

As Passed by the House

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 555

Representatives Stebelton, Butler

**Cosponsors: Representatives Amstutz, Grossman, Hayes, Huffman,
McClain, Roegner, Thompson, Beck, Blair, Blessing, Boose, Brenner, Bulp,
Combs, Hagan, C., Henne, Kozlowski, Maag, Newbold, Terhar, Wachtmann,
Young Speaker Batchelder**

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A B I L L

To amend sections 3301.079, 3301.0710, 3301.0711, 1
3301.0714, 3302.01, 3302.02, 3302.021, 3302.03, 2
3302.033, 3302.04, 3302.041, 3302.042, 3302.05, 3
3302.10, 3302.12, 3302.20, 3302.21, 3310.03, 4
3310.06, 3311.741, 3311.80, 3313.473, 3313.608, 5
3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 6
3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 7
3317.081, 3319.111, 3319.112, 3319.58, 3326.03, 8
3333.041, 3333.048, 3333.391, 5910.01, 5910.02, 9
and 5919.34; to enact sections 3302.034, 3310.16, 10
3314.017, 3314.351, and 5910.07 of the Revised 11
Code; and to amend Section 267.10.90 of Am. Sub. 12
H.B. 153 of the 129th General Assembly, as 13
subsequently amended, to create a new academic 14
performance rating system for school districts and 15
other public schools; to require an alternative 16
academic performance rating system for community 17
schools serving primarily students enrolled in 18
dropout prevention and recovery programs; to 19
create a new evaluation process for community 20

school sponsors; to abolish the Ohio 21
accountability task force and replace it with the 22
Ohio accountability advisory committee; to 23
specifically permit educational service centers to 24
partner in the development of STEM schools; to 25
allow for the reporting of a student's personally 26
identifiable information to specified third 27
parties with which the Department of Education has 28
contracted to develop state assessments; to 29
require that a third-grade student reading below 30
grade level receives intervention services prior 31
to development of the student's improvement 32
monitoring plan; to modify the procedure for 33
approving the opening of new Internet- or 34
computer-based community schools; to require that 35
a community school fiscal officer be a licensed 36
school treasurer; to qualify for a War Orphans 37
Scholarship, children of military veterans who 38
participated in an operation for which the Armed 39
Forces Expeditionary Medal was awarded; and to 40
authorize the administrators of the Ohio National 41
Guard Scholarship Program and the Ohio War Orphans 42
Scholarship Program to apply for and receive 43
grants and to accept gifts, bequests, and 44
contributions from public and private sources. 45

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 46
3301.0714, 3302.01, 3302.02, 3302.021, 3302.03, 3302.033, 3302.04, 47
3302.041, 3302.042, 3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 48
3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 3313.608, 3314.011, 49
3314.012, 3314.013, 3314.015, 3314.016, 3314.02, 3314.05, 3314.35, 50

3314.36, 3314.37, 3317.081, 3319.111, 3319.112, 3319.58, 3326.03, 51
3333.041, 3333.048, 3333.391, 5910.01, 5910.02, and 5919.34 be 52
amended and sections 3302.034, 3310.16, 3314.017, 3314.351, and 53
5910.07 of the Revised Code be enacted to read as follows: 54

Sec. 3301.079. (A)(1) The state board of education 55
periodically shall adopt statewide academic standards with 56
emphasis on coherence, focus, and rigor for each of grades 57
kindergarten through twelve in English language arts, mathematics, 58
science, and social studies. 59

(a) The standards shall specify the following: 60

(i) The core academic content and skills that students are 61
expected to know and be able to do at each grade level that will 62
allow each student to be prepared for postsecondary instruction 63
and the workplace for success in the twenty-first century; 64

(ii) The development of skill sets that promote information, 65
media, and technological literacy; 66

(iii) Interdisciplinary, project-based, real-world learning 67
opportunities. 68

(b) Not later than July 1, 2012, the state board shall 69
incorporate into the social studies standards for grades four to 70
twelve academic content regarding the original texts of the 71
Declaration of Independence, the Northwest Ordinance, the 72
Constitution of the United States and its amendments, with 73
emphasis on the Bill of Rights, and the Ohio Constitution, and 74
their original context. The state board shall revise the model 75
curricula and achievement assessments adopted under divisions (B) 76
and (C) of this section as necessary to reflect the additional 77
American history and American government content. The state board 78
shall make available a list of suggested grade-appropriate 79
supplemental readings that place the documents prescribed by this 80

division in their historical context, which teachers may use as a 81
resource to assist students in reading the documents within that 82
context. 83

(2) After completing the standards required by division 84
(A)(1) of this section, the state board shall adopt standards and 85
model curricula for instruction in technology, financial literacy 86
and entrepreneurship, fine arts, and foreign language for grades 87
kindergarten through twelve. The standards shall meet the same 88
requirements prescribed in division (A)(1)(a) of this section. 89

(3) The state board shall adopt the most recent standards 90
developed by the national association for sport and physical 91
education for physical education in grades kindergarten through 92
twelve or shall adopt its own standards for physical education in 93
those grades and revise and update them periodically. 94

The department of education shall employ a full-time physical 95
education coordinator to provide guidance and technical assistance 96
to districts, community schools, and STEM schools in implementing 97
the physical education standards adopted under this division. The 98
superintendent of public instruction shall determine that the 99
person employed as coordinator is qualified for the position, as 100
demonstrated by possessing an adequate combination of education, 101
license, and experience. 102

(4) When academic standards have been completed for any 103
subject area required by this section, the state board shall 104
inform all school districts, all community schools established 105
under Chapter 3314. of the Revised Code, all STEM schools 106
established under Chapter 3326. of the Revised Code, and all 107
nonpublic schools required to administer the assessments 108
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 109
of the content of those standards. 110

(B)(1) The state board shall adopt a model curriculum for 111

instruction in each subject area for which updated academic 112
standards are required by division (A)(1) of this section and for 113
each of grades kindergarten through twelve that is sufficient to 114
meet the needs of students in every community. The model 115
curriculum shall be aligned with the standards, to ensure that the 116
academic content and skills specified for each grade level are 117
taught to students, and shall demonstrate vertical articulation 118
and emphasize coherence, focus, and rigor. When any model 119
curriculum has been completed, the state board shall inform all 120
school districts, community schools, and STEM schools of the 121
content of that model curriculum. 122

(2) Not later than June 30, 2013, the state board, in 123
consultation with any office housed in the governor's office that 124
deals with workforce development, shall adopt model curricula for 125
grades kindergarten through twelve that embed career connection 126
learning strategies into regular classroom instruction. 127

(3) All school districts, community schools, and STEM schools 128
may utilize the state standards and the model curriculum 129
established by the state board, together with other relevant 130
resources, examples, or models to ensure that students have the 131
opportunity to attain the academic standards. Upon request, the 132
department shall provide technical assistance to any district, 133
community school, or STEM school in implementing the model 134
curriculum. 135

Nothing in this section requires any school district to 136
utilize all or any part of a model curriculum developed under this 137
section. 138

(C) The state board shall develop achievement assessments 139
aligned with the academic standards and model curriculum for each 140
of the subject areas and grade levels required by divisions (A)(1) 141
and (B)(1) of section 3301.0710 of the Revised Code. 142

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

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

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

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

(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with

expertise in the appropriate subject area. Whenever practicable, 175
the state board and department shall consult with teachers 176
recognized as outstanding in their fields. 177

If the department contracts with more than one outside entity 178
for the development of the achievement assessments required by 179
this section, the department shall ensure the interchangeability 180
of those assessments. 181

(G) Whenever the state board adopts standards or model 182
curricula under this section, the department also shall provide 183
information on the use of blended or digital learning in the 184
delivery of the standards or curricula to students in accordance 185
with division (A)(4) of this section. 186

(H) The fairness sensitivity review committee, established by 187
rule of the state board of education, shall not allow any question 188
on any achievement or diagnostic assessment developed under this 189
section or any proficiency test prescribed by former section 190
3301.0710 of the Revised Code, as it existed prior to September 191
11, 2001, to include, be written to promote, or inquire as to 192
individual moral or social values or beliefs. The decision of the 193
committee shall be final. This section does not create a private 194
cause of action. 195

(I) Not later than forty-five days prior to the adoption by 196
the state board of updated academic standards under division 197
(A)(1) of this section or updated model curricula under division 198
(B)(1) of this section, the superintendent of public instruction 199
shall present the academic standards or model curricula, as 200
applicable, to the respective committees of the house of 201
representatives and senate that consider education legislation. 202

(J) As used in this section: 203

(1) "Blended learning" means the delivery of instruction in a 204
combination of time in a supervised physical location away from 205

home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.

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

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

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

(5) "Rigor" means more challenging and demanding when compared to international standards.

(6) "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.

Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program 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.

The assessment program 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, science, and social studies.

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

(a) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of third grade;	236 237 238
(b) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of fourth grade;	239 240 241
(c) Four statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, science, and social studies skill expected at the end of fifth grade;	242 243 244 245
(d) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of sixth grade;	246 247 248
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	249 250 251
(f) Four statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, science, and social studies skill expected at the end of eighth grade.	252 253 254 255
(2) The state board shall determine and designate at least three <u>five</u> ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	256 257 258 259 260 261
(a) An advanced level of skill;	262
(b) <u>An accelerated level of skill;</u>	263
<u>(c)</u> A proficient level of skill;	264
(e) <u>(d)</u> <u>A basic level of skill;</u>	265

(e) A limited level of skill. 266

(3) For the purpose of implementing division (A) of section 267
3313.608 of the Revised Code, the state board shall determine and 268
designate a level of achievement, not lower than the level 269
designated in division (A)(2)~~(e)~~(e) of this section, on the third 270
grade English language arts assessment for a student to be 271
promoted to the fourth grade. The state board shall review and 272
adjust upward the level of achievement designated under this 273
division each year the test is administered until the level is set 274
equal to the level designated in division (A)(2)~~(b)~~(c) of this 275
section. 276

(B)(1) The assessments prescribed under division (B)(1) of 277
this section shall collectively be known as the Ohio graduation 278
tests. The state board shall prescribe five statewide high school 279
achievement assessments, one each designed to measure the level of 280
reading, writing, mathematics, science, and social studies skill 281
expected at the end of tenth grade. The state board shall 282
designate a score in at least the range designated under division 283
(A)(2)~~(b)~~(c) of this section on each such assessment that shall be 284
deemed to be a passing score on the assessment as a condition 285
toward granting high school diplomas under sections 3313.61, 286
3313.611, 3313.612, and 3325.08 of the Revised Code until the 287
assessment system prescribed by section 3301.0712 of the Revised 288
Code is implemented in accordance with rules adopted by the state 289
board under division (D) of that section. 290

(2) The state board shall prescribe an assessment system in 291
accordance with section 3301.0712 of the Revised Code that shall 292
replace the Ohio graduation tests in the manner prescribed by 293
rules adopted by the state board under division (D) of that 294
section. 295

