the assessment prior to its release as a
public record. However, for each redacted question, the
department shall inform each city, local, and exempted village
school district of the statewide academic standard adopted by
the state board under section 3301.079 of the Revised Code and
the corresponding benchmark to which the question relates. The~~

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~~preceding sentence does not apply to field test questions that~~ 1170
~~are redacted under division (O) (3) of this section.~~ 1171

~~(c) The administrations of each assessment in the 2011-~~ 1172
~~2012, 2012-2013, and 2013-2014 school years shall not be a~~ 1173
~~public record.~~ 1174

~~(5) Each assessment prescribed by division (B) (1) of~~ 1175
~~section 3301.0710 of the Revised Code shall not be a public~~ 1176
~~record.~~ 1177

~~(6) (a) Except as provided in division (O) (6) (b) of this~~ 1178
~~section, for the administrations in the 2014-2015, 2015-2016,~~ 1179
~~and 2016-2017 school years, questions on the assessments~~ 1180
~~prescribed under division (A) of section 3301.0710 and division~~ 1181
~~(B) (2) of section 3301.0712 of the Revised Code and the~~ 1182
~~corresponding preferred answers that are used to compute a~~ 1183
~~student's score shall become a public record as follows:~~ 1184

~~(i) Forty per cent of the questions and preferred answers~~ 1185
~~on the assessments on the thirty first day of July following the~~ 1186
~~administration of the assessment;~~ 1187

~~(ii) Twenty per cent of the questions and preferred~~ 1188
~~answers on the assessment on the thirty first day of July one~~ 1189
~~year after the administration of the assessment;~~ 1190

~~(iii) The remaining forty per cent of the questions and~~ 1191
~~preferred answers on the assessment on the thirty first day of~~ 1192
~~July two years after the administration of the assessment.~~ 1193

~~The entire content of an assessment shall become a public~~ 1194
~~record within three years of its administration.~~ 1195

~~The department shall make the questions that become a~~ 1196
~~public record under this division readily accessible to the~~ 1197

~~public on the department's web site. Questions on the spring~~ 1198
~~administration of each assessment shall be released on an annual~~ 1199
~~basis, in accordance with this division.~~ 1200

~~(b) No questions and corresponding preferred answers shall~~ 1201
~~become a public record under division (O) (6) of this section~~ 1202
~~after July 31, 2017.~~ 1203

~~(7) Division (O) (7) of this section applies to the~~ 1204
~~assessments prescribed by division (A) of section 3301.0710 and~~ 1205
~~division (B) (2) of section 3301.0712 of the Revised Code.~~ 1206

~~Beginning with the assessments administered in the spring~~ 1207
~~of the 2017-2018 school year, not less than forty per cent of~~ 1208
~~the questions on each assessment that are used to compute a~~ 1209
~~student's score shall be a public record. The department shall~~ 1210
~~determine which questions will be needed for reuse on a future~~ 1211
~~assessment and those questions shall not be public records and~~ 1212
~~shall be redacted from the assessment prior to its release as a~~ 1213
~~public record. However, for each redacted question, the~~ 1214
~~department shall inform each city, local, and exempted village~~ 1215
~~school district of the corresponding statewide academic standard~~ 1216
~~adopted by the state board under section 3301.079 of the Revised~~ 1217
~~Code and the corresponding benchmark to which the question~~ 1218
~~relates. The department is not required to provide corresponding~~ 1219
~~standards and benchmarks to field test questions that are~~ 1220
~~redacted under division (O) (3) of this section.~~ 1221

(P) As used in this section: 1222

(1) "Three-year average" means the average of the most 1223
recent consecutive three school years of data. 1224

(2) "Dropout" means a student who withdraws from school 1225
before completing course requirements for graduation and who is 1226

not enrolled in an education program approved by the state board 1227
of education or an education program outside the state. 1228
"Dropout" does not include a student who has departed the 1229
country. 1230

(3) "Graduation rate" means the ratio of students 1231
receiving a diploma to the number of students who entered ninth 1232
grade four years earlier. Students who transfer into the 1233
district are added to the calculation. Students who transfer out 1234
of the district for reasons other than dropout are subtracted 1235
from the calculation. If a student who was a dropout in any 1236
previous year returns to the same school district, that student 1237
shall be entered into the calculation as if the student had 1238
entered ninth grade four years before the graduation year of the 1239
graduating class that the student joins. 1240

(4) "State scholarship programs" means the educational 1241
choice scholarship pilot program established under sections 1242
3310.01 to 3310.17 of the Revised Code, the autism scholarship 1243
program established under section 3310.41 of the Revised Code, 1244
the Jon Peterson special needs scholarship program established 1245
under sections 3310.51 to 3310.64 of the Revised Code, and the 1246
pilot project scholarship program established under sections 1247
3313.974 to 3313.979 of the Revised Code. 1248

(5) "Other public school" means a community school 1249
established under Chapter 3314., a STEM school established under 1250
Chapter 3326., or a college-preparatory boarding school 1251
established under Chapter 3328. of the Revised Code. 1252

(6) "Norm-referenced" has the same meaning as in section 1253
3301.079 of the Revised Code. 1254

Sec. 3301.0712. (A) ~~The state board of education, the~~ 1255

~~superintendent of public instruction, and the chancellor of~~ 1256
~~higher education shall develop a system of college and work-~~ 1257
~~ready assessments as described in division (B) of this section~~ 1258
~~to assess whether each student upon graduating from high school~~ 1259
~~is ready to enter college or the workforce.~~ Beginning with 1260
students who enter the ninth grade for the first time on or 1261
after July 1, 2014, the assessment system prescribed by this 1262
section shall replace the Ohio graduation tests prescribed in 1263
division (B)(1) of section 3301.0710 of the Revised Code as a 1264
measure of student academic performance and one determinant of 1265
eligibility for a high school diploma in the manner prescribed 1266
by rule of the state board adopted under division ~~(D)~~ (C) of 1267
this section. 1268

(B) ~~The college and work ready assessment system shall~~ 1269
~~consist of the following:—~~ 1270

~~(1) Nationally a series of nationally norm-referenced,~~ 1271
~~standardized assessments that measure college and career~~ 1272
~~readiness and are used for college admission. The assessments~~ 1273
~~shall be selected jointly by the state superintendent and the~~ 1274
~~chancellor, and one of which shall be selected by each school-~~ 1275
~~district or school to administer to its students. The~~ 1276
~~assessments prescribed under division (B)(1) of this section~~ 1277
~~shall be administered to all eleventh grade students in the~~ 1278
~~spring of the school year in the areas of English language arts,~~ 1279
mathematics, science, American history, and American government. 1280

~~(2) (a) Except as provided in division (B)(2)(b) of this~~ 1281
~~section, seven end-of-course examinations, one in each of the~~ 1282
~~areas of English language arts I, English language arts II,~~ 1283
~~science, Algebra I, geometry, American history, and American~~ 1284
~~government. The end-of-course examinations shall be selected~~ 1285

~~jointly by the state superintendent and the chancellor in~~ 1286
~~consultation with faculty in the appropriate subject areas at~~ 1287
~~institutions of higher education of the university system of~~ 1288
~~Ohio. Advanced placement examinations and international~~ 1289
~~baccalaureate examinations, as prescribed under section~~ 1290
~~3313.6013 of the Revised Code, in the areas of science, American~~ 1291
~~history, and American government may be used as end of course~~ 1292
~~examinations in accordance with division (B) (4) (a) (i) of this~~ 1293
~~section. Final course grades for courses taken under any other~~ 1294
~~advanced standing program, as prescribed under section 3313.6013~~ 1295
~~of the Revised Code, in the areas of science, American history,~~ 1296
~~and American government may be used in lieu of end of course~~ 1297
~~examinations in accordance with division (B) (4) (a) (ii) of this~~ 1298
~~section.~~ 1299

~~(b) Beginning with students who enter ninth grade for the~~ 1300
~~first time on or after July 1, 2019, five end of course~~ 1301
~~examinations, one in each areas of English language arts II,~~ 1302
~~science, Algebra I, American history, and American government.~~ 1303
~~However, only the end of course examinations in English language~~ 1304
~~arts II and Algebra I shall be required for graduation.~~ 1305

~~The department of education shall, as necessary to~~ 1306
~~implement division (B) (2) (b) of this section, seek a waiver from~~ 1307
~~the United States secretary of education for testing~~ 1308
~~requirements prescribed under federal law to allow for the use~~ 1309
~~and implementation of Algebra I as the primary assessment of~~ 1310
~~high school mathematics. If the department does not receive a~~ 1311
~~waiver under this division, the end of course examinations for~~ 1312
~~students described in division (B) (2) (b) of this section also~~ 1313
~~shall include an end of course examination in the area of~~ 1314
~~geometry. However, the geometry end of course examination shall~~ 1315
~~not be required for graduation.~~ 1316

~~(3) (a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B) (3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.~~ 1317
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~~(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.~~ 1328
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~~(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.~~ 1331
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~~(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.~~ 1337
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~~(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:~~ 1341
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~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student~~ 1344
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~~shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.~~

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

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

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

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

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

~~(a) Determine and designate at least five ranges of scores on each of the end of course examinations prescribed under division (B) (2) of this section, and substitute examinations prescribed under division (B) (4) of this section. Not later than sixty days after the designation of ranges of scores, the state superintendent, or the state superintendent's designee, shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:~~

~~(i) An advanced level of skill;~~

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

~~(iii) A proficient level of skill;~~

~~(iv) A basic level of skill;~~

~~(v) A limited level of skill.~~

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

~~(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to~~

~~earn a high school diploma under division (A) (2) of section 3313.618 of the Revised Code. However, the state board shall not determine a new minimum cumulative performance score after the effective date of this amendment October 17, 2019.~~

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

~~A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.~~

~~(6) (a) A student who meets both of the following conditions shall not be required to take an end of course examination:~~

~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end of course examination is prescribed.~~

~~(ii) The examination was not available for administration prior to July 1, 2015.~~

~~Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end of course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end of course examination at a later date.~~

~~(b) For purposes of determining whether a student who is exempt from taking an end of course examination under division (B) (6) (a) of this section has attained the cumulative score~~

~~prescribed by division (B) (5) (c) of this section, such student~~ 1433
~~shall select either of the following:—~~ 1434

~~(i) The student is considered to have attained a~~ 1435
~~proficient score on the end of course examination from which the~~ 1436
~~student is exempt;—~~ 1437

~~(ii) The student's final course grade shall be used in~~ 1438
~~lieu of a score on the end of course examination from which the~~ 1439
~~student is exempt.—~~ 1440

~~The state superintendent, in consultation with the~~ 1441
~~chancellor, shall adopt guidelines for purposes of calculating~~ 1442
~~the corresponding final course grades and the minimum cumulative~~ 1443
~~performance score that demonstrates the level of academic~~ 1444
~~achievement necessary to earn a high school diploma.—~~ 1445

~~(7) (a) Notwithstanding anything to the contrary in this~~ 1446
~~section, the state board may replace the algebra I end of course~~ 1447
~~examination prescribed under division (B) (2) of this section~~ 1448
~~with an algebra II end of course examination, beginning with the~~ 1449
~~2016-2017 school year for students who enter ninth grade on or~~ 1450
~~after July 1, 2016.—~~ 1451

~~(b) If the state board replaces the algebra I end of~~ 1452
~~course examination with an algebra II end of course examination~~ 1453
~~as authorized under division (B) (7) (a) of this section, both of~~ 1454
~~the following shall apply:—~~ 1455

~~(i) A student who is enrolled in an advanced placement or~~ 1456
~~international baccalaureate course in algebra II shall take the~~ 1457
~~advanced placement or international baccalaureate examination in~~ 1458
~~lieu of the algebra II end of course examination.—~~ 1459

~~(ii) A student who is enrolled in an algebra II course~~ 1460
~~under any other advanced standing program, as described in~~ 1461

~~section 3313.6013 of the Revised Code, shall not be required to~~ 1462
~~take the algebra II end-of-course examination. Instead, that~~ 1463
~~student's final course grade shall be used in lieu of the~~ 1464
~~examination.~~ 1465

~~(c) If a school district or school utilizes an integrated~~ 1466
~~approach to mathematics instruction, the district or school may~~ 1467
~~do either or both of the following:~~ 1468

~~(i) Administer an integrated mathematics I end-of-course~~ 1469
~~examination in lieu of the prescribed algebra I end-of-course~~ 1470
~~examination;~~ 1471

~~(ii) Administer an integrated mathematics II end-of-course~~ 1472
~~examination in lieu of the prescribed geometry end-of-course~~ 1473
~~examination.~~ 1474

~~(8)(a) For students entering the ninth grade for the first~~ 1475
~~time on or after July 1, 2014, but prior to July 1, 2015, the~~ 1476
~~assessment in the area of science shall be physical science or~~ 1477
~~biology. For students entering the ninth grade for the first~~ 1478
~~time on or after July 1, 2015, the assessment in the area of~~ 1479
~~science shall be biology.~~ 1480

~~(b) Until July 1, 2019, the department shall make~~ 1481
~~available the end-of-course examination in physical science for~~ 1482
~~students who entered the ninth grade for the first time on or~~ 1483
~~after July 1, 2014, but prior to July 1, 2015, and who wish to~~ 1484
~~retake the examination.~~ 1485

~~(c) Not later than July 1, 2016, the state board shall~~ 1486
~~adopt rules prescribing the requirements for the end-of-course~~ 1487
~~examination in science for students who entered the ninth grade~~ 1488
~~for the first time on or after July 1, 2014, but prior to July~~ 1489
~~1, 2015, and who have not met the requirement prescribed by~~ 1490

~~section 3313.618 of the Revised Code by July 1, 2019, due to a~~ 1491
~~student's failure to satisfy division (A) (2) of section 3313.618~~ 1492
~~of the Revised Code.~~ 1493

~~(9) Neither the state board nor the department of~~ 1494
~~education shall develop or administer an end-of course~~ 1495
~~examination in the area of world history.~~ 1496

~~(10) Not later than March 1, 2020, the department, in~~ 1497
~~consultation with the chancellor and the governor's office of~~ 1498
~~workforce transformation, shall determine a competency score for~~ 1499
~~both of the Algebra I and English language arts II end-of course~~ 1500
~~examinations for the purpose of graduation eligibility.~~ 1501

~~(C) The state board shall convene a group of national~~ 1502
~~experts, state experts, and local practitioners to provide~~ 1503
~~advice, guidance, and recommendations for the alignment of~~ 1504
~~standards and model curricula to the assessments and in the~~ 1505
~~design of the end-of course examinations prescribed by this~~ 1506
~~section.~~ 1507

~~(D)~~ Upon completion of the development of the assessment 1508
system, the state board shall adopt rules prescribing all of the 1509
following: 1510

(1) A timeline and plan for implementation of the 1511
assessment system, including a phased implementation if the 1512
state board determines such a phase-in is warranted; 1513

(2) The date after which a person shall meet the 1514
requirements of the entire assessment system as a prerequisite 1515
for a diploma of adult education under section 3313.611 of the 1516
Revised Code; 1517

(3) Whether and the extent to which a person may be 1518
excused from an American history end-of-course examination and 1519

an American government end-of-course examination under division 1520
(H) of section 3313.61 and division (B) (3) of section 3313.612 1521
of the Revised Code; 1522

(4) The date after which a person who has fulfilled the 1523
curriculum requirement for a diploma but has not passed one or 1524
more of the required assessments at the time the person 1525
fulfilled the curriculum requirement shall meet the requirements 1526
of the entire assessment system as a prerequisite for a high 1527
school diploma under division (B) of section 3313.614 of the 1528
Revised Code; 1529

(5) The extent to which the assessment system applies to 1530
students enrolled in a dropout recovery and prevention program 1531
for purposes of division (F) of section 3313.603 and section 1532
3314.36 of the Revised Code. 1533

~~(E)~~ (D) Not later than forty-five days prior to the state 1534
board's adoption of a resolution directing the department to 1535
file the rules prescribed by division ~~(D)~~ (C) of this section in 1536
final form under section 119.04 of the Revised Code, the 1537
superintendent of public instruction shall present the 1538
assessment system developed under this section to the respective 1539
committees of the house of representatives and senate that 1540
consider education legislation. 1541

~~(F) (1)~~ (E) Any person enrolled in a nonchartered nonpublic 1542
school or any person who has been excused from attendance at 1543
school for the purpose of home instruction under section 3321.04 1544
of the Revised Code may choose to participate in the system of 1545
assessments administered under ~~divisions~~ division (B) ~~(1) and (2)~~ 1546
of this section. However, no such person shall be required to 1547
participate in the system of assessments. 1548

~~(2) The department shall adopt rules for the~~ 1549
~~administration and scoring of any assessments under division (F)~~ 1550
~~(1) of this section.~~ 1551

~~(G)~~ (F) Not later than December 31, 2014, the state board 1552
shall select at least one nationally recognized job skills 1553
assessment. Each school district shall administer that 1554
assessment to those students who opt to take it. The state shall 1555
reimburse a school district for the costs of administering that 1556
assessment. The state board shall establish the minimum score a 1557
student must attain on the job skills assessment in order to 1558
demonstrate a student's workforce readiness and employability. 1559
The administration of the job skills assessment to a student 1560
under this division shall not exempt a school district from 1561
administering the assessments prescribed in division (B) of this 1562
section to that student. 1563

(G) As used in this section, "norm-referenced" has the 1564
same meaning as in section 3301.079 of the Revised Code. 1565

Sec. 3301.0714. (A) The state board of education shall 1566
adopt rules for a statewide education management information 1567
system. The rules shall require the state board to establish 1568
guidelines for the establishment and maintenance of the system 1569
in accordance with this section and the rules adopted under this 1570
section. The guidelines shall include: 1571

(1) Standards identifying and defining the types of data 1572
in the system in accordance with divisions (B) and (C) of this 1573
section; 1574

(2) Procedures for annually collecting and reporting the 1575
data to the state board in accordance with division (D) of this 1576
section; 1577

(3) Procedures for annually compiling the data in 1578
accordance with division (G) of this section; 1579

(4) Procedures for annually reporting the data to the 1580
public in accordance with division (H) of this section; 1581

(5) Standards to provide strict safeguards to protect the 1582
confidentiality of personally identifiable student data. 1583

(B) The guidelines adopted under this section shall 1584
require the data maintained in the education management 1585
information system to include at least the following: 1586

(1) Student participation and performance data, for each 1587
grade in each school district as a whole and for each grade in 1588
each school building in each school district, that includes: 1589

(a) The numbers of students receiving each category of 1590
instructional service offered by the school district, such as 1591
regular education instruction, vocational education instruction, 1592
specialized instruction programs or enrichment instruction that 1593
is part of the educational curriculum, instruction for gifted 1594
students, instruction for students with disabilities, and 1595
remedial instruction. The guidelines shall require instructional 1596
services under this division to be divided into discrete 1597
categories if an instructional service is limited to a specific 1598
subject, a specific type of student, or both, such as regular 1599
instructional services in mathematics, remedial reading 1600
instructional services, instructional services specifically for 1601
students gifted in mathematics or some other subject area, or 1602
instructional services for students with a specific type of 1603
disability. The categories of instructional services required by 1604
the guidelines under this division shall be the same as the 1605
categories of instructional services used in determining cost 1606

units pursuant to division (C) (3) of this section. 1607

(b) The numbers of students receiving support or 1608
extracurricular services for each of the support services or 1609
extracurricular programs offered by the school district, such as 1610
counseling services, health services, and extracurricular sports 1611
and fine arts programs. The categories of services required by 1612
the guidelines under this division shall be the same as the 1613
categories of services used in determining cost units pursuant 1614
to division (C) (4) (a) of this section. 1615

(c) Average student grades in each subject in grades nine 1616
through twelve; 1617

(d) Academic achievement levels as assessed under sections 1618
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1619

(e) The number of students designated as having a 1620
disabling condition pursuant to division (C) (1) of section 1621
3301.0711 of the Revised Code; 1622

(f) The numbers of students reported to the state board 1623
pursuant to division (C) (2) of section 3301.0711 of the Revised 1624
Code; 1625

(g) Attendance rates and the average daily attendance for 1626
the year. For purposes of this division, a student shall be 1627
counted as present for any field trip that is approved by the 1628
school administration. 1629

(h) Expulsion rates; 1630

(i) Suspension rates; 1631

(j) Dropout rates; 1632

(k) Rates of retention in grade; 1633

(l) For pupils in grades nine through twelve, the average
number of carnegie units, as calculated in accordance with state
board of education rules;

(m) Graduation rates, to be calculated in a manner
specified by the department of education and approved by the
state board of education 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;

(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.

(o) Beginning on July 1, 2018, for each disciplinary
action which is required to be reported under division (B)(4) 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.

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

general assembly. 1664

(p) The number of students earning each state diploma seal 1665
included in the system prescribed under division (A) of section 1666
3313.6114 of the Revised Code; 1667

(q) The number of students demonstrating competency for 1668
graduation using each option described in divisions (B) (1) (a) to 1669
(c) of section 3313.618 of the Revised Code; 1670

(r) The number of students completing each foundational 1671
and supporting option as part of the demonstration of competency 1672
for graduation pursuant to division (B) (1) (b) of section 1673
3313.618 of the Revised Code. 1674

(2) Personnel and classroom enrollment data for each 1675
school district, including: 1676

(a) The total numbers of licensed employees and 1677
nonlicensed employees and the numbers of full-time equivalent 1678
licensed employees and nonlicensed employees providing each 1679
category of instructional service, instructional support 1680
service, and administrative support service used pursuant to 1681
division (C) (3) of this section. The guidelines adopted under 1682
this section shall require these categories of data to be 1683
maintained for the school district as a whole and, wherever 1684
applicable, for each grade in the school district as a whole, 1685
for each school building as a whole, and for each grade in each 1686
school building. 1687

(b) The total number of employees and the number of full- 1688
time equivalent employees providing each category of service 1689
used pursuant to divisions (C) (4) (a) and (b) of this section, 1690
and the total numbers of licensed employees and nonlicensed 1691
employees and the numbers of full-time equivalent licensed 1692

employees and nonlicensed employees providing each category used 1693
pursuant to division (C) (4) (c) of this section. The guidelines 1694
adopted under this section shall require these categories of 1695
data to be maintained for the school district as a whole and, 1696
wherever applicable, for each grade in the school district as a 1697
whole, for each school building as a whole, and for each grade 1698
in each school building. 1699

(c) The total number of regular classroom teachers 1700
teaching classes of regular education and the average number of 1701
pupils enrolled in each such class, in each of grades 1702
kindergarten through five in the district as a whole and in each 1703
school building in the school district. 1704

(d) The number of lead teachers employed by each school 1705
district and each school building. 1706

(3) (a) ~~Student~~ Aggregate student demographic data for each 1707
school district, including information regarding the gender 1708
ratio of the school district's pupils, the racial make-up of the 1709
school district's pupils, the number of English learners in the 1710
district, and an appropriate measure of the number of the school 1711
district's pupils who reside in economically disadvantaged 1712
households. The aggregate demographic data shall be collected in 1713
a manner to allow correlation with data collected under division 1714
(B) (1) of this section. Categories for data collected pursuant 1715
to division (B) (3) of this section shall conform, where 1716
appropriate, to standard practices of agencies of the federal 1717
government. 1718

(b) With respect to each student entering kindergarten, 1719
whether the student previously participated in a public 1720
preschool program, a private preschool program, or a head start 1721
program, and the number of years the student participated in 1722

each of these programs. 1723

(4) Any data required to be collected pursuant to federal 1724
law. 1725

(C) The education management information system shall 1726
include cost accounting data for each district as a whole and 1727
for each school building in each school district. The guidelines 1728
adopted under this section shall require the cost data for each 1729
school district to be maintained in a system of mutually 1730
exclusive cost units and shall require all of the costs of each 1731
school district to be divided among the cost units. The 1732
guidelines shall require the system of mutually exclusive cost 1733
units to include at least the following: 1734

(1) Administrative costs for the school district as a 1735
whole. The guidelines shall require the cost units under this 1736
division (C) (1) to be designed so that each of them may be 1737
compiled and reported in terms of average expenditure per pupil 1738
in formula ADM in the school district, as determined pursuant to 1739
section 3317.03 of the Revised Code. 1740

(2) Administrative costs for each school building in the 1741
school district. The guidelines shall require the cost units 1742
under this division (C) (2) to be designed so that each of them 1743
may be compiled and reported in terms of average expenditure per 1744
full-time equivalent pupil receiving instructional or support 1745
services in each building. 1746

(3) Instructional services costs for each category of 1747
instructional service provided directly to students and required 1748
by guidelines adopted pursuant to division (B) (1) (a) of this 1749
section. The guidelines shall require the cost units under 1750
division (C) (3) of this section to be designed so that each of 1751

them may be compiled and reported in terms of average 1752
expenditure per pupil receiving the service in the school 1753
district as a whole and average expenditure per pupil receiving 1754
the service in each building in the school district and in terms 1755
of a total cost for each category of service and, as a breakdown 1756
of the total cost, a cost for each of the following components: 1757

(a) The cost of each instructional services category 1758
required by guidelines adopted under division (B) (1) (a) of this 1759
section that is provided directly to students by a classroom 1760
teacher; 1761

(b) The cost of the instructional support services, such 1762
as services provided by a speech-language pathologist, classroom 1763
aide, multimedia aide, or librarian, provided directly to 1764
students in conjunction with each instructional services 1765
category; 1766

(c) The cost of the administrative support services 1767
related to each instructional services category, such as the 1768
cost of personnel that develop the curriculum for the 1769
instructional services category and the cost of personnel 1770
supervising or coordinating the delivery of the instructional 1771
services category. 1772

(4) Support or extracurricular services costs for each 1773
category of service directly provided to students and required 1774
by guidelines adopted pursuant to division (B) (1) (b) of this 1775
section. The guidelines shall require the cost units under 1776
division (C) (4) of this section to be designed so that each of 1777
them may be compiled and reported in terms of average 1778
expenditure per pupil receiving the service in the school 1779
district as a whole and average expenditure per pupil receiving 1780
the service in each building in the school district and in terms 1781

of a total cost for each category of service and, as a breakdown 1782
of the total cost, a cost for each of the following components: 1783

(a) The cost of each support or extracurricular services 1784
category required by guidelines adopted under division (B) (1) (b) 1785
of this section that is provided directly to students by a 1786
licensed employee, such as services provided by a guidance 1787
counselor or any services provided by a licensed employee under 1788
a supplemental contract; 1789

(b) The cost of each such services category provided 1790
directly to students by a nonlicensed employee, such as 1791
janitorial services, cafeteria services, or services of a sports 1792
trainer; 1793

(c) The cost of the administrative services related to 1794
each services category in division (C) (4) (a) or (b) of this 1795
section, such as the cost of any licensed or nonlicensed 1796
employees that develop, supervise, coordinate, or otherwise are 1797
involved in administering or aiding the delivery of each 1798
services category. 1799

(D) (1) The guidelines adopted under this section shall 1800
require school districts to collect information about individual 1801
students, staff members, or both in connection with any data 1802
required by division (B) or (C) of this section or other 1803
reporting requirements established in the Revised Code. The 1804
guidelines may also require school districts to report 1805
information about individual staff members in connection with 1806
any data required by division (B) or (C) of this section or 1807
other reporting requirements established in the Revised Code. 1808
The guidelines shall ~~not authorize prohibit~~ school districts ~~to~~ 1809
~~request from requesting~~ social security numbers of individual 1810
students. The guidelines shall prohibit the reporting under this 1811

section of a student's name, address, and social security number 1812
to the state board of education or the department of education. 1813
The guidelines shall also prohibit the reporting under this 1814
section of any personally identifiable information about any 1815
student, except for the purpose of assigning the data 1816
verification code required by division (D)(2) of this section, 1817
to any other person unless such person ~~is employed by the school-~~ 1818
~~district or the information technology center operated under-~~ 1819
~~section 3301.075 of the Revised Code and is authorized by the-~~ 1820
~~district or technology center to~~ must have access to such 1821
~~information or is employed by an entity with which the-~~ 1822
~~department contracts for the scoring or the development of state-~~ 1823
~~assessments~~ in order to fulfill contractual obligations related 1824
to state assessments. Such contracted individuals or entities, 1825
including information technology centers, shall not share 1826
personally identifiable information about any student with any 1827
other person or entity. The guidelines may require school 1828
districts to provide the social security numbers of individual 1829
staff members and the county of residence for a student. Nothing 1830
in this section prohibits the state board of education or 1831
department of education from providing a student's county of 1832
residence to the department of taxation to facilitate the 1833
distribution of tax revenue. 1834

(2) (a) The guidelines shall provide for each school 1835
district or community school to assign a data verification code 1836
that is unique on a statewide basis over time to each student 1837
whose initial Ohio enrollment is in that district or school and 1838
to report all required individual student data for that student 1839
utilizing such code. The guidelines shall also provide for 1840
assigning data verification codes to all students enrolled in 1841
districts or community schools on the effective date of the 1842

guidelines established under this section. The assignment of 1843
data verification codes for other entities, as described in 1844
division (D) (2) (d) of this section, the use of those codes, and 1845
the reporting and use of associated individual student data 1846
shall be coordinated by the department in accordance with state 1847
and federal law. 1848

School districts shall report individual student data to 1849
the department through the information technology centers 1850
utilizing the code. The entities described in division (D) (2) (d) 1851
of this section shall report individual student data to the 1852
department in the manner prescribed by the department or the 1853
state board. 1854

(b) (i) Except as provided in sections 3301.941, 3310.11, 1855
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 1856
in division (D) (2) (b) (ii) of this section, at no time shall the 1857
state board or the department have access to information that 1858
would enable any data verification code to be matched to 1859
personally identifiable student data. 1860

(ii) For the purpose of making per-pupil payments to 1861
community schools under division (C) of section 3314.08 of the 1862
Revised Code, the department shall have access to information 1863
that would enable any data verification code to be matched to 1864
personally identifiable student data. 1865

(c) Each school district and community school shall ensure 1866
that the data verification code is included in the student's 1867
records reported to any subsequent school district, community 1868
school, or state institution of higher education, as defined in 1869
section 3345.011 of the Revised Code, in which the student 1870
enrolls. Any such subsequent district or school shall utilize 1871
the same identifier in its reporting of data under this section. 1872

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

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

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

(G) The state board shall, in accordance with the
procedures it adopts, annually compile the data reported by each
school district pursuant to division (D) of this section. The
state board shall design formats for profiling each school

district as a whole and each school building within each 1903
district and shall compile the data in accordance with these 1904
formats. These profile formats shall: 1905

(1) Include all of the data gathered under this section in 1906
a manner that facilitates comparison among school districts and 1907
among school buildings within each school district; 1908

(2) Present the data on academic achievement levels as 1909
assessed by the testing of student achievement maintained 1910
pursuant to division (B)(1)(d) of this section. 1911

(H)(1) The state board shall, in accordance with the 1912
procedures it adopts, annually prepare a statewide report for 1913
all school districts and the general public that includes the 1914
profile of each of the school districts developed pursuant to 1915
division (G) of this section. Copies of the report shall be sent 1916
to each school district. 1917

(2) The state board shall, in accordance with the 1918
procedures it adopts, annually prepare an individual report for 1919
each school district and the general public that includes the 1920
profiles of each of the school buildings in that school district 1921
developed pursuant to division (G) of this section. Copies of 1922
the report shall be sent to the superintendent of the district 1923
and to each member of the district board of education. 1924

(3) Copies of the reports received from the state board 1925
under divisions (H)(1) and (2) of this section shall be made 1926
available to the general public at each school district's 1927
offices and on each district's publicly accessible web site. 1928
Each district board of education shall make copies of each 1929
report available to any person upon request and payment of a 1930
reasonable fee for the cost of reproducing the report. The board 1931

shall annually publish in a newspaper of general circulation in 1932
the school district, at least twice during the two weeks prior 1933
to the week in which the reports will first be available, a 1934
notice containing the address where the reports are available 1935
and the date on which the reports will be available. 1936

(I) Any data that is collected or maintained pursuant to 1937
this section and that identifies an individual pupil is not a 1938
public record for the purposes of section 149.43 of the Revised 1939
Code. 1940

(J) As used in this section: 1941

(1) "School district" means any city, local, exempted 1942
village, or joint vocational school district and, in accordance 1943
with section 3314.17 of the Revised Code, any community school. 1944
As used in division (L) of this section, "school district" also 1945
includes any educational service center or other educational 1946
entity required to submit data using the system established 1947
under this section. 1948

(2) "Cost" means any expenditure for operating expenses 1949
made by a school district excluding any expenditures for debt 1950
retirement except for payments made to any commercial lending 1951
institution for any loan approved pursuant to section 3313.483 1952
of the Revised Code. 1953

(K) Any person who removes data from the information 1954
system established under this section for the purpose of 1955
releasing it to any person not entitled under law to have access 1956
to such information is subject to section 2913.42 of the Revised 1957
Code prohibiting tampering with data. 1958

(L) (1) In accordance with division (L) (2) of this section 1959
and the rules adopted under division (L) (10) of this section, 1960

the department of education may sanction any school district 1961
that reports incomplete or inaccurate data, reports data that 1962
does not conform to data requirements and descriptions published 1963
by the department, fails to report data in a timely manner, or 1964
otherwise does not make a good faith effort to report data as 1965
required by this section. 1966

(2) If the department decides to sanction a school 1967
district under this division, the department shall take the 1968
following sequential actions: 1969

(a) Notify the district in writing that the department has 1970
determined that data has not been reported as required under 1971
this section and require the district to review its data 1972
submission and submit corrected data by a deadline established 1973
by the department. The department also may require the district 1974
to develop a corrective action plan, which shall include 1975
provisions for the district to provide mandatory staff training 1976
on data reporting procedures. 1977

(b) Withhold up to ten per cent of the total amount of 1978
state funds due to the district for the current fiscal year and, 1979
if not previously required under division (L) (2) (a) of this 1980
section, require the district to develop a corrective action 1981
plan in accordance with that division; 1982

(c) Withhold an additional amount of up to twenty per cent 1983
of the total amount of state funds due to the district for the 1984
current fiscal year; 1985

(d) Direct department staff or an outside entity to 1986
investigate the district's data reporting practices and make 1987
recommendations for subsequent actions. The recommendations may 1988
include one or more of the following actions: 1989

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	1990 1991
(ii) Conduct a site visit and evaluation of the district;	1992
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	1993 1994 1995
(iv) Continue monitoring the district's data reporting;	1996
(v) Assign department staff to supervise the district's data management system;	1997 1998
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	1999 2000 2001
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	2002 2003 2004 2005
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	2006 2007 2008 2009 2010
(ix) Any other action designed to correct the district's data reporting problems.	2011 2012
(3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and	2013 2014 2015 2016 2017

maintain a copy of the report in its files. 2018

(4) If any action taken under division (L)(2) of this 2019
section resolves a school district's data reporting problems to 2020
the department's satisfaction, the department shall not take any 2021
further actions described by that division. If the department 2022
withheld funds from the district under that division, the 2023
department may release those funds to the district, except that 2024
if the department withheld funding under division (L)(2)(c) of 2025
this section, the department shall not release the funds 2026
withheld under division (L)(2)(b) of this section and, if the 2027
department withheld funding under division (L)(2)(d) of this 2028
section, the department shall not release the funds withheld 2029
under division (L)(2)(b) or (c) of this section. 2030

(5) Notwithstanding anything in this section to the 2031
contrary, the department may use its own staff or an outside 2032
entity to conduct an audit of a school district's data reporting 2033
practices any time the department has reason to believe the 2034
district has not made a good faith effort to report data as 2035
required by this section. If any audit conducted by an outside 2036
entity under division (L)(2)(d)(i) or (5) of this section 2037
confirms that a district has not made a good faith effort to 2038
report data as required by this section, the district shall 2039
reimburse the department for the full cost of the audit. The 2040
department may withhold state funds due to the district for this 2041
purpose. 2042

(6) Prior to issuing a revised report card for a school 2043
district under division (L)(2)(d)(viii) of this section, the 2044
department may hold a hearing to provide the district with an 2045
opportunity to demonstrate that it made a good faith effort to 2046
report data as required by this section. The hearing shall be 2047

conducted by a referee appointed by the department. Based on the 2048
information provided in the hearing, the referee shall recommend 2049
whether the department should issue a revised report card for 2050
the district. If the referee affirms the department's contention 2051
that the district did not make a good faith effort to report 2052
data as required by this section, the district shall bear the 2053
full cost of conducting the hearing and of issuing any revised 2054
report card. 2055

(7) If the department determines that any inaccurate data 2056
reported under this section caused a school district to receive 2057
excess state funds in any fiscal year, the district shall 2058
reimburse the department an amount equal to the excess funds, in 2059
accordance with a payment schedule determined by the department. 2060
The department may withhold state funds due to the district for 2061
this purpose. 2062

(8) Any school district that has funds withheld under 2063
division (L)(2) of this section may appeal the withholding in 2064
accordance with Chapter 119. of the Revised Code. 2065

(9) In all cases of a disagreement between the department 2066
and a school district regarding the appropriateness of an action 2067
taken under division (L)(2) of this section, the burden of proof 2068
shall be on the district to demonstrate that it made a good 2069
faith effort to report data as required by this section. 2070

(10) The state board of education shall adopt rules under 2071
Chapter 119. of the Revised Code to implement division (L) of 2072
this section. 2073

(M) No information technology center or school district 2074
shall acquire, change, or update its student administration 2075
software package to manage and report data required to be 2076

reported to the department unless it converts to a student 2077
software package that is certified by the department. 2078

(N) The state board of education, in accordance with 2079
sections 3319.31 and 3319.311 of the Revised Code, may suspend 2080
or revoke a license as defined under division (A) of section 2081
3319.31 of the Revised Code that has been issued to any school 2082
district employee found to have willfully reported erroneous, 2083
inaccurate, or incomplete data to the education management 2084
information system. 2085

(O) No person shall release or maintain any information 2086
about any student in violation of this section. Whoever violates 2087
this division is guilty of a misdemeanor of the fourth degree. 2088

(P) The department shall disaggregate the data collected 2089
under division (B) (1) (n) of this section according to the race 2090
and socioeconomic status of the students assessed. 2091

(Q) If the department cannot compile any of the 2092
information required by division (H) of section 3302.03 of the 2093
Revised Code based upon the data collected under this section, 2094
the department shall develop a plan and a reasonable timeline 2095
for the collection of any data necessary to comply with that 2096
division. 2097

Sec. 3301.0718. (A) The state board of education shall not 2098
adopt or revise any academic content standards in the areas of 2099
English language arts, mathematics, science, or social studies, 2100
unless the new or revised standards that are proposed by the 2101
legislative office of education oversight established under 2102
section 3301.65 of the Revised Code are first approved by both 2103
houses of the general assembly by concurrent resolution. In 2104
accordance with section 3301.65 of the Revised Code, the general 2105

assembly shall take actions necessary to consider and adopt or 2106
reject the concurrent resolution within ninety days after 2107
receiving any proposed standards from the legislative office of 2108
education oversight. Before the house of representatives or 2109
senate votes on such concurrent resolution, its standing 2110
committee having jurisdiction over education legislation shall 2111
conduct at least one public hearing on the proposed standards. 2112

(B) The state board ~~of education~~ shall not adopt or revise 2113
any standards or curriculum in the area of health unless, by 2114
concurrent resolution, the standards, curriculum, or revisions 2115
are approved by both houses of the general assembly. Before the 2116
house of representatives or senate votes on a concurrent 2117
resolution approving health standards, curriculum, or revisions, 2118
its standing committee having jurisdiction over education 2119
legislation shall conduct at least one public hearing on the 2120
standards, curriculum, or revisions. 2121

Sec. 3301.0728. Notwithstanding anything in the Revised 2122
Code to the contrary, a student may retake any ~~end-of-course-~~ 2123
~~examination-assessment~~ prescribed under division (B) ~~(2)~~ of 2124
section 3301.0712 of the Revised Code during the student's 2125
academic career at a time designated by the department of 2126
education. If, for any reason, a student does not take an ~~end-~~ 2127
~~of-course-examination-assessment~~ on the scheduled administration 2128
date, the department of education shall make available to the 2129
student the ~~examination-assessment~~ for which the student was 2130
absent, or a substantially similar ~~examination-assessment~~ as 2131
determined by the department, so that the student may take the 2132
~~examination-assessment~~ or a substantially similar ~~examination-~~ 2133
~~assessment~~ at a later time in the student's academic career. The 2134
state board of education shall adopt rules in accordance with 2135
Chapter 119. of the Revised Code to implement the provisions of 2136

this section. 2137

Sec. 3301.0729. (A) Except as provided for in divisions 2138
(B) and (C) of this section, beginning with assessments 2139
administered on or after July 1, 2017, the board of education of 2140
each city, local, and exempted village school district shall 2141
ensure that no student is required to do either of the 2142
following: 2143

(1) Spend a cumulative amount of time in excess of two per 2144
cent of the school year taking the following assessments 2145
combined: 2146

(a) The applicable state assessments prescribed by 2147
division (A) of section 3301.0710 and division (B) ~~(2)~~ of section 2148
3301.0712 of the Revised Code; 2149

(b) Any assessment required by the district board to be 2150
administered district-wide to all students in a specified 2151
subject area or grade level. 2152

(2) Spend a cumulative amount of time in excess of one per 2153
cent of the school year taking practice or diagnostic 2154
assessments used to prepare for assessments described in 2155
divisions (A) (1) (a) and (b) of this section. 2156

(B) The limitations prescribed by division (A) of this 2157
section shall not apply to assessments for students with 2158
disabilities, any related diagnostic assessment for students who 2159
failed to attain a passing score on the English language arts 2160
achievement assessment prescribed by division (A) (1) (a) of 2161
section 3301.0710 of the Revised Code, ~~substitute examinations~~ 2162
~~as prescribed by division (B) (4) of section 3301.0712 of the~~ 2163
~~Revised Code,~~ or additional assessments administered to identify 2164
a student as gifted under Chapter 3324. of the Revised Code. 2165

(C) The board of education of each city, exempted village,
and local school district may exceed the limitations prescribed
by division (A) of this section by resolution of the district
board. However, prior to the adoption of such a resolution, the
board shall conduct at least one public hearing on the proposed
resolution.

