

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 212

Representative Thompson

**Cosponsors: Representatives Zeltwanger, Boose, Hall, Hambley, Brinkman,
Becker, Koehler, Buchy, Kraus, Hood, Maag, Burkley, Young, Romanchuk, Vitale,
Ginter, Retherford, Gonzales, Butler, Hagan**

A BILL

To amend sections 3301.07, 3301.078, 3301.079, 1
3301.0710, 3301.0712, 3301.0714, 3301.0715, 2
3301.0718, 3301.0722, 3302.03, 3302.04, 3302.15, 3
3311.80, 3311.84, 3313.60, 3313.608, 3313.6017, 4
3313.6020, 3313.61, 3313.612, 3313.618, 3314.03, 5
3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 6
3319.58, 3326.111, 3328.01, and 3333.0411 and to 7
repeal sections 3301.0721, 3319.111, 3319.112, 8
and 3319.114 of the Revised Code with to regard 9
to state achievement assessments, statewide 10
academic content standards and model curricula, 11
and teacher and administrator evaluations. 12

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

Section 1. That sections 3301.07, 3301.078, 3301.079, 13
3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0718, 14
3301.0722, 3302.03, 3302.04, 3302.15, 3311.80, 3311.84, 3313.60, 15
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 16
3314.03, 3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 17
3326.111, 3328.01, and 3333.0411 of the Revised Code be amended 18

to read as follows:

19

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

20
21
22
23
24
25

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

26
27
28

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

29
30
31
32
33
34
35
36
37
38

(2) The state board also shall develop a standard of
financial reporting which shall be used by each school district
board of education and each governing board of an educational
service center, each governing authority of a community school
established under Chapter 3314., each governing body of a STEM
school established under Chapter 3328., and each board of
trustees of a college-preparatory boarding school established
under Chapter 3328. of the Revised Code to make its financial
information and annual budgets for each school building under
its control available to the public in a format understandable

39
40
41
42
43
44
45
46
47
48

by the average citizen. The format shall show, both at the 49
district and at the school building level, revenue by source; 50
expenditures for salaries, wages, and benefits of employees, 51
showing such amounts separately for classroom teachers, other 52
employees required to hold licenses issued pursuant to sections 53
3319.22 to 3319.31 of the Revised Code, and all other employees; 54
expenditures other than for personnel, by category, including 55
utilities, textbooks and other educational materials, equipment, 56
permanent improvements, pupil transportation, extracurricular 57
athletics, and other extracurricular activities; and per pupil 58
expenditures. The format shall also include information on total 59
revenue and expenditures, per pupil revenue, and expenditures 60
for both classroom and nonclassroom purposes, as defined by the 61
standards adopted under section 3302.20 of the Revised Code in 62
the aggregate and for each subgroup of students, as defined by 63
section 3317.40 of the Revised Code, that receives services 64
provided for by state or federal funding. 65

(3) Each school district board, governing authority, 66
governing body, or board of trustees, or its respective 67
designee, shall annually report, to the department of education, 68
all financial information required by the standards for 69
financial reporting, as prescribed by division (B) (2) of this 70
section and adopted by the state board. The department shall 71
make all reports submitted pursuant to this division available 72
in such a way that allows for comparison between financial 73
information included in these reports and financial information 74
included in reports produced prior to July 1, 2013. The 75
department shall post these reports in a prominent location on 76
its web site and shall notify each school when reports are made 77
available. 78

(C) The state board shall administer and supervise the 79

allocation and distribution of all state and federal funds for 80
public school education under the provisions of law, and may 81
prescribe such systems of accounting as are necessary and proper 82
to this function. It may require county auditors and treasurers, 83
boards of education, educational service center governing 84
boards, treasurers of such boards, teachers, and other school 85
officers and employees, or other public officers or employees, 86
to file with it such reports as it may prescribe relating to 87
such funds, or to the management and condition of such funds. 88

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 89
XLVII, and LI of the Revised Code a reference is made to 90
standards prescribed under this section or division (D) of this 91
section, that reference shall be construed to refer to the 92
standards prescribed under division (D) (2) of this section, 93
unless the context specifically indicates a different meaning or 94
intent. 95

(2) The state board shall formulate and prescribe minimum 96
standards to be applied to all elementary and secondary schools 97
in this state for the purpose of providing children access to a 98
general education of high quality according to the learning 99
needs of each individual, including students with disabilities, 100
economically disadvantaged students, limited English proficient 101
students, and students identified as gifted. Such standards 102
shall provide adequately for: the licensing of teachers, 103
administrators, and other professional personnel and their 104
assignment according to training and qualifications; efficient 105
and effective instructional materials and equipment, including 106
library facilities; the proper organization, administration, and 107
supervision of each school, including regulations for preparing 108
all necessary records and reports and the preparation of a 109
statement of policies and objectives for each school; the 110

provision of safe buildings, grounds, health and sanitary 111
facilities and services; admission of pupils, and such 112
requirements for their promotion from grade to grade as will 113
assure that they are capable and prepared for the level of study 114
to which they are certified; and requirements for graduation, ~~and~~ 115
~~and such other factors as the board finds necessary.~~ 116

The state board shall base any standards governing the 117
promotion of students or requirements for graduation on the 118
ability of students, at any grade level, to earn credits or 119
advance upon demonstration of mastery of knowledge and skills 120
through competency-based learning models. Credits of grade level 121
advancement shall not require a minimum number of days or hours 122
in a classroom. 123

The state board shall base any standards governing the 124
assignment of staff on ensuring each school has a sufficient 125
number of teachers to ensure a student has an appropriate level 126
of interaction to meet each student's personal learning goals. 127

In the formulation and administration of such standards 128
for nonpublic schools the board shall also consider the 129
particular needs, methods and objectives of those schools, 130
provided they do not conflict with the provision of a general 131
education of a high quality and provided that regular procedures 132
shall be followed for promotion from grade to grade of pupils 133
who have met the educational requirements prescribed. 134

(3) In addition to the minimum standards required by 135
division (D)(2) of this section, the state board may formulate 136
and prescribe the following additional minimum operating 137
standards for school districts: 138

(a) Standards for the effective and efficient 139

organization, administration, and supervision of each school 140
district with a commitment to high expectations for every 141
student based on the learning needs of each individual, 142
including students with disabilities, economically disadvantaged 143
students, limited English proficient students, and students 144
identified as gifted, and commitment to closing the achievement 145
gap without suppressing the achievement levels of higher 146
achieving students so that all students achieve core knowledge 147
and skills in accordance with the statewide academic standards 148
adopted under section 3301.079 of the Revised Code; 149

(b) Standards for the establishment of business advisory 150
councils under section 3313.82 of the Revised Code; 151

(c) Standards for school district buildings that may 152
require the effective and efficient organization, 153
administration, and supervision of each school district building 154
with a commitment to high expectations for every student based 155
on the learning needs of each individual, including students 156
with disabilities, economically disadvantaged students, limited 157
English proficient students, and students identified as gifted, 158
and commitment to closing the achievement gap without 159
suppressing the achievement levels of higher achieving students 160
so that all students achieve core knowledge and skills in 161
accordance with the statewide academic standards adopted under 162
section 3301.079 of the Revised Code. 163

(E) The state board may require as part of the health 164
curriculum information developed under section 2108.34 of the 165
Revised Code promoting the donation of anatomical gifts pursuant 166
to Chapter 2108. of the Revised Code and may provide the 167
information to high schools, educational service centers, and 168
joint vocational school district boards of education; 169

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

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

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

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

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

pursuant to section 3323.09 of the Revised Code. 200

(K) For the purpose of encouraging the development of 201
special programs of education for academically gifted children, 202
the state board shall employ competent persons to analyze and 203
publish data, promote research, advise and counsel with boards 204
of education, and encourage the training of teachers in the 205
special instruction of gifted children. The board may provide 206
financial assistance out of any funds appropriated for this 207
purpose to boards of education and educational service center 208
governing boards for developing and conducting programs of 209
education for academically gifted children. 210

(L) The state board shall require that all public schools 211
emphasize and encourage, within existing units of study, the 212
teaching of energy and resource conservation as recommended to 213
each district board of education by leading business persons 214
involved in energy production and conservation, beginning in the 215
primary grades. 216

(M) The state board shall formulate and prescribe minimum 217
standards requiring the use of phonics as a technique in the 218
teaching of reading in grades kindergarten through three. In 219
addition, the state board shall provide in-service training 220
programs for teachers on the use of phonics as a technique in 221
the teaching of reading in grades kindergarten through three. 222

(N) The state board may adopt rules necessary for carrying 223
out any function imposed on it by law, and may provide rules as 224
are necessary for its government and the government of its 225
employees, and may delegate to the superintendent of public 226
instruction the management and administration of any function 227
imposed on it by law. It may provide for the appointment of 228
board members to serve on temporary committees established by 229

the board for such purposes as are necessary. Permanent or 230
standing committees shall not be created. 231

(O) Upon application from the board of education of a 232
school district, the superintendent of public instruction may 233
issue a waiver exempting the district from compliance with the 234
standards adopted under divisions (B) (2) and (D) of this 235
section, as they relate to the operation of a school operated by 236
the district. The state board shall adopt standards for the 237
approval or disapproval of waivers under this division. The 238
state superintendent shall consider every application for a 239
waiver, and shall determine whether to grant or deny a waiver in 240
accordance with the state board's standards. For each waiver 241
granted, the state superintendent shall specify the period of 242
time during which the waiver is in effect, which shall not 243
exceed five years. A district board may apply to renew a waiver. 244

Sec. 3301.078. (A) No official or board of this state, 245
whether appointed or elected, shall enter into any agreement or 246
memorandum of understanding with any federal or private entity 247
that would require the state to cede any measure of control over 248
the development, adoption, or revision of academic content 249
standards. 250

(B) The state board of education shall not adopt, and the 251
department of education shall not implement, academic content 252
standards in English language arts, mathematics, science, or 253
social studies that were developed by the common core state 254
standards initiative or any similar initiative process or 255
program. The state board shall not use any assessment developed 256
by the partnership for assessment of readiness for college and 257
careers, the smarter balanced assessment, or any other 258
assessments related to or based on the common core state 259

standards as any of the assessments prescribed under section 3301.0710 or 3301.0712 of the Revised Code. 260
261

Any actions taken to adopt or implement the common core state standards as of the effective date of this section are void. 262
263
264

(C) (1) No official of this state, whether appointed or elected, shall join on behalf of the state or a state agency any consortium, association, or other entity when such membership would require the state or a school district board to cede any measure of control over education, including academic content standards and assessments of such standards. 265
266
267
268
269
270

(2) Any academic content standards adopted by the state board shall be limited to the subject areas prescribed under division (A) of section 3301.079 of the Revised Code. 271
272
273

(D) Notwithstanding anything in the Revised Code to the contrary, no state funds shall be withheld from a school district or school for failure to adopt or use the state academic content standards. 274
275
276
277

(E) If the United States department of education requires as a condition of a federal education grant that the grant recipient provide personally identifiable information of students or teachers, the grant recipient shall provide aggregate data only. The grant recipient shall not release personally identifiable information without informed written consent of the student's parent or guardian or of the teacher. 278
279
280
281
282
283
284

Sec. 3301.079. (A) (1) ~~The Notwithstanding section 3301.0718 of the Revised Code, not later than June 30, 2015, the state board of education periodically shall adopt new statewide academic content standards with emphasis on coherence, focus,~~ 285
286
287
288

~~and essential knowledge and that are more challenging and~~ 289
~~demanding when compared to international standards for each of~~ 290
grades kindergarten through twelve in English language arts, 291
mathematics, science, and social studies that are consistent 292
with the standards adopted by the commonwealth of Massachusetts 293
as they existed prior to 2010. The standards adopted under this 294
section shall be as identical as possible to those adopted by 295
Massachusetts, except where an Ohio context requires otherwise. 296

The state board may periodically update the academic 297
content standards but shall do so in accordance with division 298
(A) of section 3301.0718 of the Revised Code. 299

~~(a) The state board shall ensure that the standards do all~~ 300
~~of the following:~~ 301

~~(i) Include the essential academic content and skills that~~ 302
~~students are expected to know and be able to do at each grade~~ 303
~~level that will allow each student to be prepared for~~ 304
~~postsecondary instruction and the workplace for success in the~~ 305
~~twenty-first century;~~ 306

~~(ii) Include the development of skill sets that promote~~ 307
~~information, media, and technological literacy;~~ 308

~~(iii) Include interdisciplinary, project-based, real-world~~ 309
~~learning opportunities;~~ 310

~~(iv) Instill life-long learning by providing essential~~ 311
~~knowledge and skills based in the liberal arts tradition, as~~ 312
~~well as science, technology, engineering, mathematics, and~~ 313
~~career technical education;~~ 314

~~(v) Be clearly written, transparent, and understandable by~~ 315
~~parents, educators, and the general public.~~ 316

~~(b)~~ Not later than July 1, 2012, the state board shall 317
incorporate into the social studies standards for grades four to 318
twelve academic content regarding the original texts of the 319
Declaration of Independence, the Northwest Ordinance, the 320
Constitution of the United States and its amendments, with 321
emphasis on the Bill of Rights, and the Ohio Constitution, and 322
their original context. The state board shall revise the ~~model-~~ 323
~~curricula and achievement assessments adopted under divisions-~~ 324
~~(B) and division~~ (C) of this section as necessary to reflect the 325
additional American history and American government content. The 326
state board shall make available a list of suggested grade- 327
appropriate supplemental readings that place the documents 328
prescribed by this division in their historical context, which 329
teachers may use as a resource to assist students in reading the 330
documents within that context. 331

~~(e)~~ ~~(b)~~ When the state board adopts or revises academic 332
content standards in social studies, American history, American 333
government, or science under division (A) (1) of this section, 334
the state board shall develop such standards independently and 335
not as part of a multistate consortium. 336

(2) After completing the standards required by division 337
(A) (1) of this section, the state board shall adopt standards 338
~~and model curricula~~ for instruction in technology, financial 339
literacy and entrepreneurship, fine arts, and foreign language 340
for grades kindergarten through twelve. ~~The standards shall meet~~ 341
~~the same requirements prescribed in division (A) (1) (a) of this~~ 342
~~section.~~ 343

(3) The state board shall adopt the most recent standards 344
developed by the national association for sport and physical 345
education for physical education in grades kindergarten through 346

twelve or shall adopt its own standards for physical education 347
in those grades and revise and update them periodically. 348

The department of education shall employ a full-time 349
physical education coordinator to provide guidance and technical 350
assistance to districts, community schools, and STEM schools in 351
implementing the physical education standards adopted under this 352
division. The superintendent of public instruction shall 353
determine that the person employed as coordinator is qualified 354
for the position, as demonstrated by possessing an adequate 355
combination of education, license, and experience. 356

(4) When academic standards have been completed for any 357
subject area required by this section, the state board shall 358
inform all school districts, all community schools established 359
under Chapter 3314. of the Revised Code, all STEM schools 360
established under Chapter 3326. of the Revised Code, and all 361
nonpublic schools required to administer the assessments 362
prescribed by sections 3301.0710 and 3301.0712 of the Revised 363
Code of the content of those standards. Additionally, upon 364
completion of any academic standards under this section, the 365
department shall post those standards on the department's web 366
site. 367

Nothing in this section requires any school district to 368
utilize all or any part of the academic content standards 369
adopted under this section. 370

~~(B) (1) The state board shall adopt a model curriculum for~~ 371
~~instruction in each subject area for which updated academic~~ 372
~~standards are required by division (A) (1) of this section and~~ 373
~~for each of grades kindergarten through twelve that is~~ 374
~~sufficient to meet the needs of students in every community. The~~ 375
~~model curriculum shall be aligned with the standards, to ensure~~ 376

~~that the academic content and skills specified for each grade- 377
level are taught to students, and shall demonstrate vertical- 378
articulation and emphasize coherence, focus, and rigor. When any- 379
model curriculum has been completed, the state board shall- 380
inform all school districts, community schools, and STEM schools- 381
of the content of that model curriculum. 382~~

~~(2) Not later than June 30, 2013, the state board, in- 383
consultation with any office housed in the governor's office- 384
that deals with workforce development, shall adopt model- 385
curricula for grades kindergarten through twelve that embed- 386
career connection learning strategies into regular classroom- 387
instruction. 388~~

~~(3) All school districts, community schools, and STEM- 389
schools may utilize the state standards and the model curriculum- 390
established by the state board, together with other relevant- 391
resources, examples, or models to ensure that students have the- 392
opportunity to attain the academic standards. Upon request, the- 393
department shall provide technical assistance to any district,- 394
community school, or STEM school in implementing the model- 395
curriculum. 396~~

~~Nothing in this section requires any school district to- 397
utilize all or any part of a model curriculum developed under- 398
this section. The state board shall not adopt any model curricula 399
that are aligned with the new academic content standards adopted 400
under division (A) of this section. 401~~

~~(C) The state board shall develop achievement assessments 402
aligned with the academic content standards ~~and model curriculum-~~ 403
for each of the subject areas and grade levels required by 404
divisions (A) (1) and (B) (1) of section sections 3301.0710 and 405
3301.0712 of the Revised Code. 406~~

When any achievement assessment has been completed, the 407
state board shall inform all school districts, community 408
schools, STEM schools, and nonpublic schools required to 409
administer the assessment of its completion, and the department 410
shall make the achievement assessment available to the districts 411
and schools. 412

(D) (1) The state board shall adopt a diagnostic assessment 413
aligned with the academic standards ~~and model curriculum~~ for 414
each of grades ~~kindergarten through~~ one and two in reading, 415
writing, and mathematics and for grade three in reading and 416
writing. The diagnostic assessment shall be designed to measure 417
student comprehension of academic content and mastery of related 418
skills for the relevant subject area and grade level. Any 419
diagnostic assessment shall not include components to identify 420
gifted students. Blank copies of diagnostic assessments shall be 421
public records. 422

(2) When each diagnostic assessment has been completed, 423
the state board shall inform all school districts of its 424
completion and the department shall make the diagnostic 425
assessment available to the districts at no cost to the 426
district. School districts shall administer the diagnostic 427
assessment pursuant to section 3301.0715 of the Revised Code 428
beginning the first school year following the development of the 429
assessment. 430

(E) The state board shall not adopt a diagnostic or 431
achievement assessment for any grade level or subject area other 432
than those specified in this section. 433

(F) Whenever the state board or the department consults 434
with persons for the purpose of drafting or reviewing any 435
standards, diagnostic assessments, or achievement assessments, ~~7-~~ 436

~~or model curriculum~~ required under this section, the state board 437
or the department shall first consult with parents of students 438
in kindergarten through twelfth grade and with active Ohio 439
classroom teachers, other school personnel, and administrators 440
with expertise in the appropriate subject area. Whenever 441
practicable, the state board and department shall consult with 442
teachers recognized as outstanding in their fields. 443

If the department contracts with more than one outside 444
entity for the development of the achievement assessments 445
required by this section, the department shall ensure the 446
interchangeability of those assessments. 447

~~(G) Whenever the state board adopts standards or model-~~ 448
~~curricula under this section, the department also shall provide-~~ 449
~~information on the use of blended or digital learning in the~~ 450
~~delivery of the standards or curricula to students in accordance-~~ 451
~~with division (A) (4) of this section.~~ 452

~~(H)~~The fairness sensitivity review committee, established 453
by rule of the state board of education, shall not allow any 454
question on any achievement or diagnostic assessment developed 455
under this section or any proficiency test prescribed by former 456
section 3301.0710 of the Revised Code, as it existed prior to 457
September 11, 2001, to include, be written to promote, or 458
inquire as to individual moral or social values or beliefs. The 459
decision of the committee shall be final. This section does not 460
create a private cause of action. 461

~~(I) (1) (a) The English language arts academic standards-~~ 462
~~review committee is hereby created to review academic content-~~ 463
~~standards in the subject of English language arts. The committee-~~ 464
~~shall consist of the following members:~~ 465

~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 466
467
468
469
470
471

~~(ii) One parent or guardian appointed by the president of the senate;~~ 472
473

~~(iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives;~~ 474
475
476

~~(iv) The chancellor of the Ohio board of regents, or the chancellor's designee;~~ 477
478

~~(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.~~ 479
480

~~(b) The mathematics academic standards review committee is hereby created to review academic content standards in the subject of mathematics. The committee shall consist of the following members:~~ 481
482
483
484

~~(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;~~ 485
486
487
488
489
490

~~(ii) One parent or guardian appointed by the speaker of the house of representatives;~~ 491
492

~~(iii) One educator who is currently teaching in a~~ 493

~~classroom, appointed by the president of the senate;~~ 494

~~(iv) The chancellor, or the chancellor's designee;~~ 495

~~(v) The state superintendent, or the superintendent's-~~ 496
~~designee, who shall serve as the chairperson of the committee.~~ 497

~~(c) The science academic standards review committee is-~~ 498
~~hereby created to review academic content standards in the~~ 499
~~subject of science. The committee shall consist of the following-~~ 500
~~members:~~ 501

~~(i) Three experts who are residents of this state and who-~~ 502
~~primarily conduct research, provide instruction, currently work-~~ 503
~~in, or possess an advanced degree in the subject area. One-~~ 504
~~expert shall be appointed by each of the president of the~~ 505
~~senate, the speaker of the house of representatives, and the~~ 506
~~governor;~~ 507

~~(ii) One parent or guardian appointed by the president of-~~ 508
~~the senate;~~ 509

~~(iii) One educator who is currently teaching in a-~~ 510
~~classroom, appointed by the speaker of the house of-~~ 511
~~representatives;~~ 512

~~(iv) The chancellor, or the chancellor's designee;~~ 513

~~(v) The state superintendent, or the superintendent's-~~ 514
~~designee, who shall serve as the chairperson of the committee.~~ 515

~~(d) The social studies academic standards review committee-~~ 516
~~is hereby created to review academic content standards in the~~ 517
~~subject of social studies. The committee shall consist of the~~ 518
~~following members:~~ 519

~~(i) Three experts who are residents of this state and who-~~ 520

~~primarily conduct research, provide instruction, currently work- 521
in, or possess an advanced degree in the subject area. One 522
expert shall be appointed by each of the president of the 523
senate, the speaker of the house of representatives, and the 524
governor; 525~~

~~(ii) One parent or guardian appointed by the speaker of- 526
the house of representatives; 527~~

~~(iii) One educator who is currently teaching in a 528
classroom, appointed by the president of the senate; 529~~

~~(iv) The chancellor, or the chancellor's designee; 530~~

~~(v) The state superintendent, or the superintendent's 531
designee, who shall serve as the chairperson of the committee. 532~~

~~(2) (a) Each committee created in division (I) (1) of this 533
section shall review the academic content standards for its 534
respective subject area to ensure that such standards are clear, 535
concise, and appropriate for each grade level and promote higher 536
student performance, learning, subject matter comprehension, and 537
improved student achievement. Each committee also shall review 538
whether the standards for its respective subject area promote 539
essential knowledge in the subject, lifelong learning, the 540
liberal arts tradition, and college and career readiness and 541
whether the standards reduce remediation. 542~~