(3) The state board may enter into a reciprocal agreement 296
with the appropriate body or agency of any other state that has 297

similar statewide achievement assessment requirements for 298
receiving high school diplomas, under which any student who has 299
met an achievement assessment requirement of one state is 300
recognized as having met the similar requirement of the other 301
state for purposes of receiving a high school diploma. For 302
purposes of this section and sections 3301.0711 and 3313.61 of the 303
Revised Code, any student enrolled in any public high school in 304
this state who has met an achievement assessment requirement 305
specified in a reciprocal agreement entered into under this 306
division shall be deemed to have attained at least the applicable 307
score designated under this division on each assessment required 308
by division (B)(1) or (2) of this section that is specified in the 309
agreement. 310

(C) The superintendent of public instruction shall designate 311
dates and times for the administration of the assessments 312
prescribed by divisions (A) and (B) of this section. 313

In prescribing administration dates pursuant to this 314
division, the superintendent shall designate the dates in such a 315
way as to allow a reasonable length of time between the 316
administration of assessments prescribed under this section and 317
any administration of the national assessment of educational 318
progress given to students in the same grade level pursuant to 319
section 3301.27 of the Revised Code or federal law. 320

(D) The state board shall prescribe a practice version of 321
each Ohio graduation test described in division (B)(1) of this 322
section that is of comparable length to the actual test. 323

(E) Any committee established by the department of education 324
for the purpose of making recommendations to the state board 325
regarding the state board's designation of scores on the 326
assessments described by this section shall inform the state board 327
of the probable percentage of students who would score in each of 328
the ranges established under division (A)(2) of this section on 329

the assessments if the committee's recommendations are adopted by 330
the state board. To the extent possible, these percentages shall 331
be disaggregated by gender, major racial and ethnic groups, 332
limited English proficient students, economically disadvantaged 333
students, students with disabilities, and migrant students. 334

If the state board intends to make any change to the 335
committee's recommendations, the state board shall explain the 336
intended change to the Ohio accountability ~~task force~~ advisory 337
committee established by section 3302.021 of the Revised Code. The 338
~~task force~~ Ohio accountability advisory committee shall recommend 339
whether the state board should proceed to adopt the intended 340
change. Nothing in this division shall require the state board to 341
designate assessment scores based upon the recommendations of the 342
~~task force~~ Ohio accountability advisory committee. 343

Sec. 3301.0711. (A) The department of education shall: 344

(1) Annually furnish to, grade, and score all assessments 345
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 346
the Revised Code to be administered by city, local, exempted 347
village, and joint vocational school districts, except that each 348
district shall score any assessment administered pursuant to 349
division (B)(10) of this section. Each assessment so furnished 350
shall include the data verification code of the student to whom 351
the assessment will be administered, as assigned pursuant to 352
division (D)(2) of section 3301.0714 of the Revised Code. In 353
furnishing the practice versions of Ohio graduation tests 354
prescribed by division (D) of section 3301.0710 of the Revised 355
Code, the department shall make the tests available on its web 356
site for reproduction by districts. In awarding contracts for 357
grading assessments, the department shall give preference to 358
Ohio-based entities employing Ohio residents. 359

(2) Adopt rules for the ethical use of assessments and 360

prescribing the manner in which the assessments prescribed by 361
section 3301.0710 of the Revised Code shall be administered to 362
students. 363

(B) Except as provided in divisions (C) and (J) of this 364
section, the board of education of each city, local, and exempted 365
village school district shall, in accordance with rules adopted 366
under division (A) of this section: 367

(1) Administer the English language arts assessments 368
prescribed under division (A)(1)(a) of section 3301.0710 of the 369
Revised Code twice annually to all students in the third grade who 370
have not attained the score designated for that assessment under 371
division (A)(2)~~(b)~~(c) of section 3301.0710 of the Revised Code. 372

(2) Administer the mathematics assessment prescribed under 373
division (A)(1)(a) of section 3301.0710 of the Revised Code at 374
least once annually to all students in the third grade. 375

(3) Administer the assessments prescribed under division 376
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 377
annually to all students in the fourth grade. 378

(4) Administer the assessments prescribed under division 379
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 380
annually to all students in the fifth grade. 381

(5) Administer the assessments prescribed under division 382
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 383
annually to all students in the sixth grade. 384

(6) Administer the assessments prescribed under division 385
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 386
annually to all students in the seventh grade. 387

(7) Administer the assessments prescribed under division 388
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 389
annually to all students in the eighth grade. 390

(8) Except as provided in division (B)(9) of this section, 391
administer any assessment prescribed under division (B)(1) of 392
section 3301.0710 of the Revised Code as follows: 393

(a) At least once annually to all tenth grade students and at 394
least twice annually to all students in eleventh or twelfth grade 395
who have not yet attained the score on that assessment designated 396
under that division; 397

(b) To any person who has successfully completed the 398
curriculum in any high school or the individualized education 399
program developed for the person by any high school pursuant to 400
section 3323.08 of the Revised Code but has not received a high 401
school diploma and who requests to take such assessment, at any 402
time such assessment is administered in the district. 403

(9) In lieu of the board of education of any city, local, or 404
exempted village school district in which the student is also 405
enrolled, the board of a joint vocational school district shall 406
administer any assessment prescribed under division (B)(1) of 407
section 3301.0710 of the Revised Code at least twice annually to 408
any student enrolled in the joint vocational school district who 409
has not yet attained the score on that assessment designated under 410
that division. A board of a joint vocational school district may 411
also administer such an assessment to any student described in 412
division (B)(8)(b) of this section. 413

(10) If the district has ~~been declared to be under an~~ 414
~~academic watch or in a state of academic emergency pursuant to~~ 415
~~section 3302.03 of the Revised Code or has~~ a three-year average 416
graduation rate of not more than seventy-five per cent, administer 417
each assessment prescribed by division (D) of section 3301.0710 of 418
the Revised Code in September to all ninth grade students, 419
beginning in the school year that starts July 1, 2005. 420

Except as provided in section 3313.614 of the Revised Code 421

for administration of an assessment to a person who has fulfilled 422
the curriculum requirement for a high school diploma but has not 423
passed one or more of the required assessments, the assessments 424
prescribed under division (B)(1) of section 3301.0710 of the 425
Revised Code and the practice assessments prescribed under 426
division (D) of that section and required to be administered under 427
divisions (B)(8), (9), and (10) of this section shall not be 428
administered after the assessment system prescribed by division 429
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 430
Code is implemented under rule of the state board adopted under 431
division (D)(1) of section 3301.0712 of the Revised Code. 432

(11) Administer the assessments prescribed by division (B)(2) 433
of section 3301.0710 and section 3301.0712 of the Revised Code in 434
accordance with the timeline and plan for implementation of those 435
assessments prescribed by rule of the state board adopted under 436
division (D)(1) of section 3301.0712 of the Revised Code. 437

(C)(1)(a) In the case of a student receiving special 438
education services under Chapter 3323. of the Revised Code, the 439
individualized education program developed for the student under 440
that chapter shall specify the manner in which the student will 441
participate in the assessments administered under this section. 442
The individualized education program may excuse the student from 443
taking any particular assessment required to be administered under 444
this section if it instead specifies an alternate assessment 445
method approved by the department of education as conforming to 446
requirements of federal law for receipt of federal funds for 447
disadvantaged pupils. To the extent possible, the individualized 448
education program shall not excuse the student from taking an 449
assessment unless no reasonable accommodation can be made to 450
enable the student to take the assessment. 451

(b) Any alternate assessment approved by the department for a 452
student under this division shall produce measurable results 453

comparable to those produced by the assessment it replaces in 454
order to allow for the student's results to be included in the 455
data compiled for a school district or building under section 456
3302.03 of the Revised Code. 457

(c) Any student enrolled in a chartered nonpublic school who 458
has been identified, based on an evaluation conducted in 459
accordance with section 3323.03 of the Revised Code or section 504 460
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 461
794, as amended, as a child with a disability shall be excused 462
from taking any particular assessment required to be administered 463
under this section if a plan developed for the student pursuant to 464
rules adopted by the state board excuses the student from taking 465
that assessment. In the case of any student so excused from taking 466
an assessment, the chartered nonpublic school shall not prohibit 467
the student from taking the assessment. 468

(2) A district board may, for medical reasons or other good 469
cause, excuse a student from taking an assessment administered 470
under this section on the date scheduled, but that assessment 471
shall be administered to the excused student not later than nine 472
days following the scheduled date. The district board shall 473
annually report the number of students who have not taken one or 474
more of the assessments required by this section to the state 475
board of education not later than the thirtieth day of June. 476

(3) As used in this division, "limited English proficient 477
student" has the same meaning as in 20 U.S.C. 7801. 478

No school district board shall excuse any limited English 479
proficient student from taking any particular assessment required 480
to be administered under this section, except that any limited 481
English proficient student who has been enrolled in United States 482
schools for less than one full school year shall not be required 483
to take any reading, writing, or English language arts assessment. 484
However, no board shall prohibit a limited English proficient 485

student who is not required to take an assessment under this 486
division from taking the assessment. A board may permit any 487
limited English proficient student to take an assessment required 488
to be administered under this section with appropriate 489
accommodations, as determined by the department. For each limited 490
English proficient student, each school district shall annually 491
assess that student's progress in learning English, in accordance 492
with procedures approved by the department. 493

The governing authority of a chartered nonpublic school may 494
excuse a limited English proficient student from taking any 495
assessment administered under this section. However, no governing 496
authority shall prohibit a limited English proficient student from 497
taking the assessment. 498

(D)(1) In the school year next succeeding the school year in 499
which the assessments prescribed by division (A)(1) or (B)(1) of 500
section 3301.0710 of the Revised Code or former division (A)(1), 501
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 502
existed prior to September 11, 2001, are administered to any 503
student, the board of education of any school district in which 504
the student is enrolled in that year shall provide to the student 505
intervention services commensurate with the student's performance, 506
including any intensive intervention required under section 507
3313.608 of the Revised Code, in any skill in which the student 508
failed to demonstrate at least a score at the proficient level on 509
the assessment. 510

(2) Following any administration of the assessments 511
prescribed by division (D) of section 3301.0710 of the Revised 512
Code to ninth grade students, each school district that has a 513
three-year average graduation rate of not more than seventy-five 514
per cent shall determine for each high school in the district 515
whether the school shall be required to provide intervention 516
services to any students who took the assessments. In determining 517

which high schools shall provide intervention services based on 518
the resources available, the district shall consider each school's 519
graduation rate and scores on the practice assessments. The 520
district also shall consider the scores received by ninth grade 521
students on the English language arts and mathematics assessments 522
prescribed under division (A)(1)(f) of section 3301.0710 of the 523
Revised Code in the eighth grade in determining which high schools 524
shall provide intervention services. 525