Sec. 3301.65. (A) The legislative office of education
oversight is hereby established. The office shall be subject to
the oversight and direction of the legislative service
commission. The legislative service commission shall appoint and
fix the compensation of a director of the legislative office of
education oversight and such other employees and services as are
necessary to carry out the powers and duties of the office. All
officers and employees of the office shall serve at the pleasure
of the legislative service commission.

(B) The office shall do the following:

(1) Serve as a resource on education issues for the
members of the general assembly;

(2) Propose for adoption by the general assembly under
division (C) of this section revised academic content standards
for each of grades kindergarten through twelve in English
language arts, mathematics, science, and social studies.

The academic content standards shall be based on general
content areas and shall not be based on specific course subject
areas. The proposed standards shall be aligned with norm-
referenced assessments that were developed prior to 2010.

(C) Notwithstanding section 3301.079 of the Revised Code,
the academic content standards proposed by the legislative
office of education oversight under division (B) (2) of this

section shall not be effective unless or until they are approved 2195
by both houses of the general assembly by concurrent resolution. 2196
The general assembly shall take actions necessary to consider 2197
and adopt or reject such concurrent resolution not later than 2198
ninety days after standards are proposed under division (B) (2) 2199
of this section. Before the house of representatives or senate 2200
votes on such concurrent resolution, the standing committee 2201
having jurisdiction over education legislation in each chamber 2202
shall conduct at least one public hearing on the proposed 2203
standards. 2204

As used in this section, "norm-referenced" has the same 2205
meaning as in section 3301.079 of the Revised Code. 2206

Sec. 3302.01. As used in this chapter: 2207

(A) "Performance index score" means the average of the 2208
totals derived from calculations, for each subject area, of the 2209
weighted proportion of untested students and students scoring at 2210
each level of skill described in division (A) (2) of section 2211
3301.0710 of the Revised Code on the state achievement 2212
assessments, as follows: 2213

(1) For the assessments prescribed by division (A) (1) of 2214
section 3301.0710 of the Revised Code, the average for each of 2215
the subject areas of English language arts, mathematics, and 2216
science. 2217

(2) For the assessments prescribed by division (B) (1) of 2218
section 3301.0710 and division (B) ~~(2)~~ of section 3301.0712 of 2219
the Revised Code, the average for each of the subject areas of 2220
English language arts and mathematics. 2221

The department of education shall assign weights such that 2222
students who ~~do not take an assessment receive a weight of zero~~ 2223

~~and students who~~ take an assessment receive progressively larger 2224
weights dependent upon the level of skill attained on the 2225
assessment. The department shall assign additional weights to 2226
students who have been permitted to pass over a subject in 2227
accordance with a student acceleration policy adopted under 2228
section 3324.10 of the Revised Code. If such a student attains 2229
the proficient score prescribed under division (A) (2) (c) of 2230
section 3301.0710 of the Revised Code or higher on an 2231
assessment, the department shall assign the student the weight 2232
prescribed for the next higher scoring level. If such a student 2233
attains the advanced score, prescribed under division (A) (2) (a) 2234
of section 3301.0710 of the Revised Code, on an assessment, the 2235
department shall assign to the student an additional 2236
proportional weight, as approved by the state board. For each 2237
school year that such a student's score is included in the 2238
performance index score and the student attains the proficient 2239
score on an assessment, that additional weight shall be assigned 2240
to the student on a subject-by-subject basis. 2241

Students shall be included in the "performance index 2242
score" in accordance with division (K) (2) of section 3302.03 of 2243
the Revised Code. 2244

(B) "Subgroup" means a subset of the entire student 2245
population of the state, a school district, or a school building 2246
and includes each of the following: 2247

- (1) Major racial and ethnic groups; 2248
- (2) Students with disabilities; 2249
- (3) Economically disadvantaged students; 2250
- (4) English learners; 2251
- (5) Students identified as gifted in superior cognitive 2252

ability and specific academic ability fields under Chapter 3324. 2253
of the Revised Code. For students who are gifted in specific 2254
academic ability fields, the department shall use data for those 2255
students with specific academic ability in math and reading. If 2256
any other academic field is assessed, the department shall also 2257
include data for students with specific academic ability in that 2258
field. 2259

(6) Students in the lowest quintile for achievement 2260
statewide, as determined by a method prescribed by the state 2261
board of education. 2262

(C) "No Child Left Behind Act of 2001" includes the 2263
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 2264
waivers, or both thereto, rules and regulations promulgated 2265
pursuant to those statutes, guidance documents, and any other 2266
policy directives regarding implementation of that act issued by 2267
the United States department of education. 2268

(D) "Adequate yearly progress" means a measure of annual 2269
academic performance as calculated in accordance with the "No 2270
Child Left Behind Act of 2001." 2271

(E) "Supplemental educational services" means additional 2272
academic assistance, such as tutoring, remediation, or other 2273
educational enrichment activities, that is conducted outside of 2274
the regular school day by a provider approved by the department 2275
in accordance with the "No Child Left Behind Act of 2001." 2276

(F) "Value-added progress dimension" means a measure of 2277
academic gain for a student or group of students over a specific 2278
period of time that is calculated by applying a statistical 2279
methodology to individual student achievement data derived from 2280
the achievement assessments prescribed by section 3301.0710 of 2281

the Revised Code. The "value-added progress dimension" shall be 2282
developed and implemented in accordance with section 3302.021 of 2283
the Revised Code. 2284

(G) (1) "Four-year adjusted cohort graduation rate" means 2285
the number of students who graduate in four years or less with a 2286
regular high school diploma divided by the number of students 2287
who form the adjusted cohort for the graduating class. 2288

(2) "Five-year adjusted cohort graduation rate" means the 2289
number of students who graduate in five years with a regular 2290
high school diploma divided by the number of students who form 2291
the adjusted cohort for the four-year graduation rate. 2292

(H) "State institution of higher education" has the same 2293
meaning as in section 3345.011 of the Revised Code. 2294

(I) "Annual measurable objectives" means a measure of 2295
student progress determined in accordance with an agreement 2296
between the department of education and the United States 2297
department of education. 2298

(J) "Community school" means a community school 2299
established under Chapter 3314. of the Revised Code. 2300

(K) "STEM school" means a science, technology, 2301
engineering, and mathematics school established under Chapter 2302
3326. of the Revised Code. 2303

(L) "Entitled to attend school in the district" means 2304
entitled to attend school in a school district under section 2305
3313.64 or 3313.65 of the Revised Code. 2306

Sec. 3302.02. Not later than one year after the adoption 2307
of rules under division ~~(D)~~ (C) of section 3301.0712 of the 2308
Revised Code and at least every sixth year thereafter, upon 2309

recommendations of the superintendent of public instruction, the 2310
state board of education shall establish a set of performance 2311
indicators that considered as a unit will be used as one of the 2312
performance categories for the report cards required by section 2313
3302.03 of the Revised Code. In establishing these indicators, 2314
the superintendent shall consider inclusion of student 2315
performance on assessments prescribed under section 3301.0710 or 2316
3301.0712 of the Revised Code, rates of student improvement on 2317
such assessments, the breadth of coursework available within the 2318
district, and other indicators of student success. 2319

Beginning with the report card for the 2014-2015 school 2320
year, the performance indicators shall include an indicator that 2321
reflects the level of services provided to, and the performance 2322
of, students identified as gifted under Chapter 3324. of the 2323
Revised Code. The indicator shall include the performance of 2324
students identified as gifted on state assessments and value- 2325
added growth measure disaggregated for students identified as 2326
gifted. 2327

For the 2013-2014 school year, except as otherwise 2328
provided in this section, for any indicator based on the 2329
percentage of students attaining a proficient score on the 2330
assessments prescribed by divisions (A) and (B)(1) of section 2331
3301.0710 of the Revised Code, a school district or building 2332
shall be considered to have met the indicator if at least eighty 2333
per cent of the tested students attain a score of proficient or 2334
higher on the assessment. A school district or building shall be 2335
considered to have met the indicator for the assessments 2336
prescribed by division (B)(1) of section 3301.0710 of the 2337
Revised Code and only as administered to eleventh grade 2338
students, if at least eighty-five per cent of the tested 2339
students attain a score of proficient or higher on the 2340

assessment. 2341

The state board shall adopt rules, under Chapter 119. of 2342
the Revised Code, to establish proficiency percentages to meet 2343
each indicator that is based on a state assessment, prescribed 2344
under section 3301.0710 or 3301.0712 of the Revised Code, for 2345
the 2014-2015 school year and thereafter by the following dates: 2346

(A) Not later than December 31, 2015, for the 2014-2015 2347
school year; 2348

(B) Not later than July 1, 2016, for the 2015-2016 school 2349
year; 2350

(C) Not later than July 1, 2017, for the 2016-2017 school 2351
year, and for each school year thereafter. 2352

Sec. 3302.03. Not later than the thirty-first day of July 2353
of each year, the department of education shall submit 2354
preliminary report card data for overall academic performance 2355
and for each separate performance measure for each school 2356
district, and each school building, in accordance with this 2357
section. 2358

Annually, not later than the fifteenth day of September or 2359
the preceding Friday when that day falls on a Saturday or 2360
Sunday, the department shall assign a letter grade for overall 2361
academic performance and for each separate performance measure 2362
for each school district, and each school building in a 2363
district, in accordance with this section. The state board of 2364
education shall adopt rules pursuant to Chapter 119. of the 2365
Revised Code to establish performance criteria for each letter 2366
grade and prescribe a method by which the department assigns 2367
each letter grade. For a school building to which any of the 2368
performance measures do not apply, due to grade levels served by 2369

the building, the state board shall designate the performance 2370
measures that are applicable to the building and that must be 2371
calculated separately and used to calculate the building's 2372
overall grade. The department shall issue annual report cards 2373
reflecting the performance of each school district, each 2374
building within each district, and for the state as a whole 2375
using the performance measures and letter grade system described 2376
in this section. The department shall include on the report card 2377
for each district and each building within each district the 2378
most recent two-year trend data in student achievement for each 2379
subject and each grade. 2380

(A) (1) For the 2012-2013 school year, the department shall 2381
issue grades as described in division (E) of this section for 2382
each of the following performance measures: 2383

(a) Annual measurable objectives; 2384

(b) Performance index score for a school district or 2385
building. Grades shall be awarded as a percentage of the total 2386
possible points on the performance index system as adopted by 2387
the state board. In adopting benchmarks for assigning letter 2388
grades under division (A) (1) (b) of this section, the state board 2389
of education shall designate ninety per cent or higher for an 2390
"A," at least seventy per cent but not more than eighty per cent 2391
for a "C," and less than fifty per cent for an "F." 2392

(c) The extent to which the school district or building 2393
meets each of the applicable performance indicators established 2394
by the state board under section 3302.02 of the Revised Code and 2395
the percentage of applicable performance indicators that have 2396
been achieved. In adopting benchmarks for assigning letter 2397
grades under division (A) (1) (c) of this section, the state board 2398
shall designate ninety per cent or higher for an "A." 2399

(d) The four- and five-year adjusted cohort graduation rates. 2400
2401

In adopting benchmarks for assigning letter grades under 2402
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 2403
department shall designate a four-year adjusted cohort 2404
graduation rate of ninety-three per cent or higher for an "A" 2405
and a five-year cohort graduation rate of ninety-five per cent 2406
or higher for an "A." 2407

(e) The overall score under the value-added progress 2408
dimension of a school district or building, for which the 2409
department shall use up to three years of value-added data as 2410
available. The letter grade assigned for this growth measure 2411
shall be as follows: 2412

(i) A score that is at least one standard error of measure 2413
above the mean score shall be designated as an "A." 2414

(ii) A score that is less than one standard error of 2415
measure above but greater than one standard error of measure 2416
below the mean score shall be designated as a "B." 2417

(iii) A score that is less than or equal to one standard 2418
error of measure below the mean score but greater than two 2419
standard errors of measure below the mean score shall be 2420
designated as a "C." 2421

(iv) A score that is less than or equal to two standard 2422
errors of measure below the mean score but is greater than three 2423
standard errors of measure below the mean score shall be 2424
designated as a "D." 2425

(v) A score that is less than or equal to three standard 2426
errors of measure below the mean score shall be designated as an 2427
"F." 2428

Whenever the value-added progress dimension is used as a 2429
graded performance measure, whether as an overall measure or as 2430
a measure of separate subgroups, the grades for the measure 2431
shall be calculated in the same manner as prescribed in division 2432
(A)(1)(e) of this section. 2433

(f) The value-added progress dimension score for a school 2434
district or building disaggregated for each of the following 2435
subgroups: students identified as gifted, students with 2436
disabilities, and students whose performance places them in the 2437
lowest quintile for achievement on a statewide basis. Each 2438
subgroup shall be a separate graded measure. 2439

(2) Not later than April 30, 2013, the state board of 2440
education shall adopt a resolution describing the performance 2441
measures, benchmarks, and grading system for the 2012-2013 2442
school year and, not later than June 30, 2013, shall adopt rules 2443
in accordance with Chapter 119. of the Revised Code that 2444
prescribe the methods by which the performance measures under 2445
division (A)(1) of this section shall be assessed and assigned a 2446
letter grade, including performance benchmarks for each letter 2447
grade. 2448

At least forty-five days prior to the state board's 2449
adoption of rules to prescribe the methods by which the 2450
performance measures under division (A)(1) of this section shall 2451
be assessed and assigned a letter grade, the department shall 2452
conduct a public presentation before the standing committees of 2453
the house of representatives and the senate that consider 2454
education legislation describing such methods, including 2455
performance benchmarks. 2456

(3) There shall not be an overall letter grade for a 2457
school district or building for the 2012-2013 school year. 2458

(B) (1) For the 2013-2014 and 2014-2015 school years, the 2459
department shall issue grades as described in division (E) of 2460
this section for each of the following performance measures: 2461

(a) Annual measurable objectives; 2462

(b) Performance index score for a school district or 2463
building. Grades shall be awarded as a percentage of the total 2464
possible points on the performance index system as created by 2465
the department. In adopting benchmarks for assigning letter 2466
grades under division (B) (1) (b) of this section, the state board 2467
shall designate ninety per cent or higher for an "A," at least 2468
seventy per cent but not more than eighty per cent for a "C," 2469
and less than fifty per cent for an "F." 2470

(c) The extent to which the school district or building 2471
meets each of the applicable performance indicators established 2472
by the state board under section 3302.03 of the Revised Code and 2473
the percentage of applicable performance indicators that have 2474
been achieved. In adopting benchmarks for assigning letter 2475
grades under division (B) (1) (c) of this section, the state board 2476
shall designate ninety per cent or higher for an "A." 2477

(d) The four- and five-year adjusted cohort graduation 2478
rates; 2479

(e) The overall score under the value-added progress 2480
dimension of a school district or building, for which the 2481
department shall use up to three years of value-added data as 2482
available. 2483

(f) The value-added progress dimension score for a school 2484
district or building disaggregated for each of the following 2485
subgroups: students identified as gifted in superior cognitive 2486
ability and specific academic ability fields under Chapter 3324. 2487

of the Revised Code, students with disabilities, and students 2488
whose performance places them in the lowest quintile for 2489
achievement on a statewide basis. Each subgroup shall be a 2490
separate graded measure. 2491

(g) Whether a school district or building is making 2492
progress in improving literacy in grades kindergarten through 2493
three, as determined using a method prescribed by the state 2494
board. The state board shall adopt rules to prescribe benchmarks 2495
and standards for assigning grades to districts and buildings 2496
for purposes of division (B) (1) (g) of this section. In adopting 2497
benchmarks for assigning letter grades under divisions (B) (1) (g) 2498
and (C) (1) (g) of this section, the state board shall determine 2499
progress made based on the reduction in the total percentage of 2500
students scoring below grade level, or below proficient, 2501
compared from year to year on the reading and writing diagnostic 2502
assessments administered under section 3301.0715 of the Revised 2503
Code and the third grade English language arts assessment under 2504
section 3301.0710 of the Revised Code, as applicable. The state 2505
board shall designate for a "C" grade a value that is not lower 2506
than the statewide average value for this measure. No grade 2507
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 2508
section for a district or building in which less than five per 2509
cent of students have scored below grade level on the diagnostic 2510
assessment administered to students in kindergarten under 2511
division (B) (1) of section 3313.608 of the Revised Code. 2512

(h) For a high mobility school district or building, an 2513
additional value-added progress dimension score. For this 2514
measure, the department shall use value-added data from the most 2515
recent school year available and shall use assessment ~~scores~~ 2516
results for only those students to whom the district or building 2517
has administered the assessments prescribed by section 3301.0710 2518

of the Revised Code for each of the two most recent consecutive 2519
school years. 2520

As used in this division, "high mobility school district 2521
or building" means a school district or building where at least 2522
twenty-five per cent of its total enrollment is made up of 2523
students who have attended that school district or building for 2524
less than one year. 2525

(2) In addition to the graded measures in division (B) (1) 2526
of this section, the department shall include on a school 2527
district's or building's report card all of the following 2528
without an assigned letter grade: 2529

(a) The percentage of students enrolled in a district or 2530
building participating in advanced placement classes and the 2531
percentage of those students who received a score of three or 2532
better on advanced placement examinations; 2533

(b) The number of a district's or building's students who 2534
have earned at least three college credits through dual 2535
enrollment or advanced standing programs, such as the post- 2536
secondary enrollment options program under Chapter 3365. of the 2537
Revised Code and state-approved career-technical courses offered 2538
through dual enrollment or statewide articulation, that appear 2539
on a student's transcript or other official document, either of 2540
which is issued by the institution of higher education from 2541
which the student earned the college credit. The credits earned 2542
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 2543
this section shall not include any that are remedial or 2544
developmental and shall include those that count toward the 2545
curriculum requirements established for completion of a degree. 2546

(c) The percentage of students enrolled in a district or 2547

building who have taken a national standardized test used for 2548
college admission determinations and the percentage of those 2549
students who are determined to be remediation-free in accordance 2550
with standards adopted under division (F) of section 3345.061 of 2551
the Revised Code; 2552

(d) The percentage of the district's or the building's 2553
students who receive industry-recognized credentials as approved 2554
under section 3313.6113 of the Revised Code. 2555

(e) The percentage of students enrolled in a district or 2556
building who are participating in an international baccalaureate 2557
program and the percentage of those students who receive a score 2558
of four or better on the international baccalaureate 2559
examinations. 2560

(f) The percentage of the district's or building's 2561
students who receive an honors diploma under division (B) of 2562
section 3313.61 of the Revised Code. 2563

(3) Not later than December 31, 2013, the state board 2564
shall adopt rules in accordance with Chapter 119. of the Revised 2565
Code that prescribe the methods by which the performance 2566
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 2567
will be assessed and assigned a letter grade, including 2568
performance benchmarks for each grade. 2569

At least forty-five days prior to the state board's 2570
adoption of rules to prescribe the methods by which the 2571
performance measures under division (B) (1) of this section shall 2572
be assessed and assigned a letter grade, the department shall 2573
conduct a public presentation before the standing committees of 2574
the house of representatives and the senate that consider 2575
education legislation describing such methods, including 2576

performance benchmarks. 2577

(4) There shall not be an overall letter grade for a 2578
school district or building for the 2013-2014, 2014-2015, 2015- 2579
2016, ~~and 2016-2017,~~ 2019-2020, 2020-2021, and 2021-2022 school 2580
years. 2581

(C) (1) For the 2014-2015 school year and each school year 2582
thereafter, the department shall issue grades as described in 2583
division (E) of this section for each of the performance 2584
measures prescribed in division (C) (1) of this section. The 2585
graded measures are as follows: 2586

(a) Annual measurable objectives. For the 2017-2018 school 2587
year, the department shall not include any subgroup data in the 2588
annual measurable objectives that includes data from fewer than 2589
twenty-five students. For the 2018-2019 school year, the 2590
department shall not include any subgroup data in the annual 2591
measurable objectives that includes data from fewer than twenty 2592
students. Beginning with the 2019-2020 school year, the 2593
department shall not include any subgroup data in the annual 2594
measurable objectives that includes data from fewer than fifteen 2595
students. 2596

(b) Performance index score for a school district or 2597
building. Grades shall be awarded as a percentage of the total 2598
possible points on the performance index system as created by 2599
the department or the state board. In adopting benchmarks for 2600
assigning letter grades under division (C) (1) (b) of this 2601
section, the state board shall designate ninety per cent or 2602
higher for an "A," at least seventy per cent but not more than 2603
eighty per cent for a "C," and less than fifty per cent for an 2604
"F." 2605

(c) The extent to which the school district or building 2606
meets each of the applicable performance indicators established 2607
by the state board under section 3302.03 of the Revised Code and 2608
the percentage of applicable performance indicators that have 2609
been achieved. In adopting benchmarks for assigning letter 2610
grades under division (C) (1) (c) of this section, the state board 2611
shall designate ninety per cent or higher for an "A." 2612

(d) The four- and five-year adjusted cohort graduation 2613
rates; 2614

(e) The overall score under the value-added progress 2615
dimension, or another measure of student academic progress if 2616
adopted by the state board, of a school district or building, 2617
for which the department shall use up to three years of value- 2618
added data as available. 2619

In adopting benchmarks for assigning letter grades for 2620
overall score on value-added progress dimension under division 2621
(C) (1) (e) of this section, the state board shall prohibit the 2622
assigning of a grade of "A" for that measure unless the 2623
district's or building's grade assigned for value-added progress 2624
dimension for all subgroups under division (C) (1) (f) of this 2625
section is a "C" or higher. 2626

For the metric prescribed by division (C) (1) (e) of this 2627
section, the state board may adopt a student academic progress 2628
measure to be used instead of the value-added progress 2629
dimension. If the state board adopts such a measure, it also 2630
shall prescribe a method for assigning letter grades for the new 2631
measure that is comparable to the method prescribed in division 2632
(A) (1) (e) of this section. 2633

(f) The value-added progress dimension score of a school 2634

district or building disaggregated for each of the following 2635
subgroups: students identified as gifted in superior cognitive 2636
ability and specific academic ability fields under Chapter 3324. 2637
of the Revised Code, students with disabilities, and students 2638
whose performance places them in the lowest quintile for 2639
achievement on a statewide basis, as determined by a method 2640
prescribed by the state board. Each subgroup shall be a separate 2641
graded measure. 2642

The state board may adopt student academic progress 2643
measures to be used instead of the value-added progress 2644
dimension. If the state board adopts such measures, it also 2645
shall prescribe a method for assigning letter grades for the new 2646
measures that is comparable to the method prescribed in division 2647
(A) (1) (e) of this section. 2648

(g) Whether a school district or building is making 2649
progress in improving literacy in grades kindergarten through 2650
three, as determined using a method prescribed by the state 2651
board. The state board shall adopt rules to prescribe benchmarks 2652
and standards for assigning grades to a district or building for 2653
purposes of division (C) (1) (g) of this section. The state board 2654
shall designate for a "C" grade a value that is not lower than 2655
the statewide average value for this measure. No grade shall be 2656
issued under division (C) (1) (g) of this section for a district 2657
or building in which less than five per cent of students have 2658
scored below grade level on the kindergarten diagnostic 2659
assessment under division (B) (1) of section 3313.608 of the 2660
Revised Code. 2661

(h) For a high mobility school district or building, an 2662
additional value-added progress dimension score. For this 2663
measure, the department shall use value-added data from the most 2664

recent school year available and shall use assessment ~~scores~~ 2665
results for only those students to whom the district or building 2666
has administered the assessments prescribed by section 3301.0710 2667
of the Revised Code for each of the two most recent consecutive 2668
school years. 2669

As used in this division, "high mobility school district 2670
or building" means a school district or building where at least 2671
twenty-five per cent of its total enrollment is made up of 2672
students who have attended that school district or building for 2673
less than one year. 2674

(2) In addition to the graded measures in division (C) (1) 2675
of this section, the department shall include on a school 2676
district's or building's report card all of the following 2677
without an assigned letter grade: 2678

(a) The percentage of students enrolled in a district or 2679
building who have taken a national standardized test used for 2680
college admission determinations and the percentage of those 2681
students who are determined to be remediation-free in accordance 2682
with the standards adopted under division (F) of section 2683
3345.061 of the Revised Code; 2684

(b) The percentage of students enrolled in a district or 2685
building participating in advanced placement classes and the 2686
percentage of those students who received a score of three or 2687
better on advanced placement examinations; 2688

(c) The percentage of a district's or building's students 2689
who have earned at least three college credits through advanced 2690
standing programs, such as the college credit plus program under 2691
Chapter 3365. of the Revised Code and state-approved career- 2692
technical courses offered through dual enrollment or statewide 2693

articulation, that appear on a student's college transcript 2694
issued by the institution of higher education from which the 2695
student earned the college credit. The credits earned that are 2696
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 2697
shall not include any that are remedial or developmental and 2698
shall include those that count toward the curriculum 2699
requirements established for completion of a degree. 2700

(d) The percentage of the district's or building's 2701
students who receive an honor's diploma under division (B) of 2702
section 3313.61 of the Revised Code; 2703

(e) The percentage of the district's or building's 2704
students who receive industry-recognized credentials as approved 2705
under section 3313.6113 of the Revised Code; 2706

(f) The percentage of students enrolled in a district or 2707
building who are participating in an international baccalaureate 2708
program and the percentage of those students who receive a score 2709
of four or better on the international baccalaureate 2710
examinations; 2711

(g) The results of the ~~college and career ready~~ 2712
~~assessments administered under prescribed in~~ division (B) ~~(1)~~ of 2713
section 3301.0712 of the Revised Code; 2714

(h) Whether the school district or building has 2715
implemented a positive behavior intervention and supports 2716
framework in compliance with the requirements of section 3319.46 2717
of the Revised Code, notated as a "yes" or "no" answer. 2718

(3) The state board shall adopt rules pursuant to Chapter 2719
119. of the Revised Code that establish a method to assign an 2720
overall grade for a school district or school building for the 2721
~~2017-2018-2022-2023~~ school year and each school year thereafter. 2722

The rules shall group the performance measures in divisions (C) 2723
(1) and (2) of this section into the following components: 2724

(a) Gap closing, which shall include the performance 2725
measure in division (C) (1) (a) of this section; 2726

(b) Achievement, which shall include the performance 2727
measures in divisions (C) (1) (b) and (c) of this section; 2728

(c) Progress, which shall include the performance measures 2729
in divisions (C) (1) (e) and (f) of this section; 2730

(d) Graduation, which shall include the performance 2731
measure in division (C) (1) (d) of this section; 2732

(e) Kindergarten through third-grade literacy, which shall 2733
include the performance measure in division (C) (1) (g) of this 2734
section; 2735

(f) Prepared for success, which shall include the 2736
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 2737
and (f) of this section. The state board shall develop a method 2738
to determine a grade for the component in division (C) (3) (f) of 2739
this section using the performance measures in divisions (C) (2) 2740
(a), (b), (c), (d), (e), and (f) of this section. When 2741
available, the state board may incorporate the performance 2742
measure under division (C) (2) (g) of this section into the 2743
component under division (C) (3) (f) of this section. When 2744
determining the overall grade for the prepared for success 2745
component prescribed by division (C) (3) (f) of this section, no 2746
individual student shall be counted in more than one performance 2747
measure. However, if a student qualifies for more than one 2748
performance measure in the component, the state board may, in 2749
its method to determine a grade for the component, specify an 2750
additional weight for such a student that is not greater than or 2751

equal to 1.0. In determining the overall score under division 2752
(C) (3) (f) of this section, the state board shall ensure that the 2753
pool of students included in the performance measures aggregated 2754
under that division are all of the students included in the 2755
four- and five-year adjusted graduation cohort. 2756

In the rules adopted under division (C) (3) of this 2757
section, the state board shall adopt a method for determining a 2758
grade for each component in divisions (C) (3) (a) to (f) of this 2759
section. The state board also shall establish a method to assign 2760
an overall grade of "A," "B," "C," "D," or "F" using the grades 2761
assigned for each component. The method the state board adopts 2762
for assigning an overall grade shall give equal weight to the 2763
components in divisions (C) (3) (b) and (c) of this section. 2764

At least forty-five days prior to the state board's 2765
adoption of rules to prescribe the methods for calculating the 2766
overall grade for the report card, as required by this division, 2767
the department shall conduct a public presentation before the 2768
standing committees of the house of representatives and the 2769
senate that consider education legislation describing the format 2770
for the report card, weights that will be assigned to the 2771
components of the overall grade, and the method for calculating 2772
the overall grade. 2773

(D) On or after July 1, 2015, the state board may develop 2774
a measure of student academic progress for high school students 2775
using only data from assessments in English language arts and 2776
mathematics. If the state board develops this measure, each 2777
school district and applicable school building shall be assigned 2778
a separate letter grade for it not sooner than the 2017-2018 2779
school year. The district's or building's grade for that measure 2780
shall not be included in determining the district's or 2781

building's overall letter grade. 2782

(E) The letter grades assigned to a school district or 2783
building under this section shall be as follows: 2784

(1) "A" for a district or school making excellent 2785
progress; 2786

(2) "B" for a district or school making above average 2787
progress; 2788

(3) "C" for a district or school making average progress; 2789

(4) "D" for a district or school making below average 2790
progress; 2791

(5) "F" for a district or school failing to meet minimum 2792
progress. 2793

(F) When reporting data on student achievement and 2794
progress, the department shall disaggregate that data according 2795
to the following categories: 2796

(1) Performance of students by grade-level; 2797

(2) Performance of students by race and ethnic group; 2798

(3) Performance of students by gender; 2799

(4) Performance of students grouped by those who have been 2800
enrolled in a district or school for three or more years; 2801

(5) Performance of students grouped by those who have been 2802
enrolled in a district or school for more than one year and less 2803
than three years; 2804

(6) Performance of students grouped by those who have been 2805
enrolled in a district or school for one year or less; 2806

(7) Performance of students grouped by those who are 2807

economically disadvantaged; 2808

(8) Performance of students grouped by those who are 2809
enrolled in a conversion community school established under 2810
Chapter 3314. of the Revised Code; 2811

(9) Performance of students grouped by those who are 2812
classified as English learners; 2813

(10) Performance of students grouped by those who have 2814
disabilities; 2815

(11) Performance of students grouped by those who are 2816
classified as migrants; 2817

(12) Performance of students grouped by those who are 2818
identified as gifted in superior cognitive ability and the 2819
specific academic ability fields of reading and math pursuant to 2820
Chapter 3324. of the Revised Code. In disaggregating specific 2821
academic ability fields for gifted students, the department 2822
shall use data for those students with specific academic ability 2823
in math and reading. If any other academic field is assessed, 2824
the department shall also include data for students with 2825
specific academic ability in that field as well. 2826

(13) Performance of students grouped by those who perform 2827
in the lowest quintile for achievement on a statewide basis, as 2828
determined by a method prescribed by the state board. 2829

The department may disaggregate data on student 2830
performance according to other categories that the department 2831
determines are appropriate. To the extent possible, the 2832
department shall disaggregate data on student performance 2833
according to any combinations of two or more of the categories 2834
listed in divisions (F)(1) to (13) of this section that it deems 2835
relevant. 2836

In reporting data pursuant to division (F) of this 2837
section, the department shall not include in the report cards 2838
any data statistical in nature that is statistically unreliable 2839
or that could result in the identification of individual 2840
students. For this purpose, the department shall not report 2841
student performance data for any group identified in division 2842
(F) of this section that contains less than ten students. If the 2843
department does not report student performance data for a group 2844
because it contains less than ten students, the department shall 2845
indicate on the report card that is why data was not reported. 2846

(G) The department may include with the report cards any 2847
additional education and fiscal performance data it deems 2848
valuable. 2849

(H) The department shall include on each report card a 2850
list of additional information collected by the department that 2851
is available regarding the district or building for which the 2852
report card is issued. When available, such additional 2853
information shall include student mobility data disaggregated by 2854
race and socioeconomic status, college enrollment data, and the 2855
reports prepared under section 3302.031 of the Revised Code. 2856

The department shall maintain a site on the world wide 2857
web. The report card shall include the address of the site and 2858
shall specify that such additional information is available to 2859
the public at that site. The department shall also provide a 2860
copy of each item on the list to the superintendent of each 2861
school district. The district superintendent shall provide a 2862
copy of any item on the list to anyone who requests it. 2863

(I) (1) (a) Except as provided in division (I) (1) (b) of this 2864
section, for any district that sponsors a conversion community 2865
school under Chapter 3314. of the Revised Code, the department 2866

shall combine data regarding the academic performance of 2867
students enrolled in the community school with comparable data 2868
from the schools of the district for the purpose of determining 2869
the performance of the district as a whole on the report card 2870
issued for the district under this section or section 3302.033 2871
of the Revised Code. 2872

(b) The department shall not combine data from any 2873
conversion community school that a district sponsors if a 2874
majority of the students enrolled in the conversion community 2875
school are enrolled in a dropout prevention and recovery program 2876
that is operated by the school, as described in division (A) (4) 2877
(a) of section 3314.35 of the Revised Code. The department shall 2878
include as an addendum to the district's report card the ratings 2879
and performance measures that are required under section 2880
3314.017 of the Revised Code for any community school to which 2881
division (I) (1) (b) of this section applies. This addendum shall 2882
include, at a minimum, the data specified in divisions (C) (1) 2883
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 2884

(2) Any district that leases a building to a community 2885
school located in the district or that enters into an agreement 2886
with a community school located in the district whereby the 2887
district and the school endorse each other's programs may elect 2888
to have data regarding the academic performance of students 2889
enrolled in the community school combined with comparable data 2890
from the schools of the district for the purpose of determining 2891
the performance of the district as a whole on the district 2892
report card. Any district that so elects shall annually file a 2893
copy of the lease or agreement with the department. 2894

(3) Any municipal school district, as defined in section 2895
3311.71 of the Revised Code, that sponsors a community school 2896

located within the district's territory, or that enters into an 2897
agreement with a community school located within the district's 2898
territory whereby the district and the community school endorse 2899
each other's programs, may exercise either or both of the 2900
following elections: 2901

(a) To have data regarding the academic performance of 2902
students enrolled in that community school combined with 2903
comparable data from the schools of the district for the purpose 2904
of determining the performance of the district as a whole on the 2905
district's report card; 2906

(b) To have the number of students attending that 2907
community school noted separately on the district's report card. 2908

The election authorized under division (I) (3) (a) of this 2909
section is subject to approval by the governing authority of the 2910
community school. 2911

Any municipal school district that exercises an election 2912
to combine or include data under division (I) (3) of this 2913
section, by the first day of October of each year, shall file 2914
with the department documentation indicating eligibility for 2915
that election, as required by the department. 2916

(J) The department shall include on each report card the 2917
percentage of teachers in the district or building who are 2918
properly certified or licensed teachers, as defined in section 2919
3319.074 of the Revised Code, and a comparison of that 2920
percentage with the percentages of such teachers in similar 2921
districts and buildings. 2922

(K) (1) In calculating English language arts, mathematics, 2923
or science assessment passage rates used to determine school 2924
district or building performance under this section, the 2925

department shall include all students taking an assessment with 2926
accommodation or to whom an alternate assessment is administered 2927
pursuant to division (C) (1) or (3) of section 3301.0711 of the 2928
Revised Code. 2929

(2) In calculating performance index scores, rates of 2930
achievement on the performance indicators established by the 2931
state board under section 3302.02 of the Revised Code, and 2932
annual measurable objectives for determining adequate yearly 2933
progress for school districts and buildings under this section, 2934
the department shall do all of the following: 2935

(a) Include for each district or building only those 2936
students who are included in the ADM certified for the first 2937
full school week of October and are continuously enrolled in the 2938
district or building through the time of the spring 2939
administration of any assessment prescribed by division (A) (1) 2940
or (B) (1) of section 3301.0710 or division (B) of section 2941
3301.0712 of the Revised Code that is administered to the 2942
student's grade level; 2943

(b) ~~Include~~ Until the 2022-2023 school year, include 2944
cumulative totals from both the fall and spring administrations 2945
of the third grade English language arts achievement assessment; 2946

(c) Except as required by the No Child Left Behind Act of 2947
2001, exclude for each district or building any English learner 2948
who has been enrolled in United States schools for less than one 2949
full school year. 2950

(L) Beginning with the 2015-2016 school year and at least 2951
once every three years thereafter, the state board of education 2952
shall review and may adjust the benchmarks for assigning letter 2953
grades to the performance measures and components prescribed 2954

under divisions (C) (3) and (D) of this section.