~~(b) Each committee shall determine whether the assessments 543
submitted to that committee under division (I) (4) of this 544
section are appropriate for the committee's respective subject 545
area and meet the academic content standards adopted under this 546
section and community expectations. 547~~

~~(3) The department of education shall provide 548
administrative support for each committee created in division 549~~

~~(I) (1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.~~ 550
551
552
553

~~(4) Notwithstanding anything to the contrary in division (N) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I) (1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The department shall provide each committee with the entire content of each relevant assessment, including corresponding answers.~~ 554
555
556
557
558
559
560
561
562

~~The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (N) of section 3301.0711 of the Revised Code.~~ 563
564
565
566
567
568

~~(J) (H) Not later than sixty days prior to the adoption by the state board of updated academic content standards under division (A) (1) of this section or updated model curricula under division (B) (1) of this section, the superintendent of public instruction shall present the academic content standards or model curricula, as applicable, in person at a public hearing of the respective committees of the house of representatives and senate that consider education legislation.~~ 569
570
571
572
573
574
575
576

~~(K) As used in this section:~~ 577

~~(1) "Blended learning" means the delivery of instruction~~ 578

~~in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.~~ 579
580
581

~~(2) "Coherence" means a reflection of the structure of the discipline being taught.~~ 582
583

~~(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.~~ 584
585
586

~~(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.~~ 587
588
589

~~(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.~~ 590
591
592
593
594
595

Sec. 3301.0710. The state board of education shall adopt rules establishing a ~~statewide program method~~ to assess student achievement. The state board shall ensure that all assessments administered under the program are aligned with the academic standards ~~and model curricula~~ adopted by the state board and are created with input from Ohio parents, Ohio classroom teachers, Ohio school administrators, and other Ohio school personnel pursuant to section 3301.079 of the Revised Code. 596
597
598
599
600
601
602
603

The ~~assessment program method of assessing student achievement~~ shall be designed to ensure that students who receive a high school diploma demonstrate at least high school levels of achievement in English language arts, mathematics, 604
605
606
607

science, and social studies. 608

(A) (1) The state board shall prescribe all of the 609
following: 610

(a) Two ~~statewide~~ end-of-year summative achievement 611
assessments, one each designed to measure the level of English 612
language arts and mathematics skill expected at the end of third 613
grade; 614

(b) Three ~~statewide~~ end-of-year summative achievement 615
assessments, one each designed to measure the level of English 616
language arts, mathematics, and social studies skill expected at 617
the end of fourth grade; 618

(c) Three ~~statewide~~ end-of-year summative achievement 619
assessments, one each designed to measure the level of English 620
language arts, mathematics, and science skill expected at the 621
end of fifth grade; 622

(d) Three ~~statewide~~ end-of-year summative achievement 623
assessments, one each designed to measure the level of English 624
language arts, mathematics, and social studies skill expected at 625
the end of sixth grade; 626

(e) Two ~~statewide~~ end-of-year summative achievement 627
assessments, one each designed to measure the level of English 628
language arts and mathematics skill expected at the end of 629
seventh grade; 630

(f) Three ~~statewide~~ end-of-year summative achievement 631
assessments, one each designed to measure the level of English 632
language arts, mathematics, and science skill expected at the 633
end of eighth grade. 634

(2) The state board shall determine and designate at least 635

five ranges of scores on each of the achievement assessments 636
described in divisions (A) (1) and (B) (1) of this section. Each 637
range of scores shall be deemed to demonstrate a level of 638
achievement so that any student attaining a score within such 639
range has achieved one of the following: 640

- (a) An advanced level of skill; 641
- (b) An accelerated level of skill; 642
- (c) A proficient level of skill; 643
- (d) A basic level of skill; 644
- (e) A limited level of skill. 645

(3) For the purpose of implementing division (A) of 646
section 3313.608 of the Revised Code, the state board shall 647
determine and designate a level of achievement, not lower than 648
the level designated in division (A) (2) (e) of this section, on 649
the third grade English language arts assessment for a student 650
to be promoted to the fourth grade. The state board shall review 651
and adjust upward the level of achievement designated under this 652
division each year the test is administered until the level is 653
set equal to the level designated in division (A) (2) (c) of this 654
section. 655

(4) Each school district or school shall select either the 656
state assessments administered prior to 2010 in Iowa or the 657
state assessments administered prior to 2010 in Massachusetts, 658
or a combination of both, for the required subject areas and 659
grade levels for administration to its students under this 660
section beginning with the 2015-2016 school year. Each district 661
or school shall annually notify the department of education 662
which assessments it administers to its students under this 663
section. 664

(5) The department shall develop a method for comparison of the assessments used by school districts and schools, and the scores on those assessments, for purposes of calculating report card ratings and the measures and components that compile a report card rating issued under section 3302.03 of the Revised Code, evaluating teachers and administrators under sections 3311.80 and 3311.84 of the Revised Code, and retention of third-grade students under section 3313.608 of the Revised Code.

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

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

(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for

receiving high school diplomas, under which any student who has 695
met an achievement assessment requirement of one state is 696
recognized as having met the similar requirement of the other 697
state for purposes of receiving a high school diploma. For 698
purposes of this section and sections 3301.0711 and 3313.61 of 699
the Revised Code, any student enrolled in any public high school 700
in this state who has met an achievement assessment requirement 701
specified in a reciprocal agreement entered into under this 702
division shall be deemed to have attained at least the 703
applicable score designated under this division on each 704
assessment required by division (B) (1) or (2) of this section 705
that is specified in the agreement. 706

(C) The superintendent of public instruction shall 707
designate dates and times for the administration of the 708
assessments prescribed by divisions (A) and (B) of this section. 709

The administration of the assessments prescribed by 710
divisions (A) and (B) of this section shall occur not earlier 711
than the last week of April. 712

In prescribing administration dates pursuant to this 713
division, the superintendent shall designate the dates in such a 714
way as to allow a reasonable length of time between the 715
administration of assessments prescribed under this section and 716
any administration of the national assessment of educational 717
progress given to students in the same grade level pursuant to 718
section 3301.27 of the Revised Code or federal law. 719

(D) The state board shall prescribe a practice version of 720
each Ohio graduation test described in division (B) (1) of this 721
section that is of comparable length to the actual test. 722

(E) Any committee established by the department of 723

education for the purpose of making recommendations to the state 724
board regarding the state board's designation of scores on the 725
assessments described by this section shall inform the state 726
board of the probable percentage of students who would score in 727
each of the ranges established under division (A)(2) of this 728
section on the assessments if the committee's recommendations 729
are adopted by the state board. To the extent possible, these 730
percentages shall be disaggregated by gender, major racial and 731
ethnic groups, limited English proficient students, economically 732
disadvantaged students, students with disabilities, and migrant 733
students. 734

Sec. 3301.0712. (A) The state board of education, the 735
superintendent of public instruction, and the chancellor of the 736
Ohio board of regents shall develop a system of college and work 737
ready assessments as described in division (B) of this section 738
to assess whether each student upon graduating from high school 739
is ready to enter college or the workforce. Beginning with 740
students who enter the ninth grade for the first time on or 741
after July 1, 2014, the system shall replace the Ohio graduation 742
tests prescribed in division (B)(1) of section 3301.0710 of the 743
Revised Code as a measure of student academic performance and 744
one determinant of eligibility for a high school diploma in the 745
manner prescribed by rule of the state board adopted under 746
division (D) of this section. 747

(B) The college and work ready assessment system shall 748
consist of the following: 749

(1) Nationally standardized assessments that measure 750
college and career readiness and are used for college admission. 751
The assessments shall be selected jointly by the state 752
superintendent and the chancellor, and one of which shall be 753

selected by each school district or school to administer to its 754
students. The assessments prescribed under division (B) (1) of 755
this section shall be administered to all eleventh-grade 756
students in the spring of the school year. 757

(2) ~~Seven end-of-course examinations, one~~ An examination 758
~~in each of the areas of English language arts I, English~~ 759
~~language arts II, mathematics, and science, Algebra I, geometry,~~ 760
~~American history, and American government~~ selected by each 761
school district or school for administration to its students. 762
The examinations selected by districts and schools shall be 763
either norm-referenced examinations or standards-based 764
examinations. 765

The department of education shall develop a method for 766
comparison of the examinations used by school districts and 767
schools, and for comparison of the scores on those examinations, 768
for purposes of calculating report card ratings and the measures 769
and components that compile a report card rating issued under 770
section 3302.03 of the Revised Code, evaluating teachers and 771
administrators under sections 3311.80 and 3311.84 of the Revised 772
Code, and determining eligibility for high school graduation 773
under section 3313.618 of the Revised Code. ~~The end-of-course-~~ 774
~~examinations shall be selected jointly by the state-~~ 775
~~superintendent and the chancellor in consultation with faculty-~~ 776
~~in the appropriate subject areas at institutions of higher-~~ 777
~~education of the university system of Ohio. Advanced placement-~~ 778
~~examinations and international baccalaureate examinations, as-~~ 779
~~prescribed under section 3313.6013 of the Revised Code, in the-~~ 780
~~areas of science, American history, and American government may-~~ 781
~~be used as end-of-course examinations in accordance with-~~ 782
~~division (B) (4) (a) (i) of this section. Final course grades for-~~ 783
~~courses taken under any other advanced standing program, as-~~ 784

~~prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end of course examinations in accordance with division (B) (4) (a) (ii) of this section.~~

~~(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.~~

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

~~(i) The end of course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.~~

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

~~(4) (a) Notwithstanding anything to the contrary in this~~

~~section, beginning with the 2014-2015 school year, both of the following shall apply:~~ 814
815

~~(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. The state board shall specify 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.~~ 816
817
818
819
820
821
822
823
824
825
826

~~(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.~~ 827
828
829
830
831
832
833
834
835
836
837
838

~~Division (B) (4) (a) (ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.~~ 839
840
841
842

~~(b) No student shall take a substitute examination or~~ 843

~~examination prescribed under division (B) (4) (a) of this section— 844
in place of the end-of-course examinations in English language— 845
arts I, English language arts II, Algebra I, or geometry— 846
prescribed under division (B) (2) of this section.— 847~~

~~(c) The state board shall consider additional assessments— 848
that may be used, beginning with the 2016-2017 school year, as— 849
substitute examinations in lieu of the end-of-course— 850
examinations prescribed under division (B) (2) of this section.— 851~~

~~(5) The state board shall do all of the following:— 852~~

~~(a) Determine and designate at least five ranges of scores— 853
on each of the end-of-course examinations prescribed under— 854
division (B) (2) of this section, and substitute examinations— 855
prescribed under division (B) (4) of this section. Each range of— 856
scores shall be considered to demonstrate a level of achievement— 857
so that any student attaining a score within such range has— 858
achieved one of the following:— 859~~

~~(i) An advanced level of skill;— 860~~

~~(ii) An accelerated level of skill;— 861~~

~~(iii) A proficient level of skill;— 862~~

~~(iv) A basic level of skill;— 863~~

~~(v) A limited level of skill.— 864~~

~~(b) Determine a method by which to calculate a cumulative— 865
performance score based on the results of a student's end-of— 866
course examinations or substitute examinations;— 867~~

~~(c) Determine the minimum cumulative performance score— 868
that demonstrates the level of academic achievement necessary to— 869
earn a high school diploma;— 870~~

~~(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.~~ 871
872
873
874

~~(6) (a) A student who meets both of the following conditions shall not be required to take an end of course examination:~~ 875
876
877

~~(i) The student received high school credit prior to July 1, 2015, for a course for which the end of course examination is prescribed.~~ 878
879
880

~~(ii) The examination was not available for administration prior to July 1, 2015.~~ 881
882

~~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.~~ 883
884
885
886
887

~~(b) For purposes of determining whether a student who is exempt from taking an end of course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:~~ 888
889
890
891
892

~~(i) The student is considered to have attained a proficient score on the end of course examination from which the student is exempt;~~ 893
894
895

~~(ii) The student's final course grade shall be used in lieu of a score on the end of course examination from which the student is exempt.~~ 896
897
898

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

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

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

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

~~(ii) A student who is enrolled in an algebra II course
under any other advanced standing program, as described in
section 3313.6013 of the Revised Code, shall not be required to
take the algebra II end-of-course examination. Instead, that
student's final course grade shall be used in lieu of the
examination.~~

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

~~(i) Administer an integrated mathematics I end-of-course~~

~~examination in lieu of the prescribed algebra I end of course examination;—~~ 928
929

~~(ii) Administer an integrated mathematics II end of course examination in lieu of the prescribed geometry end of course examination.—~~ 930
931
932

~~(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.—~~ 933
934
935
936
937
938

~~(b) Until July 1, 2019, the department of education shall make available the end of course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.—~~ 939
940
941
942
943

~~(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end of course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618 of the Revised Code.—~~ 944
945
946
947
948
949
950
951

~~(9) Neither the state board nor the department of education shall develop or administer an end of course examination in the area of world history.—~~ 952
953
954

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide 955
956

advice, guidance, and recommendations for the alignment of standards ~~and model curricula~~ to the assessments and in the design of the ~~end-of-course~~ examinations prescribed by this section.

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

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

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

(3) Whether and the extent to which a person may be excused from an American history ~~end-of-course~~ examination and an American government ~~end-of-course~~ examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code;

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

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section

3314.36 of the Revised Code. 986

(E) Not later than forty-five days prior to the state 987
board's adoption of a resolution directing the department to 988
file the rules prescribed by division (D) of this section in 989
final form under section 119.04 of the Revised Code, the 990
superintendent of public instruction shall present the 991
assessment system developed under this section to the respective 992
committees of the house of representatives and senate that 993
consider education legislation. 994

(F) (1) Any person enrolled in a nonchartered nonpublic 995
school or any person who has been excused from attendance at 996
school for the purpose of home instruction under section 3321.04 997
of the Revised Code may choose to participate in the system of 998
assessments administered under divisions (B) (1) and (2) of this 999
section. However, no such person shall be required to 1000
participate in the system of assessments. 1001

(2) The department shall adopt rules for the 1002
administration and scoring of any assessments under division (F) 1003
(1) of this section. 1004

(G) Not later than December 31, 2014, the state board 1005
shall select at least one nationally recognized job skills 1006
assessment. Each school district shall administer that 1007
assessment to those students who opt to take it. The state shall 1008
reimburse a school district for the costs of administering that 1009
assessment. The state board shall establish the minimum score a 1010
student must attain on the job skills assessment in order to 1011
demonstrate a student's workforce readiness and employability. 1012
The administration of the job skills assessment to a student 1013
under this division shall not exempt a school district from 1014
administering the assessments prescribed in division (B) of this 1015

section to that student. 1016

Sec. 3301.0714. (A) The state board of education shall 1017
adopt rules for a statewide education management information 1018
system. The rules shall require the state board to establish 1019
guidelines for the establishment and maintenance of the system 1020
in accordance with this section and the rules adopted under this 1021
section. The guidelines shall include: 1022

(1) Standards identifying and defining the types of data 1023
in the system in accordance with divisions (B) and (C) of this 1024
section; 1025

(2) Procedures for annually collecting and reporting the 1026
data to the state board in accordance with division (D) of this 1027
section; 1028

(3) Procedures for annually compiling the data in 1029
accordance with division (G) of this section; 1030

(4) Procedures for annually reporting the data to the 1031
public in accordance with division (H) of this section; 1032

(5) Standards to provide strict safeguards to protect the 1033
confidentiality of personally identifiable student data. 1034

(B) The guidelines adopted under this section shall 1035
require the data maintained in the education management 1036
information system to include at least the following: 1037

(1) Student participation and performance data, for each 1038
grade in each school district as a whole and for each grade in 1039
each school building in each school district, that includes: 1040

(a) The numbers of students receiving each category of 1041
instructional service offered by the school district, such as 1042
regular education instruction, vocational education instruction, 1043

specialized instruction programs or enrichment instruction that 1044
is part of the educational curriculum, instruction for gifted 1045
students, instruction for students with disabilities, and 1046
remedial instruction. The guidelines shall require instructional 1047
services under this division to be divided into discrete 1048
categories if an instructional service is limited to a specific 1049
subject, a specific type of student, or both, such as regular 1050
instructional services in mathematics, remedial reading 1051
instructional services, instructional services specifically for 1052
students gifted in mathematics or some other subject area, or 1053
instructional services for students with a specific type of 1054
disability. The categories of instructional services required by 1055
the guidelines under this division shall be the same as the 1056
categories of instructional services used in determining cost 1057
units pursuant to division (C) (3) of this section. 1058

(b) The numbers of students receiving support or 1059
extracurricular services for each of the support services or 1060
extracurricular programs offered by the school district, such as 1061
counseling services, health services, and extracurricular sports 1062
and fine arts programs. The categories of services required by 1063
the guidelines under this division shall be the same as the 1064
categories of services used in determining cost units pursuant 1065
to division (C) (4) (a) of this section. 1066

(c) Average student grades in each subject in grades nine 1067
through twelve; 1068

(d) Academic achievement levels as assessed under sections 1069
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1070

(e) The number of students designated as having a 1071
disabling condition pursuant to division (C) (1) of section 1072
3301.0711 of the Revised Code; 1073

(f) The numbers of students reported to the state board pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	1074 1075 1076
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1077 1078 1079 1080
(h) Expulsion rates;	1081
(i) Suspension rates;	1082
(j) Dropout rates;	1083
(k) Rates of retention in grade;	1084
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1085 1086 1087
(m) Graduation rates, to be calculated in a manner specified by the department 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;	1088 1089 1090 1091 1092
(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.	1093 1094 1095 1096 1097 1098 1099 1100 1101

(2) Personnel and classroom enrollment data for each 1102
school district, including: 1103

(a) The total numbers of licensed employees and 1104
nonlicensed employees and the numbers of full-time equivalent 1105
licensed employees and nonlicensed employees providing each 1106
category of instructional service, instructional support 1107
service, and administrative support service used pursuant to 1108
division (C) (3) of this section. The guidelines adopted under 1109
this section shall require these categories of data to be 1110
maintained for the school district as a whole and, wherever 1111
applicable, for each grade in the school district as a whole, 1112
for each school building as a whole, and for each grade in each 1113
school building. 1114

(b) The total number of employees and the number of full- 1115
time equivalent employees providing each category of service 1116
used pursuant to divisions (C) (4) (a) and (b) of this section, 1117
and the total numbers of licensed employees and nonlicensed 1118
employees and the numbers of full-time equivalent licensed 1119
employees and nonlicensed employees providing each category used 1120
pursuant to division (C) (4) (c) of this section. The guidelines 1121
adopted under this section shall require these categories of 1122
data to be maintained for the school district as a whole and, 1123
wherever applicable, for each grade in the school district as a 1124
whole, for each school building as a whole, and for each grade 1125
in each school building. 1126

(c) The total number of regular classroom teachers 1127
teaching classes of regular education and the average number of 1128
pupils enrolled in each such class, in each of grades 1129
kindergarten through five in the district as a whole and in each 1130
school building in the school district. 1131

(d) The number of lead teachers employed by each school district and each school building. 1132
1133

(3) (a) Student demographic data for each school district, 1134
including information regarding the gender ratio of the school 1135
district's pupils, the racial make-up of the school district's 1136
pupils, the number of limited English proficient students in the 1137
district, and an appropriate measure of the number of the school 1138
district's pupils who reside in economically disadvantaged 1139
households. The demographic data shall be collected in a manner 1140
to allow correlation with data collected under division (B) (1) 1141
of this section. Categories for data collected pursuant to 1142
division (B) (3) of this section shall conform, where 1143
appropriate, to standard practices of agencies of the federal 1144
government. 1145

(b) With respect to each student entering kindergarten, 1146
whether the student previously participated in a public 1147
preschool program, a private preschool program, or a head start 1148
program, and the number of years the student participated in 1149
each of these programs. 1150

(4) Any data required to be collected pursuant to federal 1151
law. 1152

(C) The education management information system shall 1153
include cost accounting data for each district as a whole and 1154
for each school building in each school district. The guidelines 1155
adopted under this section shall require the cost data for each 1156
school district to be maintained in a system of mutually 1157
exclusive cost units and shall require all of the costs of each 1158
school district to be divided among the cost units. The 1159
guidelines shall require the system of mutually exclusive cost 1160
units to include at least the following: 1161

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

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

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

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

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to

students in conjunction with each instructional services	1192
category;	1193
(c) The cost of the administrative support services	1194
related to each instructional services category, such as the	1195
cost of personnel that develop the curriculum for the	1196
instructional services category and the cost of personnel	1197
supervising or coordinating the delivery of the instructional	1198
services category.	1199
(4) Support or extracurricular services costs for each	1200
category of service directly provided to students and required	1201
by guidelines adopted pursuant to division (B) (1) (b) of this	1202
section. The guidelines shall require the cost units under	1203
division (C) (4) of this section to be designed so that each of	1204
them may be compiled and reported in terms of average	1205
expenditure per pupil receiving the service in the school	1206
district as a whole and average expenditure per pupil receiving	1207
the service in each building in the school district and in terms	1208
of a total cost for each category of service and, as a breakdown	1209
of the total cost, a cost for each of the following components:	1210
(a) The cost of each support or extracurricular services	1211
category required by guidelines adopted under division (B) (1) (b)	1212
of this section that is provided directly to students by a	1213
licensed employee, such as services provided by a guidance	1214
counselor or any services provided by a licensed employee under	1215
a supplemental contract;	1216
(b) The cost of each such services category provided	1217
directly to students by a nonlicensed employee, such as	1218
janitorial services, cafeteria services, or services of a sports	1219
trainer;	1220

(c) The cost of the administrative services related to 1221
each services category in division (C) (4) (a) or (b) of this 1222
section, such as the cost of any licensed or nonlicensed 1223
employees that develop, supervise, coordinate, or otherwise are 1224
involved in administering or aiding the delivery of each 1225
services category. 1226

(D) (1) The guidelines adopted under this section shall 1227
require school districts to collect information about individual 1228
students, staff members, or both in connection with any data 1229
required by division (B) or (C) of this section or other 1230
reporting requirements established in the Revised Code. The 1231
guidelines may also require school districts to report 1232
information about individual staff members in connection with 1233
any data required by division (B) or (C) of this section or 1234
other reporting requirements established in the Revised Code. 1235
The guidelines shall not authorize school districts to request 1236
social security numbers of individual students. The guidelines 1237
shall prohibit the reporting under this section of a student's 1238
name, address, and social security number to the state board of 1239
education or the department of education. The guidelines shall 1240
also prohibit the reporting under this section of any personally 1241
identifiable information about any student, except for the 1242
purpose of assigning the data verification code required by 1243
division (D) (2) of this section, to any other person unless such 1244
person is employed by the school district or the information 1245
technology center operated under section 3301.075 of the Revised 1246
Code and is authorized by the district or technology center to 1247
have access to such information or is employed by an entity with 1248
which the department contracts for the scoring or the 1249
development of state assessments. Access to the information 1250
shall be restricted to the fulfillment of contractual 1251

obligations to process data on behalf of the school district. 1252
Such contract shall include a stipulation that the personally 1253
identifiable information shall not be shared with additional 1254
parties. The guidelines may require school districts to provide 1255
the social security numbers of individual staff members and the 1256
county of residence for a student. Nothing in this section 1257
prohibits the state board of education or department of 1258
education from providing a student's county of residence to the 1259
department of taxation to facilitate the distribution of tax 1260
revenue. 1261