Each high school selected to provide intervention services 526
under this division shall provide intervention services to any 527
student whose results indicate that the student is failing to make 528
satisfactory progress toward being able to attain scores at the 529
proficient level on the Ohio graduation tests. Intervention 530
services shall be provided in any skill in which a student 531
demonstrates unsatisfactory progress and shall be commensurate 532
with the student's performance. Schools shall provide the 533
intervention services prior to the end of the school year, during 534
the summer following the ninth grade, in the next succeeding 535
school year, or at any combination of those times. 536

(E) Except as provided in section 3313.608 of the Revised 537
Code and division (M) of this section, no school district board of 538
education shall utilize any student's failure to attain a 539
specified score on an assessment administered under this section 540
as a factor in any decision to deny the student promotion to a 541
higher grade level. However, a district board may choose not to 542
promote to the next grade level any student who does not take an 543
assessment administered under this section or make up an 544
assessment as provided by division (C)(2) of this section and who 545
is not exempt from the requirement to take the assessment under 546
division (C)(3) of this section. 547

(F) No person shall be charged a fee for taking any 548
assessment administered under this section. 549

(G)(1) Each school district board shall designate one 550
location for the collection of assessments administered in the 551
spring under division (B)(1) of this section and those 552
administered under divisions (B)(2) to (7) of this section. Each 553
district board shall submit the assessments to the entity with 554
which the department contracts for the scoring of the assessments 555
as follows: 556

(a) If the district's total enrollment in grades kindergarten 557
through twelve during the first full school week of October was 558
less than two thousand five hundred, not later than the Friday 559
after all of the assessments have been administered; 560

(b) If the district's total enrollment in grades kindergarten 561
through twelve during the first full school week of October was 562
two thousand five hundred or more, but less than seven thousand, 563
not later than the Monday after all of the assessments have been 564
administered; 565

(c) If the district's total enrollment in grades kindergarten 566
through twelve during the first full school week of October was 567
seven thousand or more, not later than the Tuesday after all of 568
the assessments have been administered. 569

However, any assessment that a student takes during the 570
make-up period described in division (C)(2) of this section shall 571
be submitted not later than the Friday following the day the 572
student takes the assessment. 573

(2) The department or an entity with which the department 574
contracts for the scoring of the assessment shall send to each 575
school district board a list of the individual scores of all 576
persons taking an assessment prescribed by division (A)(1) or 577
(B)(1) of section 3301.0710 of the Revised Code within sixty days 578
after its administration, but in no case shall the scores be 579
returned later than the fifteenth day of June following the 580

administration. For assessments administered under this section by 581
a joint vocational school district, the department or entity shall 582
also send to each city, local, or exempted village school district 583
a list of the individual scores of any students of such city, 584
local, or exempted village school district who are attending 585
school in the joint vocational school district. 586

(H) Individual scores on any assessments administered under 587
this section shall be released by a district board only in 588
accordance with section 3319.321 of the Revised Code and the rules 589
adopted under division (A) of this section. No district board or 590
its employees shall utilize individual or aggregate results in any 591
manner that conflicts with rules for the ethical use of 592
assessments adopted pursuant to division (A) of this section. 593

(I) Except as provided in division (G) of this section, the 594
department or an entity with which the department contracts for 595
the scoring of the assessment shall not release any individual 596
scores on any assessment administered under this section. The 597
state board of education shall adopt rules to ensure the 598
protection of student confidentiality at all times. The rules may 599
require the use of the data verification codes assigned to 600
students pursuant to division (D)(2) of section 3301.0714 of the 601
Revised Code to protect the confidentiality of student scores. 602

(J) Notwithstanding division (D) of section 3311.52 of the 603
Revised Code, this section does not apply to the board of 604
education of any cooperative education school district except as 605
provided under rules adopted pursuant to this division. 606

(1) In accordance with rules that the state board of 607
education shall adopt, the board of education of any city, 608
exempted village, or local school district with territory in a 609
cooperative education school district established pursuant to 610
divisions (A) to (C) of section 3311.52 of the Revised Code may 611
enter into an agreement with the board of education of the 612

cooperative education school district for administering any 613
assessment prescribed under this section to students of the city, 614
exempted village, or local school district who are attending 615
school in the cooperative education school district. 616

(2) In accordance with rules that the state board of 617
education shall adopt, the board of education of any city, 618
exempted village, or local school district with territory in a 619
cooperative education school district established pursuant to 620
section 3311.521 of the Revised Code shall enter into an agreement 621
with the cooperative district that provides for the administration 622
of any assessment prescribed under this section to both of the 623
following: 624

(a) Students who are attending school in the cooperative 625
district and who, if the cooperative district were not 626
established, would be entitled to attend school in the city, 627
local, or exempted village school district pursuant to section 628
3313.64 or 3313.65 of the Revised Code; 629

(b) Persons described in division (B)(8)(b) of this section. 630

Any assessment of students pursuant to such an agreement 631
shall be in lieu of any assessment of such students or persons 632
pursuant to this section. 633

(K)(1) As a condition of compliance with section 3313.612 of 634
the Revised Code, each chartered nonpublic school that educates 635
students in grades nine through twelve shall administer the 636
assessments prescribed by divisions (B)(1) and (2) of section 637
3301.0710 of the Revised Code. Any chartered nonpublic school may 638
participate in the assessment program by administering any of the 639
assessments prescribed by division (A) of section 3301.0710 of the 640
Revised Code. The chief administrator of the school shall specify 641
which assessments the school will administer. Such specification 642
shall be made in writing to the superintendent of public 643

instruction prior to the first day of August of any school year in 644
which assessments are administered and shall include a pledge that 645
the nonpublic school will administer the specified assessments in 646
the same manner as public schools are required to do under this 647
section and rules adopted by the department. 648

(2) The department of education shall furnish the assessments 649
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 650
to each chartered nonpublic school that participates under this 651
division. 652

(L)(1) The superintendent of the state school for the blind 653
and the superintendent of the state school for the deaf shall 654
administer the assessments described by sections 3301.0710 and 655
3301.0712 of the Revised Code. Each superintendent shall 656
administer the assessments in the same manner as district boards 657
are required to do under this section and rules adopted by the 658
department of education and in conformity with division (C)(1)(a) 659
of this section. 660

(2) The department of education shall furnish the assessments 661
described by sections 3301.0710 and 3301.0712 of the Revised Code 662
to each superintendent. 663

(M) Notwithstanding division (E) of this section, a school 664
district may use a student's failure to attain a score in at least 665
the proficient range on the mathematics assessment described by 666
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 667
an assessment described by division (A)(1)(b), (c), (d), (e), or 668
(f) of section 3301.0710 of the Revised Code as a factor in 669
retaining that student in the current grade level. 670

(N)(1) In the manner specified in divisions (N)(3) and (4) of 671
this section, the assessments required by division (A)(1) of 672
section 3301.0710 of the Revised Code shall become public records 673
pursuant to section 149.43 of the Revised Code on the first day of 674

July following the school year that the assessments were 675
administered. 676

(2) The department may field test proposed questions with 677
samples of students to determine the validity, reliability, or 678
appropriateness of questions for possible inclusion in a future 679
year's assessment. The department also may use anchor questions on 680
assessments to ensure that different versions of the same 681
assessment are of comparable difficulty. 682

Field test questions and anchor questions shall not be 683
considered in computing scores for individual students. Field test 684
questions and anchor questions may be included as part of the 685
administration of any assessment required by division (A)(1) or 686
(B)(1) of section 3301.0710 of the Revised Code. 687

(3) Any field test question or anchor question administered 688
under division (N)(2) of this section shall not be a public 689
record. Such field test questions and anchor questions shall be 690
redacted from any assessments which are released as a public 691
record pursuant to division (N)(1) of this section. 692

(4) This division applies to the assessments prescribed by 693
division (A) of section 3301.0710 of the Revised Code. 694

(a) The first administration of each assessment, as specified 695
in former section 3301.0712 of the Revised Code, shall be a public 696
record. 697

(b) For subsequent administrations of each assessment prior 698
to the 2011-2012 school year, not less than forty per cent of the 699
questions on the assessment that are used to compute a student's 700
score shall be a public record. The department shall determine 701
which questions will be needed for reuse on a future assessment 702
and those questions shall not be public records and shall be 703
redacted from the assessment prior to its release as a public 704
record. However, for each redacted question, the department shall 705

inform each city, local, and exempted village school district of 706
the statewide academic standard adopted by the state board of 707
education under section 3301.079 of the Revised Code and the 708
corresponding benchmark to which the question relates. The 709
preceding sentence does not apply to field test questions that are 710
redacted under division (N)(3) of this section. 711

(c) The administrations of each assessment in the 2011-2012 712
school year and later shall not be a public record. 713

(5) Each assessment prescribed by division (B)(1) of section 714
3301.0710 of the Revised Code shall not be a public record. 715

(O) As used in this section: 716

(1) "Three-year average" means the average of the most recent 717
consecutive three school years of data. 718

(2) "Dropout" means a student who withdraws from school 719
before completing course requirements for graduation and who is 720
not enrolled in an education program approved by the state board 721
of education or an education program outside the state. "Dropout" 722
does not include a student who has departed the country. 723

(3) "Graduation rate" means the ratio of students receiving a 724
diploma to the number of students who entered ninth grade four 725
years earlier. Students who transfer into the district are added 726
to the calculation. Students who transfer out of the district for 727
reasons other than dropout are subtracted from the calculation. If 728
a student who was a dropout in any previous year returns to the 729
same school district, that student shall be entered into the 730
calculation as if the student had entered ninth grade four years 731
before the graduation year of the graduating class that the 732
student joins. 733

Sec. 3301.0714. (A) The state board of education shall adopt 734
rules for a statewide education management information system. The 735

rules shall require the state board to establish guidelines for 736
the establishment and maintenance of the system in accordance with 737
this section and the rules adopted under this section. The 738
guidelines shall include: 739

(1) Standards identifying and defining the types of data in 740
the system in accordance with divisions (B) and (C) of this 741
section; 742

(2) Procedures for annually collecting and reporting the data 743
to the state board in accordance with division (D) of this 744
section; 745

(3) Procedures for annually compiling the data in accordance 746
with division (G) of this section; 747

(4) Procedures for annually reporting the data to the public 748
in accordance with division (H) of this section. 749

(B) The guidelines adopted under this section shall require 750
the data maintained in the education management information system 751
to include at least the following: 752

(1) Student participation and performance data, for each 753
grade in each school district as a whole and for each grade in 754
each school building in each school district, that includes: 755