(M) Not later than December 31, 2021, the state board of education shall make recommendations to the general assembly, in accordance with section 101.68 of the Revised Code, on what data generated from student assessments is necessary for purposes of calculating letter grades for the report card ratings, components, and performance measures issued under this section.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C) (3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2019-2020, 2020-2021, or 2021-2022 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C) (3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The overall letter grades issued by the department of education for the 2017-2018 or 2018-2019 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties or as a new starting point for determinations that are based on ratings over multiple years. The report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or

penalties. Accordingly, the report card ratings for the 2014- 2986
2015, 2015-2016, ~~or~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2987
2020-2021, and 2021-2022 school years shall have no effect in 2988
determining sanctions or penalties, but shall not create a new 2989
starting point for determinations that are based on ratings over 2990
multiple years. 2991

(B) The provisions from which a district or school is 2992
exempt under division (A) of this section shall be the 2993
following: 2994

(1) Any restructuring provisions established under this 2995
chapter, except as required under the "No Child Left Behind Act 2996
of 2001"; 2997

(2) Provisions for the Columbus city school pilot project 2998
under section 3302.042 of the Revised Code; 2999

(3) Provisions for academic distress commissions under 3000
former section 3302.10 of the Revised Code as it existed prior 3001
~~to the effective date of this amendment~~ October 15, 2015. The 3002
provisions of this section do not apply to academic distress 3003
commissions under the version of that section as it exists on or 3004
~~after the effective date of this amendment~~ October 15, 2015. 3005

(4) Provisions prescribing new buildings where students 3006
are eligible for the educational choice scholarships under 3007
section 3310.03 of the Revised Code; 3008

(5) Provisions defining "challenged school districts" in 3009
which new start-up community schools may be located, as 3010
prescribed in section 3314.02 of the Revised Code; 3011

(6) Provisions prescribing community school closure 3012
requirements under section 3314.35 or 3314.351 of the Revised 3013
Code. 3014

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or 2016-2017~~, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school ~~year-years~~ as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, ~~or 2016-2017~~, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

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

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

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

(C) For the 2013-2014, 2014-2015, ~~or 2015-2016~~, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school

year, the school district received a grade of "A" for the number 3045
of performance indicators met under division (B) (1) (c) of 3046
section 3302.03 of the Revised Code and for the value-added 3047
dimension under division (B) (1) (e) of section 3302.03 of the 3048
Revised Code. 3049

(D) For the ~~2016-2017~~2022-2023 school year and for each 3050
school year thereafter, the school district received an overall 3051
grade of "A" under division (C) (3) of section 3302.03 of the 3052
Revised Code. 3053

Any mandates included in the rules shall be only those 3054
statutes or rules pertaining to state education requirements. 3055
The rules shall not exempt districts from any operating standard 3056
adopted under division (D) (3) of section 3301.07 of the Revised 3057
Code. 3058

Sec. 3310.03. A student is an "eligible student" for 3059
purposes of the educational choice scholarship pilot program if 3060
the student's resident district is not a school district in 3061
which the pilot project scholarship program is operating under 3062
sections 3313.974 to 3313.979 of the Revised Code and the 3063
student satisfies one of the conditions in division (A), (B), 3064
(C), (D), or (E) of this section: 3065

(A) (1) The student is enrolled in a school building 3066
operated by the student's resident district that, on the report 3067
card issued under section 3302.03 of the Revised Code published 3068
prior to the first day of July of the school year for which a 3069
scholarship is sought, did not receive a rating as described in 3070
division (I) of this section, and to which any or a combination 3071
of any of the following apply for two of the three most recent 3072
report cards published prior to the first day of July of the 3073
school year for which a scholarship is sought: 3074

(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building received a grade of "D" or "F" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for the performance index score under division (A) (1) (b) ~~or~~, (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the ~~2016-2017-2022-2023~~ school year or any school year thereafter.

(2) The student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A) (1) of this section.

(3) The student is enrolled in a community school 3105
established under Chapter 3314. of the Revised Code but 3106
otherwise would be assigned under section 3319.01 of the Revised 3107
Code to a building described in division (A)(1) of this section. 3108

(4) The student is enrolled in a school building operated 3109
by the student's resident district or in a community school 3110
established under Chapter 3314. of the Revised Code and 3111
otherwise would be assigned under section 3319.01 of the Revised 3112
Code to a school building described in division (A)(1) of this 3113
section in the school year for which the scholarship is sought. 3114

(5) The student will be both enrolling in any of grades 3115
kindergarten through twelve in this state for the first time and 3116
at least five years of age by the first day of January of the 3117
school year for which a scholarship is sought, or is enrolled in 3118
a community school established under Chapter 3314. of the 3119
Revised Code, and all of the following apply to the student's 3120
resident district: 3121

(a) The district has in force an intradistrict open 3122
enrollment policy under which no student in the student's grade 3123
level is automatically assigned to a particular school building; 3124

(b) In the most recent rating published prior to the first 3125
day of July of the school year for which scholarship is sought, 3126
the district did not receive a rating described in division (I) 3127
of this section, and in at least two of the three most recent 3128
report cards published prior to the first day of July of that 3129
school year, any or a combination of the following apply to the 3130
district: 3131

(i) The district was declared to be in a state of academic 3132
emergency under section 3302.03 of the Revised Code as it 3133

existed prior to March 22, 2013. 3134

(ii) The district received a grade of "D" or "F" for the 3135
performance index score under division (A) (1) (b) or (B) (1) (b) of 3136
section 3302.03 of the Revised Code and for the value-added 3137
progress dimension under division (A) (1) (e) ~~or~~, (B) (1) (e), or 3138
(C) (1) (e) of section 3302.03 of the Revised Code for the 2012- 3139
2013, 2013-2014, 2014-2015, ~~or~~ 2015-2016, 2016-2017, 2017-2018, 3140
2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year. 3141

(c) The district received an overall grade of "D" or "F" 3142
under division (C) (3) of section 3302.03 of the Revised Code or 3143
a grade of "F" for the value-added progress dimension under 3144
division (C) (1) (e) of section 3302.03 of the Revised Code for 3145
the 2016-2017 school year or any school year thereafter. 3146

(6) Beginning in the ~~2019-2020~~ 2022-2023 school year, the 3147
student meets both of the following conditions: 3148

(a) The student was enrolled in a public or nonpublic 3149
school or was homeschooled in the prior school year and 3150
completed any of grades eight through eleven in that school 3151
year. 3152

(b) The student would be assigned to a building in the 3153
school year for which the scholarship is sought that either: 3154

(i) Serves any of grades nine through twelve and that 3155
received a grade of "D" or "F" for the four-year adjusted cohort 3156
graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) 3157
(d) of section 3302.03 of the Revised Code in two of the three 3158
most recent report cards published prior to the first day of 3159
July of the school year for which a scholarship is sought; 3160

(ii) Is a building described in division (A) (1) of this 3161
section. 3162

Any student who was awarded a scholarship under division 3163
(A) (6) of this section as it existed prior ~~to the effective date~~ 3164
~~of this amendment October 17, 2019,~~ may continue to receive 3165
scholarships in subsequent school years until the student 3166
completes grade twelve, as long as the student meets the 3167
criteria prescribed by division (F) of this section. 3168

(B) (1) The student is enrolled in a school building 3169
operated by the student's resident district and to which both of 3170
the following apply: 3171

(a) The building was ranked, for at least two of the three 3172
most recent rankings prior to the first day of July of the 3173
school year for which a scholarship is sought, in the lowest ten 3174
per cent of all buildings operated by city, local, and exempted 3175
village school districts according to performance index score as 3176
determined by the department of education. 3177

(b) The building was not declared to be excellent or 3178
effective, or the equivalent of such ratings as determined by 3179
the department, under section 3302.03 of the Revised Code in the 3180
most recent rating published prior to the first day of July of 3181
the school year for which a scholarship is sought. 3182

(2) The student will be enrolling in any of grades 3183
kindergarten through twelve in this state for the first time in 3184
the school year for which a scholarship is sought, will be at 3185
least five years of age, as defined in section 3321.01 of the 3186
Revised Code, by the first day of January of the school year for 3187
which a scholarship is sought, and otherwise would be assigned 3188
under section 3319.01 of the Revised Code in the school year for 3189
which a scholarship is sought, to a school building described in 3190
division (B) (1) of this section. 3191

(3) The student is enrolled in a community school 3192
established under Chapter 3314. of the Revised Code but 3193
otherwise would be assigned under section 3319.01 of the Revised 3194
Code to a building described in division (B) (1) of this section. 3195

(4) The student is enrolled in a school building operated 3196
by the student's resident district or in a community school 3197
established under Chapter 3314. of the Revised Code and 3198
otherwise would be assigned under section 3319.01 of the Revised 3199
Code to a school building described in division (B) (1) of this 3200
section in the school year for which the scholarship is sought. 3201

(C) The student is enrolled in a nonpublic school at the 3202
time the school is granted a charter by the state board of 3203
education under section 3301.16 of the Revised Code and the 3204
student meets the standards of division (B) of section 3310.031 3205
of the Revised Code. 3206

(D) For the ~~2016-2017-2022-2023~~ school year and each 3207
school year thereafter, the student is in any of grades 3208
kindergarten through three, is enrolled in a school building 3209
that is operated by the student's resident district or will be 3210
enrolling in any of grades kindergarten through twelve in this 3211
state for the first time in the school year for which a 3212
scholarship is sought, and to which both of the following apply: 3213

(1) The building, in at least two of the three most recent 3214
ratings of school buildings published prior to the first day of 3215
July of the school year for which a scholarship is sought, 3216
received a grade of "D" or "F" for making progress in improving 3217
literacy in grades kindergarten through three under division (B) 3218
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 3219

(2) The building did not receive a grade of "A" for making 3220

progress in improving literacy in grades kindergarten through 3221
three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 3222
of the Revised Code in the most recent rating published prior to 3223
the first day of July of the school year for which a scholarship 3224
is sought. 3225

(E) The student's resident district is subject to section 3226
3302.10 of the Revised Code and the student either: 3227

(1) Is enrolled in a school building operated by the 3228
resident district or in a community school established under 3229
Chapter 3314. of the Revised Code; 3230

(2) Will be both enrolling in any of grades kindergarten 3231
through twelve in this state for the first time and at least 3232
five years of age by the first day of January of the school year 3233
for which a scholarship is sought. 3234

(F) A student who receives a scholarship under the 3235
educational choice scholarship pilot program remains an eligible 3236
student and may continue to receive scholarships in subsequent 3237
school years until the student completes grade twelve, so long 3238
as all of the following apply: 3239

(1) The student's resident district remains the same, or 3240
the student transfers to a new resident district and otherwise 3241
would be assigned in the new resident district to a school 3242
building described in division (A) (1), (B) (1), (D), or (E) of 3243
this section. 3244

(2) Except as provided in divisions (K) (1) and (L) of 3245
section 3301.0711 of the Revised Code, the student takes each 3246
assessment prescribed for the student's grade level under 3247
section 3301.0710 or 3301.0712 of the Revised Code while 3248
enrolled in a chartered nonpublic school. 3249

(3) In each school year that the student is enrolled in a 3250
chartered nonpublic school, the student is absent from school 3251
for not more than twenty days that the school is open for 3252
instruction, not including excused absences. 3253

(G) (1) The department shall cease awarding first-time 3254
scholarships pursuant to divisions (A) (1) to (4) of this section 3255
with respect to a school building that, in the most recent 3256
ratings of school buildings published under section 3302.03 of 3257
the Revised Code prior to the first day of July of the school 3258
year, ceases to meet the criteria in division (A) (1) of this 3259
section. The department shall cease awarding first-time 3260
scholarships pursuant to division (A) (5) of this section with 3261
respect to a school district that, in the most recent ratings of 3262
school districts published under section 3302.03 of the Revised 3263
Code prior to the first day of July of the school year, ceases 3264
to meet the criteria in division (A) (5) of this section. 3265

(2) The department shall cease awarding first-time 3266
scholarships pursuant to divisions (B) (1) to (4) of this section 3267
with respect to a school building that, in the most recent 3268
ratings of school buildings under section 3302.03 of the Revised 3269
Code prior to the first day of July of the school year, ceases 3270
to meet the criteria in division (B) (1) of this section. 3271

(3) The department shall cease awarding first-time 3272
scholarships pursuant to division (D) of this section with 3273
respect to a school building that, in the most recent ratings of 3274
school buildings under section 3302.03 of the Revised Code prior 3275
to the first day of July of the school year, ceases to meet the 3276
criteria in division (D) of this section. 3277

(4) The department shall cease awarding first-time 3278
scholarships pursuant to division (E) of this section with 3279

respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

(5) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (F) of this section.

(H) The state board of education shall adopt rules defining excused absences for purposes of division (F) (3) of this section.

(I) (1) A student who satisfies only the conditions prescribed in divisions (A) (1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought:

(a) The building has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(b) For the 2012-2013, 2013-2014, 2014-2015, ~~or 2015-2016,~~ 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, or 2021-2022 school year, the building has a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) ~~or~~ (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (A) (1) (b) ~~or~~ (B) (1) (b), or (C) (1) (b)

of section 3302.03 of the Revised Code and had a four-year 3309
adjusted cohort graduation rate of greater than or equal to 3310
seventy-five per cent. 3311

(c) For the ~~2016-2017~~2022-2023 school year or any school 3312
year thereafter, the building has a grade of "A" or "B" under 3313
division (C) (3) of section 3302.03 of the Revised Code and a 3314
grade of "A" for the value-added progress dimension under 3315
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 3316
the building serves only grades ten through twelve, the building 3317
received a grade of "A" or "B" for the performance index score 3318
under division (C) (1) (b) of section 3302.03 of the Revised Code 3319
and had a four-year adjusted cohort graduation rate of greater 3320
than or equal to seventy-five per cent. 3321

(2) A student who satisfies only the conditions prescribed 3322
in division (A) (5) of this section shall not be eligible for a 3323
scholarship if the student's resident district meets any of the 3324
following in the most recent rating under section 3302.03 of the 3325
Revised Code published prior to the first day of July of the 3326
school year for which a scholarship is sought: 3327

(a) The district has an overall designation of excellent 3328
or effective under section 3302.03 of the Revised Code as it 3329
existed prior to March 22, 2013. 3330

(b) The district has a grade of "A" or "B" for the 3331
performance index score under division (A) (1) (b) or (B) (1) (b) of 3332
section 3302.03 of the Revised Code and for the value-added 3333
progress dimension under division (A) (1) (e) or (B) (1) (e) of 3334
section 3302.03 of the Revised Code for the 2012-2013, 2013- 3335
2014, 2014-2015, and 2015-2016 school years. 3336

(c) The district has an overall grade of "A" or "B" under 3337

division (C) (3) of section 3302.03 of the Revised Code and a 3338
grade of "A" for the value-added progress dimension under 3339
division (C) (1) (e) of section 3302.03 of the Revised Code for 3340
the 2016-2017 school year or any school year thereafter. 3341

Sec. 3310.14. (A) Except as provided in division (B) of 3342
this section, each chartered nonpublic school that is not 3343
subject to division (K) (1) of section 3301.0711 of the Revised 3344
Code and enrolls students awarded scholarships under sections 3345
3310.01 to 3310.17 of the Revised Code annually shall administer 3346
the assessments prescribed by section 3301.0710, 3301.0712, or 3347
3313.619 of the Revised Code, as applicable, to each scholarship 3348
student enrolled in the school in accordance with section 3349
3301.0711 of the Revised Code. Each chartered nonpublic school 3350
that is subject to this section shall report to the department 3351
of education the results of each assessment administered to each 3352
scholarship student under this section. 3353

Nothing in this section requires a chartered nonpublic 3354
school to administer any achievement assessment, except for an 3355
Ohio graduation test prescribed by division (B) (1) of section 3356
3301.0710 or the ~~college and work ready assessment system~~ 3357
assessments prescribed by division (B) of section 3301.0712 of 3358
the Revised Code to any student enrolled in the school who is 3359
not a scholarship student. 3360

(B) A chartered nonpublic school that meets the conditions 3361
specified in division (K) (2) of section 3301.0711 of the Revised 3362
Code shall not be required to administer the elementary 3363
assessments prescribed by division (A) of section 3301.0710 of 3364
the Revised Code. 3365

Sec. 3310.522. In order to maintain eligibility for a 3366
scholarship, a student shall take each assessment prescribed by 3367

section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 3368
as applicable, in accordance with section 3301.0711 of the 3369
Revised Code, unless the student is excused from taking that 3370
assessment under federal law or the student's individualized 3371
education program or the student is enrolled in a chartered 3372
nonpublic school that meets the conditions specified in division 3373
(K) (2) or (L) (4) of section 3301.0711 of the Revised Code. 3374

Each registered private provider that is not subject to 3375
division (K) (1) of section 3301.0711 of the Revised Code and 3376
enrolls a student who is awarded a scholarship shall administer 3377
each assessment prescribed by section 3301.0710, 3301.0712, or 3378
3313.619 of the Revised Code, as applicable, to that student in 3379
accordance with section 3301.0711 of the Revised Code, unless 3380
the student is excused from taking that assessment or the 3381
student is enrolled in a chartered nonpublic school that meets 3382
the conditions specified in division (K) (2) or (L) (4) of section 3383
3301.0711 of the Revised Code, and shall report to the 3384
department the results of each assessment so administered. 3385

Nothing in this section requires any chartered nonpublic 3386
school that is a registered private provider to administer any 3387
achievement assessment, except for an Ohio graduation test 3388
prescribed by division (B) (1) of section 3301.0710 or the 3389
~~college and work ready assessment system assessments~~ prescribed 3390
by division (B) of section 3301.0712 of the Revised Code to any 3391
student enrolled in the school who is not a scholarship student. 3392

Sec. 3311.80. Notwithstanding any provision of the Revised 3393
Code to the contrary, a municipal school district shall be 3394
subject to this section instead of section 3319.111 of the 3395
Revised Code. 3396

(A) Not later than July 1, 2013, the board of education of 3397

each municipal school district and the teachers' labor 3398
organization shall develop and adopt standards-based teacher 3399
evaluation procedures that conform with the framework for 3400
evaluation of teachers developed under former section 3319.112 3401
of the Revised Code. The evaluation procedures shall include at 3402
least formal observations and classroom walk-throughs, which may 3403
be announced or unannounced; examinations of samples of work, 3404
such as lesson plans or assessments designed by a teacher; and 3405
multiple measures of student academic growth. 3406

(B) When using measures of student academic growth as a 3407
component of a teacher's evaluation, those measures shall 3408
include the value-added progress dimension prescribed by section 3409
3302.021 of the Revised Code or the alternative student academic 3410
progress measure if adopted under division (C) (1) (e) of section 3411
3302.03 of the Revised Code. For teachers of grade levels and 3412
subjects for which the value-added progress dimension or 3413
alternative student academic achievement measure is not 3414
applicable, the board shall administer assessments on the list 3415
developed under division (B) (2) of former section 3319.112 of 3416
the Revised Code. 3417

(C) (1) Each teacher employed by the board shall be 3418
evaluated at least once each school year, except as provided in 3419
division (C) (2) of this section. The composite evaluation shall 3420
be completed not later than the first day of June and the 3421
teacher shall receive a written report of the results of the 3422
composite evaluation not later than ten days after its 3423
completion or the last teacher work day of the school year, 3424
whichever is earlier. 3425

(2) Each teacher who received a rating of accomplished on 3426
the teacher's most recent evaluation conducted under this 3427

section may be evaluated once every two school years, except 3428
that the teacher shall be evaluated in any school year in which 3429
the teacher's contract is due to expire. The biennial composite 3430
evaluation shall be completed not later than the first day of 3431
June of the applicable school year, and the teacher shall 3432
receive a written report of the results of the composite 3433
evaluation not later than ten days after its completion or the 3434
last teacher work day of the school year, whichever is earlier. 3435

(D) Each evaluation conducted pursuant to this section 3436
shall be conducted by one or more of the following persons who 3437
have been trained to conduct evaluations in accordance with 3438
criteria that shall be developed jointly by the chief executive 3439
officer of the district, or the chief executive officer's 3440
designee, and the teachers' labor organization: 3441

(1) The chief executive officer or a subordinate officer 3442
of the district with responsibility for instruction or academic 3443
affairs; 3444

(2) A person who is under contract with the board pursuant 3445
to section 3319.02 of the Revised Code and holds a license 3446
designated for being a principal issued under section 3319.22 of 3447
the Revised Code; 3448

(3) A person who is under contract with the board pursuant 3449
to section 3319.02 of the Revised Code and holds a license 3450
designated for being a vocational director or a supervisor in 3451
any educational area issued under section 3319.22 of the Revised 3452
Code; 3453

(4) A person designated to conduct evaluations under an 3454
agreement providing for peer assistance and review entered into 3455
by the board and the teachers' labor organization. 3456

(E) The evaluation procedures shall describe how the 3457
evaluation results will be used for decisions regarding 3458
compensation, retention, promotion, and reductions in force and 3459
for removal of poorly performing teachers. 3460

(F) A teacher may challenge any violations of the 3461
evaluation procedures in accordance with the grievance procedure 3462
specified in any applicable collective bargaining agreement. A 3463
challenge under this division is limited to the determination of 3464
procedural errors that have resulted in substantive harm to the 3465
teacher and to ordering the correction of procedural errors. The 3466
failure of the board or a person conducting an evaluation to 3467
strictly comply with any deadline or evaluation forms 3468
established as part of the evaluation process shall not be cause 3469
for an arbitrator to determine that a procedural error occurred, 3470
unless the arbitrator finds that the failure resulted in 3471
substantive harm to the teacher. The arbitrator shall have no 3472
jurisdiction to modify the evaluation results, but the 3473
arbitrator may stay any decision taken pursuant to division (E) 3474
of this section pending the board's correction of any procedural 3475
error. The board shall correct any procedural error within 3476
fifteen business days after the arbitrator's determination that 3477
a procedural error occurred. 3478

(G) Notwithstanding any provision to the contrary in 3479
Chapter 4117. of the Revised Code, the requirements of this 3480
section prevail over any conflicting provisions of a collective 3481
bargaining agreement entered into on or after October 1, 2012. 3482
However, the board and the teachers' labor organization may 3483
negotiate additional evaluation procedures, including an 3484
evaluation process incorporating peer assistance and review, 3485
provided the procedures are consistent with this section. 3486

(H) This section does not apply to administrators 3487
appointed by the chief executive officer of a municipal school 3488
district under section 3311.72 of the Revised Code, 3489
administrators subject to evaluation procedures under section 3490
3311.84 or 3319.02 of the Revised Code, or to any teacher 3491
employed as a substitute for less than one hundred twenty days 3492
during a school year pursuant to section 3319.10 of the Revised 3493
Code. 3494

Sec. 3311.84. Notwithstanding any provision of the Revised 3495
Code to the contrary, a municipal school district shall be 3496
subject to this section ~~instead of division (D) of section~~ 3497
~~3319.02 of the Revised Code~~ with respect to the evaluation of 3498
principals and assistant principals, but all other provisions of 3499
~~that section 3319.02 of the Revised Code~~ shall apply to the 3500
district with respect to principals and assistant principals. 3501
Section 3319.02 of the Revised Code in its entirety shall apply 3502
to the district with respect to employees other than principals 3503
and assistant principals who are covered by that section, except 3504
as otherwise provided in section 3311.72 of the Revised Code. 3505

(A) As used in this section, "principal" includes an 3506
assistant principal. 3507

(B) The board of education of each municipal school 3508
district shall adopt procedures for the evaluation of principals 3509
and shall evaluate all principals in accordance with those 3510
procedures. The procedures shall be based on principles 3511
comparable to the teacher evaluation procedures adopted under 3512
section 3311.80 of the Revised Code, but shall be tailored to 3513
the duties and responsibilities of principals and the 3514
environment in which principals work. Each evaluation shall 3515
measure the principal's effectiveness in performing the duties 3516

included in the principal's job description and shall be 3517
considered by the board in deciding whether to renew the 3518
principal's contract of employment. 3519

(C) The evaluation procedures adopted under this section 3520
shall require each principal to be evaluated annually through a 3521
written evaluation process. The evaluation shall be conducted by 3522
the chief executive officer of the district, or the chief 3523
executive officer's designee. 3524

(D) To provide time to show progress in correcting 3525
deficiencies identified in the evaluation, each evaluation shall 3526
be completed as follows: 3527

(1) In any school year that the principal's contract of 3528
employment is not due to expire, at least one evaluation shall 3529
be completed in that year. A written copy of the evaluation 3530
shall be provided to the principal by the end of the principal's 3531
contract year as defined by the principal's annual salary 3532
notice. 3533

(2) In any school year that the principal's contract of 3534
employment is due to expire, at least a preliminary evaluation 3535
and a final evaluation shall be completed in that year. A 3536
written copy of the preliminary evaluation shall be provided to 3537
the principal at least sixty days prior to any action by the 3538
board on the principal's contract of employment. The final 3539
evaluation shall indicate the chief executive officer's intended 3540
recommendation to the board regarding a contract of employment 3541
for the principal. A written copy of the final evaluation shall 3542
be provided to the principal at least five days prior to the 3543
chief executive officer making the recommendation to the board. 3544

(E) At least thirty days prior to taking action to renew 3545

or not renew the contract of a principal, the board shall notify 3546
the principal of the board's intended action and that the 3547
principal may request a meeting with the board regarding the 3548
board's intended action. Upon request of the principal, the 3549
board shall grant the principal a meeting in executive session. 3550
In that meeting, the board shall discuss its reasons for 3551
considering renewal or nonrenewal of the contract. The principal 3552
shall be permitted to have a representative, chosen by the 3553
principal, present at the meeting. 3554

The establishment of evaluation procedures in accordance 3555
with this section shall not create an expectancy of continued 3556
employment. Nothing in this section shall prevent the board from 3557
making the final determination regarding the renewal or 3558
nonrenewal of a principal's contract. 3559

(F) Termination of a principal's contract shall be in 3560
accordance with section 3319.16 of the Revised Code, except as 3561
follows: 3562

(1) Failure of the principal's building to meet academic 3563
performance standards established by the chief executive officer 3564
shall be considered good and just cause for termination under 3565
that section. 3566

(2) If the chief executive officer intends to recommend to 3567
the board that the principal's contract be terminated, the chief 3568
executive officer shall provide the principal a written copy of 3569
the principal's evaluation at least five days prior to making 3570
the recommendation to the board. 3571

Sec. 3313.60. Notwithstanding division (D) of section 3572
3311.52 of the Revised Code, divisions (A) to (E) of this 3573
section do not apply to any cooperative education school 3574

district established pursuant to divisions (A) to (C) of section 3575
3311.52 of the Revised Code. 3576

(A) The board of education of each city, exempted village, 3577
and local school district and the board of each cooperative 3578
education school district established, pursuant to section 3579
3311.521 of the Revised Code, shall prescribe a ~~curriculum-~~ 3580
graded course of study for all schools under its control. Each 3581
district board shall post a copy of each graded course of study 3582
on its web site. Except as provided in division (E) of this 3583
section, in any such ~~curriculum-~~graded course of study there 3584
shall be included the study of the following subjects: 3585

(1) The language arts, including reading, writing, 3586
spelling, oral and written English, and literature; 3587

(2) Geography, the history of the United States and of 3588
Ohio, and national, state, and local government in the United 3589
States, including a balanced presentation of the relevant 3590
contributions to society of men and women of African, Mexican, 3591
Puerto Rican, and American Indian descent as well as other 3592
ethnic and racial groups in Ohio and the United States; 3593

(3) Mathematics; 3594

(4) Natural science, including instruction in the 3595
conservation of natural resources; 3596

(5) Health education, which shall include instruction in: 3597

(a) The nutritive value of foods, including natural and 3598
organically produced foods, the relation of nutrition to health, 3599
and the use and effects of food additives; 3600

(b) The harmful effects of and legal restrictions against 3601
the use of drugs of abuse, alcoholic beverages, and tobacco; 3602

(c) Venereal disease education, except that upon written 3603
request of the student's parent or guardian, a student shall be 3604
excused from taking instruction in venereal disease education; 3605

(d) In grades kindergarten through six, instruction in 3606
personal safety and assault prevention, except that upon written 3607
request of the student's parent or guardian, a student shall be 3608
excused from taking instruction in personal safety and assault 3609
prevention; 3610

(e) In grades seven through twelve, age-appropriate 3611
instruction in dating violence prevention education, which shall 3612
include instruction in recognizing dating violence warning signs 3613
and characteristics of healthy relationships. 3614

In order to assist school districts in developing a dating 3615
violence prevention education curriculum, the department of 3616
education shall provide on its web site links to free curricula 3617
addressing dating violence prevention. 3618

If the parent or legal guardian of a student less than 3619
eighteen years of age submits to the principal of the student's 3620
school a written request to examine the dating violence 3621
prevention instruction materials used at that school, the 3622
principal, within a reasonable period of time after the request 3623
is made, shall allow the parent or guardian to examine those 3624
materials at that school. 3625

(f) Prescription opioid abuse prevention, with an emphasis 3626
on the prescription drug epidemic and the connection between 3627
prescription opioid abuse and addiction to other drugs, such as 3628
heroin; 3629

(g) The process of making an anatomical gift under Chapter 3630
2108. of the Revised Code, with an emphasis on the life-saving 3631

and life-enhancing effects of organ and tissue donation. 3632

(6) Physical education; 3633

(7) The fine arts, including music; 3634

(8) First aid, including a training program in 3635
cardiopulmonary resuscitation, which shall comply with section 3636
3313.6021 of the Revised Code when offered in any of grades nine 3637
through twelve, safety, and fire prevention. However, upon 3638
written request of the student's parent or guardian, a student 3639
shall be excused from taking instruction in cardiopulmonary 3640
resuscitation. 3641

(B) Except as provided in division (E) of this section, 3642
every school or school district shall include in the 3643
requirements for promotion from the eighth grade to the ninth 3644
grade one year's course of study of American history. A board 3645
may waive this requirement for academically accelerated students 3646
who, in accordance with procedures adopted by the board, are 3647
able to demonstrate mastery of essential concepts and skills of 3648
the eighth grade American history course of study. 3649

(C) As specified in divisions (B) (6) and (C) (6) of section 3650
3313.603 of the Revised Code, except as provided in division (E) 3651
of this section, every high school shall include in the 3652
requirements for graduation from any curriculum one-half unit 3653
each of American history and government. 3654

(D) Except as provided in division (E) of this section, 3655
basic instruction or demonstrated mastery in geography, United 3656
States history, the government of the United States, the 3657
government of the state of Ohio, local government in Ohio, the 3658
Declaration of Independence, the United States Constitution, and 3659
the Constitution of the state of Ohio shall be required before 3660

pupils may participate in courses involving the study of social 3661
problems, economics, foreign affairs, United Nations, world 3662
government, socialism, and communism. 3663

(E) For each cooperative education school district 3664
established pursuant to section 3311.521 of the Revised Code and 3665
each city, exempted village, and local school district that has 3666
territory within such a cooperative district, the ~~curriculum-~~ 3667
graded course of study adopted pursuant to divisions (A) to (D) 3668
of this section shall only include the study of the subjects 3669
that apply to the grades operated by each such school district. 3670
The ~~curriculum-~~graded course of study for such schools, when 3671
combined, shall provide to each student of these districts all 3672
of the subjects required under divisions (A) to (D) of this 3673
section. 3674

(F) The board of education of any cooperative education 3675
school district established pursuant to divisions (A) to (C) of 3676
section 3311.52 of the Revised Code shall prescribe a ~~curriculum-~~ 3677
graded course of study for the subject areas and grade levels 3678
offered in any school under its control. 3679

(G) Upon the request of any parent or legal guardian of a 3680
student, the board of education of any school district shall 3681
permit the parent or guardian to promptly examine, with respect 3682
to the parent's or guardian's own child: 3683

(1) Any survey or questionnaire, prior to its 3684
administration to the child; 3685

(2) Any textbook, workbook, software, video, or other 3686
instructional materials being used by the district in connection 3687
with the instruction of the child; 3688

(3) Any completed and graded test taken or survey or 3689

questionnaire filled out by the child; 3690

(4) Copies of the statewide academic content standards ~~and~~ 3691
~~each model curriculum~~ developed pursuant to section 3301.079 of 3692
the Revised Code, which copies shall be available at all times 3693
during school hours in each district school building. 3694

Sec. 3313.603. (A) As used in this section: 3695

(1) "One unit" means a minimum of one hundred twenty hours 3696
of course instruction, except that for a laboratory course, "one 3697
unit" means a minimum of one hundred fifty hours of course 3698
instruction. 3699

(2) "One-half unit" means a minimum of sixty hours of 3700
course instruction, except that for physical education courses, 3701
"one-half unit" means a minimum of one hundred twenty hours of 3702
course instruction. 3703

(B) Beginning September 15, 2001, except as required in 3704
division (C) of this section and division (C) of section 3705
3313.614 of the Revised Code, the requirements for graduation 3706
from every high school shall include twenty units earned in 3707
grades nine through twelve and shall be distributed as follows: 3708

(1) English language arts, four units; 3709

(2) Health, one-half unit; 3710

(3) Mathematics, three units; 3711

(4) Physical education, one-half unit; 3712

(5) Science, two units until September 15, 2003, and three 3713
units thereafter, which at all times shall include both of the 3714
following: 3715

(a) Biological sciences, one unit; 3716

(b) Physical sciences, one unit.	3717
(6) History and government, one unit, which shall comply	3718
with division (M) of this section and shall include both of the	3719
following:	3720
(a) American history, one-half unit;	3721
(b) American government, one-half unit.	3722
(7) Social studies, two units.	3723
Beginning with students who enter ninth grade for the	3724
first time on or after July 1, 2017, the two units of	3725
instruction prescribed by division (B) (7) of this section shall	3726
include at least one-half unit of instruction in the study of	3727
world history and civilizations.	3728
(8) Elective units, seven units until September 15, 2003,	3729
and six units thereafter.	3730
Each student's electives shall include at least one unit,	3731
or two half units, chosen from among the areas of	3732
business/technology, fine arts, and/or foreign language.	3733
(C) Beginning with students who enter ninth grade for the	3734
first time on or after July 1, 2010, except as provided in	3735
divisions (D) to (F) of this section, the requirements for	3736
graduation from every public and chartered nonpublic high school	3737
shall include twenty units that are designed to prepare students	3738
for the workforce and college. The units shall be distributed as	3739
follows:	3740
(1) English language arts, four units;	3741
(2) Health, one-half unit, which shall include instruction	3742
in nutrition and the benefits of nutritious foods and physical	3743

activity for overall health; 3744

(3) Mathematics, four units, which shall include one unit 3745
of algebra II or the equivalent of algebra II, or one unit of 3746
advanced computer science as described in the standards adopted 3747
pursuant to division (A) (4) of section 3301.079 of the Revised 3748
Code. However, students who enter ninth grade for the first time 3749
on or after July 1, 2015, and who are pursuing a career- 3750
technical instructional track shall not be required to take 3751
algebra II or advanced computer science, and instead may 3752
complete a career-based pathway mathematics course approved by 3753
the department of education as an alternative. 3754

For students who choose to take advanced computer science 3755
in lieu of algebra II under division (C) (3) of this section, the 3756
school shall communicate to those students that some 3757
institutions of higher education may require algebra II for the 3758
purpose of college admission. Also, the parent, guardian, or 3759
legal custodian of each student who chooses to take advanced 3760
computer science in lieu of algebra II shall sign and submit to 3761
the school a document containing a statement acknowledging that 3762
not taking algebra II may have an adverse effect on college 3763
admission decisions. 3764

(4) Physical education, one-half unit; 3765

(5) Science, three units with inquiry-based laboratory 3766
experience that engages students in asking valid scientific 3767
questions and gathering and analyzing information, which shall 3768
include the following, or their equivalent: 3769

(a) Physical sciences, one unit; 3770

(b) Life sciences, one unit; 3771

(c) Advanced study in one or more of the following 3772

sciences, one unit:	3773
(i) Chemistry, physics, or other physical science;	3774
(ii) Advanced biology or other life science;	3775
(iii) Astronomy, physical geology, or other earth or space science;	3776 3777
(iv) Computer science.	3778
No student shall substitute a computer science course for a life sciences or biology course under division (C) (5) of this section.	3779 3780 3781
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	3782 3783 3784
(a) American history, one-half unit;	3785
(b) American government, one-half unit.	3786
(7) Social studies, two units.	3787
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business,	3788 3789 3790 3791 3792 3793 3794 3795 3796 3797 3798 3799

industry, and through the centers for economics education at 3800
institutions of higher education in the state. 3801

Beginning with students who enter ninth grade for the 3802
first time on or after July 1, 2017, the two units of 3803
instruction prescribed by division (C)(7) of this section shall 3804
include at least one-half unit of instruction in the study of 3805
world history and civilizations. 3806

(8) Five units consisting of one or any combination of 3807
foreign language, fine arts, business, career-technical 3808
education, family and consumer sciences, technology which may 3809
include computer science, agricultural education, a junior 3810
reserve officer training corps (JROTC) program approved by the 3811
congress of the United States under title 10 of the United 3812
States Code, or English language arts, mathematics, science, or 3813
social studies courses not otherwise required under division (C) 3814
of this section. 3815