(2) (a) The guidelines shall provide for each school 1262
district or community school to assign a data verification code 1263
that is unique on a statewide basis over time to each student 1264
whose initial Ohio enrollment is in that district or school and 1265
to report all required individual student data for that student 1266
utilizing such code. The guidelines shall also provide for 1267
assigning data verification codes to all students enrolled in 1268
districts or community schools on the effective date of the 1269
guidelines established under this section. The assignment of 1270
data verification codes for other entities, as described in 1271
division (D) (2) (c) of this section, the use of those codes, and 1272
the reporting and use of associated individual student data 1273
shall be coordinated by the department in accordance with state 1274
and federal law. 1275

School districts shall report individual student data to 1276
the department through the information technology centers 1277
utilizing the code. The entities described in division (D) (2) (c) 1278
of this section shall report individual student data to the 1279
department in the manner prescribed by the department. 1280

Except as provided in sections 3301.941, 3310.11, 3310.42, 1281

3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 1282
shall the state board or the department have access to 1283
information that would enable any data verification code to be 1284
matched to personally identifiable student data. 1285

(b) Each school district and community school shall ensure 1286
that the data verification code is included in the student's 1287
records reported to any subsequent school district, community 1288
school, or state institution of higher education, as defined in 1289
section 3345.011 of the Revised Code, in which the student 1290
enrolls. Any such subsequent district or school shall utilize 1291
the same identifier in its reporting of data under this section. 1292

(c) The director of any state agency that administers a 1293
publicly funded program providing services to children who are 1294
younger than compulsory school age, as defined in section 1295
3321.01 of the Revised Code, including the directors of health, 1296
job and family services, mental health and addiction services, 1297
and developmental disabilities, shall request and receive, 1298
pursuant to sections 3301.0723 and 3701.62 of the Revised Code, 1299
a data verification code for a child who is receiving those 1300
services. 1301

(E) The guidelines adopted under this section may require 1302
school districts to collect and report data, information, or 1303
reports other than that described in divisions (A), (B), and (C) 1304
of this section for the purpose of complying with other 1305
reporting requirements established in the Revised Code. The 1306
other data, information, or reports may be maintained in the 1307
education management information system but are not required to 1308
be compiled as part of the profile formats required under 1309
division (G) of this section or the annual statewide report 1310
required under division (H) of this section. 1311

(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 district and shall compile the data in accordance with these formats. These profile formats shall:

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

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

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

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the

profiles of each of the school buildings in that school district 1341
developed pursuant to division (G) of this section. Copies of 1342
the report shall be sent to the superintendent of the district 1343
and to each member of the district board of education. 1344

(3) Copies of the reports received from the state board 1345
under divisions (H) (1) and (2) of this section shall be made 1346
available to the general public at each school district's 1347
offices. Each district board of education shall make copies of 1348
each report available to any person upon request and payment of 1349
a reasonable fee for the cost of reproducing the report. The 1350
board shall annually publish in a newspaper of general 1351
circulation in the school district, at least twice during the 1352
two weeks prior to the week in which the reports will first be 1353
available, a notice containing the address where the reports are 1354
available and the date on which the reports will be available. 1355

(I) Any data that is collected or maintained pursuant to 1356
this section and that identifies an individual pupil is not a 1357
public record for the purposes of section 149.43 of the Revised 1358
Code. 1359

(J) As used in this section: 1360

(1) "School district" means any city, local, exempted 1361
village, or joint vocational school district and, in accordance 1362
with section 3314.17 of the Revised Code, any community school. 1363
As used in division (L) of this section, "school district" also 1364
includes any educational service center or other educational 1365
entity required to submit data using the system established 1366
under this section. 1367

(2) "Cost" means any expenditure for operating expenses 1368
made by a school district excluding any expenditures for debt 1369

retirement except for payments made to any commercial lending 1370
institution for any loan approved pursuant to section 3313.483 1371
of the Revised Code. 1372

(K) Any person who removes data from the information 1373
system established under this section for the purpose of 1374
releasing it to any person not entitled under law to have access 1375
to such information is subject to section 2913.42 of the Revised 1376
Code prohibiting tampering with data. 1377

(L) (1) In accordance with division (L) (2) of this section 1378
and the rules adopted under division (L) (10) of this section, 1379
the department of education may sanction any school district 1380
that reports incomplete or inaccurate data, reports data that 1381
does not conform to data requirements and descriptions published 1382
by the department, fails to report data in a timely manner, or 1383
otherwise does not make a good faith effort to report data as 1384
required by this section. 1385

(2) If the department decides to sanction a school 1386
district under this division, the department shall take the 1387
following sequential actions: 1388

(a) Notify the district in writing that the department has 1389
determined that data has not been reported as required under 1390
this section and require the district to review its data 1391
submission and submit corrected data by a deadline established 1392
by the department. The department also may require the district 1393
to develop a corrective action plan, which shall include 1394
provisions for the district to provide mandatory staff training 1395
on data reporting procedures. 1396

(b) Withhold up to ten per cent of the total amount of 1397
state funds due to the district for the current fiscal year and, 1398

if not previously required under division (L) (2) (a) of this section, require the district to develop a corrective action plan in accordance with that division;

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

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

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

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

(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;

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

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

(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;

(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;

(viii) If the district is issued a report card under

section 3302.03 of the Revised Code and incomplete or inaccurate 1426
data submitted by the district likely caused the district to 1427
receive a higher performance rating than it deserved under that 1428
section, issue a revised report card for the district; 1429

(ix) Any other action designed to correct the district's 1430
data reporting problems. 1431

(3) Any time the department takes an action against a 1432
school district under division (L)(2) of this section, the 1433
department shall make a report of the circumstances that 1434
prompted the action. The department shall send a copy of the 1435
report to the district superintendent or chief administrator and 1436
maintain a copy of the report in its files. 1437

(4) If any action taken under division (L)(2) of this 1438
section resolves a school district's data reporting problems to 1439
the department's satisfaction, the department shall not take any 1440
further actions described by that division. If the department 1441
withheld funds from the district under that division, the 1442
department may release those funds to the district, except that 1443
if the department withheld funding under division (L)(2)(c) of 1444
this section, the department shall not release the funds 1445
withheld under division (L)(2)(b) of this section and, if the 1446
department withheld funding under division (L)(2)(d) of this 1447
section, the department shall not release the funds withheld 1448
under division (L)(2)(b) or (c) of this section. 1449

(5) Notwithstanding anything in this section to the 1450
contrary, the department may use its own staff or an outside 1451
entity to conduct an audit of a school district's data reporting 1452
practices any time the department has reason to believe the 1453
district has not made a good faith effort to report data as 1454
required by this section. If any audit conducted by an outside 1455

entity under division (L)(2)(d)(i) or (5) of this section 1456
confirms that a district has not made a good faith effort to 1457
report data as required by this section, the district shall 1458
reimburse the department for the full cost of the audit. The 1459
department may withhold state funds due to the district for this 1460
purpose. 1461

(6) Prior to issuing a revised report card for a school 1462
district under division (L)(2)(d)(viii) of this section, the 1463
department may hold a hearing to provide the district with an 1464
opportunity to demonstrate that it made a good faith effort to 1465
report data as required by this section. The hearing shall be 1466
conducted by a referee appointed by the department. Based on the 1467
information provided in the hearing, the referee shall recommend 1468
whether the department should issue a revised report card for 1469
the district. If the referee affirms the department's contention 1470
that the district did not make a good faith effort to report 1471
data as required by this section, the district shall bear the 1472
full cost of conducting the hearing and of issuing any revised 1473
report card. 1474

(7) If the department determines that any inaccurate data 1475
reported under this section caused a school district to receive 1476
excess state funds in any fiscal year, the district shall 1477
reimburse the department an amount equal to the excess funds, in 1478
accordance with a payment schedule determined by the department. 1479
The department may withhold state funds due to the district for 1480
this purpose. 1481

(8) Any school district that has funds withheld under 1482
division (L)(2) of this section may appeal the withholding in 1483
accordance with Chapter 119. of the Revised Code. 1484

(9) In all cases of a disagreement between the department 1485

and a school district regarding the appropriateness of an action 1486
taken under division (L) (2) of this section, the burden of proof 1487
shall be on the district to demonstrate that it made a good 1488
faith effort to report data as required by this section. 1489

(10) The state board of education shall adopt rules under 1490
Chapter 119. of the Revised Code to implement division (L) of 1491
this section. 1492

(M) No information technology center or school district 1493
shall acquire, change, or update its student administration 1494
software package to manage and report data required to be 1495
reported to the department unless it converts to a student 1496
software package that is certified by the department. 1497

(N) The state board of education, in accordance with 1498
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1499
or revoke a license as defined under division (A) of section 1500
3319.31 of the Revised Code that has been issued to any school 1501
district employee found to have willfully reported erroneous, 1502
inaccurate, or incomplete data to the education management 1503
information system. 1504

(O) No person shall release or maintain any information 1505
about any student in violation of this section. Whoever violates 1506
this division is guilty of a misdemeanor of the fourth degree. 1507

(P) The department shall disaggregate the data collected 1508
under division (B) (1) (n) of this section according to the race 1509
and socioeconomic status of the students assessed. 1510

(Q) If the department cannot compile any of the 1511
information required by division (H) of section 3302.03 of the 1512
Revised Code based upon the data collected under this section, 1513
the department shall develop a plan and a reasonable timeline 1514

for the collection of any data necessary to comply with that 1515
division. 1516

Sec. 3301.0715. (A) Except as otherwise required under 1517
division (B)(1) of section 3313.608 of the Revised Code, the 1518
board of education of each city, local, and exempted village 1519
school district shall administer each applicable diagnostic 1520
assessment developed and provided to the district in accordance 1521
with section 3301.079 of the Revised Code to the following: 1522

(1) Any student who transfers into the district or to a 1523
different school within the district if each applicable 1524
diagnostic assessment was not administered by the district or 1525
school the student previously attended in the current school 1526
year, within thirty days after the date of transfer. If the 1527
district or school into which the student transfers cannot 1528
determine whether the student has taken any applicable 1529
diagnostic assessment in the current school year, the district 1530
or school may administer the diagnostic assessment to the 1531
student. However, if a student transfers into the district prior 1532
to the administration of the diagnostic assessments to all 1533
students under division (B) of this section, the district may 1534
administer the diagnostic assessments to that student on the 1535
date or dates determined under that division. 1536

~~(2) Each kindergarten student, not earlier than the first 1537
day of the school year and not later than the first day of 1538
November. 1539~~

~~For the purpose of division (A)(2) of this section, the 1540
district shall administer the kindergarten readiness assessment 1541
provided by the department of education. In no case shall the 1542
results of the readiness assessment be used to prohibit a 1543
student from enrolling in kindergarten. 1544~~

~~(3)~~—Each student enrolled in first, second, or third grade. 1545
1546

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education. 1547
1548
1549

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year. 1550
1551
1552
1553
1554
1555
1556
1557
1558

(C) Any district that received a grade of "A" or "B" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code for the immediately preceding school year may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section. 1559
1560
1561
1562
1563
1564
1565
1566
1567

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the 1568
1569
1570
1571
1572
1573
1574

assessment to the parent of that student, and shall include all 1575
such documents and information in any plan developed for the 1576
student under division (C) of section 3313.608 of the Revised 1577
Code. Each district shall submit to the department, in the 1578
manner the department prescribes, the results of the diagnostic 1579
assessments administered under this section, regardless of the 1580
type of assessment used under section 3313.608 of the Revised 1581
Code. The department may issue reports with respect to the data 1582
collected. ~~The department may report school and district level-~~ 1583
~~kindergarten diagnostic assessment data and use diagnostic-~~ 1584
~~assessment data to calculate the measure prescribed by divisions~~ 1585
~~(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code.~~ 1586

(E) Each district board shall provide intervention 1587
services to students whose diagnostic assessments show that they 1588
are failing to make satisfactory progress toward attaining the 1589
academic standards for their grade level. 1590

Sec. 3301.0718. (A) The state board of education shall not 1591
adopt or revise any academic content standards in the areas of 1592
English language arts, mathematics, science, or social studies 1593
until both of the following conditions are satisfied: 1594

(1) The proposed standards or revisions are approved by 1595
both houses of the general assembly by concurrent resolution. 1596
The standing committee having jurisdiction over education 1597
legislation in each house shall conduct at least three public 1598
hearings on the proposed standards or revisions. 1599

(2) The proposed standards or revisions for each subject 1600
area are approved by the appropriate subcommittee established 1601
under division (D) (4) of this section. 1602

(B) The state board of education shall not adopt or revise 1603

any standards or curriculum in the area of health unless, by 1604
concurrent resolution, the standards, curriculum, or revisions 1605
are approved by both houses of the general assembly. Before the 1606
house of representatives or senate votes on a concurrent 1607
resolution approving health standards, curriculum, or revisions, 1608
its standing committee having jurisdiction over education 1609
legislation shall conduct at least one public hearing on the 1610
standards, curriculum, or revisions. 1611

(C) The academic content standards steering committee is 1612
hereby established. 1613

Prior to submitting academic content standards to the 1614
general assembly for approval as required under division (A) of 1615
this section, the state board shall propose any new or revised 1616
standards to the academic content standards steering committee. 1617
Meetings of the committee and its subcommittee shall be open to 1618
the public. 1619

The committee shall be composed of thirteen members as 1620
follows: 1621

(1) The governor, or the governor's designee; 1622

(2) Six members appointed by the president of the senate, 1623
of whom not more than one may be a member of the senate; 1624

(3) Six members appointed by the speaker of the house of 1625
representatives, of whom not more than one may be a member of 1626
the house of representatives. 1627

In appointing members under divisions (C) (2) and (3) of 1628
this section, consideration shall be given to the appointment of 1629
parents of students enrolled in Ohio schools; primary and 1630
secondary education teachers; and curriculum experts, provosts, 1631
chairs, and deans of state institutions of higher education. 1632

(D) The committee established under division (C) of this 1633
section shall do the following: 1634

(1) Determine a chair and co-chair of the committee; 1635

(2) Appoint four individuals to oversee the development of 1636
the standards documents, each of whom shall understand and be 1637
able to use subject-specific symbols. The department of 1638
education and the state board may provide assistance to these 1639
individuals. 1640

(3) Contract, if necessary, with an individual who has a 1641
national reputation in the areas of academic content standards 1642
and assessments to facilitate the work of the committee; 1643

(4) Establish a subcommittee in each of the areas of 1644
mathematics, English language arts, science, and social studies, 1645
and select, by a majority vote of all committee members, a 1646
chairperson for each subcommittee. 1647

(a) The chair of each subcommittee shall be an instructor 1648
or professor in a related subject area at a state institution of 1649
higher education. Other members of the subcommittee shall be 1650
teachers with at least ten years of teaching experience, and may 1651
be nominated by the superintendent of their employing school 1652
district. The state board shall select the individuals to serve 1653
as members on each subcommittee. Not more than five members 1654
shall serve on a subcommittee. A school librarian, nominated by 1655
the Ohio library council, may provide assistance to the English 1656
language arts subcommittee. An engineer, nominated by one of the 1657
state's engineering organizations, may provide assistance to the 1658
mathematics subcommittee and the science subcommittee. 1659

(b) Each subcommittee shall approve or disapprove the 1660
academic content standards for its respective subject area. Each 1661

subcommittee shall obtain from teachers comments on the 1662
appropriateness and wording of the proposed academic content 1663
standards for each grade and, if necessary, offer revisions on 1664
the proposed standards. The comments shall be recorded by an 1665
individual appointed under division (D) (2) of this section. 1666

Sec. 3301.0722. As used in this section ~~and section~~ 1667
~~3301.0721 of the Revised Code~~, "form" means any report, 1668
document, paper, computer software program, or other instrument 1669
used in the management information system created by section 1670
3301.0714 of the Revised Code or used to gather required or 1671
requested education data under division (I) of section 3301.07 1672
of the Revised Code or any other provision of state or federal 1673
statute or rule. 1674

Beginning July 1, 1992, the state board of education, the 1675
superintendent of public instruction, or the department of 1676
education shall not put into use any new form or any modified 1677
version of any previously existing form, unless the new or 1678
modified form has been submitted to the unit established 1679
pursuant to section 3301.133 of the Revised Code, the unit has 1680
reviewed the form, and the superintendent has considered the 1681
findings of the review and the unit's recommendations. 1682

Sec. 3302.03. Annually, not later than the fifteenth day 1683
of September or the preceding Friday when that day falls on a 1684
Saturday or Sunday, the department of education shall assign a 1685
letter grade for overall academic performance and for each 1686
separate performance measure for each school district, and each 1687
school building in a district, in accordance with this section. 1688
The state board shall adopt rules pursuant to Chapter 119. of 1689
the Revised Code to establish performance criteria for each 1690
letter grade and prescribe a method by which the department 1691

assigns each letter grade. For a school building to which any of
the performance measures do not apply, due to grade levels
served by the building, the state board shall designate the
performance measures that are applicable to the building and
that must be calculated separately and used to calculate the
building's overall grade. The department shall issue annual
report cards reflecting the performance of each school district,
each building within each district, and for the state as a whole
using the performance measures and letter grade system described
in this section. The department shall include on the report card
for each district and each building within each district the
most recent two-year trend data in student achievement for each
subject and each grade.

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

(a) Annual measurable objectives;

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

(c) The extent to which the school district or building
meets each of the applicable performance indicators established
by the state board under section 3302.02 of the Revised Code and
the percentage of applicable performance indicators that have
been achieved. In adopting benchmarks for assigning letter

grades under division (A) (1) (c) of this section, the state board 1722
shall designate ninety per cent or higher for an "A." 1723

(d) The four- and five-year adjusted cohort graduation 1724
rates. 1725

In adopting benchmarks for assigning letter grades under 1726
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1727
department shall designate a four-year adjusted cohort 1728
graduation rate of ninety-three per cent or higher for an "A" 1729
and a five-year cohort graduation rate of ninety-five per cent 1730
or higher for an "A." 1731

(e) The overall score under the value-added progress 1732
dimension of a school district or building, for which the 1733
department shall use up to three years of value-added data as 1734
available. The letter grade assigned for this growth measure 1735
shall be as follows: 1736

(i) A score that is at least two standard errors of 1737
measure above the mean score shall be designated as an "A." 1738

(ii) A score that is at least one standard error of 1739
measure but less than two standard errors of measure above the 1740
mean score shall be designated as a "B." 1741

(iii) A score that is less than one standard error of 1742
measure above the mean score but greater than or equal to one 1743
standard error of measure below the mean score shall be 1744
designated as a "C." 1745

(iv) A score that is not greater than one standard error 1746
of measure below the mean score but is greater than or equal to 1747
two standard errors of measure below the mean score shall be 1748
designated as a "D." 1749

(v) A score that is not greater than two standard errors 1750
of measure below the mean score shall be designated as an "F." 1751

Whenever the value-added progress dimension is used as a 1752
graded performance measure, whether as an overall measure or as 1753
a measure of separate subgroups, the grades for the measure 1754
shall be calculated in the same manner as prescribed in division 1755
(A) (1) (e) of this section. 1756

(f) The value-added progress dimension score for a school 1757
district or building disaggregated for each of the following 1758
subgroups: students identified as gifted, students with 1759
disabilities, and students whose performance places them in the 1760
lowest quintile for achievement on a statewide basis. Each 1761
subgroup shall be a separate graded measure. 1762

(2) Not later than April 30, 2013, the state board of 1763
education shall adopt a resolution describing the performance 1764
measures, benchmarks, and grading system for the 2012-2013 1765
school year and, not later than June 30, 2013, shall adopt rules 1766
in accordance with Chapter 119. of the Revised Code that 1767
prescribe the methods by which the performance measures under 1768
division (A) (1) of this section shall be assessed and assigned a 1769
letter grade, including performance benchmarks for each letter 1770
grade. 1771

At least forty-five days prior to the state board's 1772
adoption of rules to prescribe the methods by which the 1773
performance measures under division (A) (1) of this section shall 1774
be assessed and assigned a letter grade, the department shall 1775
conduct a public presentation before the standing committees of 1776
the house of representatives and the senate that consider 1777
education legislation describing such methods, including 1778
performance benchmarks. 1779

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.	1780 1781
(B) (1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures:	1782 1783 1784
(a) Annual measurable objectives;	1785
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B) (1) (b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	1786 1787 1788 1789 1790 1791 1792 1793
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	1794 1795 1796 1797 1798 1799 1800
(d) The four- and five-year adjusted cohort graduation rates;	1801 1802
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	1803 1804 1805 1806
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following	1807 1808

subgroups: students identified as gifted in superior cognitive 1809
ability and specific academic ability fields under Chapter 3324. 1810
of the Revised Code, students with disabilities, and students 1811
whose performance places them in the lowest quintile for 1812
achievement on a statewide basis. Each subgroup shall be a 1813
separate graded measure. 1814

(g) Whether a school district or building is making 1815
progress in improving literacy in grades kindergarten through 1816
three, as determined using a method prescribed by the state 1817
board. The state board shall adopt rules to prescribe benchmarks 1818
and standards for assigning grades to districts and buildings 1819
for purposes of division (B) (1) (g) of this section. In adopting 1820
benchmarks for assigning letter grades under divisions (B) (1) (g) 1821
and (C) (1) (g) of this section, the state board shall determine 1822
progress made based on the reduction in the total percentage of 1823
students scoring below grade level, or below proficient, 1824
compared from year to year on the reading and writing diagnostic 1825
assessments administered under section 3301.0715 of the Revised 1826
Code and the third grade English language arts assessment under 1827
section 3301.0710 of the Revised Code, as applicable. The state 1828
board shall designate for a "C" grade a value that is not lower 1829
than the statewide average value for this measure. ~~No grade-~~ 1830
~~shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this-~~ 1831
~~section for a district or building in which less than five per-~~ 1832
~~cent of students have scored below grade level on the diagnostic-~~ 1833
~~assessment administered to students in kindergarten under-~~ 1834
~~division (B) (1) of section 3313.608 of the Revised Code.~~ 1835

(h) For a high mobility school district or building, an 1836
additional value-added progress dimension score. For this 1837
measure, the department shall use value-added data from the most 1838
recent school year available and shall use assessment scores for 1839

only those students to whom the district or building has 1840
administered the assessments prescribed by section 3301.0710 of 1841
the Revised Code for each of the two most recent consecutive 1842
school years. 1843

As used in this division, "high mobility school district 1844
or building" means a school district or building where at least 1845
twenty-five per cent of its total enrollment is made up of 1846
students who have attended that school district or building for 1847
less than one year. 1848

(2) In addition to the graded measures in division (B) (1) 1849
of this section, the department shall include on a school 1850
district's or building's report card all of the following 1851
without an assigned letter grade: 1852

(a) The percentage of students enrolled in a district or 1853
building participating in advanced placement classes and the 1854
percentage of those students who received a score of three or 1855
better on advanced placement examinations; 1856

(b) The number of a district's or building's students who 1857
have earned at least three college credits through dual 1858
enrollment or advanced standing programs, such as the post- 1859
secondary enrollment options program under Chapter 3365. of the 1860
Revised Code and state-approved career-technical courses offered 1861
through dual enrollment or statewide articulation, that appear 1862
on a student's transcript or other official document, either of 1863
which is issued by the institution of higher education from 1864
which the student earned the college credit. The credits earned 1865
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 1866
this section shall not include any that are remedial or 1867
developmental and shall include those that count toward the 1868
curriculum requirements established for completion of a degree. 1869

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

(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials.