(a) The numbers of students receiving each category of 756
instructional service offered by the school district, such as 757
regular education instruction, vocational education instruction, 758
specialized instruction programs or enrichment instruction that is 759
part of the educational curriculum, instruction for gifted 760
students, instruction for students with disabilities, and remedial 761
instruction. The guidelines shall require instructional services 762
under this division to be divided into discrete categories if an 763
instructional service is limited to a specific subject, a specific 764
type of student, or both, such as regular instructional services 765
in mathematics, remedial reading instructional services, 766

instructional services specifically for students gifted in 767
mathematics or some other subject area, or instructional services 768
for students with a specific type of disability. The categories of 769
instructional services required by the guidelines under this 770
division shall be the same as the categories of instructional 771
services used in determining cost units pursuant to division 772
(C)(3) of this section. 773

(b) The numbers of students receiving support or 774
extracurricular services for each of the support services or 775
extracurricular programs offered by the school district, such as 776
counseling services, health services, and extracurricular sports 777
and fine arts programs. The categories of services required by the 778
guidelines under this division shall be the same as the categories 779
of services used in determining cost units pursuant to division 780
(C)(4)(a) of this section. 781

(c) Average student grades in each subject in grades nine 782
through twelve; 783

(d) Academic achievement levels as assessed under sections 784
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 785

(e) The number of students designated as having a disabling 786
condition pursuant to division (C)(1) of section 3301.0711 of the 787
Revised Code; 788

(f) The numbers of students reported to the state board 789
pursuant to division (C)(2) of section 3301.0711 of the Revised 790
Code; 791

(g) Attendance rates and the average daily attendance for the 792
year. For purposes of this division, a student shall be counted as 793
present for any field trip that is approved by the school 794
administration. 795

(h) Expulsion rates; 796

(i) Suspension rates;	797
(j) Dropout rates;	798
(k) Rates of retention in grade;	799
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	800 801 802
(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;	803 804 805 806 807
(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 if the parent of that student requests the district not to report those results.	808 809 810 811 812 813 814
(2) Personnel and classroom enrollment data for each school district, including:	815 816
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	817 818 819 820 821 822 823 824 825 826

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

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

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

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

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool

program, a private preschool program, or a head start program, and 859
the number of years the student participated in each of these 860
programs. 861

(4) Any data required to be collected pursuant to federal 862
law. 863

(C) The education management information system shall include 864
cost accounting data for each district as a whole and for each 865
school building in each school district. The guidelines adopted 866
under this section shall require the cost data for each school 867
district to be maintained in a system of mutually exclusive cost 868
units and shall require all of the costs of each school district 869
to be divided among the cost units. The guidelines shall require 870
the system of mutually exclusive cost units to include at least 871
the following: 872

(1) Administrative costs for the school district as a whole. 873
The guidelines shall require the cost units under this division 874
(C)(1) to be designed so that each of them may be compiled and 875
reported in terms of average expenditure per pupil in formula ADM 876
in the school district, as determined pursuant to section 3317.03 877
of the Revised Code. 878

(2) Administrative costs for each school building in the 879
school district. The guidelines shall require the cost units under 880
this division (C)(2) to be designed so that each of them may be 881
compiled and reported in terms of average expenditure per 882
full-time equivalent pupil receiving instructional or support 883
services in each building. 884

(3) Instructional services costs for each category of 885
instructional service provided directly to students and required 886
by guidelines adopted pursuant to division (B)(1)(a) of this 887
section. The guidelines shall require the cost units under 888
division (C)(3) of this section to be designed so that each of 889

them may be compiled and reported in terms of average expenditure 890
per pupil receiving the service in the school district as a whole 891
and average expenditure per pupil receiving the service in each 892
building in the school district and in terms of a total cost for 893
each category of service and, as a breakdown of the total cost, a 894
cost for each of the following components: 895

(a) The cost of each instructional services category required 896
by guidelines adopted under division (B)(1)(a) of this section 897
that is provided directly to students by a classroom teacher; 898

(b) The cost of the instructional support services, such as 899
services provided by a speech-language pathologist, classroom 900
aide, multimedia aide, or librarian, provided directly to students 901
in conjunction with each instructional services category; 902

(c) The cost of the administrative support services related 903
to each instructional services category, such as the cost of 904
personnel that develop the curriculum for the instructional 905
services category and the cost of personnel supervising or 906
coordinating the delivery of the instructional services category. 907

(4) Support or extracurricular services costs for each 908
category of service directly provided to students and required by 909
guidelines adopted pursuant to division (B)(1)(b) of this section. 910
The guidelines shall require the cost units under division (C)(4) 911
of this section to be designed so that each of them may be 912
compiled and reported in terms of average expenditure per pupil 913
receiving the service in the school district as a whole and 914
average expenditure per pupil receiving the service in each 915
building in the school district and in terms of a total cost for 916
each category of service and, as a breakdown of the total cost, a 917
cost for each of the following components: 918

(a) The cost of each support or extracurricular services 919
category required by guidelines adopted under division (B)(1)(b) 920

of this section that is provided directly to students by a 921
licensed employee, such as services provided by a guidance 922
counselor or any services provided by a licensed employee under a 923
supplemental contract; 924

(b) The cost of each such services category provided directly 925
to students by a nonlicensed employee, such as janitorial 926
services, cafeteria services, or services of a sports trainer; 927

(c) The cost of the administrative services related to each 928
services category in division (C)(4)(a) or (b) of this section, 929
such as the cost of any licensed or nonlicensed employees that 930
develop, supervise, coordinate, or otherwise are involved in 931
administering or aiding the delivery of each services category. 932

(D)(1) The guidelines adopted under this section shall 933
require school districts to collect information about individual 934
students, staff members, or both in connection with any data 935
required by division (B) or (C) of this section or other reporting 936
requirements established in the Revised Code. The guidelines may 937
also require school districts to report information about 938
individual staff members in connection with any data required by 939
division (B) or (C) of this section or other reporting 940
requirements established in the Revised Code. The guidelines shall 941
not authorize school districts to request social security numbers 942
of individual students. The guidelines shall prohibit the 943
reporting under this section of a student's name, address, and 944
social security number to the state board of education or the 945
department of education. The guidelines shall also prohibit the 946
reporting under this section of any personally identifiable 947
information about any student, except for the purpose of assigning 948
the data verification code required by division (D)(2) of this 949
section, to any other person unless such person is employed by the 950
school district or the information technology center operated 951
under section 3301.075 of the Revised Code and is authorized by 952

the district or technology center to have access to such 953
information or is employed by an entity with which the department 954
contracts for the scoring or the development of state assessments 955
~~administered under section 3301.0711 of the Revised Code.~~ The 956
guidelines may require school districts to provide the social 957
security numbers of individual staff members and the county of 958
residence for a student. Nothing in this section prohibits the 959
state board of education or department of education from providing 960
a student's county of residence to the department of taxation to 961
facilitate the distribution of tax revenue. 962

(2)(a) The guidelines shall provide for each school district 963
or community school to assign a data verification code that is 964
unique on a statewide basis over time to each student whose 965
initial Ohio enrollment is in that district or school and to 966
report all required individual student data for that student 967
utilizing such code. The guidelines shall also provide for 968
assigning data verification codes to all students enrolled in 969
districts or community schools on the effective date of the 970
guidelines established under this section. The assignment of data 971
verification codes for other entities, as described in division 972
(D)(2)(c) of this section, the use of those codes, and the 973
reporting and use of associated individual student data shall be 974
coordinated by the department in accordance with state and federal 975
law. 976

School districts shall report individual student data to the 977
department through the information technology centers utilizing 978
the code. The entities described in division (D)(2)(c) of this 979
section shall report individual student data to the department in 980
the manner prescribed by the department. 981

Except as provided in sections 3301.941, 3310.11, 3310.42, 982
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 983
shall the state board or the department have access to information 984

that would enable any data verification code to be matched to 985
personally identifiable student data. 986

(b) Each school district and community school shall ensure 987
that the data verification code is included in the student's 988
records reported to any subsequent school district, community 989
school, or state institution of higher education, as defined in 990
section 3345.011 of the Revised Code, in which the student 991
enrolls. Any such subsequent district or school shall utilize the 992
same identifier in its reporting of data under this section. 993

(c) The director of any state agency that administers a 994
publicly funded program providing services to children who are 995
younger than compulsory school age, as defined in section 3321.01 996
of the Revised Code, including the directors of health, job and 997
family services, mental health, and developmental disabilities, 998
shall request and receive, pursuant to sections 3301.0723 and 999
3701.62 of the Revised Code, a data verification code for a child 1000
who is receiving those services. 1001

(E) The guidelines adopted under this section may require 1002
school districts to collect and report data, information, or 1003
reports other than that described in divisions (A), (B), and (C) 1004
of this section for the purpose of complying with other reporting 1005
requirements established in the Revised Code. The other data, 1006
information, or reports may be maintained in the education 1007
management information system but are not required to be compiled 1008
as part of the profile formats required under division (G) of this 1009
section or the annual statewide report required under division (H) 1010
of this section. 1011

(F) Beginning with the school year that begins July 1, 1991, 1012
the board of education of each school district shall annually 1013
collect and report to the state board, in accordance with the 1014
guidelines established by the board, the data required pursuant to 1015
this section. A school district may collect and report these data 1016

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1017

(G) The state board shall, in accordance with the procedures 1018
it adopts, annually compile the data reported by each school 1019
district pursuant to division (D) of this section. The state board 1020
shall design formats for profiling each school district as a whole 1021
and each school building within each district and shall compile 1022
the data in accordance with these formats. These profile formats 1023
shall: 1024

(1) Include all of the data gathered under this section in a 1025
manner that facilitates comparison among school districts and 1026
among school buildings within each school district; 1027

(2) Present the data on academic achievement levels as 1028
assessed by the testing of student achievement maintained pursuant 1029
to division (B)(1)(d) of this section. 1030

(H)(1) The state board shall, in accordance with the 1031
procedures it adopts, annually prepare a statewide report for all 1032
school districts and the general public that includes the profile 1033
of each of the school districts developed pursuant to division (G) 1034
of this section. Copies of the report shall be sent to each school 1035
district. 1036

(2) The state board shall, in accordance with the procedures 1037
it adopts, annually prepare an individual report for each school 1038
district and the general public that includes the profiles of each 1039
of the school buildings in that school district developed pursuant 1040
to division (G) of this section. Copies of the report shall be 1041
sent to the superintendent of the district and to each member of 1042
the district board of education. 1043

(3) Copies of the reports received from the state board under 1044
divisions (H)(1) and (2) of this section shall be made available 1045
to the general public at each school district's offices. Each 1046
district board of education shall make copies of each report 1047

available to any person upon request and payment of a reasonable 1048
fee for the cost of reproducing the report. The board shall 1049
annually publish in a newspaper of general circulation in the 1050
school district, at least twice during the two weeks prior to the 1051
week in which the reports will first be available, a notice 1052
containing the address where the reports are available and the 1053
date on which the reports will be available. 1054

(I) Any data that is collected or maintained pursuant to this 1055
section and that identifies an individual pupil is not a public 1056
record for the purposes of section 149.43 of the Revised Code. 1057