~~Ohioans must be prepared to apply increased knowledge and 3816
skills in the workplace and to adapt their knowledge and skills 3817
quickly to meet the rapidly changing conditions of the twenty- 3818
first century. National studies indicate that all high school 3819
graduates need the same academic foundation, regardless of the 3820
opportunities they pursue after graduation. The goal of Ohio's 3821
system of elementary and secondary education is to prepare all 3822
students for and seamlessly connect all students to success in 3823
life beyond high school graduation, regardless of whether the 3824
next step is entering the workforce, beginning an 3825
apprenticeship, engaging in post-secondary training, serving in 3826
the military, or pursuing a college degree. 3827~~

The requirements for graduation prescribed in division (C) 3828
of this section are the standard expectation for all students 3829

entering ninth grade for the first time at a public or chartered 3830
nonpublic high school on or after July 1, 2010. A student may 3831
satisfy this expectation through a variety of methods, 3832
including, but not limited to, integrated, applied, career- 3833
technical, and traditional coursework. 3834

Stronger coordination between high schools and 3835
institutions of higher education is necessary to prepare 3836
students for more challenging academic endeavors and to lessen 3837
the need for academic remediation in college, thereby reducing 3838
the costs of higher education for Ohio's students, families, and 3839
the state. The state board and the chancellor of higher 3840
education shall develop policies to ensure that only in rare 3841
instances will students who complete the requirements for 3842
graduation prescribed in division (C) of this section require 3843
academic remediation after high school. 3844

School districts, community schools, and chartered 3845
nonpublic schools ~~shall may~~ integrate technology into learning 3846
experiences across the curriculum in order to maximize 3847
efficiency, enhance learning, and prepare students for success 3848
in the technology-driven twenty-first century. Districts and 3849
schools ~~shall may~~ use distance and web-based course delivery as 3850
a method of providing or augmenting all instruction required 3851
under this division, including laboratory experience in science. 3852
Districts and schools ~~shall may~~ utilize technology access and 3853
electronic learning opportunities provided by the broadcast 3854
educational media commission, chancellor, the Ohio learning 3855
network, education technology centers, public television 3856
stations, and other public and private providers. 3857

(D) Except as provided in division (E) of this section, a 3858
student who enters ninth grade on or after July 1, 2010, and 3859

before July 1, 2016, may qualify for graduation from a public or 3860
chartered nonpublic high school even though the student has not 3861
completed the requirements for graduation prescribed in division 3862
(C) of this section if all of the following conditions are 3863
satisfied: 3864

(1) During the student's third year of attending high 3865
school, as determined by the school, the student and the 3866
student's parent, guardian, or custodian sign and file with the 3867
school a written statement asserting the parent's, guardian's, 3868
or custodian's consent to the student's graduating without 3869
completing the requirements for graduation prescribed in 3870
division (C) of this section and acknowledging that one 3871
consequence of not completing those requirements is 3872
ineligibility to enroll in most state universities in Ohio 3873
without further coursework. 3874

(2) The student and parent, guardian, or custodian fulfill 3875
any procedural requirements the school stipulates to ensure the 3876
student's and parent's, guardian's, or custodian's informed 3877
consent and to facilitate orderly filing of statements under 3878
division (D)(1) of this section. Annually, each district or 3879
school shall notify the department of the number of students who 3880
choose to qualify for graduation under division (D) of this 3881
section and the number of students who complete the student's 3882
success plan and graduate from high school. 3883

(3) The student and the student's parent, guardian, or 3884
custodian and a representative of the student's high school 3885
jointly develop a student success plan for the student in the 3886
manner described in division (C)(1) of section 3313.6020 of the 3887
Revised Code that specifies the student matriculating to a two- 3888
year degree program, acquiring a business and industry- 3889

recognized credential, or entering an apprenticeship. 3890

(4) The student's high school provides counseling and 3891
support for the student related to the plan developed under 3892
division (D) (3) of this section during the remainder of the 3893
student's high school experience. 3894

(5) (a) Except as provided in division (D) (5) (b) of this 3895
section, the student successfully completes, at a minimum, the 3896
curriculum prescribed in division (B) of this section. 3897

(b) Beginning with students who enter ninth grade for the 3898
first time on or after July 1, 2014, a student shall be required 3899
to complete successfully, at the minimum, the curriculum 3900
prescribed in division (B) of this section, except as follows: 3901

(i) Mathematics, four units, one unit which shall be one 3902
of the following: 3903

(I) Probability and statistics; 3904

(II) Computer science; 3905

(III) Applied mathematics or quantitative reasoning; 3906

(IV) Any other course approved by the department using 3907
standards established by the superintendent not later than 3908
October 1, 2014. 3909

(ii) Elective units, five units; 3910

(iii) Science, three units as prescribed by division (B) 3911
of this section which shall include inquiry-based laboratory 3912
experience that engages students in asking valid scientific 3913
questions and gathering and analyzing information. 3914

The department, in collaboration with the chancellor, 3915
shall analyze student performance data to determine if there are 3916

mitigating factors that warrant extending the exception 3917
permitted by division (D) of this section to high school classes 3918
beyond those entering ninth grade before July 1, 2016. The 3919
department shall submit its findings and any recommendations not 3920
later than December 1, 2015, to the speaker and minority leader 3921
of the house of representatives, the president and minority 3922
leader of the senate, the chairpersons and ranking minority 3923
members of the standing committees of the house of 3924
representatives and the senate that consider education 3925
legislation, the state board of education, and the 3926
superintendent of public instruction. 3927

(E) Each school district and chartered nonpublic school 3928
retains the authority to require an even more challenging 3929
minimum curriculum for high school graduation than specified in 3930
division (B) or (C) of this section. A school district board of 3931
education, through the adoption of a resolution, or the 3932
governing authority of a chartered nonpublic school may 3933
stipulate any of the following: 3934

(1) A minimum high school curriculum that requires more 3935
than twenty units of academic credit to graduate; 3936

(2) An exception to the district's or school's minimum 3937
high school curriculum that is comparable to the exception 3938
provided in division (D) of this section but with additional 3939
requirements, which may include a requirement that the student 3940
successfully complete more than the minimum curriculum 3941
prescribed in division (B) of this section; 3942

(3) That no exception comparable to that provided in 3943
division (D) of this section is available. 3944

If a school district or chartered nonpublic school 3945

requires a foreign language as an additional graduation 3946
requirement under division (E) of this section, a student may 3947
apply one unit of instruction in computer coding to satisfy one 3948
unit of foreign language. If a student applies more than one 3949
computer coding course to satisfy the foreign language 3950
requirement, the courses shall be sequential and progressively 3951
more difficult. 3952

(F) A student enrolled in a dropout prevention and 3953
recovery program, which program has received a waiver from the 3954
department, may qualify for graduation from high school by 3955
successfully completing a competency-based instructional program 3956
administered by the dropout prevention and recovery program in 3957
lieu of completing the requirements for graduation prescribed in 3958
division (C) of this section. The department shall grant a 3959
waiver to a dropout prevention and recovery program, within 3960
sixty days after the program applies for the waiver, if the 3961
program meets all of the following conditions: 3962

(1) The program serves only students not younger than 3963
sixteen years of age and not older than twenty-one years of age. 3964

(2) The program enrolls students who, at the time of their 3965
initial enrollment, either, or both, are at least one grade 3966
level behind their cohort age groups or experience crises that 3967
significantly interfere with their academic progress such that 3968
they are prevented from continuing their traditional programs. 3969

(3) The program requires students to attain at least the 3970
applicable score designated for each of the assessments 3971
prescribed under division (B)(1) of section 3301.0710 of the 3972
Revised Code or, to the extent prescribed by rule of the state 3973
board under division ~~(D)(5)~~ (C)(5) of section 3301.0712 of the 3974
Revised Code, division (B)~~(2)~~ of that section. 3975

(4) The program develops a student success plan for the 3976
student in the manner described in division (C) (1) of section 3977
3313.6020 of the Revised Code that specifies the student's 3978
matriculating to a two-year degree program, acquiring a business 3979
and industry-recognized credential, or entering an 3980
apprenticeship. 3981

(5) The program provides counseling and support for the 3982
student related to the plan developed under division (F) (4) of 3983
this section during the remainder of the student's high school 3984
experience. 3985

(6) The program requires the student and the student's 3986
parent, guardian, or custodian to sign and file, in accordance 3987
with procedural requirements stipulated by the program, a 3988
written statement asserting the parent's, guardian's, or 3989
custodian's consent to the student's graduating without 3990
completing the requirements for graduation prescribed in 3991
division (C) of this section and acknowledging that one 3992
consequence of not completing those requirements is 3993
ineligibility to enroll in most state universities in Ohio 3994
without further coursework. 3995

(7) Prior to receiving the waiver, the program has 3996
submitted to the department an instructional plan that 3997
demonstrates how the academic content standards adopted by the 3998
state board under section 3301.079 of the Revised Code will be 3999
taught and assessed. 4000

(8) Prior to receiving the waiver, the program has 4001
submitted to the department a policy on career advising that 4002
satisfies the requirements of section 3313.6020 of the Revised 4003
Code, with an emphasis on how every student will receive career 4004
advising. 4005

(9) Prior to receiving the waiver, the program has 4006
submitted to the department a written agreement outlining the 4007
future cooperation between the program and any combination of 4008
local job training, postsecondary education, nonprofit, and 4009
health and social service organizations to provide services for 4010
students in the program and their families. 4011

Divisions (F) (8) and (9) of this section apply only to 4012
waivers granted on or after July 1, 2015. 4013

If the department does not act either to grant the waiver 4014
or to reject the program application for the waiver within sixty 4015
days as required under this section, the waiver shall be 4016
considered to be granted. 4017

(G) Every high school may permit students below the ninth 4018
grade to take advanced work. If a high school so permits, it 4019
shall award high school credit for successful completion of the 4020
advanced work and shall count such advanced work toward the 4021
graduation requirements of division (B) or (C) of this section 4022
if the advanced work was both: 4023

(1) Taught by a person who possesses a license or 4024
certificate issued under section 3301.071, 3319.22, or 3319.222 4025
of the Revised Code that is valid for teaching high school; 4026

(2) Designated by the board of education of the city, 4027
local, or exempted village school district, the board of the 4028
cooperative education school district, or the governing 4029
authority of the chartered nonpublic school as meeting the high 4030
school curriculum requirements. 4031

Each high school shall record on the student's high school 4032
transcript all high school credit awarded under division (G) of 4033
this section. In addition, if the student completed a seventh- 4034

or eighth-grade fine arts course described in division (K) of 4035
this section and the course qualified for high school credit 4036
under that division, the high school shall record that course on 4037
the student's high school transcript. 4038

(H) The department shall make its individual academic 4039
career plan available through its Ohio career information system 4040
web site for districts and schools to use as a tool for 4041
communicating with and providing guidance to students and 4042
families in selecting high school courses. 4043

(I) A school district or chartered nonpublic school may 4044
integrate academic content in a subject area for which the state 4045
board has adopted standards under section 3301.079 of the 4046
Revised Code into a course in a different subject area, 4047
including a career-technical education course, in accordance 4048
with guidance for integrated coursework developed by the 4049
department. Upon successful completion of an integrated course, 4050
a student may receive credit for both subject areas that were 4051
integrated into the course. Units earned for subject area 4052
content delivered through integrated academic and career- 4053
technical instruction are eligible to meet the graduation 4054
requirements of division (B) or (C) of this section. 4055

For purposes of meeting graduation requirements, if an 4056
end-of-course examination has been prescribed under section 4057
3301.0712 of the Revised Code for the subject area delivered 4058
through integrated instruction, the school district or school 4059
may administer the related subject area examinations upon the 4060
student's completion of the integrated course. 4061

Nothing in division (I) of this section shall be construed 4062
to excuse any school district, chartered nonpublic school, or 4063
student from any requirement in the Revised Code related to 4064

curriculum, assessments, or the awarding of a high school 4065
diploma. 4066

(J) (1) The state board, in consultation with the 4067
chancellor, shall adopt a statewide plan implementing methods 4068
for students to earn units of high school credit based on a 4069
demonstration of subject area competency, instead of or in 4070
combination with completing hours of classroom instruction. The 4071
state board shall adopt the plan not later than March 31, 2009, 4072
and commence phasing in the plan during the 2009-2010 school 4073
year. The plan shall include a standard method for recording 4074
demonstrated proficiency on high school transcripts. Each school 4075
district and community school shall comply with the state 4076
board's plan adopted under this division and award units of high 4077
school credit in accordance with the plan. The state board may 4078
adopt existing methods for earning high school credit based on a 4079
demonstration of subject area competency as necessary prior to 4080
the 2009-2010 school year. 4081

(2) Not later than December 31, 2015, the state board 4082
shall update the statewide plan adopted pursuant to division (J) 4083
(1) of this section to also include methods for students 4084
enrolled in seventh and eighth grade to meet curriculum 4085
requirements based on a demonstration of subject area 4086
competency, instead of or in combination with completing hours 4087
of classroom instruction. Beginning with the 2017-2018 school 4088
year, each school district and community school also shall 4089
comply with the updated plan adopted pursuant to this division 4090
and permit students enrolled in seventh and eighth grade to meet 4091
curriculum requirements based on subject area competency in 4092
accordance with the plan. 4093

(3) Not later than December 31, 2017, the department shall 4094

develop a framework for school districts and community schools 4095
to use in granting units of high school credit to students who 4096
demonstrate subject area competency through work-based learning 4097
experiences, internships, or cooperative education. Beginning 4098
with the 2018-2019 school year, each district and community 4099
school shall comply with the framework. Each district and 4100
community school also shall review any policy it has adopted 4101
regarding the demonstration of subject area competency to 4102
identify ways to incorporate work-based learning experiences, 4103
internships, and cooperative education into the policy in order 4104
to increase student engagement and opportunities to earn units 4105
of high school credit. 4106

(K) This division does not apply to students who qualify 4107
for graduation from high school under division (D) or (F) of 4108
this section, or to students pursuing a career-technical 4109
instructional track as determined by the school district board 4110
of education or the chartered nonpublic school's governing 4111
authority. Nevertheless, the general assembly encourages such 4112
students to consider enrolling in a fine arts course as an 4113
elective. 4114

Beginning with students who enter ninth grade for the 4115
first time on or after July 1, 2010, each student enrolled in a 4116
public or chartered nonpublic high school shall complete two 4117
semesters or the equivalent of fine arts to graduate from high 4118
school. The coursework may be completed in any of grades seven 4119
to twelve. Each student who completes a fine arts course in 4120
grade seven or eight may elect to count that course toward the 4121
five units of electives required for graduation under division 4122
(C) (8) of this section, if the course satisfied the requirements 4123
of division (G) of this section. In that case, the high school 4124
shall award the student high school credit for the course and 4125

count the course toward the five units required under division 4126
(C) (8) of this section. If the course in grade seven or eight 4127
did not satisfy the requirements of division (G) of this 4128
section, the high school shall not award the student high school 4129
credit for the course but shall count the course toward the two 4130
semesters or the equivalent of fine arts required by this 4131
division. 4132

(L) Notwithstanding anything to the contrary in this 4133
section, the board of education of each school district and the 4134
governing authority of each chartered nonpublic school may adopt 4135
a policy to excuse from the high school physical education 4136
requirement each student who, during high school, has 4137
participated in interscholastic athletics, marching band, show 4138
choir, or cheerleading for at least two full seasons or in the 4139
junior reserve officer training corps for at least two full 4140
school years. If the board or authority adopts such a policy, 4141
the board or authority shall not require the student to complete 4142
any physical education course as a condition to graduate. 4143
However, the student shall be required to complete one-half 4144
unit, consisting of at least sixty hours of instruction, in 4145
another course of study. In the case of a student who has 4146
participated in the junior reserve officer training corps for at 4147
least two full school years, credit received for that 4148
participation may be used to satisfy the requirement to complete 4149
one-half unit in another course of study. 4150

(M) It is important that high school students learn and 4151
understand United States history and the governments of both the 4152
United States and the state of Ohio. Therefore, beginning with 4153
students who enter ninth grade for the first time on or after 4154
July 1, 2012, the study of American history and American 4155
government required by divisions (B) (6) and (C) (6) of this 4156

section shall include the study of all of the following 4157
documents: 4158

(1) The Declaration of Independence; 4159

(2) The Northwest Ordinance; 4160

(3) The Constitution of the United States with emphasis on 4161
the Bill of Rights; 4162

(4) The Ohio Constitution. 4163

The study of each of the documents prescribed in divisions 4164
(M) (1) to (4) of this section shall include study of that 4165
document in its original context. 4166

The study of American history and government required by 4167
divisions (B) (6) and (C) (6) of this section shall include the 4168
historical evidence of the role of documents such as the 4169
Federalist Papers and the Anti-Federalist Papers to firmly 4170
establish the historical background leading to the establishment 4171
of the provisions of the Constitution and Bill of Rights. 4172

(N) A student may apply one unit of instruction in 4173
computer science to satisfy one unit of mathematics or one unit 4174
of science under division (C) of this section as the student 4175
chooses, regardless of the field of certification of the teacher 4176
who teaches the course, so long as that teacher meets the 4177
licensure requirements prescribed by section 3319.236 of the 4178
Revised Code and, prior to teaching the course, completes a 4179
professional development program determined to be appropriate by 4180
the district board. 4181

If a student applies more than one computer science course 4182
to satisfy curriculum requirements under that division, the 4183
courses shall be sequential and progressively more difficult or 4184

cover different subject areas within computer science.

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Sec. 3313.608. (A) (1) Beginning with students who enter
third grade in the school year that starts July 1, 2009, and
until June 30, 2013, unless the student is excused under
division (C) of section 3301.0711 of the Revised Code from
taking the assessment described in this section, for any student
who does not attain at least the equivalent level of achievement
designated under division (A) (3) of section 3301.0710 of the
Revised Code on the assessment prescribed under that section to
measure skill in English language arts expected at the end of
third grade, each school district, in accordance with the policy
adopted under section 3313.609 of the Revised Code, shall do one
of the following:

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

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

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4203

(c) Retain the student in third grade.

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(2) Beginning with students who enter third grade in the
2013-2014 school year, unless the student is excused under
division (C) of section 3301.0711 of the Revised Code from
taking the assessment described in this section, no school
district shall promote to fourth grade any student who does not
attain a percentile score in at least the ~~equivalent level of~~
~~achievement designated under division (A) (3) of section~~
~~3301.0710 of the Revised Code~~ twentieth percentile on the
assessment prescribed under ~~that~~ section 3301.0710 of the

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Revised Code to measure skill in English language arts expected 4214
at the end of third grade, unless one of the following applies: 4215

(a) The student is an English learner who has been 4216
enrolled in United States schools for less than three full 4217
school years and has had less than three years of instruction in 4218
an English as a second language program. 4219

(b) The student is a child with a disability entitled to 4220
special education and related services under Chapter 3323. of 4221
the Revised Code and the student's individualized education 4222
program exempts the student from retention under this division. 4223

(c) The student demonstrates an acceptable level of 4224
performance on an alternative standardized reading assessment as 4225
determined by the department of education. 4226

(d) All of the following apply: 4227

(i) The student is a child with a disability entitled to 4228
special education and related services under Chapter 3323. of 4229
the Revised Code. 4230

(ii) The student has taken the third grade English 4231
language arts achievement assessment prescribed under section 4232
3301.0710 of the Revised Code. 4233

(iii) The student's individualized education program or 4234
plan under section 504 of the "Rehabilitation Act of 1973," 87 4235
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 4236
received intensive remediation in reading for two school years 4237
but still demonstrates a deficiency in reading. 4238

(iv) The student previously was retained in any of grades 4239
kindergarten to three. 4240

(e) (i) The student received intensive remediation for 4241

reading for two school years but still demonstrates a deficiency 4242
in reading and was previously retained in any of grades 4243
kindergarten to three. 4244

(ii) A student who is promoted under division (A) (2) (e) (i) 4245
of this section shall continue to receive intensive reading 4246
instruction in grade four. The instruction shall include an 4247
altered instructional day that includes specialized diagnostic 4248
information and specific research-based reading strategies for 4249
the student that have been successful in improving reading among 4250
low-performing readers. 4251

(f) The student's parent or guardian requests in writing 4252
that the student not be retained. In such case, such student 4253
shall receive remediation services prescribed under this 4254
section. 4255

The parent or guardian of a student who receives a score 4256
specified under division (A) (2) (d) of section 3301.0710 of the 4257
Revised Code on the assessment described in division (A) (2) of 4258
this section may choose to have the student retained and receive 4259
services prescribed by this section. 4260

(B) (1) Beginning in the 2012-2013 school year, to assist 4261
students in meeting the third grade guarantee established by 4262
this section, each school district board of education shall 4263
adopt policies and procedures with which it annually shall 4264
assess the reading skills of each student, except those students 4265
with significant cognitive disabilities or other disabilities as 4266
authorized by the department on a case-by-case basis, enrolled 4267
in kindergarten to third grade and shall identify students who 4268
are reading below their grade level. The reading skills 4269
assessment shall be completed by the thirtieth day of September 4270
for students in grades one to three, and by the first day of 4271

November for students in kindergarten. Each district shall use 4272
the diagnostic assessment to measure reading ability for the 4273
appropriate grade level adopted under section 3301.079 of the 4274
Revised Code, or a comparable tool approved by the department of 4275
education, to identify such students. The policies and 4276
procedures shall require the students' classroom teachers to be 4277
involved in the assessment and the identification of students 4278
reading below grade level. The assessment may be administered 4279
electronically using live, two-way video and audio connections 4280
whereby the teacher administering the assessment may be in a 4281
separate location from the student. 4282

(2) For each student identified by the diagnostic 4283
assessment prescribed under this section as having reading 4284
skills below grade level, the district shall do both of the 4285
following: 4286

(a) Provide to the student's parent or guardian, in 4287
writing, all of the following: 4288

(i) Notification that the student has been identified as 4289
having a substantial deficiency in reading; 4290

(ii) A description of the current services that are 4291
provided to the student; 4292

(iii) A description of the proposed supplemental 4293
instructional services and supports that will be provided to the 4294
student that are designed to remediate the identified areas of 4295
reading deficiency; 4296

(iv) Notification that if the student attains a score in 4297
the range designated under division (A)(3) of section 3301.0710 4298
of the Revised Code on the assessment prescribed under that 4299
section to measure skill in English language arts expected at 4300

the end of third grade, the student shall be retained unless the 4301
student is exempt under division (A) of this section. The 4302
notification shall specify that the assessment under section 4303
3301.0710 of the Revised Code is not the sole determinant of 4304
promotion and that additional evaluations and assessments are 4305
available to the student to assist parents and the district in 4306
knowing when a student is reading at or above grade level and 4307
ready for promotion. 4308

(b) Provide intensive reading instruction services and 4309
regular diagnostic assessments to the student immediately 4310
following identification of a reading deficiency until the 4311
development of the reading improvement and monitoring plan 4312
required by division (C) of this section. These intervention 4313
services shall include research-based reading strategies that 4314
have been shown to be successful in improving reading among low- 4315
performing readers and instruction targeted at the student's 4316
identified reading deficiencies, including systematic, intensive 4317
phonetics instruction. 4318

(3) For each student retained under division (A) of this 4319
section, the district shall do all of the following: 4320

(a) Provide intense remediation services until the student 4321
is able to read at grade level. The remediation services shall 4322
include intensive interventions in reading that address the 4323
areas of deficiencies identified under this section including, 4324
but not limited to, not less than ninety minutes of reading 4325
instruction per day, and may include any of the following: 4326

(i) Small group instruction; 4327

(ii) Reduced teacher-student ratios; 4328

(iii) More frequent progress monitoring; 4329

(iv) Tutoring or mentoring; 4330

(v) Transition classes containing third and fourth grade 4331
students; 4332

(vi) Extended school day, week, or year; 4333

(vii) Summer reading camps. 4334

(b) Establish a policy for the mid-year promotion of a 4335
student retained under division (A) of this section who 4336
demonstrates that the student is reading at or above grade 4337
level; 4338

(c) Provide each student with a teacher who satisfies one 4339
or more of the criteria set forth in division (H) of this 4340
section. 4341

The district shall offer the option for students to 4342
receive applicable services from one or more providers other 4343
than the district. Providers shall be screened and approved by 4344
the district or the department of education. If the student 4345
participates in the remediation services and demonstrates 4346
reading proficiency in accordance with standards adopted by the 4347
~~department~~ state board prior to the start of fourth grade, the 4348
district shall promote the student to that grade. 4349

(4) For each student retained under division (A) of this 4350
section who has demonstrated proficiency in a specific academic 4351
ability field, each district shall provide instruction 4352
commensurate with student achievement levels in that specific 4353
academic ability field. 4354

As used in this division, "specific academic ability 4355
field" has the same meaning as in section 3324.01 of the Revised 4356
Code. 4357

(C) For each student required to be provided intervention 4358
services under this section, the district shall develop a 4359
reading improvement and monitoring plan within sixty days after 4360
receiving the student's results on the diagnostic assessment or 4361
comparable tool administered under division (B) (1) of this 4362
section. The district shall involve the student's parent or 4363
guardian and classroom teacher in developing the plan. The plan 4364
shall include all of the following: 4365

(1) Identification of the student's specific reading 4366
deficiencies; 4367

(2) A description of the additional instructional services 4368
and support that will be provided to the student to remediate 4369
the identified reading deficiencies; 4370

(3) Opportunities for the student's parent or guardian to 4371
be involved in the instructional services and support described 4372
in division (C) (2) of this section; 4373

(4) A process for monitoring the extent to which the 4374
student receives the instructional services and support 4375
described in division (C) (2) of this section; 4376

(5) A reading curriculum during regular school hours that 4377
does all of the following: 4378

(a) Assists students to read at grade level; 4379

(b) Provides scientifically based and reliable assessment; 4380

(c) Provides initial and ongoing analysis of each 4381
student's reading progress. 4382

(6) A statement that if the student does not attain at 4383
least the equivalent level of achievement designated under 4384
division (A) (3) of section 3301.0710 of the Revised Code on the 4385

assessment prescribed under that section to measure skill in 4386
English language arts expected by the end of third grade, the 4387
student may be retained in third grade. 4388

Each student with a reading improvement and monitoring 4389
plan under this division who enters third grade after July 1, 4390
2013, shall be assigned to a teacher who satisfies one or more 4391
of the criteria set forth in division (H) of this section. 4392

The district shall report any information requested by the 4393
department about the reading improvement monitoring plans 4394
developed under this division in the manner required by the 4395
department. 4396

(D) Each school district shall report annually to the 4397
department on its implementation and compliance with this 4398
section using guidelines prescribed by the superintendent of 4399
public instruction. The superintendent of public instruction 4400
annually shall report to the governor and general assembly the 4401
number and percentage of students in grades kindergarten through 4402
four reading below grade level based on the diagnostic 4403
assessments administered under division (B) of this section and 4404
the achievement assessments administered under divisions (A)(1) 4405
(a) and (b) of section 3301.0710 of the Revised Code in English 4406
language arts, aggregated by school district and building; the 4407
types of intervention services provided to students; and, if 4408
available, an evaluation of the efficacy of the intervention 4409
services provided. 4410

(E) Any summer remediation services funded in whole or in 4411
part by the state and offered by school districts to students 4412
under this section shall meet the following conditions: 4413

(1) The remediation methods are based on reliable 4414

educational research. 4415

(2) The school districts conduct assessment before and 4416
after students participate in the program to facilitate 4417
monitoring results of the remediation services. 4418

(3) The parents of participating students are involved in 4419
programming decisions. 4420

(F) Any intervention or remediation services required by 4421
this section shall include intensive, explicit, and systematic 4422
instruction. 4423

(G) This section does not create a new cause of action or 4424
a substantive legal right for any person. 4425

(H) (1) Except as provided under divisions (H) (2), (3), and 4426
(4) of this section, each student described in division (B) (3) 4427
or (C) of this section who enters third grade for the first time 4428
on or after July 1, 2013, shall be assigned a teacher who has at 4429
least one year of teaching experience and who satisfies one or 4430
more of the following criteria: 4431

(a) The teacher holds a reading endorsement on the 4432
teacher's license and has attained a passing score on the 4433
corresponding assessment for that endorsement, as applicable. 4434

(b) The teacher has completed a master's degree program 4435
with a major in reading. 4436

(c) The teacher was rated "most effective" for reading 4437
instruction consecutively for the most recent two years based on 4438
assessments of student growth measures developed by a vendor and 4439
that is on the list of student assessments approved by the state 4440
board under division (B) (2) of former section 3319.112 of the 4441
Revised Code. 4442

(d) The teacher was rated "above expected value added," in 4443
reading instruction, as determined by criteria established by 4444
the department, for the most recent, consecutive two years. 4445

(e) The teacher has earned a passing score on a rigorous 4446
test of principles of scientifically research-based reading 4447
instruction as approved by the state board. 4448

(f) The teacher holds an educator license for teaching 4449
grades pre-kindergarten through three or four through nine 4450
issued on or after July 1, 2017. 4451

(2) Notwithstanding division (H)(1) of this section, a 4452
student described in division (B)(3) or (C) of this section who 4453
enters third grade for the first time on or after July 1, 2013, 4454
may be assigned to a teacher with less than one year of teaching 4455
experience provided that the teacher meets one or more of the 4456
criteria described in divisions (H)(1)(a) to (f) of this section 4457
and that teacher is assigned a teacher mentor who meets the 4458
qualifications of division (H)(1) of this section. 4459

(3) Notwithstanding division (H)(1) of this section, a 4460
student described in division (B)(3) or (C) of this section who 4461
enters third grade for the first time on or after July 1, 2013, 4462
but prior to July 1, 2016, may be assigned to a teacher who 4463
holds an alternative credential approved by the department or 4464
who has successfully completed training that is based on 4465
principles of scientifically research-based reading instruction 4466
that has been approved by the department. Beginning on July 1, 4467
2014, the alternative credentials and training described in 4468
division (H)(3) of this section shall be aligned with the 4469
reading competencies adopted by the state board of education 4470
under section 3301.077 of the Revised Code. 4471

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

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

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

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under

section 3301.077 of the Revised Code. 4502

(J) If, on or after June 4, 2013, a school district or 4503
community school cannot furnish the number of teachers needed 4504
who satisfy one or more of the criteria set forth in division 4505
(H) of this section for the 2013-2014 school year, the school 4506
district or community school shall develop and submit a staffing 4507
plan by June 30, 2013. The staffing plan shall include criteria 4508
that will be used to assign a student described in division (B) 4509
(3) or (C) of this section to a teacher, credentials or training 4510
held by teachers currently teaching at the school, and how the 4511
school district or community school will meet the requirements 4512
of this section. The school district or community school shall 4513
post the staffing plan on its web site for the applicable school 4514
year. 4515

Not later than March 1, 2014, and on the first day of 4516
March in each year thereafter, a school district or community 4517
school that has submitted a plan under this division shall 4518
submit to the department a detailed report of the progress the 4519
district or school has made in meeting the requirements under 4520
this section. 4521

A school district or community school may request an 4522
extension of a staffing plan beyond the 2013-2014 school year. 4523
Extension requests must be submitted to the department not later 4524
than the thirtieth day of April prior to the start of the 4525
applicable school year. The department may grant extensions 4526
valid through the 2015-2016 school year. 4527

Until June 30, 2015, the department annually shall review 4528
all staffing plans and report to the state board not later than 4529
the thirtieth day of June of each year the progress of school 4530
districts and community schools in meeting the requirements of 4531

this section. 4532

(K) The department of education shall designate one or 4533
more staff members to provide guidance and assistance to school 4534
districts and community schools in implementing the third grade 4535
guarantee established by this section, including any standards 4536
or requirements adopted to implement the guarantee and to 4537
provide information and support for reading instruction and 4538
achievement. 4539

Sec. 3313.6017. Nothing in ~~this act~~ Am. Sub. S.B. 165 of 4540
the 129th general assembly shall be construed to limit the 4541
ability of a school district or public or nonpublic school to 4542
offer academic content based on the standards adopted under 4543
division (A) (1) ~~(b)~~ of section 3301.079 of the Revised Code and 4544
the academic content required under division (M) of section 4545
3313.603 of the Revised Code through summer school, online, or 4546
any other method of education offered by the district or school. 4547

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 4548
year, the board of education of each city, local, exempted 4549
village, and joint vocational school district shall adopt a 4550
policy on career advising that complies with this section. 4551
Thereafter, the policy shall be updated at least once every two 4552
years. 4553

(2) The board shall make the policy publicly available to 4554
students, parents, guardians, or custodians, local post- 4555
secondary institutions, and residents of the district. The 4556
district shall post the policy in a prominent location on its 4557
web site, if it has one. 4558

(B) The policy on career advising shall specify how the 4559
district will do all of the following: 4560

(1) Provide students with grade-level examples that link 4561
their schoolwork to one or more career fields. ~~A district may~~ 4562
~~use career connections developed under division (B) (2) of~~ 4563
~~section 3301.079 of the Revised Code for this purpose.;~~ 4564

(2) Create a plan to provide career advising to students 4565
in grades six through twelve; 4566

(3) Beginning in the 2015-2016 school year, provide 4567
additional interventions and career advising for students who 4568
are identified as at risk of dropping out of school in 4569
accordance with division (C) of this section; 4570

(4) Train its employees on how to advise students on 4571
career pathways, including training on advising students using 4572
online tools; 4573

(5) Develop multiple, clear academic pathways through high 4574
school that students may choose in order to earn a high school 4575
diploma; 4576

(6) Identify and publicize courses that can award students 4577
both traditional academic and career-technical credit; 4578

(7) Document the career advising provided to each student 4579
for review by the student, the student's parent, guardian, or 4580
custodian, and future schools that the student may attend. A 4581
district shall not otherwise release this information without 4582
the written consent of the student's parent, guardian, or 4583
custodian, if the student is less than eighteen years old, or 4584
the written consent of the student, if the student is at least 4585
eighteen years old. 4586

(8) Prepare students for their transition from high school 4587
to their post-secondary destinations, including any special 4588
interventions that are necessary for students in need of 4589

remediation in mathematics or English language arts. 4590

(C) (1) Beginning in the 2015-2016 school year, each 4591
district shall identify students who are at risk of dropping out 4592
of school using a method that is both research-based and 4593
locally-based and that is developed with input from the 4594
district's classroom teachers and guidance counselors. If a 4595
student is identified as at risk of dropping out of school, the 4596
district shall develop a student success plan that addresses the 4597
student's academic pathway to a successful graduation and the 4598
role of career-technical education, competency-based education, 4599
and experiential learning, as appropriate, in that pathway. 4600

(2) Prior to developing a student success plan for a 4601
student, the district shall invite the student's parent, 4602
guardian, or custodian to assist in developing the plan. Once 4603
the plan is developed, the district shall provide the student's 4604
parent, guardian, or custodian with a copy of the plan. If the 4605
student's parent, guardian, or custodian does not participate in 4606
the development of the plan, the district shall provide to the 4607
parent, guardian, or custodian a copy of the student's success 4608
plan and a statement of the importance of a high school diploma 4609
and the academic pathways available to the student in order to 4610
successfully graduate. The district shall permit a student to 4611
change the career pathway specified in the plan at the student's 4612
request. 4613

(3) Following the development of a student success plan 4614
for a student, the district shall provide career advising to the 4615
student that is aligned with the plan and, beginning in the 4616
2015-2016 school year, the district's plan to provide career 4617
advising created under division (B) (2) of this section. 4618

(D) (1) Not later than December 1, 2014, the department of 4619

education shall develop and post on its web site model policies 4620
on career advising and model student success plans. 4621

(2) Not later than July 1, 2015, the department shall 4622
create an online clearinghouse of research related to proven 4623
practices for policies on career advising and student success 4624
plans that districts may access when fulfilling the requirements 4625
of this section. 4626

Sec. 3313.61. (A) A diploma shall be granted by the board 4627
of education of any city, exempted village, or local school 4628
district that operates a high school to any person to whom all 4629
of the following apply: 4630

(1) The person has successfully completed the curriculum 4631
in any high school or the individualized education program 4632
developed for the person by any high school pursuant to section 4633
3323.08 of the Revised Code, or has qualified under division (D) 4634
or (F) of section 3313.603 of the Revised Code, provided that no 4635
school district shall require a student to remain in school for 4636
any specific number of semesters or other terms if the student 4637
completes the required curriculum early; 4638

(2) Subject to section 3313.614 of the Revised Code, the 4639
person has met the assessment requirements of division (A) (2) (a) 4640
or (b) of this section, as applicable. 4641

(a) If the person entered the ninth grade prior to July 1, 4642
2014, the person either: 4643

(i) Has attained at least the applicable scores designated 4644
under division (B) (1) of section 3301.0710 of the Revised Code 4645
on all the assessments required by that division unless the 4646
person was excused from taking any such assessment pursuant to 4647
section 3313.532 of the Revised Code or unless division (H) or 4648

(L) of this section applies to the person; 4649

(ii) Has satisfied the alternative conditions prescribed 4650
in section 3313.615 of the Revised Code. 4651

(b) If the person entered the ninth grade on or after July 4652
1, 2014, the person has met the requirement prescribed by 4653
section 3313.618 of the Revised Code, except to the extent that 4654
the person is excused from an assessment prescribed by that 4655
section pursuant to section 3313.532 of the Revised Code or 4656
division (H) or (L) of this section. 4657

(3) The person is not eligible to receive an honors 4658
diploma granted pursuant to division (B) of this section. 4659

Except as provided in divisions (C), (E), (J), and (L) of 4660
this section, no diploma shall be granted under this division to 4661
anyone except as provided under this division. 4662

(B) In lieu of a diploma granted under division (A) of 4663
this section, an honors diploma shall be granted, in accordance 4664
with rules of the state board, by any such district board to 4665
anyone who accomplishes all of the following: 4666

(1) Successfully completes the curriculum in any high 4667
school or the individualized education program developed for the 4668
person by any high school pursuant to section 3323.08 of the 4669
Revised Code; 4670

(2) Subject to section 3313.614 of the Revised Code, has 4671
met the assessment requirements of division (B) (2) (a) or (b) of 4672
this section, as applicable. 4673

(a) If the person entered the ninth grade prior to July 1, 4674
2014, the person either: 4675

(i) Has attained at least the applicable scores designated 4676

under division (B) (1) of section 3301.0710 of the Revised Code 4677
on all the assessments required by that division; 4678

(ii) Has satisfied the alternative conditions prescribed 4679
in section 3313.615 of the Revised Code. 4680

(b) If the person entered the ninth grade on or after July 4681
1, 2014, the person has met the requirement prescribed under 4682
section 3313.618 of the Revised Code. 4683

(3) Has met additional criteria established by the state 4684
board for the granting of such a diploma. 4685