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

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

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

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B) (1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of

the house of representatives and the senate that consider 1899
education legislation describing such methods, including 1900
performance benchmarks. 1901

(4) There shall not be an overall letter grade for a 1902
school district or building for the 2013-2014 school year. 1903

(C) (1) For the 2014-2015 school year and each school year 1904
thereafter, the department shall issue grades as described in 1905
division (E) of this section for each of the performance 1906
measures prescribed in division (C) (1) of this section and an 1907
overall letter grade based on an aggregate of those measures, 1908
except for the performance measure set forth in division (C) (1) 1909
(h) of this section. The graded measures are as follows: 1910

(a) Annual measurable objectives; 1911

(b) Performance index score for a school district or 1912
building. Grades shall be awarded as a percentage of the total 1913
possible points on the performance index system as created by 1914
the department. In adopting benchmarks for assigning letter 1915
grades under division (C) (1) (b) of this section, the state board 1916
shall designate ninety per cent or higher for an "A," at least 1917
seventy per cent but not more than eighty per cent for a "C," 1918
and less than fifty per cent for an "F." 1919

(c) The extent to which the school district or building 1920
meets each of the applicable performance indicators established 1921
by the state board under section 3302.03 of the Revised Code and 1922
the percentage of applicable performance indicators that have 1923
been achieved. In adopting benchmarks for assigning letter 1924
grades under division (C) (1) (c) of this section, the state board 1925
shall designate ninety per cent or higher for an "A." 1926

(d) The four- and five-year adjusted cohort graduation 1927

rates; 1928

(e) The overall score under the value-added progress 1929
dimension, or another measure of student academic progress if 1930
adopted by the state board, of a school district or building, 1931
for which the department shall use up to three years of value- 1932
added data as available. 1933

In adopting benchmarks for assigning letter grades for 1934
overall score on value-added progress dimension under division 1935
(C) (1) (e) of this section, the state board shall prohibit the 1936
assigning of a grade of "A" for that measure unless the 1937
district's or building's grade assigned for value-added progress 1938
dimension for all subgroups under division (C) (1) (f) of this 1939
section is a "B" or higher. 1940

For the metric prescribed by division (C) (1) (e) of this 1941
section, the state board may adopt a student academic progress 1942
measure to be used instead of the value-added progress 1943
dimension. If the state board adopts such a measure, it also 1944
shall prescribe a method for assigning letter grades for the new 1945
measure that is comparable to the method prescribed in division 1946
(A) (1) (e) of this section. 1947

(f) The value-added progress dimension score of a school 1948
district or building disaggregated for each of the following 1949
subgroups: students identified as gifted in superior cognitive 1950
ability and specific academic ability fields under Chapter 3324. 1951
of the Revised Code, students with disabilities, and students 1952
whose performance places them in the lowest quintile for 1953
achievement on a statewide basis, as determined by a method 1954
prescribed by the state board. Each subgroup shall be a separate 1955
graded measure. 1956

The state board may adopt student academic progress 1957
measures to be used instead of the value-added progress 1958
dimension. If the state board adopts such measures, it also 1959
shall prescribe a method for assigning letter grades for the new 1960
measures that is comparable to the method prescribed in division 1961
(A) (1) (e) of this section. 1962

(g) Whether a school district or building is making 1963
progress in improving literacy in grades kindergarten through 1964
three, as determined using a method prescribed by the state 1965
board. The state board shall adopt rules to prescribe benchmarks 1966
and standards for assigning grades to a district or building for 1967
purposes of division (C) (1) (g) of this section. The state board 1968
shall designate for a "C" grade a value that is not lower than 1969
the statewide average value for this measure. ~~No grade shall be~~ 1970
~~issued under division (C) (1) (g) of this section for a district~~ 1971
~~or building in which less than five per cent of students have~~ 1972
~~scored below grade level on the kindergarten diagnostic~~ 1973
~~assessment under division (B) (1) of section 3313.608 of the~~ 1974
~~Revised Code.~~ 1975

(h) For a high mobility school district or building, an 1976
additional value-added progress dimension score. For this 1977
measure, the department shall use value-added data from the most 1978
recent school year available and shall use assessment scores for 1979
only those students to whom the district or building has 1980
administered the assessments prescribed by section 3301.0710 of 1981
the Revised Code for each of the two most recent consecutive 1982
school years. 1983

As used in this division, "high mobility school district 1984
or building" means a school district or building where at least 1985
twenty-five per cent of its total enrollment is made up of 1986

students who have attended that school district or building for less than one year.	1987 1988
(2) In addition to the graded measures in division (C) (1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:	1989 1990 1991 1992
(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;	1993 1994 1995 1996 1997 1998
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	1999 2000 2001 2002
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
(d) The percentage of the district's or building's	2015

students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	2016 2017
(e) The percentage of the district's or building's students who receive industry-recognized credentials;	2018 2019
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	2020 2021 2022 2023 2024
(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.	2025 2026 2027
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C) (1) and (2) of this section into the following components:	2028 2029 2030 2031 2032 2033
(a) Gap closing, which shall include the performance measure in division (C) (1) (a) of this section;	2034 2035
(b) Achievement, which shall include the performance measures in divisions (C) (1) (b) and (c) of this section;	2036 2037
(c) Progress, which shall include the performance measures in divisions (C) (1) (e) and (f) of this section;	2038 2039
(d) Graduation, which shall include the performance measure in division (C) (1) (d) of this section;	2040 2041
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C) (1) (g) of this	2042 2043

section; 2044

(f) Prepared for success, which shall include the 2045
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 2046
and (f) of this section. The state board shall develop a method 2047
to determine a grade for the component in division (C) (3) (f) of 2048
this section using the performance measures in divisions (C) (2) 2049
(a), (b), (c), (d), (e), and (f) of this section. When 2050
available, the state board may incorporate the performance 2051
measure under division (C) (2) (g) of this section into the 2052
component under division (C) (3) (f) of this section. When 2053
determining the overall grade for the prepared for success 2054
component prescribed by division (C) (3) (f) of this section, no 2055
individual student shall be counted in more than one performance 2056
measure. However, if a student qualifies for more than one 2057
performance measure in the component, the state board may, in 2058
its method to determine a grade for the component, specify an 2059
additional weight for such a student that is not greater than or 2060
equal to 1.0. In determining the overall score under division 2061
(C) (3) (f) of this section, the state board shall ensure that the 2062
pool of students included in the performance measures aggregated 2063
under that division are all of the students included in the 2064
four- and five-year adjusted graduation cohort. 2065

In the rules adopted under division (C) (3) of this 2066
section, the state board shall adopt a method for determining a 2067
grade for each component in divisions (C) (3) (a) to (f) of this 2068
section. The state board also shall establish a method to assign 2069
an overall grade of "A," "B," "C," "D," or "F" using the grades 2070
assigned for each component. The method the state board adopts 2071
for assigning an overall grade shall give equal weight to the 2072
components in divisions (C) (3) (b) and (c) of this section. 2073

At least forty-five days prior to the state board's 2074
adoption of rules to prescribe the methods for calculating the 2075
overall grade for the report card, as required by this division, 2076
the department shall conduct a public presentation before the 2077
standing committees of the house of representatives and the 2078
senate that consider education legislation describing the format 2079
for the report card, weights that will be assigned to the 2080
components of the overall grade, and the method for calculating 2081
the overall grade. 2082

(D) Not later than July 1, 2015, the state board shall 2083
develop a measure of student academic progress for high school 2084
students using only data from assessments in English language 2085
arts and mathematics. For the 2014-2015 school year, the 2086
department shall include this measure on a school district or 2087
building's report card, as applicable, without an assigned 2088
letter grade. Beginning with the report card for the 2015-2016 2089
school year, each school district and applicable school building 2090
shall be assigned a separate letter grade for this measure and 2091
the district's or building's grade for that measure shall be 2092
included in determining the district's or building's overall 2093
letter grade. This measure shall be included within the measure 2094
prescribed in division (C) (3) (c) of this section in the 2095
calculation for the overall letter grade. 2096

(E) The letter grades assigned to a school district or 2097
building under this section shall be as follows: 2098

(1) "A" for a district or school making excellent 2099
progress; 2100

(2) "B" for a district or school making above average 2101
progress; 2102

(3) "C" for a district or school making average progress;	2103
(4) "D" for a district or school making below average progress;	2104 2105
(5) "F" for a district or school failing to meet minimum progress.	2106 2107
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	2108 2109 2110
(1) Performance of students by grade-level;	2111
(2) Performance of students by race and ethnic group;	2112
(3) Performance of students by gender;	2113
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	2114 2115
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	2116 2117 2118
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	2119 2120
(7) Performance of students grouped by those who are economically disadvantaged;	2121 2122
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	2123 2124 2125
(9) Performance of students grouped by those who are classified as limited English proficient;	2126 2127
(10) Performance of students grouped by those who have	2128

disabilities;	2129
(11) Performance of students grouped by those who are	2130
classified as migrants;	2131
(12) Performance of students grouped by those who are	2132
identified as gifted in superior cognitive ability and the	2133
specific academic ability fields of reading and math pursuant to	2134
Chapter 3324. of the Revised Code. In disaggregating specific	2135
academic ability fields for gifted students, the department	2136
shall use data for those students with specific academic ability	2137
in math and reading. If any other academic field is assessed,	2138
the department shall also include data for students with	2139
specific academic ability in that field as well.	2140
(13) Performance of students grouped by those who perform	2141
in the lowest quintile for achievement on a statewide basis, as	2142
determined by a method prescribed by the state board.	2143
The department may disaggregate data on student	2144
performance according to other categories that the department	2145
determines are appropriate. To the extent possible, the	2146
department shall disaggregate data on student performance	2147
according to any combinations of two or more of the categories	2148
listed in divisions (F) (1) to (13) of this section that it deems	2149
relevant.	2150
In reporting data pursuant to division (F) of this	2151
section, the department shall not include in the report cards	2152
any data statistical in nature that is statistically unreliable	2153
or that could result in the identification of individual	2154
students. For this purpose, the department shall not report	2155
student performance data for any group identified in division	2156
(F) of this section that contains less than ten students. If the	2157

department does not report student performance data for a group 2158
because it contains less than ten students, the department shall 2159
indicate on the report card that is why data was not reported. 2160

(G) The department may include with the report cards any 2161
additional education and fiscal performance data it deems 2162
valuable. 2163

(H) The department shall include on each report card a 2164
list of additional information collected by the department that 2165
is available regarding the district or building for which the 2166
report card is issued. When available, such additional 2167
information shall include student mobility data disaggregated by 2168
race and socioeconomic status, college enrollment data, and the 2169
reports prepared under section 3302.031 of the Revised Code. 2170

The department shall maintain a site on the world wide 2171
web. The report card shall include the address of the site and 2172
shall specify that such additional information is available to 2173
the public at that site. The department shall also provide a 2174
copy of each item on the list to the superintendent of each 2175
school district. The district superintendent shall provide a 2176
copy of any item on the list to anyone who requests it. 2177

(I) Division (I) of this section does not apply to 2178
conversion community schools that primarily enroll students 2179
between sixteen and twenty-two years of age who dropped out of 2180
high school or are at risk of dropping out of high school due to 2181
poor attendance, disciplinary problems, or suspensions. 2182

(1) For any district that sponsors a conversion community 2183
school under Chapter 3314. of the Revised Code, the department 2184
shall combine data regarding the academic performance of 2185
students enrolled in the community school with comparable data 2186

from the schools of the district for the purpose of determining 2187
the performance of the district as a whole on the report card 2188
issued for the district under this section or section 3302.033 2189
of the Revised Code. 2190

(2) Any district that leases a building to a community 2191
school located in the district or that enters into an agreement 2192
with a community school located in the district whereby the 2193
district and the school endorse each other's programs may elect 2194
to have data regarding the academic performance of students 2195
enrolled in the community school combined with comparable data 2196
from the schools of the district for the purpose of determining 2197
the performance of the district as a whole on the district 2198
report card. Any district that so elects shall annually file a 2199
copy of the lease or agreement with the department. 2200

(3) Any municipal school district, as defined in section 2201
3311.71 of the Revised Code, that sponsors a community school 2202
located within the district's territory, or that enters into an 2203
agreement with a community school located within the district's 2204
territory whereby the district and the community school endorse 2205
each other's programs, may exercise either or both of the 2206
following elections: 2207

(a) To have data regarding the academic performance of 2208
students enrolled in that community school combined with 2209
comparable data from the schools of the district for the purpose 2210
of determining the performance of the district as a whole on the 2211
district's report card; 2212

(b) To have the number of students attending that 2213
community school noted separately on the district's report card. 2214

The election authorized under division (I) (3) (a) of this 2215

section is subject to approval by the governing authority of the 2216
community school. 2217

Any municipal school district that exercises an election 2218
to combine or include data under division (I)(3) of this 2219
section, by the first day of October of each year, shall file 2220
with the department documentation indicating eligibility for 2221
that election, as required by the department. 2222

(J) The department shall include on each report card the 2223
percentage of teachers in the district or building who are 2224
highly qualified, as defined by the No Child Left Behind Act of 2225
2001, and a comparison of that percentage with the percentages 2226
of such teachers in similar districts and buildings. 2227

(K) (1) In calculating English language arts, mathematics, 2228
social studies, or science assessment passage rates used to 2229
determine school district or building performance under this 2230
section, the department shall include all students taking an 2231
assessment with accommodation or to whom an alternate assessment 2232
is administered pursuant to division (C)(1) or (3) of section 2233
3301.0711 of the Revised Code. 2234

(2) In calculating performance index scores, rates of 2235
achievement on the performance indicators established by the 2236
state board under section 3302.02 of the Revised Code, and 2237
annual measurable objectives for determining adequate yearly 2238
progress for school districts and buildings under this section, 2239
the department shall do all of the following: 2240

(a) Include for each district or building only those 2241
students who are included in the ADM certified for the first 2242
full school week of October and are continuously enrolled in the 2243
district or building through the time of the spring 2244

administration of any assessment prescribed by division (A) (1) 2245
or (B) (1) of section 3301.0710 or division (B) of section 2246
3301.0712 of the Revised Code that is administered to the 2247
student's grade level; 2248

(b) Include cumulative totals from both the fall and 2249
spring administrations of the third grade English language arts 2250
achievement assessment; 2251

(c) Except as required by the No Child Left Behind Act of 2252
2001, exclude for each district or building any limited English 2253
proficient student who has been enrolled in United States 2254
schools for less than one full school year. 2255

(L) Beginning with the 2015-2016 school year and at least 2256
once every three years thereafter, the state board of education 2257
shall review and may adjust the benchmarks for assigning letter 2258
grades to the performance measures and components prescribed 2259
under divisions (C) (3) and (D) of this section. 2260

Sec. 3302.04. As used in divisions (A), (C), and (D) of 2261
this section, for the 2014-2015 school year, and for each school 2262
year thereafter, when a provision refers to a school district or 2263
school building in a state of academic emergency, it shall mean 2264
a district or building rated "F"; when a provision refers to a 2265
school district or school building under an academic watch, it 2266
shall mean a district or building rated "D"; and when a 2267
provision refers to a school district or school building in need 2268
of continuous improvement, it shall mean a district or building 2269
rated "C" as those letter grade ratings for overall performance 2270
are assigned under division (C) (3) of section 3302.03 of the 2271
Revised Code, as it exists on or after ~~the effective date of~~ 2272
~~this amendment~~ March 22, 2013. 2273

(A) The department of education shall establish a system 2274
of intensive, ongoing support for the improvement of school 2275
districts and school buildings. In accordance with the model of 2276
differentiated accountability described in section 3302.041 of 2277
the Revised Code, the system shall give priority to the 2278
following: 2279

(1) For any school year prior to the 2012-2013 school 2280
year, districts and buildings that have been declared to be 2281
under an academic watch or in a state of academic emergency 2282
under section 3302.03 of the Revised Code; 2283

(2) For the 2012-2013 school year, and for each school 2284
year thereafter, districts and buildings in the manner 2285
prescribed by any agreement currently in force between the 2286
department and the United States department of education. The 2287
department shall endeavor to include schools and buildings that 2288
receive grades under section 3302.03 of the Revised Code that 2289
the department considers to be low performing. 2290

The system shall include services provided to districts 2291
and buildings through regional service providers, such as 2292
educational service centers. 2293

(B) This division does not apply to any school district 2294
after June 30, 2008. 2295

When a school district has been notified by the department 2296
pursuant to section 3302.03 of the Revised Code that the 2297
district or a building within the district has failed to make 2298
adequate yearly progress for two consecutive school years, the 2299
district shall develop a three-year continuous improvement plan 2300
for the district or building containing each of the following: 2301

(1) An analysis of the reasons for the failure of the 2302

district or building to meet any of the applicable performance	2303
indicators established under section 3302.02 of the Revised Code	2304
that it did not meet and an analysis of the reasons for its	2305
failure to make adequate yearly progress;	2306
(2) Specific strategies that the district or building will	2307
use to address the problems in academic achievement identified	2308
in division (B)(1) of this section;	2309
(3) Identification of the resources that the district will	2310
allocate toward improving the academic achievement of the	2311
district or building;	2312
(4) A description of any progress that the district or	2313
building made in the preceding year toward improving its	2314
academic achievement;	2315
(5) An analysis of how the district is utilizing the	2316
professional development standards adopted by the state board	2317
pursuant to section 3319.61 of the Revised Code;	2318
(6) Strategies that the district or building will use to	2319
improve the cultural competency, as defined pursuant to section	2320
3319.61 of the Revised Code, of teachers and other educators.	2321
No three-year continuous improvement plan shall be	2322
developed or adopted pursuant to this division unless at least	2323
one public hearing is held within the affected school district	2324
or building concerning the final draft of the plan. Notice of	2325
the hearing shall be given two weeks prior to the hearing by	2326
publication in one newspaper of general circulation within the	2327
territory of the affected school district or building. Copies of	2328
the plan shall be made available to the public.	2329
(C)(1) For any school year prior to the school year that	2330
begins on July 1, 2012, when a school district or building has	2331

been notified by the department pursuant to section 3302.03 of 2332
the Revised Code that the district or building is under an 2333
academic watch or in a state of academic emergency, the district 2334
or building shall be subject to any rules establishing 2335
intervention in academic watch or emergency school districts or 2336
buildings. 2337

(2) For the 2012-2013 school year, and for each school 2338
year thereafter, a district or building that meets the 2339
conditions for intervention prescribed by the agreement 2340
described in division (A) (2) of this section shall be subject to 2341
any rules establishing such intervention. 2342

(D) (1) For any school year prior to the 2012-2013 school 2343
year, within one hundred twenty days after any school district 2344
or building is declared to be in a state of academic emergency 2345
under section 3302.03 of the Revised Code, the department may 2346
initiate a site evaluation of the building or school district. 2347

(2) For the 2012-2013 school year, and for each school 2348
year thereafter, the department may initiate a site evaluation 2349
of a building or school district that meets the conditions for a 2350
site evaluation prescribed by the agreement described in 2351
division (A) (2) of this section. 2352

(3) Division (D) (3) of this section does not apply to any 2353
school district after June 30, 2008. 2354

If any school district that is declared to be in a state 2355
of academic emergency or in a state of academic watch under 2356
section 3302.03 of the Revised Code or encompasses a building 2357
that is declared to be in a state of academic emergency or in a 2358
state of academic watch fails to demonstrate to the department 2359
satisfactory improvement of the district or applicable buildings 2360

or fails to submit to the department any information required 2361
under rules established by the state board of education, prior 2362
to approving a three-year continuous improvement plan under 2363
rules established by the state board of education, the 2364
department shall conduct a site evaluation of the school 2365
district or applicable buildings to determine whether the school 2366
district is in compliance with minimum standards established by 2367
law or rule. 2368

(4) Division (D) (4) of this section does not apply to any 2369
school district after June 30, 2008. Site evaluations conducted 2370
under divisions (D) (1), (2), and (3) of this section shall 2371
include, but not be limited to, the following: 2372

(a) Determining whether teachers are assigned to subject 2373
areas for which they are licensed or certified; 2374

(b) Determining pupil-teacher ratios; 2375

(c) Examination of compliance with minimum instruction 2376
time requirements for each school day and for each school year; 2377

(d) Determining whether materials and equipment necessary 2378
to implement the curriculum approved by the school district 2379
board are available; 2380

(e) Examination of whether the teacher and principal 2381
evaluation systems comply with sections 3311.80~~7~~ and 3311.84~~7~~ 2382
~~3319.027~~ and ~~3319.111~~ of the Revised Code, if applicable; 2383

(f) Examination of the adequacy of efforts to improve the 2384
cultural competency, as defined pursuant to section 3319.61 of 2385
the Revised Code, of teachers and other educators. 2386

(E) This division applies only to school districts that 2387
operate a school building that fails to make adequate yearly 2388

progress for two or more consecutive school years. It does not 2389
apply to any such district after June 30, 2008, except as 2390
provided in division (D) (2) of section 3313.97 of the Revised 2391
Code. 2392

(1) For any school building that fails to make adequate 2393
yearly progress for two consecutive school years, the district 2394
shall do all of the following: 2395

(a) Provide written notification of the academic issues 2396
that resulted in the building's failure to make adequate yearly 2397
progress to the parent or guardian of each student enrolled in 2398
the building. The notification shall also describe the actions 2399
being taken by the district or building to improve the academic 2400
performance of the building and any progress achieved toward 2401
that goal in the immediately preceding school year. 2402

(b) If the building receives funds under Title I, Part A 2403
of the "Elementary and Secondary Education Act of 1965," 20 2404
U.S.C. 6311 to 6339, from the district, in accordance with 2405
section 3313.97 of the Revised Code, offer all students enrolled 2406
in the building the opportunity to enroll in an alternative 2407
building within the district that is not in school improvement 2408
status as defined by the "No Child Left Behind Act of 2001." 2409
Notwithstanding Chapter 3327. of the Revised Code, the district 2410
shall spend an amount equal to twenty per cent of the funds it 2411
receives under Title I, Part A of the "Elementary and Secondary 2412
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2413
transportation for students who enroll in alternative buildings 2414
under this division, unless the district can satisfy all demand 2415
for transportation with a lesser amount. If an amount equal to 2416
twenty per cent of the funds the district receives under Title 2417
I, Part A of the "Elementary and Secondary Education Act of 2418