(J) As used in this section: 1058

(1) "School district" means any city, local, exempted 1059
village, or joint vocational school district and, in accordance 1060
with section 3314.17 of the Revised Code, any community school. As 1061
used in division (L) of this section, "school district" also 1062
includes any educational service center or other educational 1063
entity required to submit data using the system established under 1064
this section. 1065

(2) "Cost" means any expenditure for operating expenses made 1066
by a school district excluding any expenditures for debt 1067
retirement except for payments made to any commercial lending 1068
institution for any loan approved pursuant to section 3313.483 of 1069
the Revised Code. 1070

(K) Any person who removes data from the information system 1071
established under this section for the purpose of releasing it to 1072
any person not entitled under law to have access to such 1073
information is subject to section 2913.42 of the Revised Code 1074
prohibiting tampering with data. 1075

(L)(1) In accordance with division (L)(2) of this section and 1076
the rules adopted under division (L)(10) of this section, the 1077
department of education may sanction any school district that 1078

reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

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

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

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, 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;	1110 1111 1112
(iv) Continue monitoring the district's data reporting;	1113
(v) Assign department staff to supervise the district's data management system;	1114 1115
(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;	1116 1117 1118
(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;	1119 1120 1121 1122
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	1123 1124 1125 1126 1127
(ix) Any other action designed to correct the district's data reporting problems.	1128 1129
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	1130 1131 1132 1133 1134 1135
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	1136 1137 1138 1139

withheld funds from the district under that division, the 1140
department may release those funds to the district, except that if 1141
the department withheld funding under division (L)(2)(c) of this 1142
section, the department shall not release the funds withheld under 1143
division (L)(2)(b) of this section and, if the department withheld 1144
funding under division (L)(2)(d) of this section, the department 1145
shall not release the funds withheld under division (L)(2)(b) or 1146
(c) of this section. 1147

(5) Notwithstanding anything in this section to the contrary, 1148
the department may use its own staff or an outside entity to 1149
conduct an audit of a school district's data reporting practices 1150
any time the department has reason to believe the district has not 1151
made a good faith effort to report data as required by this 1152
section. If any audit conducted by an outside entity under 1153
division (L)(2)(d)(i) or (5) of this section confirms that a 1154
district has not made a good faith effort to report data as 1155
required by this section, the district shall reimburse the 1156
department for the full cost of the audit. The department may 1157
withhold state funds due to the district for this purpose. 1158

(6) Prior to issuing a revised report card for a school 1159
district under division (L)(2)(d)(viii) of this section, the 1160
department may hold a hearing to provide the district with an 1161
opportunity to demonstrate that it made a good faith effort to 1162
report data as required by this section. The hearing shall be 1163
conducted by a referee appointed by the department. Based on the 1164
information provided in the hearing, the referee shall recommend 1165
whether the department should issue a revised report card for the 1166
district. If the referee affirms the department's contention that 1167
the district did not make a good faith effort to report data as 1168
required by this section, the district shall bear the full cost of 1169
conducting the hearing and of issuing any revised report card. 1170

(7) If the department determines that any inaccurate data 1171

reported under this section caused a school district to receive 1172
excess state funds in any fiscal year, the district shall 1173
reimburse the department an amount equal to the excess funds, in 1174
accordance with a payment schedule determined by the department. 1175
The department may withhold state funds due to the district for 1176
this purpose. 1177

(8) Any school district that has funds withheld under 1178
division (L)(2) of this section may appeal the withholding in 1179
accordance with Chapter 119. of the Revised Code. 1180

(9) In all cases of a disagreement between the department and 1181
a school district regarding the appropriateness of an action taken 1182
under division (L)(2) of this section, the burden of proof shall 1183
be on the district to demonstrate that it made a good faith effort 1184
to report data as required by this section. 1185

(10) The state board of education shall adopt rules under 1186
Chapter 119. of the Revised Code to implement division (L) of this 1187
section. 1188

(M) No information technology center or school district shall 1189
acquire, change, or update its student administration software 1190
package to manage and report data required to be reported to the 1191
department unless it converts to a student software package that 1192
is certified by the department. 1193

(N) The state board of education, in accordance with sections 1194
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1195
license as defined under division (A) of section 3319.31 of the 1196
Revised Code that has been issued to any school district employee 1197
found to have willfully reported erroneous, inaccurate, or 1198
incomplete data to the education management information system. 1199

(O) No person shall release or maintain any information about 1200
any student in violation of this section. Whoever violates this 1201
division is guilty of a misdemeanor of the fourth degree. 1202

(P) The department shall disaggregate the data collected 1203
under division (B)(1)(n) of this section according to the race and 1204
socioeconomic status of the students assessed. No data collected 1205
under that division shall be included on the report cards required 1206
by section 3302.03 of the Revised Code. 1207

(Q) If the department cannot compile any of the information 1208
required by division ~~(C)(5)(H)~~ of section 3302.03 of the Revised 1209
Code based upon the data collected under this section, the 1210
department shall develop a plan and a reasonable timeline for the 1211
collection of any data necessary to comply with that division. 1212

Sec. 3302.01. As used in this chapter: 1213

(A) "Performance index score" means the average of the totals 1214
derived from calculations for each subject area of English 1215
language arts, mathematics, science, and social studies of the 1216
weighted proportion of untested students and students scoring at 1217
each level of skill described in division (A)(2) of section 1218
3301.0710 of the Revised Code on the assessments prescribed by 1219
divisions (A) and (B)(1) of that section. The department of 1220
education shall assign weights such that students who do not take 1221
an assessment receive a weight of zero and students who take an 1222
assessment receive progressively larger weights dependent upon the 1223
level of skill attained on the assessment. The department shall 1224
~~also determine the performance index score a school district or~~ 1225
~~building needs to achieve for the purpose of the performance~~ 1226
~~ratings assigned pursuant to section 3302.03~~ assign additional 1227
weights to students who have been permitted to pass over a grade 1228
or subject in accordance with a student acceleration policy 1229
adopted under section 3324.10 of the Revised Code. If such a 1230
student attains the proficient score prescribed under division 1231
(A)(2)(c) of section 3301.0710 of the Revised Code or higher on an 1232
assessment, the department shall assign the student the weight 1233

prescribed for the next higher scoring level. If such a student 1234
attains the advanced score, prescribed under division (A)(2)(a) of 1235
section 3301.0710 of the Revised Code, on an assessment, the 1236
department shall assign to the student an additional proportional 1237
weight, as approved by the state board. For each school year that 1238
such a student's score is included in the performance index score 1239
and the student attains the advanced score on an assessment, that 1240
additional weight shall be assigned to the student. 1241

Students shall be included in the "performance index score" 1242
in accordance with division ~~(D)~~(K)(2) of section 3302.03 of the 1243
Revised Code. 1244

(B) "Subgroup" means a subset of the entire student 1245
population of the state, a school district, or a school building 1246
and includes each of the following: 1247

(1) Major racial and ethnic groups; 1248

(2) Students with disabilities; 1249

(3) Economically disadvantaged students; 1250

(4) Limited English proficient students; 1251

(5) Students identified as gifted in superior cognitive 1252
ability and specific academic ability fields under Chapter 3324. 1253
of the Revised Code. For students who are gifted in specific 1254
academic ability fields, the department shall use data for those 1255
students with specific academic ability in math and reading. If 1256
any other academic field is assessed, the department shall also 1257
include data for students with specific academic ability in that 1258
field. 1259

(6) Students in the lowest quintile for achievement 1260
determined by a method prescribed by the state board of education. 1261

(C) "No Child Left Behind Act of 2001" includes the statutes 1262
codified at 20 U.S.C. 6301 et seq. and any amendments thereto, 1263

rules and regulations promulgated pursuant to those statutes, 1264
guidance documents, and any other policy directives regarding 1265
implementation of that act issued by the United States department 1266
of education. 1267

(D) "Adequate yearly progress" means a measure of annual 1268
academic performance as calculated in accordance with the "No 1269
Child Left Behind Act of 2001." 1270

(E) "Supplemental educational services" means additional 1271
academic assistance, such as tutoring, remediation, or other 1272
educational enrichment activities, that is conducted outside of 1273
the regular school day by a provider approved by the department in 1274
accordance with the "No Child Left Behind Act of 2001." 1275

(F) "Value-added progress dimension" means a measure of 1276
academic gain for a student or group of students over a specific 1277
period of time that is calculated by applying a statistical 1278
methodology to individual student achievement data derived from 1279
the achievement assessments prescribed by section 3301.0710 of the 1280
Revised Code. The "value-added progress dimension" shall be 1281
developed and implemented in accordance with section 3302.021 of 1282
the Revised Code. 1283

(G)(1) "Four-year adjusted cohort graduation rate" means the 1284
number of students who graduate in four years or less with a 1285
regular high school diploma divided by the number of students who 1286
form the adjusted cohort for the graduating class. 1287

(2) "Five-year adjusted cohort graduation rate" means the 1288
number of students who graduate in five years with a regular high 1289
school diploma divided by the number of students who form the 1290
adjusted cohort for the four-year graduation rate. 1291

(H) "State institution of higher education" has the same 1292
meaning as in section 3345.011 of the Revised Code. 1293

(I) "Annual measurable objectives" means a measure of student 1294

progress determined in accordance with an agreement between the 1295
department of education and the United States department of 1296
education. 1297

Sec. 3302.02. Not later than one year after the adoption of 1298
rules under division (D) of section 3301.0712 of the Revised Code 1299
and at least every sixth year thereafter, upon recommendations of 1300
the superintendent of public instruction, the state board of 1301
education shall establish a set of performance indicators that 1302
considered as a unit will be used as one of the performance 1303
categories for the report cards required by ~~division (C) of~~ 1304
section 3302.03 of the Revised Code. In establishing these 1305
indicators, the superintendent shall consider inclusion of student 1306
performance on assessments prescribed under section 3301.0710 or 1307
3301.0712 of the Revised Code, rates of student improvement on 1308
such assessments, ~~student attendance,~~ the breadth of coursework 1309
available within the district, and other indicators of student 1310
success. ~~Not later than December 31, 2011, the state board, upon~~ 1311
~~recommendation of the superintendent, shall establish a~~ 1312

Beginning with the report card for the 2013-2014 school year, 1313
the performance indicator reflecting indicators shall include an 1314
indicator that reflects the level of services provided to, and the 1315
performance of, students identified as gifted under Chapter 3324. 1316
of the Revised Code. The indicator shall include the level of 1317
gifted services provided, performance of students identified as 1318
gifted on state assessments, value-added growth measure 1319
disaggregated for students identified as gifted, the level of 1320
gifted identification effort, appropriate licensed gifted staff 1321
levels, the level of professional development provided to general 1322
education teachers working with gifted students, and gifted 1323
education spending. 1324