An honors diploma shall not be granted to a student who is 4686
subject to the requirements prescribed in division (C) of 4687
section 3313.603 of the Revised Code but elects the option of 4688
division (D) or (F) of that section. Except as provided in 4689
divisions (C), (E), and (J) of this section, no honors diploma 4690
shall be granted to anyone failing to comply with this division 4691
and no more than one honors diploma shall be granted to any 4692
student under this division. 4693

The state board shall adopt rules prescribing the granting 4694
of honors diplomas under this division. These rules may 4695
prescribe the granting of honors diplomas that recognize a 4696
student's achievement as a whole or that recognize a student's 4697
achievement in one or more specific subjects or both. The rules 4698
may prescribe the granting of an honors diploma recognizing 4699
technical expertise for a career-technical student. In any case, 4700
the rules shall designate two or more criteria for the granting 4701
of each type of honors diploma the board establishes under this 4702
division and the number of such criteria that must be met for 4703
the granting of that type of diploma. The number of such 4704
criteria for any type of honors diploma shall be at least one 4705

less than the total number of criteria designated for that type 4706
and no one or more particular criteria shall be required of all 4707
persons who are to be granted that type of diploma. 4708

(C) Any district board administering any of the 4709
assessments required by section 3301.0710 of the Revised Code to 4710
any person requesting to take such assessment pursuant to 4711
division (B) (8) (b) of section 3301.0711 of the Revised Code 4712
shall award a diploma to such person if the person attains at 4713
least the applicable scores designated under division (B) (1) of 4714
section 3301.0710 of the Revised Code on all the assessments 4715
administered and if the person has previously attained the 4716
applicable scores on all the other assessments required by 4717
division (B) (1) of that section or has been exempted or excused 4718
from attaining the applicable score on any such assessment 4719
pursuant to division (H) or (L) of this section or from taking 4720
any such assessment pursuant to section 3313.532 of the Revised 4721
Code. 4722

(D) Each diploma awarded under this section shall be 4723
signed by the president and treasurer of the issuing board, the 4724
superintendent of schools, and the principal of the high school. 4725
Each diploma shall bear the date of its issue, be in such form 4726
as the district board prescribes, and be paid for out of the 4727
district's general fund. 4728

(E) A person who is a resident of Ohio and is eligible 4729
under state board of education minimum standards to receive a 4730
high school diploma based in whole or in part on credits earned 4731
while an inmate of a correctional institution operated by the 4732
state or any political subdivision thereof, shall be granted 4733
such diploma by the correctional institution operating the 4734
programs in which such credits were earned, and by the board of 4735

education of the school district in which the inmate resided 4736
immediately prior to the inmate's placement in the institution. 4737
The diploma granted by the correctional institution shall be 4738
signed by the director of the institution, and by the person 4739
serving as principal of the institution's high school and shall 4740
bear the date of issue. 4741

(F) Persons who are not residents of Ohio but who are 4742
inmates of correctional institutions operated by the state or 4743
any political subdivision thereof, and who are eligible under 4744
state board of education minimum standards to receive a high 4745
school diploma based in whole or in part on credits earned while 4746
an inmate of the correctional institution, shall be granted a 4747
diploma by the correctional institution offering the program in 4748
which the credits were earned. The diploma granted by the 4749
correctional institution shall be signed by the director of the 4750
institution and by the person serving as principal of the 4751
institution's high school and shall bear the date of issue. 4752

(G) The state board of education shall provide by rule for 4753
the administration of the assessments required by sections 4754
3301.0710 and 3301.0712 of the Revised Code to inmates of 4755
correctional institutions. 4756

(H) Any person to whom all of the following apply shall be 4757
exempted from attaining the applicable score on the assessment 4758
in social studies designated under division (B)(1) of section 4759
3301.0710 of the Revised Code, any American history end-of- 4760
course examination and any American government end-of-course 4761
examination required under division (B) of section 3301.0712 of 4762
the Revised Code if such an exemption is prescribed by rule of 4763
the state board under division ~~(D)(3)~~ (C)(3) of section 4764
3301.0712 of the Revised Code, or the test in citizenship 4765

designated under former division (B) of section 3301.0710 of the 4766
Revised Code as it existed prior to September 11, 2001: 4767

(1) The person is not a citizen of the United States; 4768

(2) The person is not a permanent resident of the United 4769
States; 4770

(3) The person indicates no intention to reside in the 4771
United States after the completion of high school. 4772

(I) Notwithstanding division (D) of section 3311.19 and 4773
division (D) of section 3311.52 of the Revised Code, this 4774
section and section 3313.611 of the Revised Code do not apply to 4775
the board of education of any joint vocational school district 4776
or any cooperative education school district established 4777
pursuant to divisions (A) to (C) of section 3311.52 of the 4778
Revised Code. 4779

(J) Upon receipt of a notice under division (D) of section 4780
3325.08 or division (D) of section 3328.25 of the Revised Code 4781
that a student has received a diploma under either section, the 4782
board of education receiving the notice may grant a high school 4783
diploma under this section to the student, except that such 4784
board shall grant the student a diploma if the student meets the 4785
graduation requirements that the student would otherwise have 4786
had to meet to receive a diploma from the district. The diploma 4787
granted under this section shall be of the same type the notice 4788
indicates the student received under section 3325.08 or 3328.25 4789
of the Revised Code. 4790

(K) As used in this division, "English learner" has the 4791
same meaning as in division (C) (3) of section 3301.0711 of the 4792
Revised Code. 4793

Notwithstanding division (C) (3) of section 3301.0711 of 4794

the Revised Code, no English learner who has not either attained 4795
the applicable scores designated under division (B) (1) of 4796
section 3301.0710 of the Revised Code on all the assessments 4797
required by that division, or met the requirement prescribed by 4798
section 3313.618 of the Revised Code, shall be awarded a diploma 4799
under this section. 4800

(L) Any student described by division (A) (1) of this 4801
section may be awarded a diploma without meeting the requirement 4802
prescribed by section 3313.618 of the Revised Code provided an 4803
individualized education program specifically exempts the 4804
student from meeting such requirement. This division does not 4805
negate the requirement for a student to take the assessments 4806
prescribed by section 3301.0710 or under division (B) of section 4807
3301.0712 of the Revised Code, or alternate assessments required 4808
by division (C) (1) of section 3301.0711 of the Revised Code, for 4809
the purpose of assessing student progress as required by federal 4810
law. 4811

Sec. 3313.612. (A) No nonpublic school chartered by the 4812
state board of education shall grant a high school diploma to 4813
any person unless, subject to section 3313.614 of the Revised 4814
Code, the person has met the assessment requirements of division 4815
(A) (1) or (2) of this section, as applicable. 4816

(1) If the person entered the ninth grade prior to July 1, 4817
2014, the person has attained at least the applicable scores 4818
designated under division (B) (1) of section 3301.0710 of the 4819
Revised Code on all the assessments required by that division, 4820
or has satisfied the alternative conditions prescribed in 4821
section 3313.615 of the Revised Code. 4822

(2) If the person entered the ninth grade on or after July 4823
1, 2014, the person has met the requirement prescribed by 4824

section 3313.618 or 3313.619 of the Revised Code. 4825

(B) This section does not apply to any of the following: 4826

(1) Any person with regard to any assessment from which 4827
the person was excused pursuant to division (C)(1)(c) of section 4828
3301.0711 of the Revised Code; 4829

(2) Except as provided in division (B)(4) of this section, 4830
any person who attends a nonpublic school accredited through the 4831
independent schools association of the central states, except 4832
for a student attending the school under a state scholarship 4833
program as defined in section 3301.0711 of the Revised Code; 4834

(3) Any person with regard to the social studies 4835
assessment under division (B)(1) of section 3301.0710 of the 4836
Revised Code, any American history end-of-course examination and 4837
any American government end-of-course examination required under 4838
division (B) of section 3301.0712 of the Revised Code if such an 4839
exemption is prescribed by rule of the state board of education 4840
under division ~~(D)(3)~~ (C)(3) of section 3301.0712 of the Revised 4841
Code, or the citizenship test under former division (B) of 4842
section 3301.0710 of the Revised Code as it existed prior to 4843
September 11, 2001, if all of the following apply: 4844

(a) The person is not a citizen of the United States; 4845

(b) The person is not a permanent resident of the United 4846
States; 4847

(c) The person indicates no intention to reside in the 4848
United States after completion of high school. 4849

(4) Any person who attends a chartered nonpublic school 4850
that satisfies the requirements of division (L)(4) of section 4851
3301.0711 of the Revised Code. In the case of such a student, 4852

the student's chartered nonpublic school shall determine the 4853
student's eligibility for graduation based on the standards of 4854
the school's accrediting body. 4855

(C) As used in this division, "English learner" has the 4856
same meaning as in division (C) (3) of section 3301.0711 of the 4857
Revised Code. 4858

Notwithstanding division (C) (3) of section 3301.0711 of 4859
the Revised Code, no English learner who has not either attained 4860
the applicable scores designated under division (B) (1) of 4861
section 3301.0710 of the Revised Code on all the assessments 4862
required by that division, or met the requirement prescribed by 4863
section 3313.618 or 3313.619 of the Revised Code, shall be 4864
awarded a diploma under this section. 4865

(D) The state board shall not impose additional 4866
requirements or assessments for the granting of a high school 4867
diploma under this section that are not prescribed by this 4868
section. 4869

(E) The department of education shall furnish the 4870
assessment administered by a nonpublic school pursuant to 4871
division (B) ~~(1)~~ of section 3301.0712 of the Revised Code, except 4872
that it shall not expend more funds on a specific assessment for 4873
a chartered nonpublic school than it expends on the same 4874
assessment for a school operated by a school district, community 4875
school established under Chapter 3314. of the Revised Code, STEM 4876
school established under Chapter 3326. of the Revised Code, or 4877
college-preparatory boarding school established under Chapter 4878
3328. of the Revised Code. 4879

Sec. 3313.618. (A) In addition to the curriculum 4880
requirements specified by the board of education of a school 4881

district or governing authority of a chartered nonpublic school, 4882
each student entering ninth grade for the first time on or after 4883
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 4884
one of the following conditions or the conditions prescribed 4885
under division (B) of this section in order to qualify for a 4886
high school diploma: 4887

(1) Be remediation-free, in accordance with standards 4888
adopted under division (F) of section 3345.061 of the Revised 4889
Code, on each of the nationally standardized assessments in 4890
English, mathematics, and reading; 4891

(2) Attain a ~~score~~ result in the percentile range 4892
~~specified under division (B) (5) (c) of section 3301.0712 of the~~ 4893
~~Revised Code by the state board of education on the end-of-~~ 4894
~~course examinations assessments~~ prescribed under division (B) of 4895
section 3301.0712 of the Revised Code. The state board shall 4896
establish a percentile range that satisfies the condition 4897
prescribed under division (A) (2) of this section. 4898

(3) Attain a score that demonstrates workforce readiness 4899
and employability on a nationally recognized job skills 4900
assessment selected by the state board of education under 4901
division ~~(C)~~ (F) of section 3301.0712 of the Revised Code and 4902
obtain either an industry-recognized credential or a license 4903
issued by a state agency or board for practice in a vocation 4904
that requires an examination for issuance of that license. 4905

For the purposes of this division, the industry-recognized 4906
credentials and licenses shall be as approved under section 4907
3313.6113 of the Revised Code. 4908

A student may choose to qualify for a high school diploma 4909
by satisfying any of the separate requirements prescribed by 4910

divisions (A) (1) to (3) of this section. If the student's school 4911
district or school does not administer the examination 4912
prescribed by one of those divisions that the student chooses to 4913
take to satisfy the requirements of this section, the school 4914
district or school may require that student to arrange for the 4915
applicable scores to be sent directly to the district or school 4916
by the company or organization that administers the examination. 4917

(B) In addition to the curriculum requirements specified 4918
by the district board or school governing authority, each 4919
student entering ninth grade for the first time on or after July 4920
1, 2019, shall satisfy the following conditions in order to 4921
qualify for a high school diploma: 4922

(1) Attain a competency score as determined under division 4923
(B) ~~(10)~~ of section 3301.0712 of the Revised Code on each of the 4924
Algebra I and English language arts II end-of-course 4925
examinations prescribed under division (B) ~~(2)~~ of section 4926
3301.0712 of the Revised Code. 4927

School districts shall offer remedial support to any 4928
student who fails to attain a competency score on one or both of 4929
the Algebra I and English language arts II end-of-course 4930
examinations. 4931

Following the first administration of the exam, if a 4932
student fails to attain a competency score on one or both of the 4933
Algebra I and English language arts II end-of-course 4934
examinations that student must retake the respective examination 4935
at least once. 4936

If a student fails to attain a competency score on a 4937
retake examination, the student may demonstrate competency in 4938
the failed subject area through one of the following options: 4939

(a) Earn course credit taken through the college credit 4940
plus program established under Chapter 3365. of the Revised Code 4941
in the failed subject area; 4942

(b) Complete two of the following options, one of which 4943
must be foundational: 4944

(i) Foundational options to demonstrate competency, which 4945
include earning a score of proficient or higher on three or more 4946
state technical assessments aligned with section 3313.903 of the 4947
Revised Code in a single career pathway, obtaining an industry- 4948
recognized credential approved under section 3313.6113 of the 4949
Revised Code, completing a pre-apprenticeship or apprenticeship 4950
in the student's chosen career field, or providing evidence of 4951
acceptance into an apprenticeship program after high school that 4952
is restricted to participants eighteen years of age or older; 4953

(ii) Supporting options to demonstrate competency, which 4954
include completing two hundred fifty hours of a work-based 4955
learning experience with evidence of positive evaluations, 4956
obtaining an OhioMeansJobs-readiness seal under section 4957
3313.6112 of the Revised Code, or attaining a workforce 4958
readiness score, as determined by the department of education, 4959
on the nationally recognized job skills assessment selected by 4960
the state board under division ~~(G)~~ (F) of section 3301.0712 of 4961
the Revised Code. 4962

(c) Provide evidence that the student has enlisted in a 4963
branch of the armed services of the United States as defined in 4964
section 5910.01 of the Revised Code. 4965

For any students receiving special education and related 4966
services under Chapter 3323. of the Revised Code, the 4967
individualized education program developed for the student under 4968

that chapter shall specify the manner in which the student will 4969
participate in the assessments administered under this division. 4970

(2) Earn at least two of the state diploma seals 4971
prescribed under division (A) of section 3313.6114 of the 4972
Revised Code, at least one of which shall be any of the 4973
following: 4974

(a) The state seal of biliteracy established under section 4975
3313.6111 of the Revised Code; 4976

(b) The OhioMeansJobs-readiness seal established under 4977
section 3313.6112 of the Revised Code; 4978

(c) One of the state diploma seals established under 4979
divisions (C) (1) to (7) of section 3313.6114 of the Revised 4980
Code. 4981

(C) The state board of education shall not create or 4982
require any additional assessment for the granting of any type 4983
of high school diploma other than as prescribed by this section. 4984
Except as provided in sections 3313.6111, 3313.6112, and 4985
3313.6114 of the Revised Code, the state board or the 4986
superintendent of public instruction shall not create any 4987
endorsement or designation that may be affiliated with a high 4988
school diploma. 4989

Sec. 3313.619. (A) In lieu of the requirement prescribed 4990
by section 3313.618 of the Revised Code, a chartered nonpublic 4991
school may grant a high school diploma to a student who attains 4992
at least the designated score on an assessment approved by the 4993
department of education or the state board of education under 4994
division (B) of this section and selected by the school's 4995
governing authority. 4996

(B) For purposes of division (A) of this section, the 4997

department or the state board of education shall approve 4998
assessments that meet the conditions specified under division 4999
(C) of this section and shall designate passing scores for each 5000
of those assessments. 5001

(C) Each assessment approved under division (B) of this 5002
section shall be nationally norm-referenced, have internal 5003
consistency reliability coefficients of at least "0.8," be 5004
standardized, have specific evidence of content, concurrent, or 5005
criterion validity, have evidence of norming studies in the 5006
previous ten years, have a measure of student achievement in 5007
core academic areas, and have high validity evidenced by the 5008
alignment of the assessment with nationally recognized content. 5009

(D) Nothing in this section shall prohibit a chartered 5010
nonpublic school from granting a high school diploma to a 5011
student if the student satisfies the requirement prescribed by 5012
section 3313.618 of the Revised Code. 5013

Sec. 3313.6114. (A) The state board of education shall 5014
establish a system of state diploma seals for the purposes of 5015
allowing a student to qualify for graduation under section 5016
3313.618 of the Revised Code. State diploma seals may be 5017
attached or affixed to the high school diploma of a student 5018
enrolled in a public or chartered nonpublic school. The system 5019
of state diploma seals shall consist of all of the following: 5020

(1) The state seal of biliteracy established under section 5021
3313.6111 of the Revised Code; 5022

(2) The OhioMeansJobs-readiness seal established under 5023
section 3313.6112 of the Revised Code; 5024

(3) The state diploma seals prescribed under division (C) 5025
of this section. 5026

(B) A school district, community school established under 5027
Chapter 3314. of the Revised Code, STEM school established under 5028
Chapter 3326. of the Revised Code, college-preparatory boarding 5029
school established under Chapter 3328. of the Revised Code, or 5030
chartered nonpublic school shall attach or affix the state seals 5031
prescribed under division (C) of this section to the diploma and 5032
transcript of a student enrolled in the district or school who 5033
meets the requirements established under that division. 5034

(C) The state board shall establish all of the following 5035
state diploma seals: 5036

(1) An industry-recognized credential seal. A student 5037
shall meet the requirement for this seal by earning an industry- 5038
recognized credential approved under section 3313.6113 of the 5039
Revised Code that is aligned to a job that is determined to be 5040
in demand in this state and its regions under section 6301.11 of 5041
the Revised Code. 5042

(2) A college-ready seal. A student shall meet the 5043
requirement for this seal by attaining a score that is 5044
remediation-free, in accordance with standards adopted under 5045
division (F) of section 3345.061 of the Revised Code, on a 5046
nationally standardized assessment prescribed under division (B) 5047
(1) of section 3301.0712 of the Revised Code. 5048

(3) A military enlistment seal. A student shall meet the 5049
requirement for this seal by doing either of the following: 5050

(a) Providing evidence that the student has enlisted in a 5051
branch of the armed services of the United States as defined in 5052
section 5910.01 of the Revised Code; 5053

(b) Participating in a junior reserve officer training 5054
program approved by the congress of the United States under 5055

title 10 of the United States Code. 5056

(4) A citizenship seal. A student shall meet the 5057
requirement for this seal by doing any of the following: 5058

(a) Demonstrating at least a proficient level of skill as 5059
prescribed under division (B) (5) (a) of section 3301.0712 of the 5060
Revised Code on both the American history and American 5061
government end-of-course examinations prescribed under division 5062
~~(B) (2)~~ (B) of section 3301.0712 of the Revised Code; 5063

(b) Attaining a score level prescribed under division (B) 5064
~~(5) (a)~~ of section 3301.0712 of the Revised Code that is at least 5065
the equivalent of a proficient level of skill in appropriate 5066
advanced placement or international baccalaureate examinations 5067
in lieu of the American history and American government end-of- 5068
course examinations; 5069

(c) Attaining a final course grade that is the equivalent 5070
of a "B" or higher in appropriate courses taken through the 5071
college credit plus program established under Chapter 3365. of 5072
the Revised Code in lieu of the American history and American 5073
government end-of-course examinations. 5074

(5) A science seal. A student shall meet the requirement 5075
for this seal by doing any of the following: 5076

(a) Demonstrating at least a proficient level of skill as 5077
prescribed under division (B) ~~(5) (a)~~ of section 3301.0712 of the 5078
Revised Code on the science end-of-course examination prescribed 5079
under division (B) ~~(2)~~ of section 3301.0712 of the Revised Code; 5080

(b) Attaining a score level prescribed under division (B) 5081
~~(5) (a)~~ of section 3301.0712 of the Revised Code that is at least 5082
the equivalent of a proficient level of skill in an appropriate 5083
advanced placement or international baccalaureate examination in 5084

lieu of the science end-of-course examination; 5085

(c) Attaining a final course grade that is the equivalent 5086
of a "B" or higher in an appropriate course taken through the 5087
college credit plus program established under Chapter 3365. of 5088
the Revised Code in lieu of the science end-of-course 5089
examination. 5090

(6) An honors diploma seal. A student shall meet the 5091
requirement for this seal by meeting the additional criteria for 5092
an honors diploma under division (B) of section 3313.61 of the 5093
Revised Code. 5094

(7) A technology seal. A student shall meet the 5095
requirement for this seal by doing any of the following: 5096

(a) Subject to division (B) ~~(5) (d)~~ of section 3301.0712 of 5097
the Revised Code, attaining a score level that is at least the 5098
equivalent of a proficient level of skill in an appropriate 5099
advanced placement or international baccalaureate examination; 5100

(b) Attaining a final course grade that is the equivalent 5101
of a "B" or higher in an appropriate course taken through the 5102
college credit plus program established under Chapter 3365. of 5103
the Revised Code; 5104

(c) Completing a course offered through the student's 5105
district or school that meets guidelines developed by the 5106
department of education. However, a district or school shall not 5107
be required to offer a course that meets guidelines developed by 5108
the department. 5109

(8) A community service seal. A student shall meet the 5110
requirement for this seal by completing a community service 5111
project that is aligned with guidelines adopted by the student's 5112
district board or school governing authority. 5113

(9) A fine and performing arts seal. A student shall meet 5114
the requirement for this seal by demonstrating skill in the fine 5115
or performing arts according to an evaluation that is aligned 5116
with guidelines adopted by the student's district board or 5117
school governing authority. 5118

(10) A student engagement seal. A student shall meet the 5119
requirement for this seal by participating in extracurricular 5120
activities such as athletics, clubs, or student government to a 5121
meaningful extent, as determined by guidelines adopted by the 5122
student's district board or school governing authority. 5123

(D) Each district or school shall develop guidelines for 5124
at least one of the state seals prescribed under divisions (C) 5125
(8) to (10) of this section. 5126

(E) Each district or school shall maintain appropriate 5127
records to identify students who have met the requirements 5128
prescribed under division (C) of this section for earning the 5129
state seals established under that division. 5130

(F) The department shall prepare and deliver to each 5131
district or school an appropriate mechanism for assigning a 5132
state diploma seal established under division (C) of this 5133
section. 5134

(G) A student shall not be charged a fee to be assigned a 5135
state seal prescribed under division (C) of this section on the 5136
student's diploma and transcript. 5137

Sec. 3313.903. Except as otherwise required under federal 5138
law, the department of education shall consider an industry- 5139
recognized credential, as described under division (B) (2) (d) of 5140
section 3302.03 of the Revised Code, or a license issued by a 5141
state agency or board for practice in a vocation that requires 5142

an examination for issuance of that license as an acceptable 5143
measure of technical skill attainment and shall not require a 5144
student with such credential or license to take additional 5145
technical assessments. 5146

Additionally, the department shall not require a student 5147
who has participated in or will be participating in a 5148
credentialing assessment aligned to the student's career- 5149
technical education program or has participated in or will be 5150
participating in taking an examination for issuance of such a 5151
license aligned to the student's career-technical education 5152
program to take additional technical assessments. 5153

However, if the student does not participate in the 5154
credentialing assessment or license examination, the student 5155
shall take the applicable technical assessments prescribed by 5156
the department. 5157

The department shall develop, in consultation with the 5158
Ohio association for career and technical education, the Ohio 5159
association of career-technical superintendents, the Ohio 5160
association of city career-technical schools, and other 5161
stakeholders, procedures for identifying industry-recognized 5162
credentials and licenses aligned to a student's career-technical 5163
education program that can be used as an acceptable measure of 5164
technical skill, and for identifying students in the process of 5165
earning such credentials and licenses. 5166

As used in this section, "technical assessments" shall not 5167
include the nationally recognized job skills assessment 5168
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 5169
Revised Code. 5170

Nothing in this section shall exempt a student who wishes 5171

to qualify for a high school diploma under division (A) (3) of 5172
section 3313.618 of the Revised Code from the requirement to 5173
attain a specified score on that assessment in order to qualify 5174
for a high school diploma under that section. 5175

Sec. 3314.016. This section applies to any entity that 5176
sponsors a community school, regardless of whether section 5177
3314.021 or 3314.027 of the Revised Code exempts the entity from 5178
the requirement to be approved for sponsorship under divisions 5179
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 5180
office of Ohio school sponsorship established under section 5181
3314.029 of the Revised Code shall be rated under division (B) 5182
of this section, but divisions (A) and (C) of this section do 5183
not apply to the office. 5184

(A) An entity that sponsors a community school shall be 5185
permitted to enter into contracts under section 3314.03 of the 5186
Revised Code to sponsor additional community schools only if the 5187
entity meets all of the following criteria: 5188

(1) The entity is in compliance with all provisions of 5189
this chapter requiring sponsors of community schools to report 5190
data or information to the department of education. 5191

(2) The entity is not rated as "ineffective" under 5192
division (B) (6) of this section. 5193

(3) Except as set forth in sections 3314.021 and 3314.027 5194
of the Revised Code, the entity has received approval from and 5195
entered into an agreement with the department of education 5196
pursuant to section 3314.015 of the Revised Code. 5197

(B) (1) The department shall develop and implement an 5198
evaluation system that annually rates and assigns an overall 5199
rating to each entity that sponsors a community school. The 5200

department, not later than the first day of February of each 5201
year, shall post on the department's web site the framework for 5202
the evaluation system, including technical documentation that 5203
the department intends to use to rate sponsors for the next 5204
school year. The department shall solicit public comment on the 5205
evaluation system for thirty consecutive days. Not later than 5206
the first day of April of each year, the department shall 5207
compile and post on the department's web site all public 5208
comments that were received during the public comment period. 5209
The evaluation system shall be posted on the department's web 5210
site by the fifteenth day of July of each school year. Any 5211
changes to the evaluation system after that date shall take 5212
effect the following year. The evaluation system shall be based 5213
on the following components: 5214

(a) Academic performance of students enrolled in community 5215
schools sponsored by the same entity. The academic performance 5216
component shall be derived from the performance measures 5217
prescribed for the state report cards under section 3302.03 or 5218
3314.017 of the Revised Code, and shall be based on the 5219
performance of the schools for the school year for which the 5220
evaluation is conducted. In addition to the academic performance 5221
for a specific school year, the academic performance component 5222
shall also include year-to-year changes in the overall sponsor 5223
portfolio. For a community school for which no graded 5224
performance measures are applicable or available, the department 5225
shall use nonreport card performance measures specified in the 5226
contract between the community school and the sponsor under 5227
division (A) (4) of section 3314.03 of the Revised Code. 5228

(b) Adherence by a sponsor to the quality practices 5229
prescribed by the department under division (B) (3) of this 5230
section. For a sponsor that was rated "effective" or "exemplary" 5231

on its most recent rating, the department may evaluate that 5232
sponsor's adherence to quality practices once over a period of 5233
three years. If the department elects to evaluate a sponsor once 5234
over a period of three years, the most recent rating for a 5235
sponsor's adherence to quality practices shall be used when 5236
determining an annual overall rating conducted under this 5237
section. 5238

(c) Compliance with all applicable laws and administrative 5239
rules by an entity that sponsors a community school. 5240

(2) In calculating an academic performance component, the 5241
department shall exclude all community schools that have been in 5242
operation for not more than two full school years and all 5243
community schools described in division (A) (4) (b) of section 5244
3314.35 of the Revised Code. However, the academic performance 5245
of the community schools described in division (A) (4) (b) of 5246
section 3314.35 of the Revised Code shall be reported, but shall 5247
not be used as a factor when determining a sponsoring entity's 5248
rating under this section. 5249

(3) The department, in consultation with entities that 5250
sponsor community schools, shall prescribe quality practices for 5251
community school sponsors and develop an instrument to measure 5252
adherence to those quality practices. The quality practices 5253
shall be based on standards developed by the national 5254
association of charter school authorizers or any other 5255
nationally organized community school organization. 5256

(4) (a) The department may permit peer review of a 5257
sponsor's adherence to the quality practices prescribed under 5258
division (B) (3) of this section. Peer reviewers shall be limited 5259
to individuals employed by sponsors rated "effective" or 5260
"exemplary" on the most recent ratings conducted under this 5261

section. 5262

(b) The department shall require individuals participating 5263
in peer review under division (B) (4) (a) of this section to 5264
complete training approved or established by the department. 5265

(c) The department may enter into an agreement with 5266
another entity to provide training to individuals conducting 5267
peer review of sponsors. Prior to entering into an agreement 5268
with an entity, the department shall review and approve of the 5269
entity's training program. 5270

(5) Not later than July 1, 2013, the state board of 5271
education shall adopt rules in accordance with Chapter 119. of 5272
the Revised Code prescribing standards for measuring compliance 5273
with applicable laws and rules under division (B) (1) (c) of this 5274
section. 5275

(6) The department annually shall rate all entities that 5276
sponsor community schools as either "exemplary," "effective," 5277
"ineffective," or "poor," based on the components prescribed by 5278
division (B) of this section, where each component is weighted 5279
equally. A separate rating shall be given by the department for 5280
each component of the evaluation system. 5281

The department shall publish the ratings between the first 5282
day of October and the fifteenth day of November. 5283

Prior to the publication of the final ratings, the 5284
department shall designate and provide notice of a period of at 5285
least ten business days during which each sponsor may review the 5286
information used by the department to determine the sponsor's 5287
rating on the components prescribed by division (B) (1) of this 5288
section. If the sponsor believes there is an error in the 5289
department's evaluation, the sponsor may request adjustments to 5290

the rating of any of those components based on documentation 5291
previously submitted as part of an evaluation. The sponsor shall 5292
provide to the department any necessary evidence or information 5293
to support the requested adjustments. The department shall 5294
review the evidence and information, determine whether an 5295
adjustment is valid, and promptly notify the sponsor of its 5296
determination and reasons. If any adjustments to the data could 5297
result in a change to the rating on the applicable component or 5298
to the overall rating, the department shall recalculate the 5299
ratings prior to publication. 5300

The department shall provide training on an annual basis 5301
regarding the evaluation system prescribed under this section. 5302
The training shall, at a minimum, describe methodology, 5303
timelines, and data required for the evaluation system. The 5304
first training session shall occur not later than March 2, 2016. 5305
Beginning in 2018, the training shall be made available to each 5306
entity that sponsors a community school by the fifteenth day of 5307
July of each year and shall include guidance on any changes made 5308
to the evaluation system. 5309

(7) (a) Entities with an overall rating of "exemplary" for 5310
at least two consecutive years may take advantage of the 5311
following incentives: 5312

(i) Renewal of the written agreement with the department, 5313
not to exceed ten years, provided that the entity consents to 5314
continued evaluation of adherence to quality practices as 5315
described in division (B) (1) (b) of this section; 5316

(ii) The ability to extend the term of the contract 5317
between the sponsoring entity and the community school beyond 5318
the term described in the written agreement with the department; 5319

(iii) An exemption from the preliminary agreement and 5320
contract adoption and execution deadline requirements prescribed 5321
in division (D) of section 3314.02 of the Revised Code; 5322

(iv) An exemption from the automatic contract expiration 5323
requirement, should a new community school fail to open by the 5324
thirtieth day of September of the calendar year in which the 5325
community school contract is executed; 5326

(v) No limit on the number of community schools the entity 5327
may sponsor; 5328

(vi) No territorial restrictions on sponsorship. 5329

An entity may continue to sponsor any community schools 5330
with which it entered into agreements under division (B) (7) (a) 5331
(v) or (vi) of this section while rated "exemplary," 5332
notwithstanding the fact that the entity later receives a lower 5333
overall rating. 5334

(b) Entities with an overall rating of "exemplary" or 5335
"effective" for at least three consecutive years shall be 5336
evaluated by the department once every three years. 5337

(c) ~~(i)~~ From the effective date of this amendment until the 5338
sponsor ratings assigned under this section for the 2022-2023 5339
school year, no penalties shall be imposed under division (B) (7) 5340
(c) or (d) of this section. 5341

Beginning with the 2022-2023 school year: 5342

(i) Entities that receive an overall rating of 5343
"ineffective" shall be prohibited from sponsoring any new or 5344
additional community schools during the time in which the 5345
sponsor is rated as "ineffective" and shall be subject to a 5346
quality improvement plan based on correcting the deficiencies 5347

that led to the "ineffective" rating, with timelines and 5348
benchmarks that have been established by the department. 5349

(ii) Entities that receive an overall rating of 5350
"ineffective" on their three most recent ratings shall have all 5351
sponsorship authority revoked. Within thirty days after 5352
receiving its third rating of "ineffective," the entity may 5353
appeal the revocation of its sponsorship authority to the 5354
superintendent of public instruction, who shall appoint an 5355
independent hearing officer to conduct a hearing in accordance 5356
with Chapter 119. of the Revised Code. The hearing shall be 5357
conducted within thirty days after receipt of the notice of 5358
appeal. Within forty-five days after the hearing is completed, 5359
the state board of education shall determine whether the 5360
revocation is appropriate based on the hearing conducted by the 5361
independent hearing officer, and if determined appropriate, the 5362
revocation shall be confirmed. 5363

(d) ~~Entities~~ Beginning with the 2022-2023 school year, 5364
entities that receive an overall rating of "poor" shall have all 5365
sponsorship authority revoked. Within thirty days after 5366
receiving a rating of "poor," the entity may appeal the 5367
revocation of its sponsorship authority to the superintendent of 5368
public instruction, who shall appoint an independent hearing 5369
officer to conduct a hearing in accordance with Chapter 119. of 5370
the Revised Code. The hearing shall be conducted within thirty 5371
days after receipt of the notice of appeal. Within forty-five 5372
days after the hearing is completed, the state board of 5373
education shall determine whether the revocation is appropriate 5374
based on the hearing conducted by the independent hearing 5375
officer, and if determined appropriate, the revocation shall be 5376
confirmed. 5377

(8) For the 2014-2015 school year and each school year 5378
thereafter, student academic performance prescribed under 5379
division (B)(1)(a) of this section shall include student 5380
academic performance data from community schools that primarily 5381
serve students enrolled in a dropout prevention and recovery 5382
program. 5383

(9) Notwithstanding anything in the Revised Code to the 5384
contrary, for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 5385
2020-2021, and 2021-2022 school years, the department of 5386
education shall not use the academic performance component 5387
prescribed under division (B)(1)(a) of this section when 5388
calculating the overall rating of a community school sponsor 5389
under this section. 5390

(C) If the governing authority of a community school 5391
enters into a contract with a sponsor prior to the date on which 5392
the sponsor is prohibited from sponsoring additional schools 5393
under division (A) of this section and the school has not opened 5394
for operation as of that date, that contract shall be void and 5395
the school shall not open until the governing authority secures 5396
a new sponsor by entering into a contract with the new sponsor 5397
under section 3314.03 of the Revised Code. However, the 5398
department's office of Ohio school sponsorship, established 5399
under section 3314.029 of the Revised Code, may assume the 5400
sponsorship of the school until the earlier of the expiration of 5401
two school years or until a new sponsor is secured by the 5402
school's governing authority. A community school sponsored by 5403
the department under this division shall not be included when 5404
calculating the maximum number of directly authorized community 5405
schools permitted under division (A)(3) of section 3314.029 of 5406
the Revised Code. 5407

(D) When an entity's authority to sponsor schools is 5408
revoked pursuant to division ~~(B) (7) (b)~~ (B) (7) (c) or ~~(c) (d)~~ of 5409
this section, the office of Ohio school sponsorship shall assume 5410
sponsorship of any schools with which the original sponsor has 5411
contracted for the remainder of that school year. The office may 5412
continue sponsoring those schools until the earlier of: 5413

(1) The expiration of two school years from the time that 5414
sponsorship is revoked; 5415

(2) When a new sponsor is secured by the governing 5416
authority pursuant to division (C) (1) of section 3314.02 of the 5417
Revised Code. 5418

Any community school sponsored under this division shall 5419
not be counted for purposes of directly authorized community 5420
schools under division (A) (3) of section 3314.029 of the Revised 5421
Code. 5422

(E) The department shall recalculate the rating for the 5423
2017-2018 school year for each sponsor of a community school 5424
that receives recalculated ratings pursuant to division (I) of 5425
section 3314.017 of the Revised Code. 5426

Sec. 3314.017. (A) The state board of education shall 5427
prescribe by rules, adopted in accordance with Chapter 119. of 5428
the Revised Code, an academic performance rating and report card 5429
system that satisfies the requirements of this section for 5430
community schools that primarily serve students enrolled in 5431
dropout prevention and recovery programs as described in 5432
division (A) (4) (a) of section 3314.35 of the Revised Code, to be 5433
used in lieu of the system prescribed under sections 3302.03 and 5434
3314.012 of the Revised Code beginning with the 2012-2013 school 5435
year. Each such school shall comply with the testing and 5436

reporting requirements of the system as prescribed by the state 5437
board. 5438

(B) Nothing in this section shall at any time relieve a 5439
school from its obligations under the "No Child Left Behind Act 5440
of 2001" to make "adequate yearly progress," as both that act 5441
and that term are defined in section 3302.01 of the Revised 5442
Code, or a school's amenability to the provisions of section 5443
3302.04 or 3302.041 of the Revised Code. The department of 5444
education shall continue to report each school's performance as 5445
required by the act and to enforce applicable sanctions under 5446
section 3302.04 or 3302.041 of the Revised Code. 5447

(C) The rules adopted by the state board shall prescribe 5448
the following performance indicators for the rating and report 5449
card system required by this section: 5450

(1) Graduation rate for each of the following student 5451
cohorts: 5452

(a) The number of students who graduate in four years or 5453
less with a regular high school diploma divided by the number of 5454
students who form the adjusted cohort for the graduating class; 5455

(b) The number of students who graduate in five years with 5456
a regular high school diploma divided by the number of students 5457
who form the adjusted cohort for the four-year graduation rate; 5458

(c) The number of students who graduate in six years with 5459
a regular high school diploma divided by the number of students 5460
who form the adjusted cohort for the four-year graduation rate; 5461

(d) The number of students who graduate in seven years 5462
with a regular high school diploma divided by the number of 5463
students who form the adjusted cohort for the four-year 5464
graduation rate; 5465

(e) The number of students who graduate in eight years 5466
with a regular high school diploma divided by the number of 5467
students who form the adjusted cohort for the four-year 5468
graduation rate. 5469