1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 2419
demand for transportation, the district shall grant priority 2420
over all other students to the lowest achieving students among 2421
the subgroup described in division (B) (3) of section 3302.01 of 2422
the Revised Code in providing transportation. Any district that 2423
does not receive funds under Title I, Part A of the "Elementary 2424
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 2425
shall not be required to provide transportation to any student 2426
who enrolls in an alternative building under this division. 2427

(2) For any school building that fails to make adequate 2428
yearly progress for three consecutive school years, the district 2429
shall do both of the following: 2430

(a) If the building receives funds under Title I, Part A 2431
of the "Elementary and Secondary Education Act of 1965," 20 2432
U.S.C. 6311 to 6339, from the district, in accordance with 2433
section 3313.97 of the Revised Code, provide all students 2434
enrolled in the building the opportunity to enroll in an 2435
alternative building within the district that is not in school 2436
improvement status as defined by the "No Child Left Behind Act 2437
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 2438
district shall provide transportation for students who enroll in 2439
alternative buildings under this division to the extent required 2440
under division (E) (2) of this section. 2441

(b) If the building receives funds under Title I, Part A 2442
of the "Elementary and Secondary Education Act of 1965," 20 2443
U.S.C. 6311 to 6339, from the district, offer supplemental 2444
educational services to students who are enrolled in the 2445
building and who are in the subgroup described in division (B) 2446
(3) of section 3302.01 of the Revised Code. 2447

The district shall spend a combined total of an amount 2448

equal to twenty per cent of the funds it receives under Title I, 2449
Part A of the "Elementary and Secondary Education Act of 1965," 2450
20 U.S.C. 6311 to 6339, to provide transportation for students 2451
who enroll in alternative buildings under division (E) (1) (b) or 2452
(E) (2) (a) of this section and to pay the costs of the 2453
supplemental educational services provided to students under 2454
division (E) (2) (b) of this section, unless the district can 2455
satisfy all demand for transportation and pay the costs of 2456
supplemental educational services for those students who request 2457
them with a lesser amount. In allocating funds between the 2458
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 2459
this section, the district shall spend at least an amount equal 2460
to five per cent of the funds it receives under Title I, Part A 2461
of the "Elementary and Secondary Education Act of 1965," 20 2462
U.S.C. 6311 to 6339, to provide transportation for students who 2463
enroll in alternative buildings under division (E) (1) (b) or (E) 2464
(2) (a) of this section, unless the district can satisfy all 2465
demand for transportation with a lesser amount, and at least an 2466
amount equal to five per cent of the funds it receives under 2467
Title I, Part A of the "Elementary and Secondary Education Act 2468
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 2469
supplemental educational services provided to students under 2470
division (E) (2) (b) of this section, unless the district can pay 2471
the costs of such services for all students requesting them with 2472
a lesser amount. If an amount equal to twenty per cent of the 2473
funds the district receives under Title I, Part A of the 2474
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2475
to 6339, is insufficient to satisfy all demand for 2476
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 2477
section and to pay the costs of all of the supplemental 2478
educational services provided to students under division (E) (2) 2479
(b) of this section, the district shall grant priority over all 2480

other students in providing transportation and in paying the 2481
costs of supplemental educational services to the lowest 2482
achieving students among the subgroup described in division (B) 2483
(3) of section 3302.01 of the Revised Code. 2484

Any district that does not receive funds under Title I, 2485
Part A of the "Elementary and Secondary Education Act of 1965," 2486
20 U.S.C. 6311 to 6339, shall not be required to provide 2487
transportation to any student who enrolls in an alternative 2488
building under division (E) (2) (a) of this section or to pay the 2489
costs of supplemental educational services provided to any 2490
student under division (E) (2) (b) of this section. 2491

No student who enrolls in an alternative building under 2492
division (E) (2) (a) of this section shall be eligible for 2493
supplemental educational services under division (E) (2) (b) of 2494
this section. 2495

(3) For any school building that fails to make adequate 2496
yearly progress for four consecutive school years, the district 2497
shall continue to comply with division (E) (2) of this section 2498
and shall implement at least one of the following options with 2499
respect to the building: 2500

(a) Institute a new curriculum that is consistent with the 2501
statewide academic standards adopted pursuant to division (A) of 2502
section 3301.079 of the Revised Code; 2503

(b) Decrease the degree of authority the building has to 2504
manage its internal operations; 2505

(c) Appoint an outside expert to make recommendations for 2506
improving the academic performance of the building. The district 2507
may request the department to establish a state intervention 2508
team for this purpose pursuant to division (G) of this section. 2509

(d) Extend the length of the school day or year;	2510
(e) Replace the building principal or other key personnel;	2511
(f) Reorganize the administrative structure of the building.	2512 2513
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2514 2515 2516 2517 2518 2519
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2520 2521
(b) Replace personnel;	2522
(c) Contract with a nonprofit or for-profit entity to operate the building;	2523 2524
(d) Turn operation of the building over to the department;	2525
(e) Other significant restructuring of the building's governance.	2526 2527
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	2528 2529 2530 2531 2532
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly	2533 2534 2535 2536

progress for two consecutive school years. 2537

(F) This division applies only to school districts that 2538
have been identified for improvement by the department pursuant 2539
to the "No Child Left Behind Act of 2001." It does not apply to 2540
any such district after June 30, 2008. 2541

(1) If a school district has been identified for 2542
improvement for one school year, the district shall provide a 2543
written description of the continuous improvement plan developed 2544
by the district pursuant to division (B) of this section to the 2545
parent or guardian of each student enrolled in the district. If 2546
the district does not have a continuous improvement plan, the 2547
district shall develop such a plan in accordance with division 2548
(B) of this section and provide a written description of the 2549
plan to the parent or guardian of each student enrolled in the 2550
district. 2551

(2) If a school district has been identified for 2552
improvement for two consecutive school years, the district shall 2553
continue to implement the continuous improvement plan developed 2554
by the district pursuant to division (B) or (F)(1) of this 2555
section. 2556

(3) If a school district has been identified for 2557
improvement for three consecutive school years, the department 2558
shall take at least one of the following corrective actions with 2559
respect to the district: 2560

(a) Withhold a portion of the funds the district is 2561
entitled to receive under Title I, Part A of the "Elementary and 2562
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2563

(b) Direct the district to replace key district personnel; 2564

(c) Institute a new curriculum that is consistent with the 2565

statewide academic standards adopted pursuant to division (A) of 2566
section 3301.079 of the Revised Code; 2567

(d) Establish alternative forms of governance for 2568
individual school buildings within the district; 2569

(e) Appoint a trustee to manage the district in place of 2570
the district superintendent and board of education. 2571

The department shall conduct individual audits of a 2572
sampling of districts subject to this division to determine 2573
compliance with the corrective actions taken by the department. 2574

(4) If a school district has been identified for 2575
improvement for four consecutive school years, the department 2576
shall continue to monitor implementation of the corrective 2577
action taken under division (F) (3) of this section with respect 2578
to the district. 2579

(5) If a school district has been identified for 2580
improvement for five consecutive school years, the department 2581
shall take at least one of the corrective actions identified in 2582
division (F) (3) of this section with respect to the district, 2583
provided that the corrective action the department takes is 2584
different from the corrective action previously taken under 2585
division (F) (3) of this section with respect to the district. 2586

(G) The department may establish a state intervention team 2587
to evaluate all aspects of a school district or building, 2588
including management, curriculum, instructional methods, 2589
resource allocation, and scheduling. Any such intervention team 2590
shall be appointed by the department and shall include teachers 2591
and administrators recognized as outstanding in their fields. 2592
The intervention team shall make recommendations regarding 2593
methods for improving the performance of the district or 2594

building. 2595

The department shall not approve a district's request for 2596
an intervention team under division (E) (3) of this section if 2597
the department cannot adequately fund the work of the team, 2598
unless the district agrees to pay for the expenses of the team. 2599

(H) The department shall conduct individual audits of a 2600
sampling of community schools established under Chapter 3314. of 2601
the Revised Code to determine compliance with this section. 2602

(I) The state board shall adopt rules for implementing 2603
this section. 2604

Sec. 3302.15. (A) Notwithstanding anything to the contrary 2605
in Chapter 3301. or 3302. of the Revised Code, the board of 2606
education of a school district may submit to the superintendent 2607
of public instruction a request for a waiver for up to five 2608
school years from administering the state achievement 2609
assessments required under sections 3301.0710 and 3301.0712 of 2610
the Revised Code and related requirements specified under 2611
division (C) (2) of this section. A district that obtains a 2612
waiver under this section shall use the alternative assessment 2613
system, as proposed by the district or school and as approved by 2614
the state superintendent, in place of the assessments required 2615
under sections 3301.0710 and 3301.0712 of the Revised Code. 2616

(B) To be eligible to submit a request for a waiver under 2617
this section, a school district shall be a member of the Ohio 2618
innovation lab network. 2619

(C) (1) A request for a waiver under this section shall 2620
contain the following: 2621

(a) A timeline to develop and implement an alternative 2622
assessment system for the school district; 2623

(b) An overview of the proposed educational programs or strategies to be offered by the school district;	2624 2625
(c) An overview of the proposed alternative assessment system, including links to state-accepted and nationally accepted metrics, assessments, and evaluations;	2626 2627 2628
(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	2629 2630 2631 2632 2633 2634
(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	2635 2636 2637 2638 2639 2640 2641 2642
(f) An acknowledgement by the school district of federal funding that may be impacted by obtaining a waiver.	2643 2644
(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a school district or school may be exempt are as follows:	2645 2646 2647 2648 2649 2650
(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code;	2651 2652

(b) The evaluation of teachers and administrators under 2653
sections 3311.80, and 3311.84, ~~division (D) of 3319.02, and~~ 2654
~~3319.111~~ of the Revised Code; 2655

(c) The reporting of student achievement data for the 2656
purpose of the report card ratings prescribed under section 2657
3302.03 of the Revised Code. 2658

(D) Each request for a waiver shall include the signature 2659
of all of the following: 2660

(1) The superintendent of the school district; 2661

(2) The president of the district board; 2662

(3) The presiding officer of the labor organization 2663
representing the district's or school's teachers, if any; 2664

(4) If the district's teachers are not represented by a 2665
labor organization, the principal and a majority of the 2666
administrators and teachers of the district. 2667

(E) Not later than thirty days after receiving a request 2668
for a waiver, the state superintendent shall approve or deny the 2669
waiver or may request additional information from the district. 2670
The state superintendent shall not grant waivers to more than 2671
ten school districts. A waiver granted to a school district 2672
shall be contingent on an ongoing review and evaluation by the 2673
state superintendent of the program for which the waiver was 2674
granted. 2675

(F) (1) For the purpose of this section, the department of 2676
education shall seek a waiver from the testing requirements 2677
prescribed under the "No Child Left Behind Act of 2001," if 2678
necessary to implement this section. 2679

(2) The department shall create a mechanism for the 2680

comparison of the alternative assessments prescribed under 2681
division (C) of this section and the assessments required under 2682
sections 3301.0710 and 3301.0712 of the Revised Code as it 2683
relates to the evaluation of teachers and student achievement 2684
data for the purpose of state report card ratings. 2685

~~Sec. 3311.80. Notwithstanding any provision of the Revised 2686
Code to the contrary, a municipal school district shall be 2687
subject to this section instead of section 3319.111 of the 2688
Revised Code. 2689~~

(A) Not later than July 1, 2013, the board of education of 2690
each municipal school district and the teachers' labor 2691
organization shall develop and adopt standards-based teacher 2692
evaluation procedures that conform with the framework for 2693
evaluation of teachers developed under former section 3319.112 2694
of the Revised Code. The evaluation procedures shall include at 2695
least formal observations and classroom walk-throughs, which may 2696
be announced or unannounced; examinations of samples of work, 2697
such as lesson plans or assessments designed by a teacher; and 2698
multiple measures of student academic growth. 2699

(B) When using measures of student academic growth as a 2700
component of a teacher's evaluation, those measures shall 2701
include the value-added progress dimension prescribed by section 2702
3302.021 of the Revised Code or the alternative student academic 2703
progress measure if adopted under division (C)(1)(e) of section 2704
3302.03 of the Revised Code. For teachers of grade levels and 2705
subjects for which the value-added progress dimension or 2706
alternative student academic achievement measure is not 2707
applicable, the board shall administer assessments on the list 2708
developed under division (B)(2) of former section 3319.112 of 2709
the Revised Code. 2710

(C) (1) Each teacher employed by the board shall be 2711
evaluated at least once each school year, except as provided in 2712
division (C) (2) of this section. The composite evaluation shall 2713
be completed not later than the first day of June and the 2714
teacher shall receive a written report of the results of the 2715
composite evaluation not later than ten days after its 2716
completion or the last teacher work day of the school year, 2717
whichever is earlier. 2718

(2) Each teacher who received a rating of accomplished on 2719
the teacher's most recent evaluation conducted under this 2720
section may be evaluated once every two school years, except 2721
that the teacher shall be evaluated in any school year in which 2722
the teacher's contract is due to expire. The biennial composite 2723
evaluation shall be completed not later than the first day of 2724
June of the applicable school year, and the teacher shall 2725
receive a written report of the results of the composite 2726
evaluation not later than ten days after its completion or the 2727
last teacher work day of the school year, whichever is earlier. 2728

(D) Each evaluation conducted pursuant to this section 2729
shall be conducted by one or more of the following persons who 2730
have been trained to conduct evaluations in accordance with 2731
criteria that shall be developed jointly by the chief executive 2732
officer of the district, or the chief executive officer's 2733
designee, and the teachers' labor organization: 2734

(1) The chief executive officer or a subordinate officer 2735
of the district with responsibility for instruction or academic 2736
affairs; 2737

(2) A person who is under contract with the board pursuant 2738
to section 3319.02 of the Revised Code and holds a license 2739
designated for being a principal issued under section 3319.22 of 2740

the Revised Code; 2741

(3) A person who is under contract with the board pursuant 2742
to section 3319.02 of the Revised Code and holds a license 2743
designated for being a vocational director or a supervisor in 2744
any educational area issued under section 3319.22 of the Revised 2745
Code; 2746

(4) A person designated to conduct evaluations under an 2747
agreement providing for peer assistance and review entered into 2748
by the board and the teachers' labor organization. 2749

(E) The evaluation procedures shall describe how the 2750
evaluation results will be used for decisions regarding 2751
compensation, retention, promotion, and reductions in force and 2752
for removal of poorly performing teachers. 2753

(F) A teacher may challenge any violations of the 2754
evaluation procedures in accordance with the grievance procedure 2755
specified in any applicable collective bargaining agreement. A 2756
challenge under this division is limited to the determination of 2757
procedural errors that have resulted in substantive harm to the 2758
teacher and to ordering the correction of procedural errors. The 2759
failure of the board or a person conducting an evaluation to 2760
strictly comply with any deadline or evaluation forms 2761
established as part of the evaluation process shall not be cause 2762
for an arbitrator to determine that a procedural error occurred, 2763
unless the arbitrator finds that the failure resulted in 2764
substantive harm to the teacher. The arbitrator shall have no 2765
jurisdiction to modify the evaluation results, but the 2766
arbitrator may stay any decision taken pursuant to division (E) 2767
of this section pending the board's correction of any procedural 2768
error. The board shall correct any procedural error within 2769
fifteen business days after the arbitrator's determination that 2770

a procedural error occurred. 2771

(G) Notwithstanding any provision to the contrary in 2772
Chapter 4117. of the Revised Code, the requirements of this 2773
section prevail over any conflicting provisions of a collective 2774
bargaining agreement entered into on or after October 1, 2012. 2775
However, the board and the teachers' labor organization may 2776
negotiate additional evaluation procedures, including an 2777
evaluation process incorporating peer assistance and review, 2778
provided the procedures are consistent with this section. 2779

(H) This section does not apply to administrators 2780
appointed by the chief executive officer of a municipal school 2781
district under section 3311.72 of the Revised Code, 2782
administrators subject to evaluation procedures under section 2783
3311.84 or 3319.02 of the Revised Code, or to any teacher 2784
employed as a substitute for less than one hundred twenty days 2785
during a school year pursuant to section 3319.10 of the Revised 2786
Code. 2787

Sec. 3311.84. Notwithstanding any provision of the Revised 2788
Code to the contrary, a municipal school district shall be 2789
subject to this section instead of former division (D) of 2790
section 3319.02 of the Revised Code, as that section existed 2791
prior to the effective date of this amendment, with respect to 2792
principals and assistant principals, but all other provisions of 2793
that section shall apply to the district with respect to 2794
principals and assistant principals. Section 3319.02 of the 2795
Revised Code in its entirety shall apply to the district with 2796
respect to employees other than principals and assistant 2797
principals who are covered by that section, except as otherwise 2798
provided in section 3311.72 of the Revised Code. 2799

(A) As used in this section, "principal" includes an 2800

assistant principal. 2801

(B) The board of education of each municipal school 2802
district shall adopt procedures for the evaluation of principals 2803
and shall evaluate all principals in accordance with those 2804
procedures. The procedures shall be based on principles 2805
comparable to the teacher evaluation procedures adopted under 2806
section 3311.80 of the Revised Code, but shall be tailored to 2807
the duties and responsibilities of principals and the 2808
environment in which principals work. Each evaluation shall 2809
measure the principal's effectiveness in performing the duties 2810
included in the principal's job description and shall be 2811
considered by the board in deciding whether to renew the 2812
principal's contract of employment. 2813

(C) The evaluation procedures adopted under this section 2814
shall require each principal to be evaluated annually through a 2815
written evaluation process. The evaluation shall be conducted by 2816
the chief executive officer of the district, or the chief 2817
executive officer's designee. 2818

(D) To provide time to show progress in correcting 2819
deficiencies identified in the evaluation, each evaluation shall 2820
be completed as follows: 2821

(1) In any school year that the principal's contract of 2822
employment is not due to expire, at least one evaluation shall 2823
be completed in that year. A written copy of the evaluation 2824
shall be provided to the principal by the end of the principal's 2825
contract year as defined by the principal's annual salary 2826
notice. 2827

(2) In any school year that the principal's contract of 2828
employment is due to expire, at least a preliminary evaluation 2829

and a final evaluation shall be completed in that year. A 2830
written copy of the preliminary evaluation shall be provided to 2831
the principal at least sixty days prior to any action by the 2832
board on the principal's contract of employment. The final 2833
evaluation shall indicate the chief executive officer's intended 2834
recommendation to the board regarding a contract of employment 2835
for the principal. A written copy of the final evaluation shall 2836
be provided to the principal at least five days prior to the 2837
chief executive officer making the recommendation to the board. 2838

(E) At least thirty days prior to taking action to renew 2839
or not renew the contract of a principal, the board shall notify 2840
the principal of the board's intended action and that the 2841
principal may request a meeting with the board regarding the 2842
board's intended action. Upon request of the principal, the 2843
board shall grant the principal a meeting in executive session. 2844
In that meeting, the board shall discuss its reasons for 2845
considering renewal or nonrenewal of the contract. The principal 2846
shall be permitted to have a representative, chosen by the 2847
principal, present at the meeting. 2848

The establishment of evaluation procedures in accordance 2849
with this section shall not create an expectancy of continued 2850
employment. Nothing in this section shall prevent the board from 2851
making the final determination regarding the renewal or 2852
nonrenewal of a principal's contract. 2853

(F) Termination of a principal's contract shall be in 2854
accordance with section 3319.16 of the Revised Code, except as 2855
follows: 2856

(1) Failure of the principal's building to meet academic 2857
performance standards established by the chief executive officer 2858
shall be considered good and just cause for termination under 2859

that section. 2860

(2) If the chief executive officer intends to recommend to 2861
the board that the principal's contract be terminated, the chief 2862
executive officer shall provide the principal a written copy of 2863
the principal's evaluation at least five days prior to making 2864
the recommendation to the board. 2865

Sec. 3313.60. Notwithstanding division (D) of section 2866
3311.52 of the Revised Code, divisions (A) to (E) of this 2867
section do not apply to any cooperative education school 2868
district established pursuant to divisions (A) to (C) of section 2869
3311.52 of the Revised Code. 2870

(A) The board of education of each city, exempted village, 2871
and local school district and the board of each cooperative 2872
education school district established, pursuant to section 2873
3311.521 of the Revised Code, shall prescribe a curriculum for 2874
all schools under its control. Except as provided in division 2875
(E) of this section, in any such curriculum there shall be 2876
included the study of the following subjects: 2877

(1) The language arts, including reading, writing, 2878
spelling, oral and written English, and literature; 2879

(2) Geography, the history of the United States and of 2880
Ohio, and national, state, and local government in the United 2881
States, including a balanced presentation of the relevant 2882
contributions to society of men and women of African, Mexican, 2883
Puerto Rican, and American Indian descent as well as other 2884
ethnic and racial groups in Ohio and the United States; 2885

(3) Mathematics; 2886

(4) Natural science, including instruction in the 2887
conservation of natural resources; 2888

(5) Health education, which shall include instruction in:	2889
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	2890 2891 2892
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	2893 2894
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	2895 2896 2897
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	2898 2899 2900 2901 2902
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	2903 2904 2905 2906
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.	2907 2908 2909 2910
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.	2911 2912 2913 2914 2915 2916 2917

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin.	2918 2919 2920 2921
(6) Physical education;	2922
(7) The fine arts, including music;	2923
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.	2924 2925 2926 2927 2928
(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.	2929 2930 2931 2932 2933 2934 2935 2936
(C) As specified in divisions (B) (6) and (C) (6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.	2937 2938 2939 2940 2941
(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and	2942 2943 2944 2945 2946

the Constitution of the state of Ohio shall be required before 2947
pupils may participate in courses involving the study of social 2948
problems, economics, foreign affairs, United Nations, world 2949
government, socialism, and communism. 2950

(E) For each cooperative education school district 2951
established pursuant to section 3311.521 of the Revised Code and 2952
each city, exempted village, and local school district that has 2953
territory within such a cooperative district, the curriculum 2954
adopted pursuant to divisions (A) to (D) of this section shall 2955
only include the study of the subjects that apply to the grades 2956
operated by each such school district. The curriculums for such 2957
schools, when combined, shall provide to each student of these 2958
districts all of the subjects required under divisions (A) to 2959
(D) of this section. 2960

(F) The board of education of any cooperative education 2961
school district established pursuant to divisions (A) to (C) of 2962
section 3311.52 of the Revised Code shall prescribe a curriculum 2963
for the subject areas and grade levels offered in any school 2964
under its control. 2965

(G) Upon the request of any parent or legal guardian of a 2966
student, the board of education of any school district shall 2967
permit the parent or guardian to promptly examine, with respect 2968
to the parent's or guardian's own child: 2969

(1) Any survey or questionnaire, prior to its 2970
administration to the child; 2971

(2) Any textbook, workbook, software, video, or other 2972
instructional materials being used by the district in connection 2973
with the instruction of the child; 2974

(3) Any completed and graded test taken or survey or 2975

questionnaire filled out by the child; 2976

(4) Copies of the statewide academic content standards ~~and~~ 2977
~~each model curriculum~~ developed pursuant to section 3301.079 of 2978
the Revised Code, which copies shall be available at all times 2979
during school hours in each district school building. 2980