For the 2013-2014 school year, for any indicator based on the 1325

percentage of students attaining a proficient score on the 1326
assessments prescribed by divisions (A) and (B)(1) of section 1327
3301.0710 of the Revised Code, a school district or building shall 1328
be considered to have met the indicator if at least eighty per 1329
cent of the tested students attain a score of proficient or higher 1330
on the assessment. Not later than July 1, 2014, the state board 1331
may adopt rules, under Chapter 119. of the Revised Code, to 1332
establish a different proficiency percentage to meet each 1333
indicator that is based on a state assessment for the 2014-2015 1334
school year and thereafter. 1335

The superintendent shall inform the Ohio accountability ~~task~~ 1336
~~force~~ advisory committee established under section 3302.021 of the 1337
Revised Code of the performance indicators the superintendent 1338
establishes under this section and the rationale for choosing each 1339
indicator and for determining how a school district or building 1340
meets that indicator. 1341

The superintendent shall not establish any performance 1342
indicator for passage of the third or fourth grade English 1343
language arts assessment that is solely based on the assessment 1344
given in the fall for the purpose of determining whether students 1345
have met the reading guarantee provisions of section 3313.608 of 1346
the Revised Code. 1347

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1348
later than July 1, 2007, the department of education shall 1349
implement a value-added progress dimension for school districts 1350
and buildings and shall incorporate the value-added progress 1351
dimension into the report cards and performance ratings issued for 1352
districts and buildings under section 3302.03 of the Revised Code. 1353

The state board of education shall adopt rules, pursuant to 1354
Chapter 119. of the Revised Code, for the implementation of the 1355
value-added progress dimension. In adopting rules, the state board 1356

shall consult with the Ohio accountability ~~task force~~ advisory 1357
committee established under division (E) of this section. The 1358
rules adopted under this division shall specify both of the 1359
following: 1360

(1) A scale for describing the levels of academic progress in 1361
reading and mathematics relative to a standard year of academic 1362
growth in those subjects for each of grades three through eight; 1363

(2) That the department shall maintain the confidentiality of 1364
individual student test scores and individual student reports in 1365
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1366
Revised Code and federal law. The department may require school 1367
districts to use a unique identifier for each student for this 1368
purpose. Individual student test scores and individual student 1369
reports shall be made available only to a student's classroom 1370
teacher and other appropriate educational personnel and to the 1371
student's parent or guardian. 1372

(B) The department shall use a system designed for collecting 1373
necessary data, calculating the value-added progress dimension, 1374
analyzing data, and generating reports, which system has been used 1375
previously by a nonprofit organization led by the Ohio business 1376
community for at least one year in the operation of a pilot 1377
program in cooperation with school districts to collect and report 1378
student achievement data via electronic means and to provide 1379
information to the districts regarding the academic performance of 1380
individual students, grade levels, school buildings, and the 1381
districts as a whole. 1382

(C) The department shall not pay more than two dollars per 1383
student for data analysis and reporting to implement the 1384
value-added progress dimension in the same manner and with the 1385
same services as under the pilot program described by division (B) 1386
of this section. However, nothing in this section shall preclude 1387
the department or any school district from entering into a 1388

contract for the provision of more services at a higher fee per 1389
student. Any data analysis conducted under this section by an 1390
entity under contract with the department shall be completed in 1391
accordance with timelines established by the superintendent of 1392
public instruction. 1393

(D) The department shall share any aggregate student data and 1394
any calculation, analysis, or report utilizing aggregate student 1395
data that is generated under this section with the chancellor of 1396
the Ohio board of regents. The department shall not share 1397
individual student test scores and individual student reports with 1398
the chancellor. 1399

(E)(1) There is hereby established the Ohio accountability 1400
~~task force~~ advisory committee. The ~~task force~~ advisory committee 1401
shall consist of the following ~~thirteen~~ fourteen members: 1402

(a) The chairpersons and ranking minority members of the 1403
house of representatives and senate standing committees primarily 1404
responsible for education legislation, who shall be nonvoting 1405
members; 1406

~~(b) One representative of the governor's office, appointed by~~ 1407
~~the governor;~~ 1408

~~(c) The superintendent of public instruction, or the~~ 1409
~~superintendent's designee, who shall be a nonvoting member;~~ 1410

~~(d) One representative of teacher employee organizations~~ 1411
~~formed pursuant to Chapter 4117. of the Revised Code~~ (c) Three 1412
members of the public who shall have experience or expertise in 1413
education, statistics and student data analysis, or education 1414
public policy, appointed by the speaker of the house of 1415
representatives; 1416

~~(e) One representative of school district boards of education~~ 1417
(d) Three members of the public who shall have experience or 1418
expertise in education, statistics and student data analysis, or 1419

education public policy, appointed by the president of the senate; 1420

~~(f) One school district superintendent~~ (e) Two members of the 1421

public who shall have experience or expertise in education, 1422

statistics and student data analysis, or education public policy, 1423

appointed by the ~~speaker of the house of representatives~~ governor; 1424

1425

~~(g)(f) One representative of business~~ member of the public 1426

who shall have experience or expertise as an analyst or auditor, 1427

appointed by the ~~president of the senate;~~ 1428

~~(h) One representative of a nonprofit organization led by the~~ 1429

~~Ohio business community, appointed by the governor;~~ 1430

~~(i) One school building principal, appointed by the president~~ 1431

~~of the senate;~~ 1432

~~(j) A member of the state board of education, appointed by~~ 1433

~~the speaker of the house of representatives~~ auditor of state. 1434

~~Initial appointed members of the task force shall serve until~~ 1435

~~January 1, 2005. Thereafter, The~~ terms of office for appointed 1436

members shall be for two years, each term ending on the same day 1437

of the same month as did the term that it succeeds. Each appointed 1438

member shall hold office from the date of appointment until the 1439

end of the term for which the member was appointed. Members may be 1440

reappointed. Vacancies shall be filled in the same manner as the 1441

original appointment. Any member appointed to fill a vacancy 1442

occurring prior to the expiration of the term for which the 1443

member's predecessor was appointed shall hold office for the 1444

remainder of that term. 1445

The ~~task force~~ committee shall select from among its members 1446

a chairperson. The ~~task force~~ committee shall meet at least ~~once~~ 1447

twice each calendar year and at other times upon the call of the 1448

chairperson to conduct its business. Members of the ~~task force~~ 1449

committee shall serve without compensation. 1450

(2) The ~~task force~~ committee shall do all of the following: 1451

(a) Examine the implementation of the value-added progress 1452
dimension by the department, including the system described in 1453
division (B) of this section, and the reporting of performance 1454
data to school districts and buildings, ~~and the provision of~~ 1455
~~professional development on the interpretation of the data to~~ 1456
~~classroom teachers and administrators;~~ 1457

(b) Periodically review any fees for data analysis and 1458
reporting paid by the department pursuant to division (C) of this 1459
section and determine if the fees are appropriate based upon the 1460
level of services provided; 1461

(c) Periodically report to the ~~department~~ governor, general 1462
assembly, and ~~the~~ state board on all issues related to the school 1463
district and building accountability system established under this 1464
chapter; 1465

(d) ~~Not later than seven years after its initial meeting,~~ 1466
~~make recommendations to improve the school district and building~~ 1467
~~accountability system established under this chapter. The task~~ 1468
~~force~~ committee shall adopt recommendations on improving the 1469
school district and building accountability system established 1470
under this chapter by a majority vote of its members. Copies of 1471
the recommendations shall be provided to the state board, the 1472
governor, the speaker of the house of representatives, and the 1473
president of the senate. 1474

~~(e) Determine starting dates for the implementation of the~~ 1475
~~value added progress dimension and its incorporation into school~~ 1476
~~district and building report cards and performance ratings.~~ 1477

(F) The superintendent of public instruction annually shall 1478
submit to the Ohio accountability advisory committee a summary of 1479
the results of the report cards issued under sections 3302.03 and 1480
3314.017 of the Revised Code. 1481

~~Sec. 3302.03. (A) Annually the department of education shall 1482
report for each school district and each school building in a 1483
district all of the following: 1484~~

~~(1) The extent to which the school district or building meets 1485
each of the applicable performance indicators created by the state 1486
board of education under section 3302.02 of the Revised Code and 1487
the number of applicable performance indicators that have been 1488
achieved; 1489~~

~~(2) The performance index score of the school district or 1490
building; 1491~~

~~(3) Whether the school district or building has made adequate 1492
yearly progress; 1493~~

~~(4) Whether the school district or building is excellent, 1494
effective, needs continuous improvement, is under an academic 1495
watch, or is in a state of academic emergency. 1496~~

~~(B) Except as otherwise provided in division (B)(6) of this 1497
section; 1498~~

~~(1) A school district or building shall be declared excellent 1499
if it meets at least ninety four per cent of the applicable state 1500
performance indicators or has a performance index score 1501
established by the department, except that if it does not make 1502
adequate yearly progress for two or more of the same subgroups for 1503
three or more consecutive years, it shall be declared effective. 1504~~

~~(2) A school district or building shall be declared effective 1505
if it meets at least seventy five per cent but less than 1506
ninety four per cent of the applicable state performance 1507
indicators or has a performance index score established by the 1508
department, except that if it does not make adequate yearly 1509
progress for two or more of the same subgroups for three or more 1510
consecutive years, it shall be declared in need of continuous 1511~~

improvement. 1512

~~(3) A school district or building shall be declared to be in
need of continuous improvement if it fulfills one of the following
requirements:~~ 1513
1514
1515

~~(a) It makes adequate yearly progress, meets less than
seventy five per cent of the applicable state performance
indicators, and has a performance index score established by the
department.~~ 1516
1517
1518
1519

~~(b) It does not make adequate yearly progress and either
meets at least fifty per cent but less than seventy five per cent
of the applicable state performance indicators or has a
performance index score established by the department.~~ 1520
1521
1522
1523

~~(4) A school district or building shall be declared to be
under an academic watch if it does not make adequate yearly
progress and either meets at least thirty one per cent but less
than fifty per cent of the applicable state performance indicators
or has a performance index score established by the department.~~ 1524
1525
1526
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1528

~~(5) A school district or building shall be declared to be in
a state of academic emergency if it does not make adequate yearly
progress, does not meet at least thirty one per cent of the
applicable state performance indicators, and has a performance
index score established by the department.~~ 1529
1530
1531
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1533

~~(6) Division (B)(6) of this section does not apply to any
community school established under Chapter 3314. of the Revised
Code in which a majority of the students are enrolled in a dropout
prevention and recovery program.~~ 1534
1535
1536
1537

~~A school district or building shall not be assigned a higher
performance rating than in need of continuous improvement if at
least ten per cent but not more than fifteen per cent of the
enrolled students do not take all achievement assessments
prescribed for their grade level under division (A)(1) or (B)(1)~~ 1538
1539
1540
1541
1542