(2) The percentage of twelfth-grade students currently 5470
enrolled in the school who have attained the designated passing 5471
score on all of the state high school achievement assessments 5472
required under division (B) (1) of section 3301.0710 of the 5473
Revised Code or the cumulative performance score on the end-of- 5474
course examinations prescribed under division ~~(B) (2)~~ (B) of 5475
section 3301.0712 of the Revised Code, whichever applies, and 5476
other students enrolled in the school, regardless of grade 5477
level, who are within three months of their twenty-second 5478
birthday and have attained the designated passing score on all 5479
of the state high school achievement assessments or the 5480
cumulative performance score on the end-of-course examinations, 5481
whichever applies, by their twenty-second birthday; 5482

(3) Annual measurable objectives as defined in section 5483
3302.01 of the Revised Code; 5484

(4) Growth in student achievement in reading, or 5485
mathematics, or both as measured by separate nationally norm- 5486
referenced assessments that have developed appropriate standards 5487
for students enrolled in dropout prevention and recovery 5488
programs, adopted or approved by the state board. 5489

(D) (1) The state board's rules shall prescribe the 5490
expected performance levels and benchmarks for each of the 5491
indicators prescribed by division (C) of this section based on 5492
the data gathered by the department under division (G) of this 5493
section. Based on a school's level of attainment or 5494
nonattainment of the expected performance levels and benchmarks 5495

for each of the indicators, the department shall rate each 5496
school in one of the following categories: 5497

(a) Exceeds standards; 5498

(b) Meets standards; 5499

(c) Does not meet standards. 5500

(2) The state board's rules shall establish all of the 5501
following: 5502

(a) Not later than June 30, 2013, performance levels and 5503
benchmarks for the indicators described in divisions (C) (1) to 5504
(3) of this section; 5505

(b) Not later than December 31, 2014, both of the 5506
following: 5507

(i) Performance levels and benchmarks for the indicator 5508
described in division (C) (4) of this section; 5509

(ii) Standards for awarding a community school described 5510
in division (A) (4) (a) of section 3314.35 of the Revised Code an 5511
overall designation, which shall be calculated as follows: 5512

(I) Thirty per cent of the score shall be based on the 5513
indicators described in division (C) (1) of this section that are 5514
applicable to the school year for which the overall designation 5515
is granted. 5516

(II) Thirty per cent of the score shall be based on the 5517
indicators described in division (C) (4) of this section. 5518

(III) Twenty per cent of the score shall be based on the 5519
indicators described in division (C) (2) of this section. 5520

(IV) Twenty per cent of the score shall be based on the 5521
indicators described in division (C) (3) of this section. 5522

(3) If both of the indicators described in divisions (C) 5523
(1) and (2) of this section improve by ten per cent for two 5524
consecutive years, a school shall be rated not less than "meets 5525
standards." 5526

The rating and the relevant performance data for each 5527
school shall be posted on the department's web site, and a copy 5528
of the rating and data shall be provided to the governing 5529
authority of the community school. 5530

(E) (1) For the 2012-2013 school year, the department shall 5531
issue a report card including the following performance 5532
measures, but without a performance rating as described in 5533
divisions (D) (1) (a) to (c) of this section, for each community 5534
school described in division (A) (4) (a) of section 3314.35 of the 5535
Revised Code: 5536

(a) The graduation rates as described in divisions (C) (1) 5537
(a) to (c) of this section; 5538

(b) The percentage of twelfth-grade students and other 5539
students who have attained a designated passing score on high 5540
school achievement assessments as described in division (C) (2) 5541
of this section; 5542

(c) The statewide average for the graduation rates and 5543
assessment passage rates described in divisions (C) (1) (a) to (c) 5544
and (C) (2) of this section; 5545

(d) Annual measurable objectives described in division (C) 5546
(3) of this section. 5547

(2) For the 2013-2014 school year, the department shall 5548
issue a report card including the following performance measures 5549
for each community school described in division (A) (4) (a) of 5550
section 3314.35 of the Revised Code: 5551

(a) The graduation rates described in divisions (C) (1) (a) 5552
to (d) of this section, including a performance rating as 5553
described in divisions (D) (1) (a) to (c) of this section; 5554

(b) The percentage of twelfth-grade students and other 5555
students who have attained a designated passing score on high 5556
school achievement assessments as described in division (C) (2) 5557
of this section, including a performance rating as described in 5558
divisions (D) (1) (a) to (c) of this section; 5559

(c) Annual measurable objectives described in division (C) 5560
(3) of this section, including a performance rating as described 5561
in divisions (D) (1) (a) to (c) of this section; 5562

(d) Both of the following without an assigned rating: 5563

(i) Growth in annual student achievement in reading 5564
and mathematics described in division (C) (4) of this section, if 5565
available; 5566

(ii) Student outcome data, including postsecondary credit 5567
earned, nationally recognized career or technical certification, 5568
military enlistment, job placement, and attendance rate. 5569

(3) Beginning with the 2014-2015 school year, and annually 5570
thereafter, the department shall issue a report card for each 5571
community school described in division (A) (4) (a) of section 5572
3314.35 of the Revised Code that includes all of the following 5573
performance measures, including a performance rating for each 5574
measure as described in divisions (D) (1) (a) to (c) of this 5575
section: 5576

(a) The graduation rates as described in division (C) (1) 5577
of this section; 5578

(b) The percentage of twelfth-grade students and other 5579

students who have attained a designated passing score on high 5580
school achievement assessments as described in division (C) (2) 5581
of this section; 5582

(c) Annual measurable objectives described in division (C) 5583
(3) of this section, including a performance rating as described 5584
in divisions (D) (1) (a) to (c) of this section; 5585

(d) Growth in annual student achievement in reading and 5586
mathematics as described in division (C) (4) of this section; 5587

(e) An overall performance designation for the school 5588
calculated under rules adopted under division (D) (2) of this 5589
section. 5590

The department shall also include student outcome data, 5591
including postsecondary credit earned, nationally recognized 5592
career or technical certification, military enlistment, job 5593
placement, attendance rate, and progress on closing achievement 5594
gaps for each school. This information shall not be included in 5595
the calculation of a school's performance rating. 5596

(F) Not later than the thirty-first day of July of each 5597
year, the department shall submit preliminary report card data 5598
for overall academic performance for each performance measure 5599
prescribed in division (E) (3) of this section for each community 5600
school to which this section applies. 5601

(G) In developing the rating and report card system 5602
required by this section, during the 2012-2013 and 2013-2014 5603
school years, the department shall gather and analyze data as 5604
determined necessary from each community school described in 5605
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 5606
such school shall cooperate with the department by supplying 5607
requested data and administering required assessments, including 5608

sample assessments for purposes of measuring student achievement 5609
growth as described in division (C) (4) of this section. The 5610
department shall consult with stakeholder groups in performing 5611
its duties under this division. 5612

The department shall also identify one or more states that 5613
have established or are in the process of establishing similar 5614
academic performance rating systems for dropout prevention and 5615
recovery programs and consult with the departments of education 5616
of those states in developing the system required by this 5617
section. 5618

(H) Not later than December 31, 2014, the state board 5619
shall review the performance levels and benchmarks for 5620
performance indicators in the report card issued under this 5621
section and may revise them based on the data collected under 5622
division (G) of this section. 5623

(I) For the purposes of division (F) of section 3314.351 5624
of the Revised Code, the department shall recalculate the 5625
ratings for each school under division (E) (3) of this section 5626
for the 2017-2018 school year and calculate the ratings under 5627
that division for the 2018-2019 school year using the indicators 5628
prescribed by division (C) of this section, as it exists on and 5629
after ~~the effective date of this amendment~~ July 18, 2019. 5630

(J) The state board shall coordinate a study committee 5631
consisting of one member of the Ohio senate appointed by the 5632
president of the senate, one member of the Ohio house of 5633
representatives appointed by the speaker of the house of 5634
representatives, one representative of the governor's office, 5635
one school district superintendent appointed by the state board, 5636
and one chief administrator of a community school appointed by 5637
the state board. This committee shall conduct a study regarding 5638

the classification, authorization, and report card ratings of 5639
community schools that primarily serve students enrolled in 5640
dropout prevention and recovery programs as described in 5641
division (A) (4) (a) of section 3314.35 of the Revised Code that 5642
offer two or more of the following educational models: 5643

(1) Blended learning, as that term is defined in section 5644
3301.079 of the Revised Code; 5645

(2) Portfolio learning, as defined by the members of the 5646
committee; 5647

(3) Credit flexibility, which permits credits to be 5648
awarded based on a student's demonstration of subject area 5649
competency. 5650

The state board, on behalf of the committee, shall submit 5651
the committee's recommendations to the general assembly in 5652
accordance with section 101.68 of the Revised Code not later 5653
than six months after ~~the effective date of this amendment~~ 5654
October 17, 2019. 5655

Sec. 3314.02. (A) As used in this chapter: 5656

(1) "Sponsor" means the board of education of a school 5657
district or the governing board of an educational service center 5658
that agrees to the conversion of all or part of a school or 5659
building under division (B) of this section, or an entity listed 5660
in division (C) (1) of this section, which has been approved by 5661
the department of education to sponsor community schools or is 5662
exempted by section 3314.021 or 3314.027 of the Revised Code 5663
from obtaining approval, and with which the governing authority 5664
of a community school enters into a contract under section 5665
3314.03 of the Revised Code. 5666

(2) "Pilot project area" means the school districts 5667

included in the territory of the former community school pilot 5668
project established by former Section 50.52 of Am. Sub. H.B. No. 5669
215 of the 122nd general assembly. 5670

(3) "Challenged school district" means any of the 5671
following: 5672

(a) A school district that is part of the pilot project 5673
area; 5674

(b) A school district that meets one of the following 5675
conditions: 5676

(i) On March 22, 2013, the district was in a state of 5677
academic emergency or in a state of academic watch under section 5678
3302.03 of the Revised Code, as that section existed prior to 5679
March 22, 2013; 5680

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, ~~and~~ 5681
2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020- 5682
2021, and 2021-2022 school years, the district received a grade 5683
of "D" or "F" for the performance index score and a grade of "F" 5684
for the value-added progress dimension under section 3302.03 of 5685
the Revised Code; 5686

(iii) For the ~~2016-2017-2022-2023~~ school year and for any 5687
school year thereafter, the district has received an overall 5688
grade of "D" or "F" under division (C) (3) of section 3302.03 of 5689
the Revised Code, or, for at least two of the three most recent 5690
school years, the district received a grade of "F" for the 5691
value-added progress dimension under division (C) (1) (e) of that 5692
section. 5693

(c) A big eight school district; 5694

(d) A school district ranked in the lowest five per cent 5695

of school districts according to performance index score under 5696
section 3302.21 of the Revised Code. 5697

(4) "Big eight school district" means a school district 5698
that for fiscal year 1997 had both of the following: 5699

(a) A percentage of children residing in the district and 5700
participating in the predecessor of Ohio works first greater 5701
than thirty per cent, as reported pursuant to section 3317.10 of 5702
the Revised Code; 5703

(b) An average daily membership greater than twelve 5704
thousand, as reported pursuant to former division (A) of section 5705
3317.03 of the Revised Code. 5706

(5) "New start-up school" means a community school other 5707
than one created by converting all or part of an existing public 5708
school or educational service center building, as designated in 5709
the school's contract pursuant to division (A) (17) of section 5710
3314.03 of the Revised Code. 5711

(6) "Urban school district" means one of the state's 5712
twenty-one urban school districts as defined in division (O) of 5713
section 3317.02 of the Revised Code as that section existed 5714
prior to July 1, 1998. 5715

(7) "Internet- or computer-based community school" means a 5716
community school established under this chapter in which the 5717
enrolled students work primarily from their residences on 5718
assignments in nonclassroom-based learning opportunities 5719
provided via an internet- or other computer-based instructional 5720
method that does not rely on regular classroom instruction or 5721
via comprehensive instructional methods that include internet- 5722
based, other computer-based, and noncomputer-based learning 5723
opportunities unless a student receives career-technical 5724

education under section 3314.086 of the Revised Code. 5725

A community school that operates mainly as an internet- or 5726
computer-based community school and provides career-technical 5727
education under section 3314.086 of the Revised Code shall be 5728
considered an internet- or computer-based community school, even 5729
if it provides some classroom-based instruction, so long as it 5730
provides instruction via the methods described in this division. 5731

(8) "Operator" or "management company" means either of the 5732
following: 5733

(a) An individual or organization that manages the daily 5734
operations of a community school pursuant to a contract between 5735
the operator or management company and the school's governing 5736
authority; 5737

(b) A nonprofit organization that provides programmatic 5738
oversight and support to a community school under a contract 5739
with the school's governing authority and that retains the right 5740
to terminate its affiliation with the school if the school fails 5741
to meet the organization's quality standards. 5742

(9) "Alliance municipal school district" has the same 5743
meaning as in section 3311.86 of the Revised Code. 5744

(B) (1) Any person or group of individuals may initially 5745
propose under this division the conversion of all or a portion 5746
of a public school to a community school. The proposal shall be 5747
made to the board of education of the city, local, exempted 5748
village, or joint vocational school district in which the public 5749
school is proposed to be converted. 5750

(2) Any person or group of individuals may initially 5751
propose under this division the conversion of all or a portion 5752
of a building operated by an educational service center to a 5753

community school. The proposal shall be made to the governing 5754
board of the service center. 5755

On or after July 1, 2017, except as provided in section 5756
3314.027 of the Revised Code, any educational service center 5757
that sponsors a community school shall be approved by and enter 5758
into a written agreement with the department as described in 5759
section 3314.015 of the Revised Code. 5760

(3) Upon receipt of a proposal, and after an agreement has 5761
been entered into pursuant to section 3314.015 of the Revised 5762
Code, a board may enter into a preliminary agreement with the 5763
person or group proposing the conversion of the public school or 5764
service center building, indicating the intention of the board 5765
to support the conversion to a community school. A proposing 5766
person or group that has a preliminary agreement under this 5767
division may proceed to finalize plans for the school, establish 5768
a governing authority for the school, and negotiate a contract 5769
with the board. Provided the proposing person or group adheres 5770
to the preliminary agreement and all provisions of this chapter, 5771
the board shall negotiate in good faith to enter into a contract 5772
in accordance with section 3314.03 of the Revised Code and 5773
division (C) of this section. 5774

(4) The sponsor of a conversion community school proposed 5775
to open in an alliance municipal school district shall be 5776
subject to approval by the department of education for 5777
sponsorship of that school using the criteria established under 5778
division (A) of section 3311.87 of the Revised Code. 5779

Division (B) (4) of this section does not apply to a 5780
sponsor that, on or before September 29, 2015, was exempted 5781
under section 3314.021 or 3314.027 of the Revised Code from the 5782
requirement to be approved for sponsorship under divisions (A) 5783

(2) and (B) (1) of section 3314.015 of the Revised Code. 5784

(5) A school established in accordance with division (B) 5785
of this section that later enters into a sponsorship contract 5786
with an entity that is not a school district or educational 5787
service center shall, at the time of entering into the new 5788
contract, be deemed a community school established in accordance 5789
with division (C) of this section. 5790

(C) (1) Any person or group of individuals may propose 5791
under this division the establishment of a new start-up school 5792
to be located in a challenged school district. The proposal may 5793
be made to any of the following entities: 5794

(a) The board of education of the district in which the 5795
school is proposed to be located; 5796

(b) The board of education of any joint vocational school 5797
district with territory in the county in which is located the 5798
majority of the territory of the district in which the school is 5799
proposed to be located; 5800

(c) The board of education of any other city, local, or 5801
exempted village school district having territory in the same 5802
county where the district in which the school is proposed to be 5803
located has the major portion of its territory; 5804

(d) The governing board of any educational service center, 5805
regardless of the location of the proposed school, may sponsor a 5806
new start-up school in any challenged school district in the 5807
state if all of the following are satisfied: 5808

(i) If applicable, it satisfies the requirements of 5809
division (E) of section 3311.86 of the Revised Code; 5810

(ii) It is approved to do so by the department; 5811

(iii) It enters into an agreement with the department 5812
under section 3314.015 of the Revised Code. 5813

(e) A sponsoring authority designated by the board of 5814
trustees of any of the thirteen state universities listed in 5815
section 3345.011 of the Revised Code or the board of trustees 5816
itself as long as a mission of the proposed school to be 5817
specified in the contract under division (A) (2) of section 5818
3314.03 of the Revised Code and as approved by the department 5819
under division (B) (3) of section 3314.015 of the Revised Code 5820
will be the practical demonstration of teaching methods, 5821
educational technology, or other teaching practices that are 5822
included in the curriculum of the university's teacher 5823
preparation program approved by the state board of education; 5824

(f) Any qualified tax-exempt entity under section 501(c) 5825
(3) of the Internal Revenue Code as long as all of the following 5826
conditions are satisfied: 5827

(i) The entity has been in operation for at least five 5828
years prior to applying to be a community school sponsor. 5829

(ii) The entity has assets of at least five hundred 5830
thousand dollars and a demonstrated record of financial 5831
responsibility. 5832

(iii) The department has determined that the entity is an 5833
education-oriented entity under division (B) (4) of section 5834
3314.015 of the Revised Code and the entity has a demonstrated 5835
record of successful implementation of educational programs. 5836

(iv) The entity is not a community school. 5837

(g) The mayor of a city in which the majority of the 5838
territory of a school district to which section 3311.60 of the 5839
Revised Code applies is located, regardless of whether that 5840

district has created the position of independent auditor as 5841
prescribed by that section. The mayor's sponsorship authority 5842
under this division is limited to community schools that are 5843
located in that school district. Such mayor may sponsor 5844
community schools only with the approval of the city council of 5845
that city, after establishing standards with which community 5846
schools sponsored by the mayor must comply, and after entering 5847
into a sponsor agreement with the department as prescribed under 5848
section 3314.015 of the Revised Code. The mayor shall establish 5849
the standards for community schools sponsored by the mayor not 5850
later than one hundred eighty days after July 15, 2013, and 5851
shall submit them to the department upon their establishment. 5852
The department shall approve the mayor to sponsor community 5853
schools in the district, upon receipt of an application by the 5854
mayor to do so. Not later than ninety days after the 5855
department's approval of the mayor as a community school 5856
sponsor, the department shall enter into the sponsor agreement 5857
with the mayor. 5858

Any entity described in division (C)(1) of this section 5859
may enter into a preliminary agreement pursuant to division (C) 5860
(2) of this section with the proposing person or group, provided 5861
that entity has been approved by and entered into a written 5862
agreement with the department pursuant to section 3314.015 of 5863
the Revised Code. 5864

(2) A preliminary agreement indicates the intention of an 5865
entity described in division (C)(1) of this section to sponsor 5866
the community school. A proposing person or group that has such 5867
a preliminary agreement may proceed to finalize plans for the 5868
school, establish a governing authority as described in division 5869
(E) of this section for the school, and negotiate a contract 5870
with the entity. Provided the proposing person or group adheres 5871

to the preliminary agreement and all provisions of this chapter, 5872
the entity shall negotiate in good faith to enter into a 5873
contract in accordance with section 3314.03 of the Revised Code. 5874

(3) A new start-up school that is established in a school 5875
district described in either division (A) (3) (b) or (d) of this 5876
section may continue in existence once the school district no 5877
longer meets the conditions described in either division, 5878
provided there is a valid contract between the school and a 5879
sponsor. 5880

(4) A copy of every preliminary agreement entered into 5881
under this division shall be filed with the superintendent of 5882
public instruction. 5883

(D) A majority vote of the board of a sponsoring entity 5884
and a majority vote of the members of the governing authority of 5885
a community school shall be required to adopt a contract and 5886
convert the public school or educational service center building 5887
to a community school or establish the new start-up school. 5888
Beginning September 29, 2005, adoption of the contract shall 5889
occur not later than the fifteenth day of March, and signing of 5890
the contract shall occur not later than the fifteenth day of 5891
May, prior to the school year in which the school will open. The 5892
governing authority shall notify the department of education 5893
when the contract has been signed. Subject to sections 3314.013 5894
and 3314.016 of the Revised Code, an unlimited number of 5895
community schools may be established in any school district 5896
provided that a contract is entered into for each community 5897
school pursuant to this chapter. 5898

(E) (1) As used in this division, "immediate relatives" are 5899
limited to spouses, children, parents, grandparents, and 5900
siblings, as well as in-laws residing in the same household as 5901

the person serving on the governing authority. 5902

Each new start-up community school established under this 5903
chapter shall be under the direction of a governing authority 5904
which shall consist of a board of not less than five 5905
individuals. 5906

(2) (a) No person shall serve on the governing authority or 5907
operate the community school under contract with the governing 5908
authority under any of the following circumstances: 5909

(i) The person owes the state any money or is in a dispute 5910
over whether the person owes the state any money concerning the 5911
operation of a community school that has closed. 5912

(ii) The person would otherwise be subject to division (B) 5913
of section 3319.31 of the Revised Code with respect to refusal, 5914
limitation, or revocation of a license to teach, if the person 5915
were a licensed educator. 5916

(iii) The person has pleaded guilty to or been convicted 5917
of theft in office under section 2921.41 of the Revised Code, or 5918
has pleaded guilty to or been convicted of a substantially 5919
similar offense in another state. 5920

(b) No person shall serve on the governing authority or 5921
engage in the financial day-to-day management of the community 5922
school under contract with the governing authority unless and 5923
until that person has submitted to a criminal records check in 5924
the manner prescribed by section 3319.39 of the Revised Code. 5925

(c) Each sponsor of a community school shall annually 5926
verify that a finding for recovery has not been issued by the 5927
auditor of state against any individual or individuals who 5928
propose to create a community school or any member of the 5929
governing authority, the operator, or any employee of each 5930

community school with responsibility for fiscal operations or 5931
authorization to expend money on behalf of the school. 5932

(3) No person shall serve on the governing authorities of 5933
more than five start-up community schools at the same time. 5934

(4) (a) For a community school established under this 5935
chapter that is not sponsored by a school district or an 5936
educational service center, no present or former member, or 5937
immediate relative of a present or former member, of the 5938
governing authority shall be an owner, employee, or consultant 5939
of the community school's sponsor or operator, unless at least 5940
one year has elapsed since the conclusion of the person's 5941
membership on the governing authority. 5942

(b) For a community school established under this chapter 5943
that is sponsored by a school district or an educational service 5944
center, no present or former member, or immediate relative of a 5945
present or former member, of the governing authority shall: 5946

(i) Be an officer of the district board or service center 5947
governing board that serves as the community school's sponsor, 5948
unless at least one year has elapsed since the conclusion of the 5949
person's membership on the governing authority; 5950

(ii) Serve as an employee of, or a consultant for, the 5951
department, division, or section of the sponsoring district or 5952
service center that is directly responsible for sponsoring 5953
community schools, or have supervisory authority over such a 5954
department, division, or section, unless at least one year has 5955
elapsed since the conclusion of the person's membership on the 5956
governing authority. 5957

(5) The governing authority of a start-up or conversion 5958
community school may provide by resolution for the compensation 5959

of its members. However, no individual who serves on the 5960
governing authority of a start-up or conversion community school 5961
shall be compensated more than one hundred twenty-five dollars 5962
per meeting of that governing authority and no such individual 5963
shall be compensated more than a total amount of five thousand 5964
dollars per year for all governing authorities upon which the 5965
individual serves. Each member of the governing authority may be 5966
paid compensation for attendance at an approved training 5967
program, provided that such compensation shall not exceed sixty 5968
dollars a day for attendance at a training program three hours 5969
or less in length and one hundred twenty-five dollars a day for 5970
attendance at a training program longer than three hours in 5971
length. 5972

(6) No person who is the employee of a school district or 5973
educational service center shall serve on the governing 5974
authority of any community school sponsored by that school 5975
district or service center. 5976

(7) Each member of the governing authority of a community 5977
school shall annually file a disclosure statement setting forth 5978
the names of any immediate relatives or business associates 5979
employed by any of the following within the previous three 5980
years: 5981

(a) The sponsor or operator of that community school; 5982

(b) A school district or educational service center that 5983
has contracted with that community school; 5984

(c) A vendor that is or has engaged in business with that 5985
community school. 5986

(8) No person who is a member of a school district board 5987
of education shall serve on the governing authority of any 5988

community school. 5989

(F) (1) A new start-up school that is established prior to 5990
August 15, 2003, in an urban school district that is not also a 5991
big-eight school district may continue to operate after that 5992
date and the contract between the school's governing authority 5993
and the school's sponsor may be renewed, as provided under this 5994
chapter, after that date, but no additional new start-up schools 5995
may be established in such a district unless the district is a 5996
challenged school district as defined in this section as it 5997
exists on and after that date. 5998

(2) A community school that was established prior to June 5999
29, 1999, and is located in a county contiguous to the pilot 6000
project area and in a school district that is not a challenged 6001
school district may continue to operate after that date, 6002
provided the school complies with all provisions of this 6003
chapter. The contract between the school's governing authority 6004
and the school's sponsor may be renewed, but no additional 6005
start-up community school may be established in that district 6006
unless the district is a challenged school district. 6007

(3) Any educational service center that, on June 30, 2007, 6008
sponsors a community school that is not located in a county 6009
within the territory of the service center or in a county 6010
contiguous to such county may continue to sponsor that community 6011
school on and after June 30, 2007, and may renew its contract 6012
with the school. However, the educational service center shall 6013
not enter into a contract with any additional community school, 6014
unless the governing board of the service center has entered 6015
into an agreement with the department authorizing the service 6016
center to sponsor a community school in any challenged school 6017
district in the state. 6018

Sec. 3314.05. (A) The contract between the community 6019
school and the sponsor shall specify the facilities to be used 6020
for the community school and the method of acquisition. Except 6021
as provided in divisions (B) (3) and (4) of this section, no 6022
community school shall be established in more than one school 6023
district under the same contract. 6024

(B) Division (B) of this section shall not apply to 6025
internet- or computer-based community schools. 6026

(1) A community school may be located in multiple 6027
facilities under the same contract only if the limitations on 6028
availability of space prohibit serving all the grade levels 6029
specified in the contract in a single facility or division (B) 6030
(2), (3), or (4) of this section applies to the school. The 6031
school shall not offer the same grade level classrooms in more 6032
than one facility. 6033

(2) A community school may be located in multiple 6034
facilities under the same contract and, notwithstanding division 6035
(B) (1) of this section, may assign students in the same grade 6036
level to multiple facilities, as long as all of the following 6037
apply: 6038

(a) The governing authority has entered into and maintains 6039
a contract with an operator of the type described in division 6040
(A) (8) (b) of section 3314.02 of the Revised Code. 6041

(b) The contract with that operator qualified the school 6042
to be established pursuant to division (A) of former section 6043
3314.016 of the Revised Code. 6044

(c) The school's rating under section 3302.03 of the 6045
Revised Code does not fall below a combination of any of the 6046
following for two or more consecutive years: 6047

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

(ii) For the 2012-2013, 2013-2014, 2014-2015, ~~and 2015-~~
2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, and
2021-2022 school years, a rating of "C" for both the performance
index score under division (A) (1) (b) ~~or, (B) (1) (b), or (C) (1) (b)~~
and the value-added dimension under division (A) (1) (e) ~~or, (B)~~
(1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; or
if the building serves only grades ten through twelve, the
building received a grade of "C" for the performance index score
under division (A) (1) (b) ~~or, (B) (1) (b), or (C) (1) (b)~~ of section
3302.03 of the Revised Code;

(iii) For the ~~2016-2017-2022-2023~~ school year and for any
school year thereafter, an overall grade of "C" under division
(C) (3) of section 3302.03 of the Revised Code or an overall
performance designation of "meets standards" under division (E)
(3) (e) of section 3314.017 of the Revised Code.

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

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

(b) The school operates not more than one facility in each
school district and, in accordance with division (B) (1) of this
section, the school does not offer the same grade level
classrooms in both facilities; and

(c) Transportation between the two facilities does not
require more than thirty minutes of direct travel time as

measured by school bus.

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

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

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

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(b) Either of the following conditions are satisfied:

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

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

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In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more

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than one school district, the school's governing authority shall 6106
designate one of those districts to be considered the school's 6107
primary location and the district in which the school is located 6108
for the purposes of division (A) (19) of section 3314.03 and 6109
divisions (C) and (H) of section 3314.06 of the Revised Code and 6110
for all other purposes of this chapter and shall notify the 6111
department of that designation. 6112

(5) Any facility used for a community school shall meet 6113
all health and safety standards established by law for school 6114
buildings. 6115

(C) In the case where a community school is proposed to be 6116
located in a facility owned by a school district or educational 6117
service center, the facility may not be used for such community 6118
school unless the district or service center board owning the 6119
facility enters into an agreement for the community school to 6120
utilize the facility. Use of the facility may be under any terms 6121
and conditions agreed to by the district or service center board 6122
and the school. 6123

(D) Two or more separate community schools may be located 6124
in the same facility. 6125

(E) In the case of a community school that is located in 6126
multiple facilities, beginning July 1, 2012, the department 6127
shall assign a unique identification number to the school and to 6128
each facility maintained by the school. Each number shall be 6129
used for identification purposes only. Nothing in this division 6130
shall be construed to require the department to calculate the 6131
amount of funds paid under this chapter, or to compute any data 6132
required for the report cards issued under section 3314.012 of 6133
the Revised Code, for each facility separately. The department 6134
shall make all such calculations or computations for the school 6135

as a whole. 6136

Sec. 3314.08. (A) As used in this section: 6137

(1) (a) "Category one career-technical education student" 6138
means a student who is receiving the career-technical education 6139
services described in division (A) of section 3317.014 of the 6140
Revised Code. 6141

(b) "Category two career-technical student" means a 6142
student who is receiving the career-technical education services 6143
described in division (B) of section 3317.014 of the Revised 6144
Code. 6145

(c) "Category three career-technical student" means a 6146
student who is receiving the career-technical education services 6147
described in division (C) of section 3317.014 of the Revised 6148
Code. 6149

(d) "Category four career-technical student" means a 6150
student who is receiving the career-technical education services 6151
described in division (D) of section 3317.014 of the Revised 6152
Code. 6153

(e) "Category five career-technical education student" 6154
means a student who is receiving the career-technical education 6155
services described in division (E) of section 3317.014 of the 6156
Revised Code. 6157

(2) (a) "Category one English learner" means an English 6158
learner described in division (A) of section 3317.016 of the 6159
Revised Code. 6160

(b) "Category two English learner" means an English 6161
learner described in division (B) of section 3317.016 of the 6162
Revised Code. 6163

(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.

(3) (a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of 6193
the Revised Code. 6194

(6) "Resident district" means the school district in which 6195
a student is entitled to attend school under section 3313.64 or 6196
3313.65 of the Revised Code. 6197

(7) "State education aid" has the same meaning as in 6198
section 5751.20 of the Revised Code. 6199

(B) The state board of education shall adopt rules 6200
requiring both of the following: 6201

(1) The board of education of each city, exempted village, 6202
and local school district to annually report the number of 6203
students entitled to attend school in the district who are 6204
enrolled in each grade kindergarten through twelve in a 6205
community school established under this chapter, and for each 6206
child, the community school in which the child is enrolled. 6207

(2) The governing authority of each community school 6208
established under this chapter to annually report all of the 6209
following: 6210

(a) The number of students enrolled in grades one through 6211
twelve and the full-time equivalent number of students enrolled 6212
in kindergarten in the school who are not receiving special 6213
education and related services pursuant to an IEP; 6214

(b) The number of enrolled students in grades one through 6215
twelve and the full-time equivalent number of enrolled students 6216
in kindergarten, who are receiving special education and related 6217
services pursuant to an IEP; 6218

(c) The number of students reported under division (B) (2) 6219
(b) of this section receiving special education and related 6220

services pursuant to an IEP for a disability described in each 6221
of divisions (A) to (F) of section 3317.013 of the Revised Code; 6222

(d) The full-time equivalent number of students reported 6223
under divisions (B) (2) (a) and (b) of this section who are 6224
enrolled in career-technical education programs or classes 6225
described in each of divisions (A) to (E) of section 3317.014 of 6226
the Revised Code that are provided by the community school; 6227

(e) The number of students reported under divisions (B) (2) 6228
(a) and (b) of this section who are not reported under division 6229
(B) (2) (d) of this section but who are enrolled in career- 6230
technical education programs or classes described in each of 6231
divisions (A) to (E) of section 3317.014 of the Revised Code at 6232
a joint vocational school district or another district in the 6233
career-technical planning district to which the school is 6234
assigned; 6235

(f) The number of students reported under divisions (B) (2) 6236
(a) and (b) of this section who are category one to three 6237
English learners described in each of divisions (A) to (C) of 6238
section 3317.016 of the Revised Code; 6239

(g) The number of students reported under divisions (B) (2) 6240
(a) and (b) of this section who are economically disadvantaged, 6241
as defined by the department. A student shall not be 6242
categorically excluded from the number reported under division 6243
(B) (2) (g) of this section based on anything other than family 6244
income. 6245

(h) For each student, the city, exempted village, or local 6246
school district in which the student is entitled to attend 6247
school under section 3313.64 or 3313.65 of the Revised Code. 6248

(i) The number of students enrolled in a preschool program 6249

operated by the school that is licensed by the department of 6250
education under sections 3301.52 to 3301.59 of the Revised Code 6251
who are not receiving special education and related services 6252
pursuant to an IEP. 6253

A school district board and a community school governing 6254
authority shall include in their respective reports under 6255
division (B) of this section any child admitted in accordance 6256
with division (A) (2) of section 3321.01 of the Revised Code. 6257

A governing authority of a community school shall not 6258
include in its report under divisions (B) (2) (a) to (h) of this 6259
section any student for whom tuition is charged under division 6260
(F) of this section. 6261

(C) (1) Except as provided in division (C) (2) of this 6262
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 6263
of this section, on a full-time equivalency basis, for each 6264
student enrolled in a community school established under this 6265
chapter, the department of education annually shall deduct from 6266
the state education aid of a student's resident district and, if 6267
necessary, from the payment made to the district under sections 6268
321.24 and 323.156 of the Revised Code and pay to the community 6269
school the sum of the following: 6270

(a) An opportunity grant in an amount equal to the formula 6271
amount; 6272

(b) The per pupil amount of targeted assistance funds 6273
calculated under division (A) of section 3317.0217 of the 6274
Revised Code for the student's resident district, as determined 6275
by the department, X 0.25; 6276

(c) Additional state aid for special education and related 6277
services provided under Chapter 3323. of the Revised Code as 6278

follows:	6279
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	6280 6281 6282
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	6283 6284 6285
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	6286 6287 6288
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	6289 6290 6291
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	6292 6293 6294
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	6295 6296 6297
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	6298 6299
(e) If the student is economically disadvantaged, an additional amount equal to the following:	6300 6301
\$272 X the resident district's economically disadvantaged index	6302 6303
(f) English learner funds as follows:	6304
(i) If the student is a category one English learner, the	6305

amount specified in division (A) of section 3317.016 of the 6306
Revised Code; 6307

(ii) If the student is a category two English learner, the 6308
amount specified in division (B) of section 3317.016 of the 6309
Revised Code; 6310

(iii) If the student is a category three English learner, 6311
the amount specified in division (C) of section 3317.016 of the 6312
Revised Code. 6313

(g) If the student is reported under division (B) (2) (d) of 6314
this section, career-technical education funds as follows: 6315

(i) If the student is a category one career-technical 6316
education student, the amount specified in division (A) of 6317
section 3317.014 of the Revised Code; 6318

(ii) If the student is a category two career-technical 6319
education student, the amount specified in division (B) of 6320
section 3317.014 of the Revised Code; 6321

(iii) If the student is a category three career-technical 6322
education student, the amount specified in division (C) of 6323
section 3317.014 of the Revised Code; 6324

(iv) If the student is a category four career-technical 6325
education student, the amount specified in division (D) of 6326
section 3317.014 of the Revised Code; 6327

(v) If the student is a category five career-technical 6328
education student, the amount specified in division (E) of 6329
section 3317.014 of the Revised Code. 6330

Deduction and payment of funds under division (C) (1) (g) of 6331
this section is subject to approval by the lead district of a 6332
career-technical planning district or the department of 6333

education under section 3317.161 of the Revised Code. 6334

(2) When deducting from the state education aid of a 6335
student's resident district for students enrolled in an 6336
internet- or computer-based community school and making payments 6337
to such school under this section, the department shall make the 6338
deductions and payments described in only divisions (C)(1)(a), 6339
(c), and (g) of this section. 6340

No deductions or payments shall be made for a student 6341
enrolled in such school under division (C)(1)(b), (d), (e), or 6342
(f) of this section. 6343

(3)(a) If a community school's costs for a fiscal year for 6344
a student receiving special education and related services 6345
pursuant to an IEP for a disability described in divisions (B) 6346
to (F) of section 3317.013 of the Revised Code exceed the 6347
threshold catastrophic cost for serving the student as specified 6348
in division (B) of section 3317.0214 of the Revised Code, the 6349
school may submit to the superintendent of public instruction 6350
documentation, as prescribed by the superintendent, of all its 6351
costs for that student. Upon submission of documentation for a 6352
student of the type and in the manner prescribed, the department 6353
shall pay to the community school an amount equal to the 6354
school's costs for the student in excess of the threshold 6355
catastrophic costs. 6356

(b) The community school shall report under division (C) 6357
(3)(a) of this section, and the department shall pay for, only 6358
the costs of educational expenses and the related services 6359
provided to the student in accordance with the student's 6360
individualized education program. Any legal fees, court costs, 6361
or other costs associated with any cause of action relating to 6362
the student may not be included in the amount. 6363

(4) In any fiscal year, a community school receiving funds 6364
under division (C) (1) (g) of this section shall spend those funds 6365
only for the purposes that the department designates as approved 6366
for career-technical education expenses. Career-technical 6367
education expenses approved by the department shall include only 6368
expenses connected to the delivery of career-technical 6369
programming to career-technical students. The department shall 6370
require the school to report data annually so that the 6371
department may monitor the school's compliance with the 6372
requirements regarding the manner in which funding received 6373
under division (C) (1) (g) of this section may be spent. 6374

(5) Notwithstanding anything to the contrary in section 6375
3313.90 of the Revised Code, except as provided in division (C) 6376
(9) of this section, all funds received under division (C) (1) (g) 6377
of this section shall be spent in the following manner: 6378

(a) At least seventy-five per cent of the funds shall be 6379
spent on curriculum development, purchase, and implementation; 6380
instructional resources and supplies; industry-based program 6381
certification; student assessment, credentialing, and placement; 6382
curriculum specific equipment purchases and leases; career- 6383
technical student organization fees and expenses; home and 6384
agency linkages; work-based learning experiences; professional 6385
development; and other costs directly associated with career- 6386
technical education programs including development of new 6387
programs. 6388

(b) Not more than twenty-five per cent of the funds shall 6389
be used for personnel expenditures. 6390

(6) A community school shall spend the funds it receives 6391
under division (C) (1) (e) of this section in accordance with 6392
section 3317.25 of the Revised Code. 6393