Sec. 3313.608. (A) (1) Beginning with students who enter 2981
third grade in the school year that starts July 1, 2009, and 2982
until June 30, 2013, unless the student is excused under 2983
division (C) of section 3301.0711 of the Revised Code from 2984
taking the assessment described in this section, for any student 2985
who does not attain at least the equivalent level of achievement 2986
designated under division (A) (3) of section 3301.0710 of the 2987
Revised Code on the assessment prescribed under that section to 2988
measure skill in English language arts expected at the end of 2989
third grade, each school district, in accordance with the policy 2990
adopted under section 3313.609 of the Revised Code, shall do one 2991
of the following: 2992

(a) Promote the student to fourth grade if the student's 2993
principal and reading teacher agree that other evaluations of 2994
the student's skill in reading demonstrate that the student is 2995
academically prepared to be promoted to fourth grade; 2996

(b) Promote the student to fourth grade but provide the 2997
student with intensive intervention services in fourth grade; 2998

(c) Retain the student in third grade. 2999

(2) Beginning with students who enter third grade in the 3000
2013-2014 school year, unless the student is excused under 3001
division (C) of section 3301.0711 of the Revised Code from 3002
taking the assessment described in this section, no school 3003
district shall promote to fourth grade any student who does not 3004

attain at least the equivalent level of achievement designated 3005
under division (A) (3) of section 3301.0710 of the Revised Code 3006
on the assessment prescribed under that section to measure skill 3007
in English language arts expected at the end of third grade, 3008
unless one of the following applies: 3009

(a) The student is a limited English proficient student 3010
who has been enrolled in United States schools for less than 3011
three full school years and has had less than three years of 3012
instruction in an English as a second language program. 3013

(b) The student is a child with a disability entitled to 3014
special education and related services under Chapter 3323. of 3015
the Revised Code and the student's individualized education 3016
program exempts the student from retention under this division. 3017

(c) The student demonstrates an acceptable level of 3018
performance on an alternative standardized reading assessment as 3019
determined by the department of education. 3020

(d) All of the following apply: 3021

(i) The student is a child with a disability entitled to 3022
special education and related services under Chapter 3323. of 3023
the Revised Code. 3024

(ii) The student has taken the third grade English 3025
language arts achievement assessment prescribed under section 3026
3301.0710 of the Revised Code. 3027

(iii) The student's individualized education program or 3028
plan under section 504 of the "Rehabilitation Act of 1973," 87 3029
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 3030
received intensive remediation in reading for two school years 3031
but still demonstrates a deficiency in reading. 3032

(iv) The student previously was retained in any of grades 3033
kindergarten to three. 3034

(e) (i) The student received intensive remediation for 3035
reading for two school years but still demonstrates a deficiency 3036
in reading and was previously retained in any of grades 3037
kindergarten to three. 3038

(ii) A student who is promoted under division (A) (2) (e) (i) 3039
of this section shall continue to receive intensive reading 3040
instruction in grade four. The instruction shall include an 3041
altered instructional day that includes specialized diagnostic 3042
information and specific research-based reading strategies for 3043
the student that have been successful in improving reading among 3044
low-performing readers. 3045

(B) (1) Beginning in the 2012-2013 school year, to assist 3046
students in meeting the third grade guarantee established by 3047
this section, each school district board of education shall 3048
adopt policies and procedures with which it annually shall 3049
assess the reading skills of each student, except those students 3050
with significant cognitive disabilities or other disabilities as 3051
authorized by the department on a case-by-case basis, enrolled 3052
in kindergarten to third grade and shall identify students who 3053
are reading below their grade level. Each district shall use the 3054
diagnostic assessment to measure reading ability for the 3055
appropriate grade level adopted under section 3301.079 of the 3056
Revised Code, or a comparable tool approved by the department of 3057
education, to identify such students. The policies and 3058
procedures shall require the students' classroom teachers to be 3059
involved in the assessment and the identification of students 3060
reading below grade level. 3061

(2) For each student identified by the diagnostic 3062

assessment prescribed under this section as having reading 3063
skills below grade level, the district shall do both of the 3064
following: 3065

(a) Provide to the student's parent or guardian, in 3066
writing, all of the following: 3067

(i) Notification that the student has been identified as 3068
having a substantial deficiency in reading; 3069

(ii) A description of the current services that are 3070
provided to the student; 3071

(iii) A description of the proposed supplemental 3072
instructional services and supports that will be provided to the 3073
student that are designed to remediate the identified areas of 3074
reading deficiency; 3075

(iv) Notification that if the student attains a score in 3076
the range designated under division (A) (3) of section 3301.0710 3077
of the Revised Code on the assessment prescribed under that 3078
section to measure skill in English language arts expected at 3079
the end of third grade, the student shall be retained unless the 3080
student is exempt under division (A) of this section. The 3081
notification shall specify that the assessment under section 3082
3301.0710 of the Revised Code is not the sole determinant of 3083
promotion and that additional evaluations and assessments are 3084
available to the student to assist parents and the district in 3085
knowing when a student is reading at or above grade level and 3086
ready for promotion. 3087

(b) Provide intensive reading instruction services and 3088
regular diagnostic assessments to the student immediately 3089
following identification of a reading deficiency until the 3090
development of the reading improvement and monitoring plan 3091

required by division (C) of this section. These intervention 3092
services shall include research-based reading strategies that 3093
have been shown to be successful in improving reading among low- 3094
performing readers and instruction targeted at the student's 3095
identified reading deficiencies. 3096

(3) For each student retained under division (A) of this 3097
section, the district shall do all of the following: 3098

(a) Provide intense remediation services until the student 3099
is able to read at grade level. The remediation services shall 3100
include intensive interventions in reading that address the 3101
areas of deficiencies identified under this section including, 3102
but not limited to, not less than ninety minutes of reading 3103
instruction per day, and may include any of the following: 3104

(i) Small group instruction; 3105

(ii) Reduced teacher-student ratios; 3106

(iii) More frequent progress monitoring; 3107

(iv) Tutoring or mentoring; 3108

(v) Transition classes containing third and fourth grade 3109
students; 3110

(vi) Extended school day, week, or year; 3111

(vii) Summer reading camps. 3112

(b) Establish a policy for the mid-year promotion of a 3113
student retained under division (A) of this section who 3114
demonstrates that the student is reading at or above grade 3115
level; 3116

(c) Provide each student with a teacher who satisfies one 3117
or more of the criteria set forth in division (H) of this 3118

section. 3119

The district shall offer the option for students to 3120
receive applicable services from one or more providers other 3121
than the district. Providers shall be screened and approved by 3122
the district or the department of education. If the student 3123
participates in the remediation services and demonstrates 3124
reading proficiency in accordance with standards adopted by the 3125
department prior to the start of fourth grade, the district 3126
shall promote the student to that grade. 3127

(4) For each student retained under division (A) of this 3128
section who has demonstrated proficiency in a specific academic 3129
ability field, each district shall provide instruction 3130
commensurate with student achievement levels in that specific 3131
academic ability field. 3132

As used in this division, "specific academic ability 3133
field" has the same meaning as in section 3324.01 of the Revised 3134
Code. 3135

(C) For each student required to be provided intervention 3136
services under this section, the district shall develop a 3137
reading improvement and monitoring plan within sixty days after 3138
receiving the student's results on the diagnostic assessment or 3139
comparable tool administered under division (B)(1) of this 3140
section. The district shall involve the student's parent or 3141
guardian and classroom teacher in developing the plan. The plan 3142
shall include all of the following: 3143

(1) Identification of the student's specific reading 3144
deficiencies; 3145

(2) A description of the additional instructional services 3146
and support that will be provided to the student to remediate 3147

the identified reading deficiencies;	3148
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;	3149 3150 3151
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;	3152 3153 3154
(5) A reading curriculum during regular school hours that does all of the following:	3155 3156
(a) Assists students to read at grade level;	3157
(b) Provides scientifically based and reliable assessment;	3158
(c) Provides initial and ongoing analysis of each student's reading progress.	3159 3160
(6) A statement that if the student 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 by the end of third grade, the student may be retained in third grade.	3161 3162 3163 3164 3165 3166
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	3167 3168 3169 3170
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	3171 3172 3173 3174

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

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

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

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

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

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

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

(H) (1) Except as provided under divisions (H) (2), (3), and 3204
(4) of this section, each student described in division (B) (3) 3205
or (C) of this section who enters third grade for the first time 3206
on or after July 1, 2013, shall be assigned a teacher who has at 3207
least one year of teaching experience and who satisfies one or 3208
more of the following criteria: 3209

(a) The teacher holds a reading endorsement on the 3210
teacher's license and has attained a passing score on the 3211
corresponding assessment for that endorsement, as applicable. 3212

(b) The teacher has completed a master's degree program 3213
with a major in reading. 3214

(c) The teacher was rated "most effective" for reading 3215
instruction consecutively for the most recent two years based on 3216
assessments of student growth measures developed by a vendor and 3217
that is on the list of student assessments approved by the state 3218
board under division (B) (2) of former section 3319.112 of the 3219
Revised Code or used by the school district for the purpose of 3220
teacher evaluations. 3221

(d) The teacher was rated "above expected value added," in 3222
reading instruction, as determined by criteria established by 3223
the department, for the most recent, consecutive two years. 3224

(e) The teacher has earned a passing score on a rigorous 3225
test of principles of scientifically research-based reading 3226
instruction as approved by the state board. 3227

(f) The teacher holds an educator license for teaching 3228
grades pre-kindergarten through three or four through nine 3229
issued on or after July 1, 2017. 3230

(2) Notwithstanding division (H) (1) of this section, a 3231
student described in division (B) (3) or (C) of this section who 3232

enters third grade for the first time on or after July 1, 2013, 3233
may be assigned to a teacher with less than one year of teaching 3234
experience provided that the teacher meets one or more of the 3235
criteria described in divisions (H) (1) (a) to (f) of this section 3236
and that teacher is assigned a teacher mentor who meets the 3237
qualifications of division (H) (1) of this section. 3238

(3) Notwithstanding division (H) (1) of this section, a 3239
student described in division (B) (3) or (C) of this section who 3240
enters third grade for the first time on or after July 1, 2013, 3241
but prior to July 1, 2016, may be assigned to a teacher who 3242
holds an alternative credential approved by the department or 3243
who has successfully completed training that is based on 3244
principles of scientifically research-based reading instruction 3245
that has been approved by the department. Beginning on July 1, 3246
2014, the alternative credentials and training described in 3247
division (H) (3) of this section shall be aligned with the 3248
reading competencies adopted by the state board of education 3249
under section 3301.077 of the Revised Code. 3250

(4) Notwithstanding division (H) (1) of this section, a 3251
student described in division (B) (3) or (C) of this section who 3252
enters third grade for the first time on or after July 1, 2013, 3253
may receive reading intervention or remediation services under 3254
this section from an individual employed as a speech-language 3255
pathologist who holds a license issued by the board of speech- 3256
language pathology and audiology under Chapter 4753. of the 3257
Revised Code and a professional pupil services license as a 3258
school speech-language pathologist issued by the state board of 3259
education. 3260

(5) A teacher, other than a student's teacher of record, 3261
may provide any services required under this section, so long as 3262

that other teacher meets the requirements of division (H) of 3263
this section and the teacher of record and the school principal 3264
agree to the assignment. Any such assignment shall be documented 3265
in the student's reading improvement and monitoring plan. 3266

As used in this division, "teacher of record" means the 3267
classroom teacher to whom a student is assigned. 3268

(I) Notwithstanding division (H) of this section, a 3269
teacher may teach reading to any student who is an English 3270
language learner, and has been in the United States for three 3271
years or less, or to a student who has an individualized 3272
education program developed under Chapter 3323. of the Revised 3273
Code if that teacher holds an alternative credential approved by 3274
the department or has successfully completed training that is 3275
based on principles of scientifically research-based reading 3276
instruction that has been approved by the department. Beginning 3277
on July 1, 2014, the alternative credentials and training 3278
described in this division shall be aligned with the reading 3279
competencies adopted by the state board of education under 3280
section 3301.077 of the Revised Code. 3281

(J) If, on or after June 4, 2013, a school district or 3282
community school cannot furnish the number of teachers needed 3283
who satisfy one or more of the criteria set forth in division 3284
(H) of this section for the 2013-2014 school year, the school 3285
district or community school shall develop and submit a staffing 3286
plan by June 30, 2013. The staffing plan shall include criteria 3287
that will be used to assign a student described in division (B) 3288
(3) or (C) of this section to a teacher, credentials or training 3289
held by teachers currently teaching at the school, and how the 3290
school district or community school will meet the requirements 3291
of this section. The school district or community school shall 3292

post the staffing plan on its web site for the applicable school 3293
year. 3294

Not later than March 1, 2014, and on the first day of 3295
March in each year thereafter, a school district or community 3296
school that has submitted a plan under this division shall 3297
submit to the department a detailed report of the progress the 3298
district or school has made in meeting the requirements under 3299
this section. 3300

A school district or community school may request an 3301
extension of a staffing plan beyond the 2013-2014 school year. 3302
Extension requests must be submitted to the department not later 3303
than the thirtieth day of April prior to the start of the 3304
applicable school year. The department may grant extensions 3305
valid through the 2015-2016 school year. 3306

Until June 30, 2015, the department annually shall review 3307
all staffing plans and report to the state board not later than 3308
the thirtieth day of June of each year the progress of school 3309
districts and community schools in meeting the requirements of 3310
this section. 3311

(K) The department of education shall designate one or 3312
more staff members to provide guidance and assistance to school 3313
districts and community schools in implementing the third grade 3314
guarantee established by this section, including any standards 3315
or requirements adopted to implement the guarantee and to 3316
provide information and support for reading instruction and 3317
achievement. 3318

Sec. 3313.6017. Nothing in ~~this act~~ Am. Sub. S.B. 165 of 3319
the 129th general assembly shall be construed to limit the 3320
ability of a school district or public or nonpublic school to 3321

offer academic content based on the standards adopted under 3322
division (A) (1) ~~(b)~~ (a) of section 3301.079 of the Revised Code 3323
and the academic content required under division (M) of section 3324
3313.603 of the Revised Code through summer school, online, or 3325
any other method of education offered by the district or school. 3326

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 3327
year, the board of education of each city, local, exempted 3328
village, and joint vocational school district ~~shall~~ may adopt a 3329
policy on career advising that complies with this section. 3330
~~Thereafter, the policy~~ A district that adopts a policy shall be 3331
~~updated~~ update its policy at least once every two years. 3332

(2) The board shall make the policy publicly available to 3333
students, parents, guardians, or custodians, local post- 3334
secondary institutions, and residents of the district. The 3335
district shall post the policy in a prominent location on its 3336
web site, if it has one. 3337

(B) The policy on career advising shall specify how the 3338
district will do all of the following: 3339

(1) Provide students with grade-level examples that link 3340
their schoolwork to one or more career fields. A district may 3341
use career connections developed under former division (B) (2) of 3342
section 3301.079 of the Revised Code for this purpose. 3343

(2) Create a plan to provide career advising to students 3344
in grades six through twelve; 3345

(3) Beginning in the 2015-2016 school year, provide 3346
additional interventions and career advising for students who 3347
are identified as at risk of dropping out of school in 3348
accordance with division (C) of this section; 3349

(4) Train its employees on how to advise students on 3350

career pathways, including training on advising students using 3351
online tools; 3352

(5) Develop multiple, clear academic pathways through high 3353
school that students may choose in order to earn a high school 3354
diploma; 3355

(6) Identify and publicize courses that can award students 3356
both traditional academic and career-technical credit; 3357

(7) Document the career advising provided to each student 3358
for review by the student, the student's parent, guardian, or 3359
custodian, and future schools that the student may attend. A 3360
district shall not otherwise release this information without 3361
the written consent of the student's parent, guardian, or 3362
custodian, if the student is less than eighteen years old, or 3363
the written consent of the student, if the student is at least 3364
eighteen years old. 3365

(8) Prepare students for their transition from high school 3366
to their post-secondary destinations, including any special 3367
interventions that are necessary for students in need of 3368
remediation in mathematics or English language arts. 3369

(C) (1) Beginning in the 2015-2016 school year, each 3370
district shall identify students who are at risk of dropping out 3371
of school using a method that is both research-based and 3372
locally-based and that is developed with input from the 3373
district's classroom teachers and guidance counselors. If a 3374
student is identified as at risk of dropping out of school, the 3375
district shall develop a student success plan that addresses the 3376
student's academic pathway to a successful graduation and the 3377
role of career-technical education, competency-based education, 3378
and experiential learning, as appropriate, in that pathway. 3379

(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the parent, guardian, or custodian a copy of the student's success plan and a statement of the importance of a high school diploma and the academic pathways available to the student in order to successfully graduate.

(3) Following the development of a student success plan for a student, the district shall provide career advising to the student that is aligned with the plan and, beginning in the 2015-2016 school year, the district's plan to provide career advising created under division (B)(2) of this section.

(D)(1) Not later than December 1, 2014, the department of education shall develop and post on its web site model policies on career advising and model student success plans.

(2) Not later than July 1, 2015, the department shall create an online clearinghouse of research related to proven practices for policies on career advising and student success plans that districts may access when fulfilling the requirements of this section.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section

3323.08 of the Revised Code, or has qualified under division (D) 3409
or (F) of section 3313.603 of the Revised Code, provided that no 3410
school district shall require a student to remain in school for 3411
any specific number of semesters or other terms if the student 3412
completes the required curriculum early; 3413

(2) Subject to section 3313.614 of the Revised Code, the 3414
person has met the assessment requirements of division (A) (2) (a) 3415
or (b) of this section, as applicable. 3416

(a) If the person entered the ninth grade prior to July 1, 3417
2014, the person either: 3418

(i) Has attained at least the applicable scores designated 3419
under division (B) (1) of section 3301.0710 of the Revised Code 3420
on all the assessments required by that division unless the 3421
person was excused from taking any such assessment pursuant to 3422
section 3313.532 of the Revised Code or unless division (H) or 3423
(L) of this section applies to the person; 3424

(ii) Has satisfied the alternative conditions prescribed 3425
in section 3313.615 of the Revised Code. 3426

(b) If the person entered the ninth grade on or after July 3427
1, 2014, the person has met the requirement prescribed by 3428
section 3313.618 of the Revised Code, except to the extent that 3429
the person is excused from an assessment prescribed by that 3430
section pursuant to section 3313.532 of the Revised Code or 3431
division (H) or (L) of this section. 3432

(3) The person is not eligible to receive an honors 3433
diploma granted pursuant to division (B) of this section. 3434

Except as provided in divisions (C), (E), (J), and (L) of 3435
this section, no diploma shall be granted under this division to 3436
anyone except as provided under this division. 3437

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma

shall be granted to anyone failing to comply with this division 3466
and no more than one honors diploma shall be granted to any 3467
student under this division. 3468

The state board shall adopt rules prescribing the granting 3469
of honors diplomas under this division. These rules may 3470
prescribe the granting of honors diplomas that recognize a 3471
student's achievement as a whole or that recognize a student's 3472
achievement in one or more specific subjects or both. The rules 3473
may prescribe the granting of an honors diploma recognizing 3474
technical expertise for a career-technical student. In any case, 3475
the rules shall designate two or more criteria for the granting 3476
of each type of honors diploma the board establishes under this 3477
division and the number of such criteria that must be met for 3478
the granting of that type of diploma. The number of such 3479
criteria for any type of honors diploma shall be at least one 3480
less than the total number of criteria designated for that type 3481
and no one or more particular criteria shall be required of all 3482
persons who are to be granted that type of diploma. 3483

(C) Any district board administering any of the 3484
assessments required by section 3301.0710 of the Revised Code to 3485
any person requesting to take such assessment pursuant to 3486
division (B) (8) (b) of section 3301.0711 of the Revised Code 3487
shall award a diploma to such person if the person attains at 3488
least the applicable scores designated under division (B) (1) of 3489
section 3301.0710 of the Revised Code on all the assessments 3490
administered and if the person has previously attained the 3491
applicable scores on all the other assessments required by 3492
division (B) (1) of that section or has been exempted or excused 3493
from attaining the applicable score on any such assessment 3494
pursuant to division (H) or (L) of this section or from taking 3495
any such assessment pursuant to section 3313.532 of the Revised 3496

Code. 3497

(D) Each diploma awarded under this section shall be 3498
signed by the president and treasurer of the issuing board, the 3499
superintendent of schools, and the principal of the high school. 3500
Each diploma shall bear the date of its issue, be in such form 3501
as the district board prescribes, and be paid for out of the 3502
district's general fund. 3503

(E) A person who is a resident of Ohio and is eligible 3504
under state board of education minimum standards to receive a 3505
high school diploma based in whole or in part on credits earned 3506
while an inmate of a correctional institution operated by the 3507
state or any political subdivision thereof, shall be granted 3508
such diploma by the correctional institution operating the 3509
programs in which such credits were earned, and by the board of 3510
education of the school district in which the inmate resided 3511
immediately prior to the inmate's placement in the institution. 3512
The diploma granted by the correctional institution shall be 3513
signed by the director of the institution, and by the person 3514
serving as principal of the institution's high school and shall 3515
bear the date of issue. 3516

(F) Persons who are not residents of Ohio but who are 3517
inmates of correctional institutions operated by the state or 3518
any political subdivision thereof, and who are eligible under 3519
state board of education minimum standards to receive a high 3520
school diploma based in whole or in part on credits earned while 3521
an inmate of the correctional institution, shall be granted a 3522
diploma by the correctional institution offering the program in 3523
which the credits were earned. The diploma granted by the 3524
correctional institution shall be signed by the director of the 3525
institution and by the person serving as principal of the 3526

institution's high school and shall bear the date of issue. 3527

(G) The state board of education shall provide by rule for 3528
the administration of the assessments required by sections 3529
3301.0710 and 3301.0712 of the Revised Code to inmates of 3530
correctional institutions. 3531

(H) Any person to whom all of the following apply shall be 3532
exempted from attaining the applicable score on the assessment 3533
in social studies designated under division (B)(1) of section 3534
3301.0710 of the Revised Code, any American history ~~end-of-~~ 3535
~~course~~ examination and any American government ~~end-of-course-~~ 3536
examination required under division (B) of section 3301.0712 of 3537
the Revised Code if such an exemption is prescribed by rule of 3538
the state board under division (D)(3) of section 3301.0712 of 3539
the Revised Code, or the test in citizenship designated under 3540
former division (B) of section 3301.0710 of the Revised Code as 3541
it existed prior to September 11, 2001: 3542

(1) The person is not a citizen of the United States; 3543

(2) The person is not a permanent resident of the United 3544
States; 3545

(3) The person indicates no intention to reside in the 3546
United States after the completion of high school. 3547

(I) Notwithstanding division (D) of section 3311.19 and 3548
division (D) of section 3311.52 of the Revised Code, this 3549
section and section 3313.611 of the Revised Code do not apply to 3550
the board of education of any joint vocational school district 3551
or any cooperative education school district established 3552
pursuant to divisions (A) to (C) of section 3311.52 of the 3553
Revised Code. 3554

(J) Upon receipt of a notice under division (D) of section 3555

3325.08 or division (D) of section 3328.25 of the Revised Code 3556
that a student has received a diploma under either section, the 3557
board of education receiving the notice may grant a high school 3558
diploma under this section to the student, except that such 3559
board shall grant the student a diploma if the student meets the 3560
graduation requirements that the student would otherwise have 3561
had to meet to receive a diploma from the district. The diploma 3562
granted under this section shall be of the same type the notice 3563
indicates the student received under section 3325.08 or 3328.25 3564
of the Revised Code. 3565

(K) As used in this division, "limited English proficient 3566
student" has the same meaning as in division (C) (3) of section 3567
3301.0711 of the Revised Code. 3568

Notwithstanding division (C) (3) of section 3301.0711 of 3569
the Revised Code, no limited English proficient student who has 3570
not either attained the applicable scores designated under 3571
division (B) (1) of section 3301.0710 of the Revised Code on all 3572
the assessments required by that division, or met the 3573
requirement prescribed by section 3313.618 of the Revised Code, 3574
shall be awarded a diploma under this section. 3575

(L) Any student described by division (A) (1) of this 3576
section may be awarded a diploma without meeting the requirement 3577
prescribed by section 3313.618 of the Revised Code provided an 3578
individualized education program specifically exempts the 3579
student from meeting such requirement. This division does not 3580
negate the requirement for a student to take the assessments 3581
prescribed by section 3301.0710 or under division (B) of section 3582
3301.0712 of the Revised Code, or alternate assessments required 3583
by division (C) (1) of section 3301.0711 of the Revised Code, for 3584
the purpose of assessing student progress as required by federal 3585

law. 3586

Sec. 3313.612. (A) No nonpublic school chartered by the 3587
state board of education shall grant a high school diploma to 3588
any person unless, subject to section 3313.614 of the Revised 3589
Code, the person has met the assessment requirements of division 3590
(A) (1) or (2) of this section, as applicable. 3591

(1) If the person entered the ninth grade prior to July 1, 3592
2014, the person has attained at least the applicable scores 3593
designated under division (B) (1) of section 3301.0710 of the 3594
Revised Code on all the assessments required by that division, 3595
or has satisfied the alternative conditions prescribed in 3596
section 3313.615 of the Revised Code. 3597

(2) If the person entered the ninth grade on or after July 3598
1, 2014, the person has met the requirement prescribed by 3599
section 3313.618 of the Revised Code. 3600

(B) This section does not apply to any of the following: 3601

(1) Any person with regard to any assessment from which 3602
the person was excused pursuant to division (C) (1) (c) of section 3603
3301.0711 of the Revised Code; 3604

(2) Any person that attends a nonpublic school acting in 3605
accordance with division (D) of this section with regard to any 3606
~~end-of-course examination required prescribed under divisions~~ 3607
~~division (B) (2) and (3) of section 3301.0712 of the Revised~~ 3608
Code; 3609

(3) Any person with regard to the social studies 3610
assessment under division (B) (1) of section 3301.0710 of the 3611
Revised Code, any American history ~~end-of-course examination~~ and 3612
any American government ~~end-of-course examination required~~ 3613
~~prescribed~~ under division (B) of section 3301.0712 of the 3614

Revised Code if such an exemption is prescribed by rule of the state board of education under division (D) (3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school.