~~of section 3301.0710 of the Revised Code from which they are not 1543
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1544
the Revised Code. A school district or building shall not be 1545
assigned a higher performance rating than under an academic watch 1546
if more than fifteen per cent but not more than twenty per cent of 1547
the enrolled students do not take all achievement assessments 1548
prescribed for their grade level under division (A)(1) or (B)(1) 1549
of section 3301.0710 of the Revised Code from which they are not 1550
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 1551
the Revised Code. A school district or building shall not be 1552
assigned a higher performance rating than in a state of academic 1553
emergency if more than twenty per cent of the enrolled students do 1554
not take all achievement assessments prescribed for their grade 1555
level under division (A)(1) or (B)(1) of section 3301.0710 of the 1556
Revised Code from which they are not excused pursuant to division 1557
(C)(1) or (3) of section 3301.0711 of the Revised Code. 1558~~

~~(C)(1) The department shall issue annual report cards for 1559
each school district, each building within each district, and for 1560
the state as a whole reflecting performance on the indicators 1561
created by the state board under section 3302.02 of the Revised 1562
Code, the performance index score, and adequate yearly progress. 1563~~

~~(2) The department shall include on the report card for each 1564
district information pertaining to any change from the previous 1565
year made by the school district or school buildings within the 1566
district on any performance indicator. 1567~~

(3) Annually, the department of education shall assign a 1568
letter grade for overall academic performance and for each 1569
separate performance measure to create a performance profile for 1570
each school district, and each school building in a district, in 1571
accordance with this section. The state board shall adopt rules 1572
pursuant to Chapter 119. of the Revised Code to establish 1573
performance criteria for each letter grade and prescribe a method 1574

by which the department assigns each letter grade. For a school 1575
building to which any of the performance measures do not apply, 1576
due to grade levels served by the building, the state board shall 1577
designate the performance measures that are applicable to the 1578
building and that must be calculated separately and used to 1579
calculate the building's overall grade. The department shall issue 1580
annual report cards reflecting the performance profile of each 1581
school district, each building within each district, and for the 1582
state as a whole using the performance measures and letter grade 1583
system described in this section. The department shall include on 1584
the report card for each district the most recent two-year trend 1585
data in student achievement for each subject and each grade. 1586

(A)(1) For the 2012-2013 school year, the department shall 1587
issue grades as described in division (E) of this section for each 1588
of the following performance measures: 1589

(a) Annual measurable objectives; 1590

(b) Performance index score for a school district or 1591
building. Grades shall be awarded as a percentage of the total 1592
possible points on the performance index system as adopted by the 1593
state board. In adopting benchmarks for assigning letter grades 1594
under division (A)(1)(b) of this section, the state board of 1595
education shall designate ninety per cent or higher for an "A," at 1596
least seventy per cent but not more than eighty per cent for a 1597
"C," and less than fifty per cent for an "F." 1598

(c) The extent to which the school district or building meets 1599
each of the applicable performance indicators established by the 1600
state board under section 3302.02 of the Revised Code and the 1601
percentage of applicable performance indicators that have been 1602
achieved. In adopting benchmarks for assigning letter grades under 1603
division (A)(1)(c) of this section, the state board shall 1604
designate ninety per cent or higher for an "A." 1605

(d) The four- and five-year adjusted cohort graduation rates. 1606

In adopting benchmarks for assigning letter grades under 1607
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 1608
department shall designate a four-year adjusted cohort graduation 1609
rate of ninety-three per cent or higher for an "A" and a five-year 1610
cohort graduation rate of ninety-five per cent or higher for an 1611
"A." 1612

(e) The overall score under the value-added progress 1613
dimension of a school district or building, for which the 1614
department shall use at least three years of value-added data as 1615
available. The letter grade assigned for this growth measure shall 1616
be as follows: 1617

(i) A score that is at least two standard errors of measure 1618
above the mean score shall be designated as an "A." 1619

(ii) A score that is at least one standard error of measure 1620
but less than two standard errors of measure above the mean score 1621
shall be designated as a "B." 1622

(iii) A score that is less than one standard error of measure 1623
above the mean score but greater than or equal to one standard 1624
error of measure below the mean score shall be designated as a 1625
"C." 1626

(iv) A score that is not greater than one standard error of 1627
measure below the mean score but is greater than or equal to two 1628
standard errors of measure below the mean score shall be 1629
designated as a "D." 1630

(v) A score that is not greater than two standard errors of 1631
measure below the mean score shall be designated as an "F." 1632

Whenever the value-added progress dimension is used as a 1633
graded performance measure, whether as an overall measure or as a 1634
measure of separate subgroups, the grades for the measure shall be 1635

calculated in the same manner as prescribed in division (A)(1)(e) 1636
of this section. 1637

(f) The rate of participation and average score among 1638
students enrolled in a district or building on a national 1639
standardized test for college admission, selected by the state 1640
board. In adopting benchmarks for assigning letter grades under 1641
divisions (A)(1)(f), (B)(1)(f), and (C)(1)(f) of this section, the 1642
department shall designate as the benchmark for a "C" attainment 1643
of at least both of the following: 1644

(i) A fifty per cent participation rate among eligible 1645
students. The state board shall define a method by which to 1646
calculate the participation rate and the meaning of the term 1647
"eligible student." 1648

(ii) An average district or building composite score that is 1649
the equivalent of the state mean composite score on the test. 1650

(g) The percentage of a district's or building's students who 1651
enroll in state institutions of higher education and who are 1652
determined not to be college-ready. To the extent possible, the 1653
department also shall include the percentage of students who 1654
enroll in institutions of higher education outside of the state 1655
who are determined not to be college-ready. The chancellor of the 1656
Ohio board of regents shall prescribe a method for determining 1657
college readiness. The method prescribed by the chancellor shall 1658
account for all students and shall not classify as not 1659
college-ready those students who do not attend an institution of 1660
higher education, including those students who elect not to go to 1661
college, join the military, or attend institutions that do not 1662
report college-ready statistics. 1663

(h) The value-added progress dimension score for a school 1664
district or building disaggregated for each of the following 1665
subgroups: students identified as gifted, students with 1666

disabilities, and students whose performance places them in the 1667
lowest quintile for achievement on a statewide basis. Each 1668
subgroup shall be a separate graded measure. 1669

(i) The percentage of the district's or building's students 1670
who receive an honors diploma under division (B) of section 1671
3313.61 of the Revised Code. In adopting benchmarks for assigning 1672
letter grades under divisions (A)(1)(i), (B)(1)(k), and (C)(1)(l) 1673
of this section, the state board shall designate at least fifty 1674
per cent of students who have earned an honors diploma as the 1675
benchmark for an "A." 1676

(2) In addition to the graded measures in division (A)(1) of 1677
this section, the department shall include on a school district's 1678
or building's report card both of the following without an 1679
assigned letter grade: 1680

(a) The rate of participation among students enrolled in a 1681
district or building in advanced placement classes and the 1682
percentage of those students who receive a score of three or 1683
better on advanced placement examinations; 1684

(b) The number of high school and college credits a 1685
district's or building's students have earned in that school year 1686
through dual enrollment programs, such as the post-secondary 1687
enrollment options program under Chapter 3365. of the Revised Code 1688
and career-technical dual enrollment programs, that appear on a 1689
student's post-secondary transcript or other official document, 1690
either of which is issued by the institution of higher education 1691
from which the student earned the college credit. The credits 1692
earned that are displayed under divisions (A)(2)(b), (B)(2)(a), 1693
and (C)(1)(j) of this section shall not include any that are 1694
remedial or developmental, shall include those that are 1695
transferrable to other institutions of higher education of the 1696
university system of Ohio, and shall include those that count 1697
toward the curriculum requirements established for completion of a 1698

student's degree. 1699

(3) Not later than April 30, 2013, the state board of 1700
education shall adopt a resolution describing the performance 1701
measures, benchmarks, and grading system for the 2012-2013 school 1702
year and, not later than June 30, 2013, shall adopt rules in 1703
accordance with Chapter 119. of the Revised Code that prescribe 1704
the methods by which the performance measures under division 1705
(A)(1) of this section shall be assessed and assigned a letter 1706
grade, including performance benchmarks for each letter grade. 1707

(4) There shall not be an overall letter grade for a school 1708
district or building for the 2012-2013 school year. 1709

(B)(1) For the 2013-2014 school year, the department shall 1710
issue grades as described in division (E) of this section for each 1711
of the following performance measures: 1712

(a) Annual measurable objectives; 1713

(b) Performance index score for a school district or 1714
building. Grades shall be awarded as a percentage of the total 1715
possible points on the performance index system as created by the 1716
department. In adopting benchmarks for assigning letter grades 1717
under division (B)(1)(b) of this section, the state board shall 1718
designate ninety per cent or higher for an "A," at least seventy 1719
per cent but not more than eighty per cent for a "C," and less 1720
than fifty per cent for an "F." 1721

(c) The extent to which the school district or building meets 1722
each of the applicable performance indicators established by the 1723
state board under section 3302.03 of the Revised Code and the 1724
percentage of applicable performance indicators that have been 1725
achieved. In adopting benchmarks for assigning letter grades under 1726
division (B)(1)(c) of this section, the state board shall 1727
designate ninety per cent or higher for an "A." 1728

(d) The four- and five-year adjusted cohort graduation rates; 1729

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use at least three years of value-added data as available. 1730
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(f) The rate of participation and average score among students enrolled in a district or building on a national standardized test for college admission, selected by the state board; 1734
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(g) The percentage of a district's or building's students who enroll in state institutions of higher education and who are determined not to be college-ready, as determined by the chancellor. To the extent possible, the department also shall include the percentage of students who enroll in institutions of higher education outside of the state who are determined not to be college-ready. 1738
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(h) The rate of participation among students enrolled in a district or building in advanced placement classes and the percentage of those students who receive a score of three or better on advanced placement examinations; 1745
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(i) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 1749
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(j) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. In adopting letter grades under division (B)(1)(j) of this section, 1757
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the state board shall designate for an "A" grade that a school 1761
district or building must both reduce its percentage of students 1762
scoring below grade level on the English language arts diagnostic 1763
assessments, administered under section 3301.0715 of the Revised 1764
Code, for each of grades kindergarten through two by fifty per 1765
cent or more and reduce its percentage of students scoring below 1766
proficient on the third-grade English language arts assessment 1767
under section 3301.0710 of the Revised Code by fifty per cent or 1768
more. The state board shall designate for a "C" grade a value that 1769
is not lower than the statewide average value for this measure. No 1770
grade shall be issued under divisions (B)(1)(j) and (C)(1)(k) of 1771
this section for a district or building in which less than five 1772
per cent of students have scored below proficient on the 1773
third-grade English language arts assessment under section 1774
3301.0710 of the Revised Code. 1775

(k) The percentage of the district's or building's students 1776
who receive an honors diploma under division (B) of section 1777
3313.61 of the Revised Code. 1778

(l) The results of the college and career-ready assessments 1779
administered under division (B)(1) of section 3301.0712 of the 1780
Revised Code. In adopting benchmarks for assigning letter grades 1781
under divisions (B)(1)(l) and (C)(1)(l) of this section, the state 1782
board shall designate that a grade of "C" shall not be less than 1783
the state mean composite score on the assessments. 1784