(7) If the sum of the payments computed under divisions 6394
(C) (1) and (8) (a) of this section for the students entitled to 6395
attend school in a particular school district under sections 6396
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 6397
district's state education aid and its payment under sections 6398
321.24 and 323.156 of the Revised Code, the department shall 6399
calculate and apply a proration factor to the payments to all 6400
community schools under that division for the students entitled 6401
to attend school in that district. 6402

(8) (a) Subject to division (C) (7) of this section, the 6403
department annually shall pay to each community school, 6404
including each internet- or computer-based community school, an 6405
amount equal to the following: 6406

(The number of students reported by the community school 6407
under division (B) (2) (e) of this section X the formula amount 6408
X .20) 6409

(b) For each payment made to a community school under 6410
division (C) (8) (a) of this section, the department shall deduct 6411
from the state education aid of each city, local, and exempted 6412
village school district and, if necessary, from the payment made 6413
to the district under sections 321.24 and 323.156 of the Revised 6414
Code an amount equal to the following: 6415

(The number of the district's students reported by the 6416
community school under division (B) (2) (e) of this section X the 6417
formula amount X .20) 6418

(9) The department may waive the requirement in division 6419
(C) (5) of this section for any community school that exclusively 6420
provides one or more career-technical workforce development 6421
programs in arts and communications that are not equipment- 6422

intensive, as determined by the department. 6423

(D) A board of education sponsoring a community school may 6424
utilize local funds to make enhancement grants to the school or 6425
may agree, either as part of the contract or separately, to 6426
provide any specific services to the community school at no cost 6427
to the school. 6428

(E) A community school may not levy taxes or issue bonds 6429
secured by tax revenues. 6430

(F) No community school shall charge tuition for the 6431
enrollment of any student who is a resident of this state. A 6432
community school may charge tuition for the enrollment of any 6433
student who is not a resident of this state. 6434

(G) (1) (a) A community school may borrow money to pay any 6435
necessary and actual expenses of the school in anticipation of 6436
the receipt of any portion of the payments to be received by the 6437
school pursuant to division (C) of this section. The school may 6438
issue notes to evidence such borrowing. The proceeds of the 6439
notes shall be used only for the purposes for which the 6440
anticipated receipts may be lawfully expended by the school. 6441

(b) A school may also borrow money for a term not to 6442
exceed fifteen years for the purpose of acquiring facilities. 6443

(2) Except for any amount guaranteed under section 3318.50 6444
of the Revised Code, the state is not liable for debt incurred 6445
by the governing authority of a community school. 6446

(H) The department of education shall adjust the amounts 6447
subtracted and paid under division (C) of this section to 6448
reflect any enrollment of students in community schools for less 6449
than the equivalent of a full school year. The state board of 6450
education within ninety days after April 8, 2003, shall adopt in 6451

accordance with Chapter 119. of the Revised Code rules governing 6452
the payments to community schools under this section including 6453
initial payments in a school year and adjustments and reductions 6454
made in subsequent periodic payments to community schools and 6455
corresponding deductions from school district accounts as 6456
provided under division (C) of this section. For purposes of 6457
this section: 6458

(1) A student shall be considered enrolled in the 6459
community school for any portion of the school year the student 6460
is participating at a college under Chapter 3365. of the Revised 6461
Code. 6462

(2) A student shall be considered to be enrolled in a 6463
community school for the period of time beginning on the later 6464
of the date on which the school both has received documentation 6465
of the student's enrollment from a parent and the student has 6466
commenced participation in learning opportunities as defined in 6467
the contract with the sponsor, or thirty days prior to the date 6468
on which the student is entered into the education management 6469
information system established under section 3301.0714 of the 6470
Revised Code. For purposes of applying this division and 6471
divisions (H) (3) and (4) of this section to a community school 6472
student, "learning opportunities" shall be defined in the 6473
contract, which shall describe both classroom-based and non- 6474
classroom-based learning opportunities and shall be in 6475
compliance with criteria and documentation requirements for 6476
student participation which shall be established by the 6477
department. Any student's instruction time in non-classroom- 6478
based learning opportunities shall be certified by an employee 6479
of the community school. A student's enrollment shall be 6480
considered to cease on the date on which any of the following 6481
occur: 6482

(a) The community school receives documentation from a 6483
parent terminating enrollment of the student. 6484

(b) The community school is provided documentation of a 6485
student's enrollment in another public or private school. 6486

(c) The community school ceases to offer learning 6487
opportunities to the student pursuant to the terms of the 6488
contract with the sponsor or the operation of any provision of 6489
this chapter. 6490

Except as otherwise specified in this paragraph, beginning 6491
in the 2011-2012 school year, any student who completed the 6492
prior school year in an internet- or computer-based community 6493
school shall be considered to be enrolled in the same school in 6494
the subsequent school year until the student's enrollment has 6495
ceased as specified in division (H) (2) of this section. The 6496
department shall continue subtracting and paying amounts for the 6497
student under division (C) of this section without interruption 6498
at the start of the subsequent school year. However, if the 6499
student without a legitimate excuse fails to participate in the 6500
first seventy-two consecutive hours of learning opportunities 6501
offered to the student in that subsequent school year, the 6502
student shall be considered not to have re-enrolled in the 6503
school for that school year and the department shall recalculate 6504
the payments to the school for that school year to account for 6505
the fact that the student is not enrolled. 6506

(3) The department shall determine each community school 6507
student's percentage of full-time equivalency based on the 6508
percentage of learning opportunities offered by the community 6509
school to that student, reported either as number of hours or 6510
number of days, is of the total learning opportunities offered 6511
by the community school to a student who attends for the 6512

school's entire school year. However, no internet- or computer- 6513
based community school shall be credited for any time a student 6514
spends participating in learning opportunities beyond ten hours 6515
within any period of twenty-four consecutive hours. Whether it 6516
reports hours or days of learning opportunities, each community 6517
school shall offer not less than nine hundred twenty hours of 6518
learning opportunities during the school year. 6519

(4) With respect to the calculation of full-time 6520
equivalency under division (H) (3) of this section, the 6521
department shall waive the number of hours or days of learning 6522
opportunities not offered to a student because the community 6523
school was closed during the school year due to disease 6524
epidemic, hazardous weather conditions, law enforcement 6525
emergencies, inoperability of school buses or other equipment 6526
necessary to the school's operation, damage to a school 6527
building, or other temporary circumstances due to utility 6528
failure rendering the school building unfit for school use, so 6529
long as the school was actually open for instruction with 6530
students in attendance during that school year for not less than 6531
the minimum number of hours required by this chapter. The 6532
department shall treat the school as if it were open for 6533
instruction with students in attendance during the hours or days 6534
waived under this division. 6535

(I) The department of education shall reduce the amounts 6536
paid under this section to reflect payments made to colleges 6537
under section 3365.07 of the Revised Code. 6538

(J) (1) No student shall be considered enrolled in any 6539
internet- or computer-based community school or, if applicable 6540
to the student, in any community school that is required to 6541
provide the student with a computer pursuant to division (C) of 6542

section 3314.22 of the Revised Code, unless both of the 6543
following conditions are satisfied: 6544

(a) The student possesses or has been provided with all 6545
required hardware and software materials and all such materials 6546
are operational so that the student is capable of fully 6547
participating in the learning opportunities specified in the 6548
contract between the school and the school's sponsor as required 6549
by division (A) (23) of section 3314.03 of the Revised Code; 6550

(b) The school is in compliance with division (A) of 6551
section 3314.22 of the Revised Code, relative to such student. 6552

(2) In accordance with policies adopted by the 6553
superintendent of public instruction, in consultation with the 6554
auditor of state, the department shall reduce the amounts 6555
otherwise payable under division (C) of this section to any 6556
community school that includes in its program the provision of 6557
computer hardware and software materials to any student, if such 6558
hardware and software materials have not been delivered, 6559
installed, and activated for each such student in a timely 6560
manner or other educational materials or services have not been 6561
provided according to the contract between the individual 6562
community school and its sponsor. 6563

The superintendent of public instruction and the auditor 6564
of state shall jointly establish a method for auditing any 6565
community school to which this division pertains to ensure 6566
compliance with this section. 6567

The superintendent, auditor of state, and the governor 6568
shall jointly make recommendations to the general assembly for 6569
legislative changes that may be required to assure fiscal and 6570
academic accountability for such schools. 6571

(K) (1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is

final. 6601

(3) If it is decided that the community school owes moneys 6602
to the state, the department shall deduct such amount from the 6603
school's future payments in accordance with guidelines issued by 6604
the superintendent of public instruction. 6605

(L) The department shall not subtract from a school 6606
district's state aid account and shall not pay to a community 6607
school under division (C) of this section any amount for any of 6608
the following: 6609

(1) Any student who has graduated from the twelfth grade 6610
of a public or nonpublic high school; 6611

(2) Any student who is not a resident of the state; 6612

~~(3) Any student who was enrolled in the community school 6613
during the previous school year when assessments were 6614
administered under section 3301.0711 of the Revised Code but did 6615
not take one or more of the assessments required by that section 6616
and was not excused pursuant to division (C)(1) or (3) of that 6617
section, unless the superintendent of public instruction grants 6618
the student a waiver from the requirement to take the assessment 6619
and a parent is not paying tuition for the student pursuant to 6620
section 3314.26 of the Revised Code. The superintendent may 6621
grant a waiver only for good cause in accordance with rules 6622
adopted by the state board of education. 6623~~

~~(4) Any student who has attained the age of twenty-two 6624
years, except for veterans of the armed services whose 6625
attendance was interrupted before completing the recognized 6626
twelve-year course of the public schools by reason of induction 6627
or enlistment in the armed forces and who apply for enrollment 6628
in a community school not later than four years after 6629~~

termination of war or their honorable discharge. If, however, 6630
any such veteran elects to enroll in special courses organized 6631
for veterans for whom tuition is paid under federal law, or 6632
otherwise, the department shall not subtract from a school 6633
district's state aid account and shall not pay to a community 6634
school under division (C) of this section any amount for that 6635
veteran. 6636

Sec. 3314.26. This section shall not apply from the 6637
effective date of this amendment until July 1, 2022. 6638

(A) Each internet- or computer-based community school 6639
shall withdraw from the school any student who, for two 6640
consecutive school years of enrollment in the school, has failed 6641
to participate in the spring administration of any assessment 6642
prescribed under section 3301.0710 or 3301.0712 of the Revised 6643
Code for the student's grade level and was not excused from the 6644
assessment pursuant to division (C)(1) or (3) of section 6645
3301.0711 of the Revised Code, regardless of whether a waiver 6646
was granted for the student under division (L)~~(3)~~ of section 6647
3314.08 of the Revised Code. The school shall report any such 6648
student's data verification code, as assigned pursuant to 6649
section 3301.0714 of the Revised Code, to the department of 6650
education. The department shall maintain a list of all data 6651
verification codes reported under this division and section 6652
3313.6410 of the Revised Code and provide that list to each 6653
internet- or computer-based community school and to each school 6654
to which section 3313.6410 of the Revised Code applies. 6655

(B) No internet- or computer-based community school shall 6656
receive any state funds under this chapter for any enrolled 6657
student whose data verification code appears on the list 6658
maintained by the department under division (A) of this section. 6659

Notwithstanding any provision of the Revised Code to the
contrary, the parent of any such student shall pay tuition to
the internet- or computer-based community school in an amount
equal to the state funds the school otherwise would receive for
that student, as determined by the department. An internet- or
computer-based community school may withdraw any student for
whom the parent does not pay tuition as required by this
division.

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does
not apply to any community school in which a majority of the
students are enrolled in a dropout prevention and recovery
program that is operated by the school and that has been granted
a waiver by the department of education. Until June 30, 2014,
the department shall grant a waiver to a dropout prevention and
recovery program, within sixty days after the program applies
for the waiver, if the program meets all of the following
conditions:

(1) The program serves only students not younger than
sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their
initial enrollment, either, or both, are at least one grade
level behind their cohort age groups or experience crises that
significantly interfere with their academic progress such that
they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the
applicable score designated for each of the assessments
prescribed under division (B)(1) of section 3301.0710 of the
Revised Code or, to the extent prescribed by rule of the state
board of education under division ~~(D)(5)~~ (C) of section
3301.0712 of the Revised Code, division (B)~~(2)~~ of that section.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (A) (4) of this section during the remainder of the student's high school experience.

(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.

(C) Beginning on July 1, 2014, all community schools in which a majority of the students are enrolled in a dropout prevention and recovery program are subject to the provisions of section 3314.351 of the Revised Code, regardless of whether a waiver has been granted under this section. Thereafter, no waivers shall be granted under this section.

Sec. 3317.03. (A) The superintendent of each city, local,

and exempted village school district shall report to the state 6719
board of education as of the last day of October, March, and 6720
June of each year the enrollment of students receiving services 6721
from schools under the superintendent's supervision, and the 6722
numbers of other students entitled to attend school in the 6723
district under section 3313.64 or 3313.65 of the Revised Code 6724
the superintendent is required to report under this section, so 6725
that the department of education can calculate the district's 6726
formula ADM, total ADM, category one through five career- 6727
technical education ADM, category one through three English 6728
learner ADM, category one through six special education ADM, 6729
preschool scholarship ADM, transportation ADM, and, for purposes 6730
of provisions of law outside of Chapter 3317. of the Revised 6731
Code, average daily membership. 6732

(1) The enrollment reported by the superintendent during 6733
the reporting period shall consist of the number of students in 6734
grades kindergarten through twelve receiving any educational 6735
services from the district, except that the following categories 6736
of students shall not be included in the determination: 6737

(a) Students enrolled in adult education classes; 6738

(b) Adjacent or other district students enrolled in the 6739
district under an open enrollment policy pursuant to section 6740
3313.98 of the Revised Code; 6741

(c) Students receiving services in the district pursuant 6742
to a compact, cooperative education agreement, or a contract, 6743
but who are entitled to attend school in another district 6744
pursuant to section 3313.64 or 3313.65 of the Revised Code; 6745

(d) Students for whom tuition is payable pursuant to 6746
sections 3317.081 and 3323.141 of the Revised Code; 6747

(e) Students receiving services in the district through a 6748
scholarship awarded under either section 3310.41 or sections 6749
3310.51 to 3310.64 of the Revised Code. 6750

When reporting students under division (A)(1) of this 6751
section, the superintendent also shall report the district where 6752
each student is entitled to attend school pursuant to sections 6753
3313.64 and 3313.65 of the Revised Code. 6754

(2) The department of education shall compile a list of 6755
all students reported to be enrolled in a district under 6756
division (A)(1) of this section and of the students entitled to 6757
attend school in the district pursuant to section 3313.64 or 6758
3313.65 of the Revised Code on an FTE basis but receiving 6759
educational services in grades kindergarten through twelve from 6760
one or more of the following entities: 6761

(a) A community school pursuant to Chapter 3314. of the 6762
Revised Code, including any participation in a college pursuant 6763
to Chapter 3365. of the Revised Code while enrolled in such 6764
community school; 6765

(b) An alternative school pursuant to sections 3313.974 to 6766
3313.979 of the Revised Code as described in division (I)(2)(a) 6767
or (b) of this section; 6768

(c) A college pursuant to Chapter 3365. of the Revised 6769
Code, except when the student is enrolled in the college while 6770
also enrolled in a community school pursuant to Chapter 3314., a 6771
science, technology, engineering, and mathematics school 6772
established under Chapter 3326., or a college-preparatory 6773
boarding school established under Chapter 3328. of the Revised 6774
Code; 6775

(d) An adjacent or other school district under an open 6776

enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical

education compact, excluding any students so entitled to attend 6805
school in the district who are enrolled in another school 6806
district through an open enrollment policy as reported under 6807
division (A) (2) (d) of this section and then enroll in a joint 6808
vocational school district or under a career-technical education 6809
compact. 6810

The department shall provide each city, local, and 6811
exempted village school district with an opportunity to review 6812
the list of students compiled under divisions (A) (2) and (3) of 6813
this section to ensure that the students reported accurately 6814
reflect the enrollment of students in the district. 6815

(B) To enable the department of education to obtain the 6816
data needed to complete the calculation of payments pursuant to 6817
this chapter, each superintendent shall certify from the reports 6818
provided by the department under division (A) of this section 6819
all of the following: 6820

(1) The total student enrollment in regular learning day 6821
classes included in the report under division (A) (1) or (2) of 6822
this section for each of the individual grades kindergarten 6823
through twelve in schools under the superintendent's 6824
supervision; 6825

(2) The unduplicated count of the number of preschool 6826
children with disabilities enrolled in the district for whom the 6827
district is eligible to receive funding under section 3317.0213 6828
of the Revised Code adjusted for the portion of the year each 6829
child is so enrolled, in accordance with the disability 6830
categories prescribed in section 3317.013 of the Revised Code; 6831

(3) The number of children entitled to attend school in 6832
the district pursuant to section 3313.64 or 3313.65 of the 6833

Revised Code who are: 6834

(a) Participating in a pilot project scholarship program 6835
established under sections 3313.974 to 3313.979 of the Revised 6836
Code as described in division (I)(2)(a) or (b) of this section; 6837

(b) Enrolled in a college under Chapter 3365. of the 6838
Revised Code, except when the student is enrolled in the college 6839
while also enrolled in a community school pursuant to Chapter 6840
3314. of the Revised Code, a science, technology, engineering, 6841
and mathematics school established under Chapter 3326., or a 6842
college-preparatory boarding school established under Chapter 6843
3328. of the Revised Code; 6844

(c) Enrolled in an adjacent or other school district under 6845
section 3313.98 of the Revised Code; 6846

(d) Enrolled in a community school established under 6847
Chapter 3314. of the Revised Code that is not an internet- or 6848
computer-based community school as defined in section 3314.02 of 6849
the Revised Code, including any participation in a college 6850
pursuant to Chapter 3365. of the Revised Code while enrolled in 6851
such community school; 6852

(e) Enrolled in an internet- or computer-based community 6853
school, as defined in section 3314.02 of the Revised Code, 6854
including any participation in a college pursuant to Chapter 6855
3365. of the Revised Code while enrolled in the school; 6856

(f) Enrolled in a chartered nonpublic school with a 6857
scholarship paid under section 3310.08 of the Revised Code and 6858
who qualified for the scholarship under section 3310.03 of the 6859
Revised Code; 6860

(g) Enrolled in kindergarten through grade twelve in an 6861
alternative public provider or a registered private provider 6862

with a scholarship awarded under section 3310.41 of the Revised Code; 6863
6864

(h) Enrolled as a preschool child with a disability in an 6865
alternative public provider or a registered private provider 6866
with a scholarship awarded under section 3310.41 of the Revised 6867
Code; 6868

(i) Participating in a program operated by a county board 6869
of developmental disabilities or a state institution; 6870

(j) Enrolled in a science, technology, engineering, and 6871
mathematics school established under Chapter 3326. of the 6872
Revised Code, including any participation in a college pursuant 6873
to Chapter 3365. of the Revised Code while enrolled in the 6874
school; 6875

(k) Enrolled in a college-preparatory boarding school 6876
established under Chapter 3328. of the Revised Code, including 6877
any participation in a college pursuant to Chapter 3365. of the 6878
Revised Code while enrolled in the school; 6879

(l) Enrolled in an alternative public provider or a 6880
registered private provider with a scholarship awarded under 6881
sections 3310.51 to 3310.64 of the Revised Code. 6882

(4) The total enrollment of pupils in joint vocational 6883
schools; 6884

(5) The combined enrollment of children with disabilities 6885
reported under division (A) (1) or (2) of this section receiving 6886
special education services for the category one disability 6887
described in division (A) of section 3317.013 of the Revised 6888
Code, including children attending a special education program 6889
operated by an alternative public provider or a registered 6890
private provider with a scholarship awarded under sections 6891

3310.51 to 3310.64 of the Revised Code; 6892

(6) The combined enrollment of children with disabilities 6893
reported under division (A) (1) or (2) of this section receiving 6894
special education services for category two disabilities 6895
described in division (B) of section 3317.013 of the Revised 6896
Code, including children attending a special education program 6897
operated by an alternative public provider or a registered 6898
private provider with a scholarship awarded under sections 6899
3310.51 to 3310.64 of the Revised Code; 6900

(7) The combined enrollment of children with disabilities 6901
reported under division (A) (1) or (2) of this section receiving 6902
special education services for category three disabilities 6903
described in division (C) of section 3317.013 of the Revised 6904
Code, including children attending a special education program 6905
operated by an alternative public provider or a registered 6906
private provider with a scholarship awarded under sections 6907
3310.51 to 3310.64 of the Revised Code; 6908

(8) The combined enrollment of children with disabilities 6909
reported under division (A) (1) or (2) of this section receiving 6910
special education services for category four disabilities 6911
described in division (D) of section 3317.013 of the Revised 6912
Code, including children attending a special education program 6913
operated by an alternative public provider or a registered 6914
private provider with a scholarship awarded under sections 6915
3310.51 to 3310.64 of the Revised Code; 6916

(9) The combined enrollment of children with disabilities 6917
reported under division (A) (1) or (2) of this section receiving 6918
special education services for the category five disabilities 6919
described in division (E) of section 3317.013 of the Revised 6920
Code, including children attending a special education program 6921

operated by an alternative public provider or a registered 6922
private provider with a scholarship awarded under sections 6923
3310.51 to 3310.64 of the Revised Code; 6924

(10) The combined enrollment of children with disabilities 6925
reported under division (A) (1) or (2) and under division (B) (3) 6926
(h) of this section receiving special education services for 6927
category six disabilities described in division (F) of section 6928
3317.013 of the Revised Code, including children attending a 6929
special education program operated by an alternative public 6930
provider or a registered private provider with a scholarship 6931
awarded under either section 3310.41 or sections 3310.51 to 6932
3310.64 of the Revised Code; 6933

(11) The enrollment of pupils reported under division (A) 6934
(1) or (2) of this section on a full-time equivalency basis in 6935
category one career-technical education programs or classes, 6936
described in division (A) of section 3317.014 of the Revised 6937
Code, operated by the school district or by another district 6938
that is a member of the district's career-technical planning 6939
district, other than a joint vocational school district, or by 6940
an educational service center, notwithstanding division (G) of 6941
section 3317.02 of the Revised Code and division (C) (3) of this 6942
section; 6943

(12) The enrollment of pupils reported under division (A) 6944
(1) or (2) of this section on a full-time equivalency basis in 6945
category two career-technical education programs or services, 6946
described in division (B) of section 3317.014 of the Revised 6947
Code, operated by the school district or another school district 6948
that is a member of the district's career-technical planning 6949
district, other than a joint vocational school district, or by 6950
an educational service center, notwithstanding division (G) of 6951

section 3317.02 of the Revised Code and division (C) (3) of this 6952
section; 6953

(13) The enrollment of pupils reported under division (A) 6954
(1) or (2) of this section on a full-time equivalency basis in 6955
category three career-technical education programs or services, 6956
described in division (C) of section 3317.014 of the Revised 6957
Code, operated by the school district or another school district 6958
that is a member of the district's career-technical planning 6959
district, other than a joint vocational school district, or by 6960
an educational service center, notwithstanding division (G) of 6961
section 3317.02 of the Revised Code and division (C) (3) of this 6962
section; 6963

(14) The enrollment of pupils reported under division (A) 6964
(1) or (2) of this section on a full-time equivalency basis in 6965
category four career-technical education programs or services, 6966
described in division (D) of section 3317.014 of the Revised 6967
Code, operated by the school district or another school district 6968
that is a member of the district's career-technical planning 6969
district, other than a joint vocational school district, or by 6970
an educational service center, notwithstanding division (G) of 6971
section 3317.02 of the Revised Code and division (C) (3) of this 6972
section; 6973

(15) The enrollment of pupils reported under division (A) 6974
(1) or (2) of this section on a full-time equivalency basis in 6975
category five career-technical education programs or services, 6976
described in division (E) of section 3317.014 of the Revised 6977
Code, operated by the school district or another school district 6978
that is a member of the district's career-technical planning 6979
district, other than a joint vocational school district, or by 6980
an educational service center, notwithstanding division (G) of 6981

section 3317.02 of the Revised Code and division (C) (3) of this 6982
section; 6983

(16) The enrollment of pupils reported under division (A) 6984
(1) or (2) of this section who are English learners described in 6985
division (A) of section 3317.016 of the Revised Code, excluding 6986
any student reported under division (B) (3) (e) of this section as 6987
enrolled in an internet- or computer-based community school; 6988

(17) The enrollment of pupils reported under division (A) 6989
(1) or (2) of this section who are English learners described in 6990
division (B) of section 3317.016 of the Revised Code, excluding 6991
any student reported under division (B) (3) (e) of this section as 6992
enrolled in an internet- or computer-based community school; 6993

(18) The enrollment of pupils reported under division (A) 6994
(1) or (2) of this section who are English learners described in 6995
division (C) of section 3317.016 of the Revised Code, excluding 6996
any student reported under division (B) (3) (e) of this section as 6997
enrolled in an internet- or computer-based community school; 6998

(19) The average number of children transported during the 6999
reporting period by the school district on board-owned or 7000
contractor-owned and -operated buses, reported in accordance 7001
with rules adopted by the department of education; 7002

(20) (a) The number of children, other than preschool 7003
children with disabilities, the district placed with a county 7004
board of developmental disabilities in fiscal year 1998. 7005
Division (B) (20) (a) of this section does not apply after fiscal 7006
year 2013. 7007

(b) The number of children with disabilities, other than 7008
preschool children with disabilities, placed with a county board 7009
of developmental disabilities in the current fiscal year to 7010

receive special education services for the category one 7011
disability described in division (A) of section 3317.013 of the 7012
Revised Code; 7013

(c) The number of children with disabilities, other than 7014
preschool children with disabilities, placed with a county board 7015
of developmental disabilities in the current fiscal year to 7016
receive special education services for category two disabilities 7017
described in division (B) of section 3317.013 of the Revised 7018
Code; 7019

(d) The number of children with disabilities, other than 7020
preschool children with disabilities, placed with a county board 7021
of developmental disabilities in the current fiscal year to 7022
receive special education services for category three 7023
disabilities described in division (C) of section 3317.013 of 7024
the Revised Code; 7025

(e) The number of children with disabilities, other than 7026
preschool children with disabilities, placed with a county board 7027
of developmental disabilities in the current fiscal year to 7028
receive special education services for category four 7029
disabilities described in division (D) of section 3317.013 of 7030
the Revised Code; 7031

(f) The number of children with disabilities, other than 7032
preschool children with disabilities, placed with a county board 7033
of developmental disabilities in the current fiscal year to 7034
receive special education services for the category five 7035
disabilities described in division (E) of section 3317.013 of 7036
the Revised Code; 7037

(g) The number of children with disabilities, other than 7038
preschool children with disabilities, placed with a county board 7039

of developmental disabilities in the current fiscal year to 7040
receive special education services for category six disabilities 7041
described in division (F) of section 3317.013 of the Revised 7042
Code. 7043

(21) The enrollment of students who are economically 7044
disadvantaged, as defined by the department, excluding any 7045
student reported under division (B)(3)(e) of this section as 7046
enrolled in an internet- or computer-based community school. A 7047
student shall not be categorically excluded from the number 7048
reported under division (B)(21) of this section based on 7049
anything other than family income. 7050

(C)(1) The state board of education shall adopt rules 7051
necessary for implementing divisions (A), (B), and (D) of this 7052
section. 7053

(2) A student enrolled in a community school established 7054
under Chapter 3314., a science, technology, engineering, and 7055
mathematics school established under Chapter 3326., or a 7056
college-preparatory boarding school established under Chapter 7057
3328. of the Revised Code shall be counted in the formula ADM 7058
and, if applicable, the category one, two, three, four, five, or 7059
six special education ADM of the school district in which the 7060
student is entitled to attend school under section 3313.64 or 7061
3313.65 of the Revised Code for the same proportion of the 7062
school year that the student is counted in the enrollment of the 7063
community school, the science, technology, engineering, and 7064
mathematics school, or the college-preparatory boarding school 7065
for purposes of section 3314.08, 3326.33, or 3328.24 of the 7066
Revised Code. Notwithstanding the enrollment of students 7067
certified pursuant to division (B)(3)(d), (e), (j), or (k) of 7068
this section, the department may adjust the formula ADM of a 7069

school district to account for students entitled to attend 7070
school in the district under section 3313.64 or 3313.65 of the 7071
Revised Code who are enrolled in a community school, a science, 7072
technology, engineering, and mathematics school, or a college- 7073
preparatory boarding school for only a portion of the school 7074
year. 7075

(3) No child shall be counted as more than a total of one 7076
child in the sum of the enrollment of students of a school 7077
district under division (A), divisions (B)(1) to (22), or 7078
division (D) of this section, except as follows: 7079

(a) A child with a disability described in section 7080
3317.013 of the Revised Code may be counted both in formula ADM 7081
and in category one, two, three, four, five, or six special 7082
education ADM and, if applicable, in category one, two, three, 7083
four, or five career-technical education ADM. As provided in 7084
division (G) of section 3317.02 of the Revised Code, such a 7085
child shall be counted in category one, two, three, four, five, 7086
or six special education ADM in the same proportion that the 7087
child is counted in formula ADM. 7088

(b) A child enrolled in career-technical education 7089
programs or classes described in section 3317.014 of the Revised 7090
Code may be counted both in formula ADM and category one, two, 7091
three, four, or five career-technical education ADM and, if 7092
applicable, in category one, two, three, four, five, or six 7093
special education ADM. Such a child shall be counted in category 7094
one, two, three, four, or five career-technical education ADM in 7095
the same proportion as the percentage of time that the child 7096
spends in the career-technical education programs or classes. 7097

(4) Based on the information reported under this section, 7098
the department of education shall determine the total student 7099

count, as defined in section 3301.011 of the Revised Code, for 7100
each school district. 7101

(D) (1) The superintendent of each joint vocational school 7102
district shall report and certify to the superintendent of 7103
public instruction as of the last day of October, March, and 7104
June of each year the enrollment of students receiving services 7105
from schools under the superintendent's supervision so that the 7106
department can calculate the district's formula ADM, total ADM, 7107
category one through five career-technical education ADM, 7108
category one through three English learner ADM, category one 7109
through six special education ADM, and for purposes of 7110
provisions of law outside of Chapter 3317. of the Revised Code, 7111
average daily membership. 7112

The enrollment reported and certified by the 7113
superintendent, except as otherwise provided in this division, 7114
shall consist of the number of students in grades six through 7115
twelve receiving any educational services from the district, 7116
except that the following categories of students shall not be 7117
included in the determination: 7118

(a) Students enrolled in adult education classes; 7119

(b) Adjacent or other district joint vocational students 7120
enrolled in the district under an open enrollment policy 7121
pursuant to section 3313.98 of the Revised Code; 7122

(c) Students receiving services in the district pursuant 7123
to a compact, cooperative education agreement, or a contract, 7124
but who are entitled to attend school in a city, local, or 7125
exempted village school district whose territory is not part of 7126
the territory of the joint vocational district; 7127

(d) Students for whom tuition is payable pursuant to 7128

sections 3317.081 and 3323.141 of the Revised Code. 7129

(2) To enable the department of education to obtain the 7130
data needed to complete the calculation of payments pursuant to 7131
this chapter, each superintendent shall certify from the report 7132
provided under division (D) (1) of this section the enrollment 7133
for each of the following categories of students: 7134

(a) Students enrolled in each individual grade included in 7135
the joint vocational district schools; 7136

(b) Children with disabilities receiving special education 7137
services for the category one disability described in division 7138
(A) of section 3317.013 of the Revised Code; 7139

(c) Children with disabilities receiving special education 7140
services for the category two disabilities described in division 7141
(B) of section 3317.013 of the Revised Code; 7142

(d) Children with disabilities receiving special education 7143
services for category three disabilities described in division 7144
(C) of section 3317.013 of the Revised Code; 7145

(e) Children with disabilities receiving special education 7146
services for category four disabilities described in division 7147
(D) of section 3317.013 of the Revised Code; 7148

(f) Children with disabilities receiving special education 7149
services for the category five disabilities described in 7150
division (E) of section 3317.013 of the Revised Code; 7151

(g) Children with disabilities receiving special education 7152
services for category six disabilities described in division (F) 7153
of section 3317.013 of the Revised Code; 7154

(h) Students receiving category one career-technical 7155
education services, described in division (A) of section 7156

3317.014 of the Revised Code; 7157

(i) Students receiving category two career-technical 7158
education services, described in division (B) of section 7159
3317.014 of the Revised Code; 7160

(j) Students receiving category three career-technical 7161
education services, described in division (C) of section 7162
3317.014 of the Revised Code; 7163

(k) Students receiving category four career-technical 7164
education services, described in division (D) of section 7165
3317.014 of the Revised Code; 7166

(l) Students receiving category five career-technical 7167
education services, described in division (E) of section 7168
3317.014 of the Revised Code; 7169

(m) English learners described in division (A) of section 7170
3317.016 of the Revised Code; 7171

(n) English learners described in division (B) of section 7172
3317.016 of the Revised Code; 7173

(o) English learners described in division (C) of section 7174
3317.016 of the Revised Code; 7175

(p) Students who are economically disadvantaged, as 7176
defined by the department. A student shall not be categorically 7177
excluded from the number reported under division (D) (2) (p) of 7178
this section based on anything other than family income. 7179

The superintendent of each joint vocational school 7180
district shall also indicate the city, local, or exempted 7181
village school district in which each joint vocational district 7182
pupil is entitled to attend school pursuant to section 3313.64 7183
or 3313.65 of the Revised Code. 7184

(E) In each school of each city, local, exempted village,
joint vocational, and cooperative education school district
there shall be maintained a record of school enrollment, which
record shall accurately show, for each day the school is in
session, the actual enrollment in regular day classes. For the
purpose of determining the enrollment of students, the
enrollment figure of any school shall not include any pupils
except those pupils described by division (A) of this section.
The record of enrollment for each school shall be maintained in
such manner that no pupil shall be counted as enrolled prior to
the actual date of entry in the school and also in such manner
that where for any cause a pupil permanently withdraws from the
school that pupil shall not be counted as enrolled from and
after the date of such withdrawal. There shall not be included
in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of
a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

~~(3) Any pupil who was enrolled in the schools of the
district during the previous school year when assessments were
administered under section 3301.0711 of the Revised Code but did
not take one or more of the assessments required by that section
and was not excused pursuant to division (C) (1) or (3) of that
section;~~

~~(4)~~ Any pupil who has attained the age of twenty-two
years, except for veterans of the armed services whose
attendance was interrupted before completing the recognized
twelve-year course of the public schools by reason of induction
or enlistment in the armed forces and who apply for reenrollment
in the public school system of their residence not later than

four years after termination of war or their honorable 7215
discharge; 7216

~~(5)~~ (4) Any pupil who has a certificate of high school 7217
equivalence as defined in section 5107.40 of the Revised Code. 7218

If, however, any veteran described by division ~~(E) (4)~~ (E) 7219
(3) of this section elects to enroll in special courses 7220
organized for veterans for whom tuition is paid under the 7221
provisions of federal laws, or otherwise, that veteran shall not 7222
be included in the enrollment of students determined under this 7223
section. 7224

~~Notwithstanding division (E) (3) of this section, the~~ 7225
~~enrollment of any school may include a pupil who did not take an~~ 7226
~~assessment required by section 3301.0711 of the Revised Code if~~ 7227
~~the superintendent of public instruction grants a waiver from~~ 7228
~~the requirement to take the assessment to the specific pupil and~~ 7229
~~a parent is not paying tuition for the pupil pursuant to section~~ 7230
~~3313.6410 of the Revised Code. The superintendent may grant such~~ 7231
~~a waiver only for good cause in accordance with rules adopted by~~ 7232
~~the state board of education.~~ 7233

The formula ADM, total ADM, category one through five 7234
career-technical education ADM, category one through three 7235
English learner ADM, category one through six special education 7236
ADM, preschool scholarship ADM, transportation ADM, and, for 7237
purposes of provisions of law outside of Chapter 3317. of the 7238
Revised Code, average daily membership of any school district 7239
shall be determined in accordance with rules adopted by the 7240
state board of education. 7241

(F) (1) If a student attending a community school under 7242
Chapter 3314., a science, technology, engineering, and 7243

mathematics school established under Chapter 3326., or a 7244
college-preparatory boarding school established under Chapter 7245
3328. of the Revised Code is not included in the formula ADM 7246
calculated for the school district in which the student is 7247
entitled to attend school under section 3313.64 or 3313.65 of 7248
the Revised Code, the department of education shall adjust the 7249
formula ADM of that school district to include the student in 7250
accordance with division (C) (2) of this section, and shall 7251
recalculate the school district's payments under this chapter 7252
for the entire fiscal year on the basis of that adjusted formula 7253
ADM. 7254

(2) If a student awarded an educational choice scholarship 7255
is not included in the formula ADM of the school district from 7256
which the department deducts funds for the scholarship under 7257
section 3310.08 of the Revised Code, the department shall adjust 7258
the formula ADM of that school district to include the student 7259
to the extent necessary to account for the deduction, and shall 7260
recalculate the school district's payments under this chapter 7261
for the entire fiscal year on the basis of that adjusted formula 7262
ADM. 7263

(3) If a student awarded a scholarship under the Jon 7264
Peterson special needs scholarship program is not included in 7265
the formula ADM of the school district from which the department 7266
deducts funds for the scholarship under section 3310.55 of the 7267
Revised Code, the department shall adjust the formula ADM of 7268
that school district to include the student to the extent 7269
necessary to account for the deduction, and shall recalculate 7270
the school district's payments under this chapter for the entire 7271
fiscal year on the basis of that adjusted formula ADM. 7272

(G) (1) (a) The superintendent of an institution operating a 7273

special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed 7303
by the board, the enrollment in classes under section 3317.20 of 7304
the Revised Code for each school district that has placed 7305
children in the classes; 7306

(b) Certify to the state board, in the manner prescribed 7307
by the board, the unduplicated count of the number of all 7308
preschool children with disabilities enrolled in classes for 7309
which the board is eligible to receive funding under section 7310
3317.0213 of the Revised Code adjusted for the portion of the 7311
year each child is so enrolled, reported according to the 7312
categories prescribed in section 3317.013 of the Revised Code, 7313
and the number of those classes. 7314

(H) Except as provided in division (I) of this section, 7315
when any city, local, or exempted village school district 7316
provides instruction for a nonresident pupil whose attendance is 7317
unauthorized attendance as defined in section 3327.06 of the 7318
Revised Code, that pupil's enrollment shall not be included in 7319
that district's enrollment figure used in calculating the 7320
district's payments under this chapter. The reporting official 7321
shall report separately the enrollment of all pupils whose 7322
attendance in the district is unauthorized attendance, and the 7323
enrollment of each such pupil shall be credited to the school 7324
district in which the pupil is entitled to attend school under 7325
division (B) of section 3313.64 or section 3313.65 of the 7326
Revised Code as determined by the department of education. 7327