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(D) A nonpublic school chartered by the state board may forgo the ~~end-of-course examinations required prescribed by divisions~~ division (B) (2) and (3) of section 3301.0712 of the Revised Code, if that school publishes the results of the standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code for each graduating class. The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and

seventy-fifth percentile scores for each subject area of the 3644
assessment. 3645

(E) The state board shall not impose additional 3646
requirements or assessments for the granting of a high school 3647
diploma under this section that are not prescribed by this 3648
section. 3649

(F) The department of education shall furnish the 3650
assessment administered by a nonpublic school pursuant to 3651
division (B) (1) of section 3301.0712 of the Revised Code. 3652

(G) The exemption provided for in divisions (B) (2) and (D) 3653
of this section shall be effective on and after October 1, 2015, 3654
but only if the general assembly does not enact different 3655
requirements regarding ~~end-of-course~~ examinations for chartered 3656
nonpublic schools that are effective by that date. 3657

Sec. 3313.618. (A) In addition to the applicable 3658
curriculum requirements, each student entering ninth grade for 3659
the first time on or after July 1, 2014, shall satisfy at least 3660
one of the following conditions in order to qualify for a high 3661
school diploma: 3662

(1) Be remediation-free, in accordance with standards 3663
adopted under division (F) of section 3345.061 of the Revised 3664
Code, on each of the nationally standardized assessments in 3665
English, mathematics, and reading; 3666

(2) ~~Attain a score specified under division (B) (5) (c) of~~ 3667
~~section 3301.0712 of the Revised Code by the state board of~~ 3668
education on the ~~end-of-course~~ examinations prescribed under 3669
division (B) (2) of section 3301.0712 of the Revised Code. 3670

(3) Attain a score that demonstrates workforce readiness 3671
and employability on a nationally recognized job skills 3672

assessment selected by the state board of education under 3673
division (G) of section 3301.0712 of the Revised Code and obtain 3674
either an industry-recognized credential, as described under 3675
division (B) (2) (d) of section 3302.03 of the Revised Code, or a 3676
license issued by a state agency or board for practice in a 3677
vocation that requires an examination for issuance of that 3678
license. 3679

The state board shall approve the industry-recognized 3680
credentials and licenses that may qualify a student for a high 3681
school diploma under division (A) (3) of this section. 3682

A student may choose to qualify for a high school diploma 3683
by satisfying any of the separate requirements prescribed by 3684
divisions (A) (1) to (3) of this section. If the student's school 3685
district or school does not administer the examination 3686
prescribed by one of those divisions that the student chooses to 3687
take to satisfy the requirements of this section, the school 3688
district or school may require that student to arrange for the 3689
applicable scores to be sent directly to the district or school 3690
by the company or organization that administers the examination. 3691

(B) The state board of education shall not create or 3692
require any additional assessment for the granting of any type 3693
of high school diploma other than as prescribed by this section. 3694
The state board shall not create any endorsement or designation 3695
that may be affiliated with a high school diploma. 3696

Sec. 3314.03. A copy of every contract entered into under 3697
this section shall be filed with the superintendent of public 3698
instruction. The department of education shall make available on 3699
its web site a copy of every approved, executed contract filed 3700
with the superintendent under this section. 3701

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

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

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

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

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

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

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

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

(6) (a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five

consecutive hours of the learning opportunities offered to the student.	3730 3731
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	3732 3733
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	3734 3735 3736 3737 3738 3739
(9) The facilities to be used and their locations;	3740
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	3741 3742 3743 3744 3745 3746
(11) That the school will comply with the following requirements:	3747 3748
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	3749 3750 3751
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	3752 3753 3754
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or	3755 3756 3757

religious institution. 3758

(d) The school will comply with sections 9.90, 9.91, 3759
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3760
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3761
3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3762
3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3763
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3764
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3765
3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 3313.816, 3766
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3767
3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3768
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3769
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3770
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 3771
it were a school district and will comply with section 3301.0714 3772
of the Revised Code in the manner specified in section 3314.17 3773
of the Revised Code. 3774

(e) The school shall comply with Chapter 102. and section 3775
2921.42 of the Revised Code. 3776

(f) The school will comply with sections 3313.61, 3777
3313.611, and 3313.614 of the Revised Code, except that for 3778
students who enter ninth grade for the first time before July 1, 3779
2010, the requirement in sections 3313.61 and 3313.611 of the 3780
Revised Code that a person must successfully complete the 3781
curriculum in any high school prior to receiving a high school 3782
diploma may be met by completing the curriculum adopted by the 3783
governing authority of the community school rather than the 3784
curriculum specified in Title XXXVIII of the Revised Code or any 3785
rules of the state board of education. Beginning with students 3786
who enter ninth grade for the first time on or after July 1, 3787

2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

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

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

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

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

(13) The length of the contract, which shall begin at the

beginning of an academic year. No contract shall exceed five 3817
years unless such contract has been renewed pursuant to division 3818
(E) of this section. 3819

(14) The governing authority of the school, which shall be 3820
responsible for carrying out the provisions of the contract; 3821

(15) A financial plan detailing an estimated school budget 3822
for each year of the period of the contract and specifying the 3823
total estimated per pupil expenditure amount for each such year. 3824

(16) Requirements and procedures regarding the disposition 3825
of employees of the school in the event the contract is 3826
terminated or not renewed pursuant to section 3314.07 of the 3827
Revised Code; 3828

(17) Whether the school is to be created by converting all 3829
or part of an existing public school or educational service 3830
center building or is to be a new start-up school, and if it is 3831
a converted public school or service center building, 3832
specification of any duties or responsibilities of an employer 3833
that the board of education or service center governing board 3834
that operated the school or building before conversion is 3835
delegating to the governing authority of the community school 3836
with respect to all or any specified group of employees provided 3837
the delegation is not prohibited by a collective bargaining 3838
agreement applicable to such employees; 3839

(18) Provisions establishing procedures for resolving 3840
disputes or differences of opinion between the sponsor and the 3841
governing authority of the community school; 3842

(19) A provision requiring the governing authority to 3843
adopt a policy regarding the admission of students who reside 3844
outside the district in which the school is located. That policy 3845

shall comply with the admissions procedures specified in 3846
sections 3314.06 and 3314.061 of the Revised Code and, at the 3847
sole discretion of the authority, shall do one of the following: 3848

(a) Prohibit the enrollment of students who reside outside 3849
the district in which the school is located; 3850

(b) Permit the enrollment of students who reside in 3851
districts adjacent to the district in which the school is 3852
located; 3853

(c) Permit the enrollment of students who reside in any 3854
other district in the state. 3855

(20) A provision recognizing the authority of the 3856
department of education to take over the sponsorship of the 3857
school in accordance with the provisions of division (C) of 3858
section 3314.015 of the Revised Code; 3859

(21) A provision recognizing the sponsor's authority to 3860
assume the operation of a school under the conditions specified 3861
in division (B) of section 3314.073 of the Revised Code; 3862

(22) A provision recognizing both of the following: 3863

(a) The authority of public health and safety officials to 3864
inspect the facilities of the school and to order the facilities 3865
closed if those officials find that the facilities are not in 3866
compliance with health and safety laws and regulations; 3867

(b) The authority of the department of education as the 3868
community school oversight body to suspend the operation of the 3869
school under section 3314.072 of the Revised Code if the 3870
department has evidence of conditions or violations of law at 3871
the school that pose an imminent danger to the health and safety 3872
of the school's students and employees and the sponsor refuses 3873

to take such action. 3874

(23) A description of the learning opportunities that will 3875
be offered to students including both classroom-based and non- 3876
classroom-based learning opportunities that is in compliance 3877
with criteria for student participation established by the 3878
department under division (H) (2) of section 3314.08 of the 3879
Revised Code; 3880

(24) The school will comply with sections 3302.04 and 3881
3302.041 of the Revised Code, except that any action required to 3882
be taken by a school district pursuant to those sections shall 3883
be taken by the sponsor of the school. However, the sponsor 3884
shall not be required to take any action described in division 3885
(F) of section 3302.04 of the Revised Code. 3886

(25) Beginning in the 2006-2007 school year, the school 3887
will open for operation not later than the thirtieth day of 3888
September each school year, unless the mission of the school as 3889
specified under division (A) (2) of this section is solely to 3890
serve dropouts. In its initial year of operation, if the school 3891
fails to open by the thirtieth day of September, or within one 3892
year after the adoption of the contract pursuant to division (D) 3893
of section 3314.02 of the Revised Code if the mission of the 3894
school is solely to serve dropouts, the contract shall be void. 3895

(26) Whether the school's governing authority is planning 3896
to seek designation for the school as a STEM school equivalent 3897
under section 3326.032 of the Revised Code. 3898

(B) The community school shall also submit to the sponsor 3899
a comprehensive plan for the school. The plan shall specify the 3900
following: 3901

(1) The process by which the governing authority of the 3902

school will be selected in the future; 3903

(2) The management and administration of the school; 3904

(3) If the community school is a currently existing public 3905
school or educational service center building, alternative 3906
arrangements for current public school students who choose not 3907
to attend the converted school and for teachers who choose not 3908
to teach in the school or building after conversion; 3909

(4) The instructional program and educational philosophy 3910
of the school; 3911

(5) Internal financial controls. 3912

(C) A contract entered into under section 3314.02 of the 3913
Revised Code between a sponsor and the governing authority of a 3914
community school may provide for the community school governing 3915
authority to make payments to the sponsor, which is hereby 3916
authorized to receive such payments as set forth in the contract 3917
between the governing authority and the sponsor. The total 3918
amount of such payments for oversight and monitoring of the 3919
school shall not exceed three per cent of the total amount of 3920
payments for operating expenses that the school receives from 3921
the state. 3922

(D) The contract shall specify the duties of the sponsor 3923
which shall be in accordance with the written agreement entered 3924
into with the department of education under division (B) of 3925
section 3314.015 of the Revised Code and shall include the 3926
following: 3927

(1) Monitor the community school's compliance with all 3928
laws applicable to the school and with the terms of the 3929
contract; 3930

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	3931 3932 3933
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	3934 3935 3936 3937
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	3938 3939 3940
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	3941 3942 3943 3944 3945 3946 3947
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	3948 3949 3950
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division	3951 3952 3953 3954 3955 3956 3957 3958 3959

remains subject to the provisions of sections 3314.07, 3314.072,
and 3314.073 of the Revised Code.

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

Sec. 3317.141. The board of education of any city,
exempted village, local, or joint vocational school district
that is the recipient of moneys from a grant awarded under the
federal race to the top program, Division (A), Title XIV,
Sections 14005 and 14006 of the "American Recovery and
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115,
shall comply with this section in accordance with the timeline
contained in the board's scope of work, as approved by the
superintendent of public instruction, and shall not be subject
to sections 3317.13 and 3317.14 of the Revised Code. The board
of education of any other school district, and the governing
board of each educational service center, shall comply with
either this section or sections 3317.13 and 3317.14 of the
Revised Code.

(A) The board annually shall adopt a salary schedule for
teachers based upon performance as described in division (B) of
this section.

(B) For purposes of the schedule, a board shall measure a
teacher's performance by considering all of the following:

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds; 3990
3991

(2) Whether the teacher is a highly qualified teacher, as defined in section 3319.074 of the Revised Code; 3992
3993

(3) Ratings received by the teacher on performance evaluations conducted under ~~section 3319.111 of the Revised Code~~ any policy adopted by the district board or governing board prescribing teacher evaluations; 3994
3995
3996
3997

(4) Any other teacher performance measures adopted by the district board. 3998
3999

(C) The schedule shall provide for annual adjustments based on performance on the evaluations conducted under ~~section 3319.111 of the Revised Code~~ any policy adopted by the district board or governing board prescribing teacher evaluations. ~~The annual performance based adjustment for a teacher rated as accomplished shall be greater than the annual performance based adjustment for a teacher rated as skilled.~~ 4000
4001
4002
4003
4004
4005
4006

(D) The salary schedule adopted under this section may provide for additional compensation for teachers who agree to perform duties, not contracted for under a supplemental contract, that the employing board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district or service 4007
4008
4009
4010
4011
4012
4013
4014
4015
4016
4017
4018

center; or assignment to a hard-to-staff school, as determined 4019
by the board. 4020

Sec. 3319.02. (A) (1) As used in this section, "other 4021
administrator" means any of the following: 4022

(a) Except as provided in division (A) (2) of this section, 4023
any employee in a position for which a board of education 4024
requires a license designated by rule of the department of 4025
education for being an administrator issued under section 4026
3319.22 of the Revised Code, including a professional pupil 4027
services employee or administrative specialist or an equivalent 4028
of either one who is not employed as a school counselor and 4029
spends less than fifty per cent of the time employed teaching or 4030
working with students; 4031

(b) Any nonlicensed employee whose job duties enable such 4032
employee to be considered as either a "supervisor" or a 4033
"management level employee," as defined in section 4117.01 of 4034
the Revised Code; 4035

(c) A business manager appointed under section 3319.03 of 4036
the Revised Code. 4037

(2) As used in this section, "other administrator" does 4038
not include a superintendent, assistant superintendent, 4039
principal, or assistant principal. 4040

(B) The board of education of each school district and the 4041
governing board of an educational service center may appoint one 4042
or more assistant superintendents and such other administrators 4043
as are necessary. An assistant educational service center 4044
superintendent or service center supervisor employed on a part- 4045
time basis may also be employed by a local board as a teacher. 4046
The board of each city, exempted village, and local school 4047

district shall employ principals for all high schools and for 4048
such other schools as the board designates, and those boards may 4049
appoint assistant principals for any school that they designate. 4050

(C) In educational service centers and in city, exempted 4051
village, and local school districts, assistant superintendents, 4052
principals, assistant principals, and other administrators shall 4053
only be employed or reemployed in accordance with nominations of 4054
the superintendent, except that a board of education of a school 4055
district or the governing board of a service center, by a three- 4056
fourths vote of its full membership, may reemploy any assistant 4057
superintendent, principal, assistant principal, or other 4058
administrator whom the superintendent refuses to nominate. 4059

The board of education or governing board shall execute a 4060
written contract of employment with each assistant 4061
superintendent, principal, assistant principal, and other 4062
administrator it employs or reemploys. The term of such contract 4063
shall not exceed three years except that in the case of a person 4064
who has been employed as an assistant superintendent, principal, 4065
assistant principal, or other administrator in the district or 4066
center for three years or more, the term of the contract shall 4067
be for not more than five years and, unless the superintendent 4068
of the district recommends otherwise, not less than two years. 4069
If the superintendent so recommends, the term of the contract of 4070
a person who has been employed by the district or service center 4071
as an assistant superintendent, principal, assistant principal, 4072
or other administrator for three years or more may be one year, 4073
but all subsequent contracts granted such person shall be for a 4074
term of not less than two years and not more than five years. 4075
When a teacher with continuing service status becomes an 4076
assistant superintendent, principal, assistant principal, or 4077
other administrator with the district or service center with 4078

which the teacher holds continuing service status, the teacher 4079
retains such status in the teacher's nonadministrative position 4080
as provided in sections 3311.77, 3319.08, and 3319.09 of the 4081
Revised Code. 4082

A board of education or governing board may reemploy an 4083
assistant superintendent, principal, assistant principal, or 4084
other administrator at any regular or special meeting held 4085
during the period beginning on the first day of January of the 4086
calendar year immediately preceding the year of expiration of 4087
the employment contract and ending on the first day of June of 4088
the year the employment contract expires. 4089

Except by mutual agreement of the parties thereto, no 4090
assistant superintendent, principal, assistant principal, or 4091
other administrator shall be transferred during the life of a 4092
contract to a position of lesser responsibility. No contract may 4093
be terminated by a board except pursuant to section 3319.16 of 4094
the Revised Code. No contract may be suspended except pursuant 4095
to section 3319.17 or 3319.171 of the Revised Code. The salaries 4096
and compensation prescribed by such contracts shall not be 4097
reduced by a board unless such reduction is a part of a uniform 4098
plan affecting the entire district or center. The contract shall 4099
specify the employee's administrative position and duties as 4100
included in the job description adopted under division (D) of 4101
this section, the salary and other compensation to be paid for 4102
performance of duties, the number of days to be worked, the 4103
number of days of vacation leave, if any, and any paid holidays 4104
in the contractual year. 4105

An assistant superintendent, principal, assistant 4106
principal, or other administrator is, at the expiration of the 4107
current term of employment, deemed reemployed at the same salary 4108

plus any increments that may be authorized by the board, unless 4109
such employee notifies the board in writing to the contrary on 4110
or before the fifteenth day of June, or unless such board, on or 4111
before the first day of June of the year in which the contract 4112
of employment expires, either reemploys such employee for a 4113
succeeding term or gives written notice of its intention not to 4114
reemploy the employee. The term of reemployment of a person 4115
reemployed under this paragraph shall be one year, except that 4116
if such person has been employed by the school district or 4117
service center as an assistant superintendent, principal, 4118
assistant principal, or other administrator for three years or 4119
more, the term of reemployment shall be two years. 4120

~~(D) (1) Each board shall adopt procedures for the 4121
evaluation of all assistant superintendents, principals, 4122
assistant principals, and other administrators and shall 4123
evaluate such employees in accordance with those procedures. The 4124
procedures for the evaluation of principals and assistant 4125
principals shall be based on principles comparable to the 4126
teacher evaluation policy adopted by the board under section 4127
3319.111 of the Revised Code, but shall be tailored to the 4128
duties and responsibilities of principals and assistant 4129
principals and the environment in which they work. An evaluation 4130
based upon procedures adopted under this division shall be 4131
considered by the board in deciding whether to renew the 4132
contract of employment of an assistant superintendent, 4133
principal, assistant principal, or other administrator. 4134~~

~~(2) The evaluation shall measure each assistant 4135
superintendent's, principal's, assistant principal's, and other 4136
administrator's effectiveness in performing the duties included 4137
in the job description and the evaluation procedures shall 4138
provide for, but not be limited to, the following: 4139~~

~~(a) Each assistant superintendent, principal, assistant principal, and other administrator shall be evaluated annually through a written evaluation process.~~ 4140
4141
4142

~~(b) The evaluation shall be conducted by the superintendent or designee.~~ 4143
4144

~~(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:~~ 4145
4146
4147

~~(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.~~ 4148
4149
4150
4151
4152
4153

~~(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.~~ 4154
4155
4156
4157
4158
4159
4160
4161
4162
4163
4164

~~(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~~ 4165
4166
4167
4168

~~3319.171 of the Revised Code.~~ 4169

~~(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 meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session. In that meeting, the board shall discuss its reasons for considering renewal or nonrenewal of the contract. The employee shall be permitted to have a representative, chosen by the employee, present at the meeting.~~ 4170
4171
4172
4173
4174
4175
4176
4177
4178
4179
4180
4181

~~(5) The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in division (D) of this section shall prevent a board from making the final determination regarding the renewal or nonrenewal of the contract of any assistant superintendent, principal, assistant principal, or other administrator. However, if a board fails to provide evaluations pursuant to division (D) (2) (c) (i) or (ii) of this section, or if the board fails to provide at the request of the employee a meeting as prescribed in division (D) (4) of this section, the employee automatically shall be reemployed at the same salary plus any increments that may be authorized by the board for a period of one year, except that if the employee has been employed by the district or service center as an assistant superintendent, principal, assistant principal, or other administrator for three years or more, the period of reemployment shall be for two years.~~ 4182
4183
4184
4185
4186
4187
4188
4189
4190
4191
4192
4193
4194
4195
4196
4197

~~(E) On nomination of the superintendent of a service~~ 4198

center a governing board may employ supervisors who shall be 4199
employed under written contracts of employment for terms not to 4200
exceed five years each. Such contracts may be terminated by a 4201
governing board pursuant to section 3319.16 of the Revised Code. 4202
Any supervisor employed pursuant to this division may terminate 4203
the contract of employment at the end of any school year after 4204
giving the board at least thirty days' written notice prior to 4205
such termination. On the recommendation of the superintendent 4206
the contract or contracts of any supervisor employed pursuant to 4207
this division may be suspended for the remainder of the term of 4208
any such contract pursuant to section 3319.17 or 3319.171 of the 4209
Revised Code. 4210