(I) (1) A city, local, exempted village, or joint 7328
vocational school district admitting a scholarship student of a 7329
pilot project district pursuant to division (C) of section 7330
3313.976 of the Revised Code may count such student in its 7331
enrollment. 7332

(2) In any year for which funds are appropriated for pilot 7333
project scholarship programs, a school district implementing a 7334
state-sponsored pilot project scholarship program that year 7335
pursuant to sections 3313.974 to 3313.979 of the Revised Code 7336
may count in its enrollment: 7337

(a) All children residing in the district and utilizing a 7338
scholarship to attend kindergarten in any alternative school, as 7339
defined in section 3313.974 of the Revised Code; 7340

(b) All children who were enrolled in the district in the 7341
preceding year who are utilizing a scholarship to attend an 7342
alternative school. 7343

(J) The superintendent of each cooperative education 7344
school district shall certify to the superintendent of public 7345
instruction, in a manner prescribed by the state board of 7346
education, the applicable enrollments for all students in the 7347
cooperative education district, also indicating the city, local, 7348
or exempted village district where each pupil is entitled to 7349
attend school under section 3313.64 or 3313.65 of the Revised 7350
Code. 7351

(K) If the superintendent of public instruction determines 7352
that a component of the enrollment certified or reported by a 7353
district superintendent, or other reporting entity, is not 7354
correct, the superintendent of public instruction may order that 7355
the formula ADM used for the purposes of payments under any 7356
section of Title XXXVIII of the Revised Code be adjusted in the 7357
amount of the error. 7358

Sec. 3319.02. (A) (1) As used in this section, "other 7359
administrator" means any of the following: 7360

(a) Except as provided in division (A) (2) of this section, 7361

any employee in a position for which a board of education 7362
requires a license designated by rule of the department of 7363
education for being an administrator issued under section 7364
3319.22 of the Revised Code, including a professional pupil 7365
services employee or administrative specialist or an equivalent 7366
of either one who is not employed as a school counselor and 7367
spends less than fifty per cent of the time employed teaching or 7368
working with students; 7369

(b) Any nonlicensed employee whose job duties enable such 7370
employee to be considered as either a "supervisor" or a 7371
"management level employee," as defined in section 4117.01 of 7372
the Revised Code; 7373

(c) A business manager appointed under section 3319.03 of 7374
the Revised Code. 7375

(2) As used in this section, "other administrator" does 7376
not include a superintendent, assistant superintendent, 7377
principal, or assistant principal. 7378

(B) The board of education of each school district and the 7379
governing board of an educational service center may appoint one 7380
or more assistant superintendents and such other administrators 7381
as are necessary. An assistant educational service center 7382
superintendent or service center supervisor employed on a part- 7383
time basis may also be employed by a local board as a teacher. 7384
The board of each city, exempted village, and local school 7385
district shall employ principals for all high schools and for 7386
such other schools as the board designates, and those boards may 7387
appoint assistant principals for any school that they designate. 7388

(C) In educational service centers and in city, exempted 7389
village, and local school districts, assistant superintendents, 7390

principals, assistant principals, and other administrators shall 7391
only be employed or reemployed in accordance with nominations of 7392
the superintendent, except that a board of education of a school 7393
district or the governing board of a service center, by a three- 7394
fourths vote of its full membership, may reemploy any assistant 7395
superintendent, principal, assistant principal, or other 7396
administrator whom the superintendent refuses to nominate. 7397

The board of education or governing board shall execute a 7398
written contract of employment with each assistant 7399
superintendent, principal, assistant principal, and other 7400
administrator it employs or reemploys. The term of such contract 7401
shall not exceed three years except that in the case of a person 7402
who has been employed as an assistant superintendent, principal, 7403
assistant principal, or other administrator in the district or 7404
center for three years or more, the term of the contract shall 7405
be for not more than five years and, unless the superintendent 7406
of the district recommends otherwise, not less than two years. 7407
If the superintendent so recommends, the term of the contract of 7408
a person who has been employed by the district or service center 7409
as an assistant superintendent, principal, assistant principal, 7410
or other administrator for three years or more may be one year, 7411
but all subsequent contracts granted such person shall be for a 7412
term of not less than two years and not more than five years. 7413
When a teacher with continuing service status becomes an 7414
assistant superintendent, principal, assistant principal, or 7415
other administrator with the district or service center with 7416
which the teacher holds continuing service status, the teacher 7417
retains such status in the teacher's nonadministrative position 7418
as provided in sections 3311.77, 3319.08, and 3319.09 of the 7419
Revised Code. 7420

A board of education or governing board may reemploy an 7421

assistant superintendent, principal, assistant principal, or 7422
other administrator at any regular or special meeting held 7423
during the period beginning on the first day of January of the 7424
calendar year immediately preceding the year of expiration of 7425
the employment contract and ending on the first day of June of 7426
the year the employment contract expires. 7427

Except by mutual agreement of the parties thereto, no 7428
assistant superintendent, principal, assistant principal, or 7429
other administrator shall be transferred during the life of a 7430
contract to a position of lesser responsibility. No contract may 7431
be terminated by a board except pursuant to section 3319.16 of 7432
the Revised Code. No contract may be suspended except pursuant 7433
to section 3319.17 or 3319.171 of the Revised Code. The salaries 7434
and compensation prescribed by such contracts shall not be 7435
reduced by a board unless such reduction is a part of a uniform 7436
plan affecting the entire district or center. The contract shall 7437
specify the employee's administrative position and duties as 7438
included in the job description adopted under division (D) of 7439
this section, the salary and other compensation to be paid for 7440
performance of duties, the number of days to be worked, the 7441
number of days of vacation leave, if any, and any paid holidays 7442
in the contractual year. 7443

An assistant superintendent, principal, assistant 7444
principal, or other administrator is, at the expiration of the 7445
current term of employment, deemed reemployed at the same salary 7446
plus any increments that may be authorized by the board, unless 7447
such employee notifies the board in writing to the contrary on 7448
or before the fifteenth day of June, or unless such board, on or 7449
before the first day of June of the year in which the contract 7450
of employment expires, either reemploys such employee for a 7451
succeeding term or gives written notice of its intention not to 7452

reemploy the employee. The term of reemployment of a person 7453
reemployed under this paragraph shall be one year, except that 7454
if such person has been employed by the school district or 7455
service center as an assistant superintendent, principal, 7456
assistant principal, or other administrator for three years or 7457
more, the term of reemployment shall be two years. 7458

(D) ~~(1)~~ Each board shall adopt procedures for the 7459
evaluation of all assistant superintendents, principals, 7460
assistant principals, and other administrators and shall 7461
evaluate such employees in accordance with those procedures. ~~The~~ 7462
~~procedures for the evaluation of principals and assistant~~ 7463
~~principals shall be based on principles comparable to the~~ 7464
~~teacher evaluation policy adopted by the board under section~~ 7465
~~3319.111 of the Revised Code, but shall be tailored to the~~ 7466
~~duties and responsibilities of principals and assistant~~ 7467
~~principals and the environment in which they work. An evaluation~~ 7468
~~based upon procedures adopted under this division shall be~~ 7469
~~considered by the board in deciding whether to renew the~~ 7470
~~contract of employment of an assistant superintendent,~~ 7471
~~principal, assistant principal, or other administrator.~~ 7472

~~(2) The evaluation shall measure each assistant~~ 7473
~~superintendent's, principal's, assistant principal's, and other~~ 7474
~~administrator's effectiveness in performing the duties included~~ 7475
~~in the job description and the evaluation procedures shall~~ 7476
~~provide for, but not be limited to, the following:~~ 7477

~~(a) Each assistant superintendent, principal, assistant~~ 7478
~~principal, and other administrator shall be evaluated annually~~ 7479
~~through a written evaluation process.~~ 7480

~~(b) The evaluation shall be conducted by the~~ 7481
~~superintendent or designee.~~ 7482

~~(c) In order to provide time to show progress in
correcting the deficiencies identified in the evaluation
process, the evaluation process shall be completed as follows:~~

~~(i) In any school year that the employee's contract of
employment is not due to expire, at least one evaluation shall
be completed in that year. A written copy of the evaluation
shall be provided to the employee no later than the end of the
employee's contract year as defined by the employee's annual
salary notice.~~

~~(ii) In any school year that the employee's contract of
employment is due to expire, at least a preliminary evaluation
and at least a final evaluation shall be completed in that year.
A written copy of the preliminary evaluation shall be provided
to the employee at least sixty days prior to any action by the
board on the employee's contract of employment. The final
evaluation shall indicate the superintendent's intended
recommendation to the board regarding a contract of employment
for the employee. A written copy of the evaluation shall be
provided to the employee at least five days prior to the board's
acting to renew or not renew the contract.~~

~~(3) Termination of an assistant superintendent, principal,
assistant principal, or other administrator's contract shall be
pursuant to section 3319.16 of the Revised Code. Suspension of
any such employee shall be pursuant to section 3319.17 or
3319.171 of the Revised Code.~~

~~(4) Before taking action to renew or nonrenew the contract
of an assistant superintendent, principal, assistant principal,
or other administrator under this section and prior to the first
day of June of the year in which such employee's contract
expires, the board shall notify each such employee of the date~~

~~that the contract expires and that the employee may request a~~ 7513
~~meeting with the board. Upon request by such an employee, the~~ 7514
~~board shall grant the employee a meeting in executive session.~~ 7515
~~In that meeting, the board shall discuss its reasons for~~ 7516
~~considering renewal or nonrenewal of the contract. The employee~~ 7517
~~shall be permitted to have a representative, chosen by the~~ 7518
~~employee, present at the meeting.~~ 7519

~~(5) The establishment of an evaluation procedure shall not~~ 7520
~~create an expectancy of continued employment. Nothing in~~ 7521
~~division (D) of this section shall prevent a board from making~~ 7522
~~the final determination regarding the renewal or nonrenewal of~~ 7523
~~the contract of any assistant superintendent, principal,~~ 7524
~~assistant principal, or other administrator. However, if a board~~ 7525
~~fails to provide evaluations pursuant to division (D) (2) (c) (i)~~ 7526
~~or (ii) of this section, or if the board fails to provide at the~~ 7527
~~request of the employee a meeting as prescribed in division (D)~~ 7528
~~(4) of this section, the employee automatically shall be~~ 7529
~~reemployed at the same salary plus any increments that may be~~ 7530
~~authorized by the board for a period of one year, except that if~~ 7531
~~the employee has been employed by the district or service center~~ 7532
~~as an assistant superintendent, principal, assistant principal,~~ 7533
~~or other administrator for three years or more, the period of~~ 7534
~~reemployment shall be for two years.~~ 7535

(E) On nomination of the superintendent of a service 7536
center a governing board may employ supervisors who shall be 7537
employed under written contracts of employment for terms not to 7538
exceed five years each. Such contracts may be terminated by a 7539
governing board pursuant to section 3319.16 of the Revised Code. 7540
Any supervisor employed pursuant to this division may terminate 7541
the contract of employment at the end of any school year after 7542
giving the board at least thirty days' written notice prior to 7543

such termination. On the recommendation of the superintendent 7544
the contract or contracts of any supervisor employed pursuant to 7545
this division may be suspended for the remainder of the term of 7546
any such contract pursuant to section 3319.17 or 3319.171 of the 7547
Revised Code. 7548

(F) A board may establish vacation leave for any 7549
individuals employed under this section. Upon such an 7550
individual's separation from employment, a board that has such 7551
leave may compensate such an individual at the individual's 7552
current rate of pay for all lawfully accrued and unused vacation 7553
leave credited at the time of separation, not to exceed the 7554
amount accrued within three years before the date of separation. 7555
In case of the death of an individual employed under this 7556
section, such unused vacation leave as the board would have paid 7557
to the individual upon separation under this section shall be 7558
paid in accordance with section 2113.04 of the Revised Code, or 7559
to the estate. 7560

(G) The board of education of any school district may 7561
contract with the governing board of the educational service 7562
center from which it otherwise receives services to conduct 7563
searches and recruitment of candidates for assistant 7564
superintendent, principal, assistant principal, and other 7565
administrator positions authorized under this section. 7566

Sec. 3319.111. Notwithstanding section 3319.09 of the 7567
Revised Code, this section applies to any person who is employed 7568
under a teacher license issued under this chapter, or under a 7569
professional or permanent teacher's certificate issued under 7570
former section 3319.222 of the Revised Code, and who spends at 7571
least fifty per cent of the time employed providing student 7572
instruction. However, this section does not apply to any person 7573

who is employed as a substitute teacher or as an instructor of 7574
adult education. 7575

(A) ~~Not later than July 1, 2020, the~~ The board of 7576
education of each school district, in consultation with teachers 7577
employed by the board and the district's teacher's labor 7578
organization, shall ~~update its standards based~~ adopt a teacher 7579
evaluation policy to conform with the framework for evaluation 7580
of teachers adopted under section 3319.112 of the Revised Code. 7581
A policy may, but shall not be required to, use measures of 7582
student academic growth as a component of a teacher's 7583
evaluation. The policy shall become operative at the expiration 7584
of any collective bargaining agreement covering teachers 7585
employed by the board that is in effect ~~on the effective date of~~ 7586
~~this amendment~~ the effective date of this amendment, and shall 7587
be included in any renewal or extension of such an agreement. 7588

(B) When using measures of student performance as evidence 7589
in a teacher's evaluation, those measures shall be high-quality 7590
student data. The board of education of each school district may 7591
use data from the assessments on the list developed under 7592
division (B) (2) of former section 3319.112 of the Revised Code 7593
as high-quality student data. However, any student academic 7594
growth component shall not account for more than twenty per cent 7595
of an evaluation. 7596

(C) ~~(1)~~ The board shall conduct an evaluation of each 7597
teacher employed by the board at least once each school year, 7598
~~except as provided in division (C) (2) of this section. The~~ 7599
~~evaluation shall be completed by the first day of May and the~~ 7600
~~teacher shall receive a written report of the results of the~~ 7601
~~evaluation by the tenth day of May.~~ 7602

~~(2) (a) The board may evaluate each teacher who received a~~ 7603

~~rating of accomplished on the teacher's most recent evaluation- 7604~~
~~conducted under this section once every three school years, so- 7605~~
~~long as the teacher submits a self-directed professional growth- 7606~~
~~plan to the evaluator that focuses on specific areas identified- 7607~~
~~in the observations and evaluation and the evaluator determines- 7608~~
~~that the teacher is making progress on that plan. 7609~~

~~(b) The board may evaluate each teacher who received a- 7610~~
~~rating of skilled on the teacher's most recent evaluation- 7611~~
~~conducted under this section once every two years, so long as- 7612~~
~~the teacher and evaluator jointly develop a professional growth- 7613~~
~~plan for the teacher that focuses on specific areas identified- 7614~~
~~in the observations and evaluation and the evaluator determines- 7615~~
~~that the teacher is making progress on that plan. 7616~~

~~(c) For each teacher who is evaluated pursuant to division- 7617~~
~~(C) (2) of this section, the evaluation shall be completed by the- 7618~~
~~first day of May of the applicable school year, and the teacher- 7619~~
~~shall receive a written report of the results of the evaluation- 7620~~
~~by the tenth day of May of that school year. 7621~~

~~(d) The board may elect not to conduct an evaluation of a- 7622~~
~~teacher who meets one of the following requirements: 7623~~

~~(i) The teacher was on leave from the school district for- 7624~~
~~fifty per cent or more of the school year, as calculated by the- 7625~~
~~board. 7626~~

~~(ii) The teacher has submitted notice of retirement and- 7627~~
~~that notice has been accepted by the board not later than the- 7628~~
~~first day of December of the school year in which the evaluation- 7629~~
~~is otherwise scheduled to be conducted. 7630~~

~~(e) The board may elect not to conduct an evaluation of a- 7631~~
~~teacher who is participating in the teacher residency program- 7632~~

~~established under section 3319.223 of the Revised Code for the~~ 7633
~~year during which that teacher takes, for the first time, at~~ 7634
~~least half of the performance-based assessment prescribed by the~~ 7635
~~state board of education for resident educators.~~ 7636

~~(3) In any year that a teacher is not formally evaluated~~ 7637
~~pursuant to division (C) of this section as a result of~~ 7638
~~receiving a rating of accomplished or skilled on the teacher's~~ 7639
~~most recent evaluation, an individual qualified to evaluate a~~ 7640
~~teacher under division (D) of this section shall conduct at~~ 7641
~~least one observation of the teacher and hold at least one~~ 7642
~~conference with the teacher. The conference shall include a~~ 7643
~~discussion of progress on the teacher's professional growth~~ 7644
~~plan.~~ 7645

~~(D) Each evaluation conducted pursuant to this section~~ 7646
~~shall be conducted by one or more of the following persons who~~ 7647
~~hold a credential established by the department of education for~~ 7648
~~being an evaluator.~~ 7649

~~(1) A person who is under contract with the board pursuant~~ 7650
~~to section 3319.01 or 3319.02 of the Revised Code and holds a~~ 7651
~~license designated for being a superintendent, assistant~~ 7652
~~superintendent, or principal issued under section 3319.22 of the~~ 7653
~~Revised Code;~~ 7654

~~(2) A person who is under contract with the board pursuant~~ 7655
~~to section 3319.02 of the Revised Code and holds a license~~ 7656
~~designated for being a vocational director, administrative~~ 7657
~~specialist, or supervisor in any educational area issued under~~ 7658
~~section 3319.22 of the Revised Code;~~ 7659

~~(3) A person designated to conduct evaluations under an~~ 7660
~~agreement entered into by the board, including an agreement~~ 7661

~~providing for peer review entered into by the board and~~ 7662
~~representatives of teachers employed by the board;~~ 7663

~~(4) A person who is employed by an entity contracted by~~ 7664
~~the board to conduct evaluations and who holds a license~~ 7665
~~designated for being a superintendent, assistant superintendent,~~ 7666
~~principal, vocational director, administrative specialist, or~~ 7667
~~supervisor in any educational area issued under section 3319.22~~ 7668
~~of the Revised Code or is qualified to conduct evaluations.~~ 7669

~~(E) Notwithstanding division (A) (3) of section 3319.112 of~~ 7670
~~the Revised Code, the board shall require at least three formal~~ 7671
~~observations of each teacher who is under consideration for~~ 7672
~~nonrenewal and with whom the board has entered into a limited~~ 7673
~~contract or an extended limited contract under section 3319.11~~ 7674
~~of the Revised Code.~~ 7675

~~(F) The board shall include in its evaluation policy~~ 7676
~~procedures for using the evaluation results for retention and~~ 7677
~~promotion decisions and for removal of poorly performing~~ 7678
~~teachers. Seniority shall not be the basis for a decision to~~ 7679
~~retain a teacher, except when making a decision between teachers~~ 7680
~~who have comparable evaluations.~~ 7681

~~(G) For purposes of section 3333.0411 of the Revised Code,~~ 7682
~~the board annually shall report to the department of education~~ 7683
~~the number of teachers for whom an evaluation was conducted~~ 7684
~~under this section and the number of teachers assigned each~~ 7685
~~rating prescribed under division (B) (1) of section 3319.112 of~~ 7686
~~the Revised Code, aggregated by the teacher preparation programs~~ 7687
~~from which and the years in which the teachers graduated. The~~ 7688
~~department shall establish guidelines for reporting the~~ 7689
~~information required by this division. The guidelines shall not~~ 7690
~~permit or require that the name of, or any other personally~~ 7691

~~identifiable information about, any teacher be reported under
this division.~~

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~~(H)~~ A teacher may appeal the result of the teacher's
evaluation conducted under this section to the educational
service center with which the district has an agreement or, if
the district of the teacher does not have an agreement with an
educational service center, an educational service center of an
adjacent district or an educational service center selected by
the teacher.

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(D) Notwithstanding any provision to the contrary in
Chapter 4117. of the Revised Code, the requirements of this
section prevail over any conflicting provisions of a collective
bargaining agreement entered into on or after ~~the effective date of
this amendment~~ the effective date of this amendment.

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Sec. 3319.23. A valid educator license for teaching social
studies in the applicable grade shall be considered sufficient
to teach the additional American history and American government
content adopted under division (A) (1) ~~(b)~~ of section 3301.079 of
the Revised Code.

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Sec. 3319.324. (A) Each school district or school shall
provide students or the parents or guardians of a student who is
less than eighteen years of age a formal written explanation of
the goals and capabilities of any digital-learning platform,
digital assessment platform, or student survey that is used by
the school. The explanation shall include the following:

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(1) How the platform or survey works and its principal
purposes;

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(2) The title and business address of the school official
who is responsible for the platform or survey and the name and

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business address of any contractor or other outside party 7721
maintaining the platform or survey for or on behalf of the 7722
school; 7723

(3) The information the software is designed to collect 7724
from or record about the student, including any data matches 7725
with other personally identifiable information; 7726

(4) Every element of data that the platform, software, or 7727
survey will collect or record about the student, including any 7728
personal psychological characteristics, noncognitive attributes 7729
or skills, such as collaboration, resilience, and perseverance, 7730
and physiological measurements; 7731

(5) The purpose of collecting and recording such data; 7732

(6) Every contemplated use or disclosure of such data, the 7733
categories of recipients, and the purpose of such use or 7734
disclosure; 7735

(7) A full explanation of the privacy policy maintained by 7736
the provider of the platform or survey; and 7737

(8) The policies and practices of the school regarding 7738
storage, retrievability, access controls, retention, and 7739
disposal of the records collected or recorded by the platform or 7740
survey. 7741

(B)(1) No digital-learning platform or survey, or any 7742
instructional material in digital format, shall be used unless 7743
it includes a portal or other mechanism allowing parents access 7744
to the platform or survey and all the content available to the 7745
student users. 7746

(2) Any data of any type collected on a student through 7747
his or her use of a digital-learning platform or survey shall be 7748

destroyed at the end of the course in which the platform or 7749
survey is used. 7750

(3) Students or parents or guardians shall be allowed to 7751
opt out of using any digital-learning platform or survey. 7752
Students or parents or guardians who opt out shall be provided 7753
traditional instruction in the academic content covered by such 7754
digital-learning platform or survey. 7755

(C) As used in this section: 7756

(1) "Digital-learning platform" or "platform" means an 7757
interactive digital platform that collects and records students' 7758
personally identifiable information, whether maintained or 7759
hosted externally by the school or by a third-party provider, 7760
and includes any video-gaming platform. 7761

(2) "Personally identifiable information" means student 7762
data that personally identifies a student that, alone or in 7763
combination, is linked to information that would allow a 7764
reasonable person who does not have personal knowledge of the 7765
relevant circumstances to identify the student. 7766

Sec. 3326.37. The department of education shall not pay to 7767
a science, technology, engineering, and mathematics school or to 7768
the governing body of a group of science, technology, 7769
engineering, or mathematics schools any amount for any of the 7770
following: 7771

(A) Any student who has graduated from the twelfth grade 7772
of a public or nonpublic school; 7773

(B) Any student who is not a resident of the state; 7774

(C) ~~Any student who was enrolled in a STEM school during~~ 7775
~~the previous school year when assessments were administered~~ 7776

~~under section 3301.0711 of the Revised Code but did not take one 7777~~
~~or more of the assessments required by that section and was not 7778~~
~~excused pursuant to division (C) (1) or (3) of that section, 7779~~
~~unless the superintendent of public instruction grants the 7780~~
~~student a waiver from the requirement to take the assessment. 7781~~
~~The superintendent may grant a waiver only for good cause in 7782~~
~~accordance with rules adopted by the state board of education. 7783~~

~~(D)~~ Any student who has attained the age of twenty-two 7784
years, except for veterans of the armed services whose 7785
attendance was interrupted before completing the recognized 7786
twelve-year course of the public schools by reason of induction 7787
or enlistment in the armed forces and who apply for enrollment 7788
in a STEM school not later than four years after termination of 7789
war or their honorable discharge. If, however, any such veteran 7790
elects to enroll in special courses organized for veterans for 7791
whom tuition is paid under federal law, or otherwise, the 7792
department shall not pay to the school or to the governing body 7793
any amount for that veteran. 7794

Sec. 3328.01. As used in this chapter: 7795

(A) "Board of trustees" means the board of trustees 7796
established for a college-preparatory boarding school in 7797
accordance with section 3328.15 of the Revised Code. 7798

(B) "Child with a disability," "IEP," and "school district 7799
of residence" have the same meanings as in section 3323.01 of 7800
the Revised Code. 7801

(C) "Eligible student" means a student who is entitled to 7802
attend school in a participating school district; is at risk of 7803
academic failure; is from a family whose income is below two 7804
hundred per cent of the federal poverty guidelines, as defined 7805

in section 5101.46 of the Revised Code; meets any additional 7806
criteria prescribed by agreement between the state board of 7807
education and the operator of the college-preparatory boarding 7808
school in which the student seeks enrollment; and meets at least 7809
two of the following additional conditions: 7810

(1) The student has a record of in-school disciplinary 7811
actions, suspensions, expulsions, or truancy. 7812

(2) The student has not attained at least a proficient 7813
score on the state achievement assessments in English language 7814
arts, reading, or mathematics prescribed under section 3301.0710 7815
of the Revised Code, after those assessments have been 7816
administered to the student at least once, or the student has 7817
not attained at least a score designated by the board of 7818
trustees of the college-preparatory boarding school in which the 7819
student seeks enrollment under this chapter on an ~~end-of-course-~~ 7820
~~examination-assessment~~ in English language arts or mathematics 7821
prescribed under division (B) of section 3301.0712 of the 7822
Revised Code. 7823

(3) The student is a child with a disability. 7824

(4) The student has been referred for academic 7825
intervention services. 7826

(5) The student's head of household is a single parent. As 7827
used in this division and in division (C) (6) of this section, 7828
"head of household" means a person who occupies the same 7829
household as the student and who is financially responsible for 7830
the student. 7831

(6) The student's head of household is not the student's 7832
custodial parent. 7833

(7) A member of the student's family has been imprisoned, 7834

as defined in section 1.05 of the Revised Code. 7835

(D) "Entitled to attend school" means entitled to attend 7836
school in a school district under section 3313.64 or 3313.65 of 7837
the Revised Code. 7838

(E) "Formula ADM," "category one through six special 7839
education ADM," and "state education aid" have the same meanings 7840
as in section 3317.02 of the Revised Code. 7841

(F) "Operator" means the operator of a college-preparatory 7842
boarding school selected under section 3328.11 of the Revised 7843
Code. 7844

(G) "Participating school district" means either of the 7845
following: 7846

(1) The school district in which a college-preparatory 7847
boarding school established under this chapter is located; 7848

(2) A school district other than one described in division 7849
(G) (1) of this section that, pursuant to procedures adopted by 7850
the state board of education under section 3328.04 of the 7851
Revised Code, agrees to be a participating school district so 7852
that eligible students entitled to attend school in that 7853
district may enroll in a college-preparatory boarding school 7854
established under this chapter. 7855

Sec. 3333.0411. ~~Not~~ The final report made under this 7856
section shall be for teacher evaluations conducted for the 2020- 7857
2021 school year. Beginning with teacher evaluations conducted 7858
for the 2021-2022 school year, no report shall be made under 7859
this section. 7860

Not later than December 31, 2014, and annually thereafter, 7861
the chancellor of higher education shall report for each 7862

approved teacher preparation program, the number and percentage 7863
of all graduates of the program who were rated at each of the 7864
performance levels prescribed by division (B) (1) of former 7865
section 3319.112 of the Revised Code on an evaluation conducted 7866
in accordance with section 3319.111 of the Revised Code in the 7867
previous school year. 7868

In no case shall the report identify any individual 7869
graduate. The department of education shall share any data 7870
necessary for the report with the chancellor. 7871

Sec. 3365.05. Each public and participating private 7872
college shall do all of the following with respect to the 7873
college credit plus program: 7874

(A) Apply established standards and procedures for 7875
admission to the college and for course placement for 7876
participants. When determining admission and course placement, 7877
the college shall do all of the following: 7878

(1) Consider all available student data that may be an 7879
indicator of college readiness, including grade point average 7880
and ~~end-of-course examination scores~~ results on assessments 7881
prescribed under division (B) of section 3301.0712 of the 7882
Revised Code, if applicable; 7883

(2) Give priority to its current students regarding 7884
enrollment in courses. However, once a participant has been 7885
accepted into a course, the college shall not displace the 7886
participant for another student. 7887

(3) Adhere to any capacity limitations that the college 7888
has established for specified courses. 7889

(B) Send written notice to the participant, the 7890
participant's parent, and the participant's secondary school, 7891

not later than fourteen calendar days prior to the first day of 7892
classes for that term, of the participant's admission to the 7893
college and to specified courses under the program. 7894

(C) Provide both of the following, not later than twenty- 7895
one calendar days after the first day of classes for that term, 7896
to each participant and the participant's secondary school: 7897

(1) The courses and hours of enrollment of the 7898
participant; 7899

(2) The option elected by the participant under division 7900
(A) or (B) of section 3365.06 of the Revised Code for each 7901
course. 7902

The college shall also provide to each partnering school a 7903
roster of participants from that school that are enrolled in the 7904
college and a list of course assignments for each participant. 7905

(D) Promote the program on the college's web site, 7906
including the details of the college's current agreements with 7907
partnering secondary schools. 7908

(E) Coordinate with each partnering secondary school that 7909
is located within thirty miles of the college to present at 7910
least one informational session per school year for interested 7911
students and parents. The session shall include the benefits and 7912
consequences of participation and shall outline any changes or 7913
additions to the requirements of the program. If there are no 7914
partnering schools located within thirty miles of the college, 7915
the college shall coordinate with the closest partnering school 7916
to offer an informational session. 7917

(F) Assign an academic advisor that is employed by the 7918
college to each participant enrolled in that college. Prior to 7919
the date on which a withdrawal from a course would negatively 7920

affect a participant's transcribed grade, as prescribed by the 7921
college's established withdrawal policy, the college shall 7922
ensure that the academic advisor and the participant meet at 7923
least once to discuss the program and the courses in which the 7924
participant is enrolled. 7925

(G) Do both of the following with regard to high school 7926
teachers that are teaching courses for the college at a 7927
secondary school under the program: 7928

(1) Provide at least one professional development session 7929
per school year; 7930

(2) Conduct at least one classroom observation per school 7931
year for each course that is authorized by the college and 7932
taught by a high school teacher to ensure that the course meets 7933
the quality of a college-level course. 7934

(H) Annually collect, report, and track specified data 7935
related to the program according to data reporting guidelines 7936
adopted by the chancellor and the superintendent of public 7937
instruction pursuant to section 3365.15 of the Revised Code. 7938

(I) With the exception of divisions (D) and (E) of this 7939
section, any eligible out-of-state college participating in the 7940
college credit plus program shall be subject to the same 7941
requirements as a participating private college under this 7942
section. 7943

Section 2. That existing sections 3301.078, 3301.079, 7944
3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0718, 7945
3301.0728, 3301.0729, 3302.01, 3302.02, 3302.03, 3302.036, 7946
3302.05, 3310.03, 3310.14, 3310.522, 3311.80, 3311.84, 3313.60, 7947
3313.603, 3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 7948
3313.618, 3313.619, 3313.6114, 3313.903, 3314.016, 3314.017, 7949

3314.02, 3314.05, 3314.08, 3314.26, 3314.36, 3317.03, 3319.02, 7950
3319.111, 3319.23, 3326.37, 3328.01, 3333.0411, and 3365.05 of 7951
the Revised Code are hereby repealed. 7952

Section 3. That sections 3301.0721 and 3319.112 of the 7953
Revised Code are hereby repealed. 7954

Section 4. (A) (1) Notwithstanding anything in the Revised 7955
Code to the contrary and except as provided in division (A) (2) 7956
of this section, the board of education of a school district, 7957
the governing authority of a community school established under 7958
Chapter 3314. of the Revised Code, or the governing authority of 7959
a STEM school established under Chapter 3326. of the Revised 7960
Code shall not use the value-added progress dimension rating 7961
that is based on the results of the assessments prescribed under 7962
sections 3301.0710 and 3301.0712 of the Revised Code 7963
administered in the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 7964
2018-2019, 2019-2020, and 2020-2021 school years for purposes of 7965
assessing student academic growth for teacher and principal 7966
evaluations conducted under sections 3311.80, 3319.02, and 7967
3319.111 and former section 3319.112 of the Revised Code or when 7968
making decisions regarding the dismissal, retention, tenure, or 7969
compensation of the district's or school's teachers and 7970
principals. 7971

(2) A school district, community school, or STEM school 7972
may enter into a memorandum of understanding collectively with 7973
its teachers or principals stipulating that the value-added 7974
progress dimension rating that is based on the results of the 7975
assessments prescribed under sections 3301.0710 and 3301.0712 of 7976
the Revised Code administered in the 2014-2015, 2015-2016, 2016- 7977
2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school 7978
years may be used to assess student academic growth for purposes 7979

of teacher and principal evaluations or when making decisions 7980
regarding the dismissal, retention, tenure, or compensation of 7981
the district's or school's teachers and principals. 7982

(3) For a teacher of a grade level and subject area for 7983
which the value-added progress dimension is applicable, if no 7984
other measure is available to determine student academic growth 7985
as required under section 3311.80 or former section 3319.112 or 7986
3319.114 of the Revised Code, teacher and principal evaluations 7987
shall be based solely on teacher or principal performance. 7988

(B) As used in this section, "value-added progress 7989
dimension" means the value-added progress dimension prescribed 7990
by section 3302.021 of the Revised Code or an alternative 7991
student academic progress measure if adopted under division (C) 7992
(1) (e) of section 3302.03 of the Revised Code. 7993

Section 5. Not later than thirty days after the effective 7994
date of this section, the State Board of Education shall provide 7995
on the web site of the Department of Education an online 7996
opportunity to make comments on specific academic content 7997
standards adopted under section 3301.079 of the Revised Code. 7998

Section 6. (A) (1) Not later than thirty days after the 7999
effective date of this section, the Department of Education 8000
shall issue a request for proposals to provide the elementary 8001
assessments prescribed by section 3301.0710 of the Revised Code 8002
and the assessments prescribed by section 3301.0712 of the 8003
Revised Code for administration by school districts and schools 8004
beginning with the 2022-2023 school year. In reviewing 8005
proposals, the Department shall consider for the elementary- 8006
level assessments, only nationally norm-referenced, standardized 8007
assessments that were developed prior to 2010 and have specific 8008
attributes, which include validity, reliability, percentile 8009

scores, identified stanine ranges, and useful diagnostic 8010
information. For the secondary-level assessments, the Department 8011
shall give preference to nationally norm-referenced assessments 8012
and assessments that were developed prior to 2010. The 8013
Department shall solicit input from teachers and administrators 8014
when reviewing proposals. Multistate consortia, a subsidiary of 8015
multistate consortia, or an affiliate acting on behalf of 8016
multistate consortia shall not be eligible to submit a proposal. 8017

(2) The Department shall submit assessments that meet the 8018
conditions prescribed under this section to the Legislative 8019
Office of Education Oversight established under section 3301.65 8020
of the Revised Code. 8021

(B) The Legislative Office of Education Oversight shall 8022
evaluate the academic content standards aligned to the 8023
assessments submitted by the Department under division (A) (2) of 8024
this section. Based on the evaluation, the Legislative Office of 8025
Education Oversight shall submit to the State Board of Education 8026
recommendations on the assessments to be used for purposes of 8027
sections 3301.0710 and 3301.0712 of the Revised Code. 8028

(C) The State Board of Education shall select the 8029
assessments from the list provided by the Legislative Office of 8030
Education Oversight, except that it shall not adopt any 8031
assessments unless, by concurrent resolution, the assessments 8032
are approved by both houses of the general assembly. 8033

(D) An entity that provides the assessments prescribed by 8034
sections 3301.0710 and 3301.0712 of the Revised Code shall 8035
ensure that the assessments are aligned with the academic 8036
content standards adopted under section 3301.079 or 3301.65 of 8037
the Revised Code, as applicable. 8038

As used in this section, "norm-referenced" has the same 8039
meaning as in section 3301.079 of the Revised Code. 8040

Section 7. Not later than one hundred eighty days after 8041
the effective date of this section, the Department of Education 8042
shall convene a group of experts in norm-referenced assessments 8043
to make recommendations to the State Board of Education on how 8044
to incorporate aggregate data from the results of norm- 8045
referenced assessments into a format similar to the report card 8046
ratings issued under section 3302.03 of the Revised Code. 8047

As used in this section, "norm-referenced" has the same 8048
meaning as in section 3301.079 of the Revised Code. 8049

Section 8. Notwithstanding anything in the Revised Code to 8050
the contrary or in any rule or directive of the State Board of 8051
Education, Superintendent of Public Instruction, or Department 8052
of Education, upon the effective date of this section, the State 8053
Board of Education, Superintendent of Public Instruction, and 8054
Department of Education shall forthwith take the steps necessary 8055
to terminate the contract entered into by the State of Ohio that 8056
is effective from October 21, 2014, to June 30, 2020, or its 8057
successor, and that is used for the use, facilitation, delivery, 8058
and administration of the assessments prescribed under sections 8059
3301.0710 and 3301.0712 of the Revised Code. 8060

Section 9. Notwithstanding anything in the Revised Code to 8061
the contrary, for the 2016-2017, 2017-2018, 2018-2019, 2019- 8062
2020, 2020-2021, and 2021-2022 school years only, if, for any 8063
reason, a student enrolled in an internet- or computer-based 8064
community school does not take an assessment prescribed under 8065
section 3301.0710 or 3301.0712 of the Revised Code, the school 8066
shall require that student to take an assessment equivalent to 8067
the assessment for which the student was absent. The school 8068

shall report to the Department of Education which assessment a 8069
student did not take, proof that the student took an equivalent 8070
assessment, and results of that equivalent assessment. 8071

Section 10. The General Assembly, applying the principle 8072
stated in division (B) of section 1.52 of the Revised Code that 8073
amendments are to be harmonized if reasonably capable of 8074
simultaneous operation, finds that the following sections, 8075
presented in this act as composites of the sections as amended 8076
by the acts indicated, are the resulting versions of the 8077
sections in effect prior to the effective date of the sections 8078
as presented in this act: 8079

Section 3302.036 of the Revised Code as amended by both 8080
H.B. 64 and H.B. 70 of the 131st General Assembly. 8081

Section 3319.02 of the Revised Code as amended by both 8082
H.B. 525 and S.B. 316 of the 129th General Assembly. 8083