~~(F)~~ (E) A board may establish vacation leave for any 4211
individuals employed under this section. Upon such an 4212
individual's separation from employment, a board that has such 4213
leave may compensate such an individual at the individual's 4214
current rate of pay for all lawfully accrued and unused vacation 4215
leave credited at the time of separation, not to exceed the 4216
amount accrued within three years before the date of separation. 4217
In case of the death of an individual employed under this 4218
section, such unused vacation leave as the board would have paid 4219
to the individual upon separation under this section shall be 4220
paid in accordance with section 2113.04 of the Revised Code, or 4221
to the estate. 4222

~~(G)~~ (F) The board of education of any school district may 4223
contract with the governing board of the educational service 4224
center from which it otherwise receives services to conduct 4225
searches and recruitment of candidates for assistant 4226
superintendent, principal, assistant principal, and other 4227
administrator positions authorized under this section. 4228

Sec. 3319.11. (A) As used in this section: 4229

(1) "Evaluation procedures" means the procedures required 4230
by ~~the any policy adopted pursuant to division (A) of section~~ 4231
~~3319.111 of the Revised Code~~ by the school district board of 4232
education for the purpose of conducting teacher evaluations. 4233

(2) "Limited contract" means a limited contract, as 4234
described in section 3319.08 of the Revised Code, that a school 4235
district board of education or governing board of an educational 4236
service center enters into with a teacher who is not eligible 4237
for continuing service status. 4238

(3) "Extended limited contract" means a limited contract, 4239
as described in section 3319.08 of the Revised Code, that a 4240
board of education or governing board enters into with a teacher 4241
who is eligible for continuing service status. 4242

(B) Teachers eligible for continuing service status in any 4243
city, exempted village, local, or joint vocational school 4244
district or educational service center shall be those teachers 4245
qualified as described in division (D) of section 3319.08 of the 4246
Revised Code, who within the last five years have taught for at 4247
least three years in the district or center, and those teachers 4248
who, having attained continuing contract status elsewhere, have 4249
served two years in the district or center, but the board, upon 4250
the recommendation of the superintendent, may at the time of 4251
employment or at any time within such two-year period, declare 4252
any of the latter teachers eligible. 4253

(1) Upon the recommendation of the superintendent that a 4254
teacher eligible for continuing service status be reemployed, a 4255
continuing contract shall be entered into between the board and 4256
the teacher unless the board by a three-fourths vote of its full 4257

membership rejects the recommendation of the superintendent. If 4258
the board rejects by a three-fourths vote of its full membership 4259
the recommendation of the superintendent that a teacher eligible 4260
for continuing service status be reemployed and the 4261
superintendent makes no recommendation to the board pursuant to 4262
division (C) of this section, the board may declare its 4263
intention not to reemploy the teacher by giving the teacher 4264
written notice on or before the first day of June of its 4265
intention not to reemploy the teacher. If evaluation procedures 4266
have not been complied with pursuant to ~~section 3319.111 of the~~ 4267
~~Revised Code~~ the board's policy or the board does not give the 4268
teacher written notice on or before the first day of June of its 4269
intention not to reemploy the teacher, the teacher is deemed 4270
reemployed under an extended limited contract for a term not to 4271
exceed one year at the same salary plus any increment provided 4272
by the salary schedule. The teacher is presumed to have accepted 4273
employment under the extended limited contract for a term not to 4274
exceed one year unless such teacher notifies the board in 4275
writing to the contrary on or before the fifteenth day of June, 4276
and an extended limited contract for a term not to exceed one 4277
year shall be executed accordingly. Upon any subsequent 4278
reemployment of the teacher only a continuing contract may be 4279
entered into. 4280

(2) If the superintendent recommends that a teacher 4281
eligible for continuing service status not be reemployed, the 4282
board may declare its intention not to reemploy the teacher by 4283
giving the teacher written notice on or before the first day of 4284
June of its intention not to reemploy the teacher. If evaluation 4285
procedures have not been complied with pursuant to ~~section~~ 4286
~~3319.111 of the Revised Code~~ the board's policy or the board 4287
does not give the teacher written notice on or before the first 4288

day of June of its intention not to reemploy the teacher, the 4289
teacher is deemed reemployed under an extended limited contract 4290
for a term not to exceed one year at the same salary plus any 4291
increment provided by the salary schedule. The teacher is 4292
presumed to have accepted employment under the extended limited 4293
contract for a term not to exceed one year unless such teacher 4294
notifies the board in writing to the contrary on or before the 4295
fifteenth day of June, and an extended limited contract for a 4296
term not to exceed one year shall be executed accordingly. Upon 4297
any subsequent reemployment of a teacher only a continuing 4298
contract may be entered into. 4299

(3) Any teacher receiving written notice of the intention 4300
of a board not to reemploy such teacher pursuant to this 4301
division is entitled to the hearing provisions of division (G) 4302
of this section. 4303

(C) (1) If a board rejects the recommendation of the 4304
superintendent for reemployment of a teacher pursuant to 4305
division (B) (1) of this section, the superintendent may 4306
recommend reemployment of the teacher, if continuing service 4307
status has not previously been attained elsewhere, under an 4308
extended limited contract for a term not to exceed two years, 4309
provided that written notice of the superintendent's intention 4310
to make such recommendation has been given to the teacher with 4311
reasons directed at the professional improvement of the teacher 4312
on or before the first day of June. Upon subsequent reemployment 4313
of the teacher only a continuing contract may be entered into. 4314

(2) If a board of education takes affirmative action on a 4315
superintendent's recommendation, made pursuant to division (C) 4316
(1) of this section, of an extended limited contract for a term 4317
not to exceed two years but the board does not give the teacher 4318

written notice of its affirmative action on the superintendent's 4319
recommendation of an extended limited contract on or before the 4320
first day of June, the teacher is deemed reemployed under a 4321
continuing contract at the same salary plus any increment 4322
provided by the salary schedule. The teacher is presumed to have 4323
accepted employment under such continuing contract unless such 4324
teacher notifies the board in writing to the contrary on or 4325
before the fifteenth day of June, and a continuing contract 4326
shall be executed accordingly. 4327

(3) A board shall not reject a superintendent's 4328
recommendation, made pursuant to division (C) (1) of this 4329
section, of an extended limited contract for a term not to 4330
exceed two years except by a three-fourths vote of its full 4331
membership. If a board rejects by a three-fourths vote of its 4332
full membership the recommendation of the superintendent of an 4333
extended limited contract for a term not to exceed two years, 4334
the board may declare its intention not to reemploy the teacher 4335
by giving the teacher written notice on or before the first day 4336
of June of its intention not to reemploy the teacher. If 4337
evaluation procedures have not been complied with pursuant to 4338
~~section 3319.111 of the Revised Code~~ the board's policy or if 4339
the board does not give the teacher written notice on or before 4340
the first day of June of its intention not to reemploy the 4341
teacher, the teacher is deemed reemployed under an extended 4342
limited contract for a term not to exceed one year at the same 4343
salary plus any increment provided by the salary schedule. The 4344
teacher is presumed to have accepted employment under the 4345
extended limited contract for a term not to exceed one year 4346
unless such teacher notifies the board in writing to the 4347
contrary on or before the fifteenth day of June, and an extended 4348
limited contract for a term not to exceed one year shall be 4349

executed accordingly. Upon any subsequent reemployment of the 4350
teacher only a continuing contract may be entered into. 4351

Any teacher receiving written notice of the intention of a 4352
board not to reemploy such teacher pursuant to this division is 4353
entitled to the hearing provisions of division (G) of this 4354
section. 4355

(D) A teacher eligible for continuing contract status 4356
employed under an extended limited contract pursuant to division 4357
(B) or (C) of this section, is, at the expiration of such 4358
extended limited contract, deemed reemployed under a continuing 4359
contract at the same salary plus any increment granted by the 4360
salary schedule, unless evaluation procedures have been complied 4361
with pursuant to ~~section 3319.111 of the Revised Code~~ the 4362
employing board's policy and the employing board, acting on the 4363
superintendent's recommendation that the teacher not be 4364
reemployed, gives the teacher written notice on or before the 4365
first day of June of its intention not to reemploy such teacher. 4366
A teacher who does not have evaluation procedures applied in 4367
compliance with ~~section 3319.111 of the Revised Code~~ the 4368
employing board's policy or who does not receive notice on or 4369
before the first day of June of the intention of the board not 4370
to reemploy such teacher is presumed to have accepted employment 4371
under a continuing contract unless such teacher notifies the 4372
board in writing to the contrary on or before the fifteenth day 4373
of June, and a continuing contract shall be executed 4374
accordingly. 4375

Any teacher receiving a written notice of the intention of 4376
a board not to reemploy such teacher pursuant to this division 4377
is entitled to the hearing provisions of division (G) of this 4378
section. 4379

(E) The board shall enter into a limited contract with 4380
each teacher employed by the board who is not eligible to be 4381
considered for a continuing contract. 4382

Any teacher employed under a limited contract, and not 4383
eligible to be considered for a continuing contract, is, at the 4384
expiration of such limited contract, considered reemployed under 4385
the provisions of this division at the same salary plus any 4386
increment provided by the salary schedule unless evaluation 4387
procedures have been complied with pursuant to ~~section 3319.111~~ 4388
~~of the Revised Code~~ the employing board's policy and the 4389
employing board, acting upon the superintendent's written 4390
recommendation that the teacher not be reemployed, gives such 4391
teacher written notice of its intention not to reemploy such 4392
teacher on or before the first day of June. A teacher who does 4393
not have evaluation procedures applied in compliance with 4394
~~section 3319.111 of the Revised Code~~ the employing board's 4395
policy or who does not receive notice of the intention of the 4396
board not to reemploy such teacher on or before the first day of 4397
June is presumed to have accepted such employment unless such 4398
teacher notifies the board in writing to the contrary on or 4399
before the fifteenth day of June, and a written contract for the 4400
succeeding school year shall be executed accordingly. 4401

Any teacher receiving a written notice of the intention of 4402
a board not to reemploy such teacher pursuant to this division 4403
is entitled to the hearing provisions of division (G) of this 4404
section. 4405

(F) The failure of a superintendent to make a 4406
recommendation to the board under any of the conditions set 4407
forth in divisions (B) to (E) of this section, or the failure of 4408
the board to give such teacher a written notice pursuant to 4409

divisions (C) to (E) of this section shall not prejudice or 4410
prevent a teacher from being deemed reemployed under either a 4411
limited or continuing contract as the case may be under the 4412
provisions of this section. A failure of the parties to execute 4413
a written contract shall not void any automatic reemployment 4414
provisions of this section. 4415

(G) (1) Any teacher receiving written notice of the 4416
intention of a board of education not to reemploy such teacher 4417
pursuant to division (B), (C) (3), (D), or (E) of this section 4418
may, within ten days of the date of receipt of the notice, file 4419
with the treasurer of the board a written demand for a written 4420
statement describing the circumstances that led to the board's 4421
intention not to reemploy the teacher. 4422

(2) The treasurer of a board, on behalf of the board, 4423
shall, within ten days of the date of receipt of a written 4424
demand for a written statement pursuant to division (G) (1) of 4425
this section, provide to the teacher a written statement 4426
describing the circumstances that led to the board's intention 4427
not to reemploy the teacher. 4428

(3) Any teacher receiving a written statement describing 4429
the circumstances that led to the board's intention not to 4430
reemploy the teacher pursuant to division (G) (2) of this section 4431
may, within five days of the date of receipt of the statement, 4432
file with the treasurer of the board a written demand for a 4433
hearing before the board pursuant to divisions (G) (4) to (6) of 4434
this section. 4435

(4) The treasurer of a board, on behalf of the board, 4436
shall, within ten days of the date of receipt of a written 4437
demand for a hearing pursuant to division (G) (3) of this 4438
section, provide to the teacher a written notice setting forth 4439

the time, date, and place of the hearing. The board shall 4440
schedule and conclude the hearing within forty days of the date 4441
on which the treasurer of the board receives a written demand 4442
for a hearing pursuant to division (G) (3) of this section. 4443

(5) Any hearing conducted pursuant to this division shall 4444
be conducted by a majority of the members of the board. The 4445
hearing shall be held in executive session of the board unless 4446
the board and the teacher agree to hold the hearing in public. 4447
The superintendent, assistant superintendent, the teacher, and 4448
any person designated by either party to take a record of the 4449
hearing may be present at the hearing. The board may be 4450
represented by counsel and the teacher may be represented by 4451
counsel or a designee. A record of the hearing may be taken by 4452
either party at the expense of the party taking the record. 4453

(6) Within ten days of the conclusion of a hearing 4454
conducted pursuant to this division, the board shall issue to 4455
the teacher a written decision containing an order affirming the 4456
intention of the board not to reemploy the teacher reported in 4457
the notice given to the teacher pursuant to division (B), (C) 4458
(3), (D), or (E) of this section or an order vacating the 4459
intention not to reemploy and expunging any record of the 4460
intention, notice of the intention, and the hearing conducted 4461
pursuant to this division. 4462

(7) A teacher may appeal an order affirming the intention 4463
of the board not to reemploy the teacher to the court of common 4464
pleas of the county in which the largest portion of the 4465
territory of the school district or service center is located, 4466
within thirty days of the date on which the teacher receives the 4467
written decision, on the grounds that the board has not complied 4468
with this section or ~~section 3319.111 of the Revised Code~~ the 4469

evaluation procedures of the board's policy. 4470

Notwithstanding section 2506.04 of the Revised Code, the 4471
court in an appeal under this division is limited to the 4472
determination of procedural errors and to ordering the 4473
correction of procedural errors and shall have no jurisdiction 4474
to order a board to reemploy a teacher, except that the court 4475
may order a board to reemploy a teacher in compliance with the 4476
requirements of division (B), (C) (3), (D), or (E) of this 4477
section when the court determines that evaluation procedures 4478
have not been complied with pursuant to ~~section 3319.111 of the~~ 4479
~~Revised Code~~ the evaluation procedures of the board's policy or 4480
the board has not given the teacher written notice on or before 4481
the first day of June of its intention not to reemploy the 4482
teacher pursuant to division (B), (C) (3), (D), or (E) of this 4483
section. Otherwise, the determination whether to reemploy or not 4484
reemploy a teacher is solely a board's determination and not a 4485
proper subject of judicial review and, except as provided in 4486
this division, no decision of a board whether to reemploy or not 4487
reemploy a teacher shall be invalidated by the court on any 4488
basis, including that the decision was not warranted by the 4489
results of any evaluation or was not warranted by any statement 4490
given pursuant to division (G) (2) of this section. 4491

No appeal of an order of a board may be made except as 4492
specified in this division. 4493

(H) (1) In giving a teacher any notice required by division 4494
(B), (C), (D), or (E) of this section, the board or the 4495
superintendent shall do either of the following: 4496

(a) Deliver the notice by personal service upon the 4497
teacher; 4498

(b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:

(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;

(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.

(3) When any notice and copy of the notice are mailed pursuant to division (H) (1) (b) or (2) (b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

(J) (1) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the dates set forth in this section as "on or before the first day of June" or "on or before the fifteenth day of June" prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ March 22, 2013.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section, as it exists on and after the effective date of this amendment, prevail over any conflicting provisions of a collective bargaining agreement entered into on or after that effective date.

Sec. 3319.223. (A) Not later than January 1, 2011, the superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components:

(1) Mentoring by teachers who hold a lead professional educator license issued under section 3319.22 of the Revised Code;

(2) Counseling to ensure that program participants receive needed professional development;

~~(3) Measures of appropriate progression through the program.~~

(B) The teacher residency program shall be aligned with the standards for teachers adopted by the state board of education under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction.

(C) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be

required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code. 4557
4558

(D) (1) The teacher residency program shall not require the assessment of or administer a performance assessment of resident educators at any point during the teacher residency program prescribed under section 3319.223 of the Revised Code. 4559
4560
4561
4562

(2) The department of education shall adopt rules to implement the provisions of this section. 4563
4564

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)~~ (a) of section 3301.079 of the Revised Code. 4565
4566
4567
4568
4569

Sec. 3319.58. (A) As used in this section, "core subject area" has the same meaning as in section 3319.074 of the Revised Code. 4570
4571
4572

(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective, as defined by the board, on ~~the~~ evaluations conducted under ~~section 3319.111 of the Revised Code~~ any policy adopted by the district board prescribing teacher evaluations for two of the three most recent school years to register for and take all written examinations of content knowledge selected by the department of education as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned. 4573
4574
4575
4576
4577
4578
4579
4580
4581
4582
4583
4584

(C) Each year, beginning with the 2015-2016 school year, 4585

the governing authority of each community school established 4586
under Chapter 3314. of the Revised Code except a community 4587
school to which section 3314.017 of the Revised Code applies and 4588
governing body of each STEM school established under Chapter 4589
3326. of the Revised Code with a building ranked in the lowest 4590
ten per cent of all public school buildings according to 4591
performance index score, under section 3302.21 of the Revised 4592
Code, shall require each classroom teacher currently teaching in 4593
a core subject area in such a building to register for and take 4594
all written examinations of content knowledge selected by the 4595
department as appropriate to determine expertise to teach that 4596
core subject area and the grade level to which the teacher is 4597
assigned. 4598

(D) If a teacher who takes an examination under division 4599
(B) of this section passes that examination and provides proof 4600
of that passage to the teacher's employer, the employer shall 4601
require the teacher, at the teacher's expense, to complete 4602
professional development that is targeted to the deficiencies 4603
identified in the teacher's evaluations conducted under ~~section~~ 4604
3319.111 of the Revised Code any policy adopted by the district 4605
board prescribing teacher evaluations. The receipt by the 4606
teacher of a rating of ineffective, as defined by the board, on 4607
the teacher's next evaluation after completion of the 4608
professional development, or the failure of the teacher to 4609
complete the professional development, shall be grounds for 4610
termination of the teacher under section 3319.16 of the Revised 4611
Code. 4612

(E) If a teacher who takes an examination under this 4613
section passes that examination and provides proof of that 4614
passage to the teacher's employer, the teacher shall not be 4615
required to take the examination again for three years, 4616

regardless of the teacher's evaluation ratings or the 4617
performance index score ranking of the building in which the 4618
teacher teaches. No teacher shall be responsible for the cost of 4619
taking an examination under this section. 4620

(F) Each district board of education, each community 4621
school governing authority, and each STEM school governing body 4622
may use the results of a teacher's examinations required under 4623
division (B) or (C) of this section in developing and revising 4624
professional development plans and in deciding whether or not to 4625
continue employing the teacher in accordance with the provisions 4626
of this chapter or Chapter 3314. or 3326. of the Revised Code. 4627
However, no decision to terminate or not to renew a teacher's 4628
employment contract shall be made solely on the basis of the 4629
results of a teacher's examination under this section until and 4630
unless the teacher has not attained a passing score on the same 4631
required examination for at least three consecutive 4632
administrations of that examination. 4633

Sec. 3326.111. If a science, technology, engineering, and 4634
mathematics school is the recipient of moneys from a grant 4635
awarded under the federal race to the top program, Division (A), 4636
Title XIV, Sections 14005 and 14006 of the "American Recovery 4637
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 4638
the governing body of the school shall pay teachers based upon 4639
performance in accordance with section 3317.141 ~~and shall comply~~ 4640
~~with section 3319.111~~ of the Revised Code as if it were a school 4641
district board of education. 4642

Sec. 3328.01. As used in this chapter: 4643

(A) "Board of trustees" means the board of trustees 4644
established for a college-preparatory boarding school in 4645
accordance with section 3328.15 of the Revised Code. 4646

(B) "Child with a disability," "IEP," and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible student" means a student who is entitled to attend school in a participating school district; is at risk of academic failure; is from a family whose income is below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code; meets any additional criteria prescribed by agreement between the state board of education and the operator of the college-preparatory boarding school in which the student seeks enrollment; and meets at least two of the following additional conditions:

(1) The student has a record of in-school disciplinary actions, suspensions, expulsions, or truancy.

(2) The student has not attained at least a proficient score on the state achievement assessments in English language arts, reading, or mathematics prescribed under section 3301.0710 of the Revised Code, after those assessments have been administered to the student at least once, or the student has not attained at least a score designated by the board of trustees of the college-preparatory boarding school in which the student seeks enrollment under this chapter on an ~~end-of-course~~ examination in English language arts or mathematics prescribed under division (B) (2) of section 3301.0712 of the Revised Code.

(3) The student is a child with a disability.

(4) The student has been referred for academic intervention services.

(5) The student's head of household is a single parent. As used in this division and in division (C) (6) of this section,

"head of household" means a person who occupies the same household as the student and who is financially responsible for the student.

(6) The student's head of household is not the student's custodial parent.

(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code.

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

(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code.

(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.

(G) "Participating school district" means either of the following:

(1) The school district in which a college-preparatory boarding school established under this chapter is located;

(2) A school district other than one described in division (G) (1) of this section that, pursuant to procedures adopted by the state board of education under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter.

Sec. 3333.0411. ~~Not~~ The final report made under this

section shall be for teacher evaluations conducted for the 2014- 4704
2015 school year. Beginning with teacher evaluations conducted 4705
for the 2015-2016 school year, no report shall be made under 4706
this section. 4707

Not later than December 31, 2014, and annually thereafter, 4708
the chancellor of the Ohio board of regents shall report for 4709
each approved teacher preparation program, the number and 4710
percentage of all graduates of the program who were rated at 4711
each of the performance levels prescribed by division (B) (1) of 4712
former section 3319.112 of the Revised Code on an evaluation 4713
conducted in accordance with section 3319.111 of the Revised 4714
Code in the previous school year. 4715

In no case shall the report identify any individual 4716
graduate. The department of education shall share any data 4717
necessary for the report with the chancellor. 4718

Section 2. That existing sections 3301.07, 3301.078, 4719
3301.079, 3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0718, 4720
3301.0722, 3302.03, 3302.04, 3302.15, 3311.80, 3311.84, 3313.60, 4721
3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 4722
3314.03, 3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 4723
3326.111, 3328.01, and 3333.0411 and sections 3301.0721, 4724
3319.111, 3319.112, and 3319.114 of the Revised Code are hereby 4725
repealed. 4726

Section 3. The General Assembly, applying the principle 4727
stated in division (B) of section 1.52 of the Revised Code that 4728
amendments are to be harmonized if reasonably capable of 4729
simultaneous operation, finds that the following sections, 4730
presented in this act as composites of the sections as amended 4731
by the acts indicated, are the resulting versions of the 4732
sections in effect prior to the effective date of the sections 4733

as presented in this act: 4734

Section 3319.02 of the Revised Code as amended by both 4735
Sub. H.B. 525 and Am. Sub. S.B. 316 of the 129th General 4736
Assembly. 4737

Section 3333.0411 of the Revised Code as amended by both 4738
Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General 4739
Assembly. 4740