(2) In addition to the graded measures in division (B)(1) of 1785
this section, the department shall include on a school district's 1786
or building's report card, without an assigned letter grade, the 1787
number of high school and college credits a district's or 1788
building's students have earned in that school year through dual 1789
enrollment programs, such as the post-secondary enrollment options 1790
program under Chapter 3365. of the Revised Code and federal 1791
career-technical dual enrollment programs, that appear on a 1792

student's transcript or other official document, either of which 1793
is issued by the institution of higher education from which the 1794
student earned the college credit. 1795

(3) Not later than December 31, 2013, the state board shall 1796
adopt rules in accordance with Chapter 119. of the Revised Code 1797
that prescribe the methods by which the performance measures under 1798
divisions (B)(1)(h), (B)(1)(i), and (B)(1)(j) of this section will 1799
be assessed and assigned a letter grade, including performance 1800
benchmarks for each grade. 1801

(4) There shall not be an overall letter grade for a school 1802
district or building for the 2013-2014 school year. 1803

(C)(1) For the 2014-2015 school year and each school year 1804
thereafter, the department shall issue grades as described in 1805
division (E) of this section for each of the following performance 1806
measures and an overall letter grade based on an aggregate of 1807
those measures: 1808

(a) Annual measurable objectives; 1809

(b) Performance index score for a school district or 1810
building. Grades shall be awarded as a percentage of the total 1811
possible points on the performance index system as created by the 1812
department. In adopting benchmarks for assigning letter grades 1813
under division (C)(1)(b) of this section, the state board shall 1814
designate ninety per cent or higher for an "A." 1815

(c) The extent to which the school district or building meets 1816
each of the applicable performance indicators established by the 1817
state board under section 3302.03 of the Revised Code and the 1818
percentage of applicable performance indicators that have been 1819
achieved. In adopting benchmarks for assigning letter grades under 1820
division (C)(1)(c) of this section, the state board shall 1821
designate ninety per cent or higher for an "A," at least seventy 1822
per cent but not more than eighty per cent for a "C," and less 1823

than fifty per cent for an "F." 1824

(d) The four- and five-year adjusted cohort graduation rates; 1825

(e) The overall score under the value-added progress 1826
dimension, or another measure of student academic progress if 1827
adopted by the state board, of a school district or building, for 1828
which the department shall use at least three years of value-added 1829
data as available. 1830

In adopting benchmarks for assigning letter grades for 1831
overall score on value-added progress dimension under division 1832
(C)(1)(e) of this section, the state board shall prohibit the 1833
assigning of a grade of "A" for that measure unless the district's 1834
or building's grade assigned for value-added progress dimension 1835
for all subgroups under division (C)(1)(i) of this section is a 1836
"B" or higher. 1837

For the metric prescribed by division (C)(1)(e) of this 1838
section, the state board may adopt a student academic progress 1839
measure to be used instead of the value-added progress dimension. 1840
If the state board adopts such a measure, it also shall prescribe 1841
a method for assigning letter grades for the new measure that is 1842
comparable to the method prescribed in division (A)(1)(e) of this 1843
section. 1844

(f) The rate of participation and average score among 1845
students enrolled in a district or building on a national 1846
standardized test for college admission, selected by the state 1847
board; 1848

(g) The percentage of a district's or building's students who 1849
enroll in state institutions of higher education who are 1850
determined not to be college-ready as determined by the 1851
chancellor. To the extent possible, the department also shall 1852
include the percentage of students who enroll in institutions of 1853
higher education outside of the state who are determined not to be 1854

college-ready. 1855

(h) The rate of participation among students enrolled in a district or building in advanced placement classes and the percentage of those students who receive a score of three or better on advanced placement examinations; 1856
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(i) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure. 1860
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The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section. 1869
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(j) The number of high school and college credits students enrolled in a district or building have earned through dual enrollment programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and federal career-technical dual enrollment programs, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. For the 2014-2015 school year and each school year thereafter, the state board shall develop a method to identify and track high school and college credits earned by a student through international baccalaureate programs, and develop a measure for issuing a grade for credits earned by a 1875
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student through those programs. The department may substitute the credits earned through advanced placement classes prescribed under division (C)(1)(h) of this section with credits earned through international baccalaureate programs prescribed under division (C)(1)(j) of this section. 1887
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(k) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. In adopting benchmarks for assigning letter grades under division (C)(1)(k) of this section, the state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. 1892
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(l) 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; 1899
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(m) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code; 1902
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1904

(n) The percentage of the district's or the building's students who receive industry credentials. Not later than July 1, 2014, the state board shall adopt benchmarks for assigning letter grades for this measure. 1905
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(2) 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 division (C)(1) of this section into the following components: 1909
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(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section; 1915
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(b) Achievement, which shall include the performance measures 1917

in divisions (C)(1)(b) and (c) of this section; 1918

(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (i) of this section; 1919
1920

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section; 1921
1922

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(k) of this section; 1923
1924
1925

(f) Prepared for success, which shall include the performance measures in divisions (C)(1)(f), (g), (h), (j), (l), (m), and (n) of this section. 1926
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In the rules adopted under division (C)(2) of this section, the state board shall adopt a method for calculating a grade for each component in divisions (C)(2)(a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(2)(b) and (c) of this section. 1929
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade. 1937
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(D) Not later than July 1, 2015, the state board shall develop a measure of student academic progress for high school students. Beginning with the report card for the 2015-2016 school 1946
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year, each school district and applicable school building shall be 1949
assigned a separate letter grade for this measure and the 1950
district's or building's grade for that measure shall be included 1951
in determining the district's or building's overall letter grade. 1952
This measure shall be included within the measure prescribed in 1953
division (C)(1)(c) of this section in the calculation for the 1954
overall letter grade. 1955

(E) The letter grades assigned to a school district or 1956
building under this section shall be as follows: 1957

(1) "A" for a district or school making excellent progress; 1958

(2) "B" for a district or school making above average 1959
progress; 1960

(3) "C" for a district or school making average progress; 1961

(4) "D" for a district or school making below average 1962
progress; 1963

(5) "F" for a district or school failing to meet minimum 1964
progress. 1965

(F) When reporting data on student ~~performance~~ achievement 1966
and progress, the department shall disaggregate that data 1967
according to the following categories: 1968

~~(a)~~(1) Performance of students by ~~age-group~~ grade-level; 1969

~~(b)~~(2) Performance of students by race and ethnic group; 1970

~~(c)~~(3) Performance of students by gender; 1971

~~(d)~~(4) Performance of students grouped by those who have been 1972
enrolled in a district or school for three or more years; 1973

~~(e)~~(5) Performance of students grouped by those who have been 1974
enrolled in a district or school for more than one year and less 1975
than three years; 1976

~~(f)~~(6) Performance of students grouped by those who have been 1977

enrolled in a district or school for one year or less;	1978
(g) (7) Performance of students grouped by those who are economically disadvantaged;	1979 1980
(h) (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1981 1982 1983
(i) (9) Performance of students grouped by those who are classified as limited English proficient;	1984 1985
(j) (10) Performance of students grouped by those who have disabilities;	1986 1987
(k) (11) Performance of students grouped by those who are classified as migrants;	1988 1989
(l) (12) Performance of students grouped by those who are identified as gifted <u>in superior cognitive ability and the specific academic ability fields of reading and math</u> pursuant to Chapter 3324. of the Revised Code. <u>In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.</u>	1990 1991 1992 1993 1994 1995 1996 1997 1998
<u>(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.</u>	1999 2000 2001
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C) (3)(a)(F)(1) to (l) (13) of this section that it deems relevant.	2002 2003 2004 2005 2006 2007

In reporting data pursuant to division ~~(C)(3)(F)~~ of this 2008
section, the department shall not include in the report cards any 2009
data statistical in nature that is statistically unreliable or 2010
that could result in the identification of individual students. 2011
For this purpose, the department shall not report student 2012
performance data for any group identified in division ~~(C)(3)(F)~~ of 2013
this section that contains less than ten students. If the 2014
department does not report student performance data for a group 2015
because it contains less than ten students, the department shall 2016
indicate on the report card that is why data was not reported. 2017

~~(4)(G)~~ The department may include with the report cards any 2018
additional education and fiscal performance data it deems 2019
valuable. 2020

~~(5)(H)~~ The department shall include on each report card a 2021
list of additional information collected by the department that is 2022
available regarding the district or building for which the report 2023
card is issued. When available, such additional information shall 2024
include student mobility data disaggregated by race and 2025
socioeconomic status, college enrollment data, and the reports 2026
prepared under section 3302.031 of the Revised Code. 2027

The department shall maintain a site on the world wide web. 2028
The report card shall include the address of the site and shall 2029
specify that such additional information is available to the 2030
public at that site. The department shall also provide a copy of 2031
each item on the list to the superintendent of each school 2032
district. The district superintendent shall provide a copy of any 2033
item on the list to anyone who requests it. 2034

~~(6)(I)~~ Division ~~(C)(6)(I)~~ of this section does not apply to 2035
conversion community schools that primarily enroll students 2036
between sixteen and twenty-two years of age who dropped out of 2037
high school or are at risk of dropping out of high school due to 2038
poor attendance, disciplinary problems, or suspensions. 2039

~~(a)~~(1) For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of ~~calculating~~ determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

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

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

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

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

The election authorized under division ~~(C)(6)(e)(i)~~(I)(3)(a) 2072
of this section is subject to approval by the governing authority 2073
of the community school. 2074

Any municipal school district that exercises an election to 2075
combine or include data under division ~~(C)(6)(e)~~(I)(3) of this 2076
section, by the first day of October of each year, shall file with 2077
the department documentation indicating eligibility for that 2078
election, as required by the department. 2079

~~(7)~~(J) The department shall include on each report card the 2080
percentage of teachers in the district or building who are highly 2081
qualified, as defined by the "No Child Left Behind Act of 2001," 2082
and a comparison of that percentage with the percentages of such 2083
teachers in similar districts and buildings. 2084

~~(8)~~ The department shall include on the report card the 2085
number of lead teachers employed by each district and each 2086
building once the data is available from the education management 2087
information system established under section 3301.0714 of the 2088
Revised Code. 2089

~~(D)~~(K)(1) In calculating English language arts, mathematics, 2090
social studies, or science assessment passage rates used to 2091
determine school district or building performance under this 2092
section, the department shall include all students taking an 2093
assessment with accommodation or to whom an alternate assessment 2094
is administered pursuant to division (C)(1) or (3) of section 2095
3301.0711 of the Revised Code. 2096

(2) In calculating performance index scores, rates of 2097
achievement on the performance indicators established by the state 2098
board under section 3302.02 of the Revised Code, and annual 2099
measurable objectives for determining adequate yearly progress for 2100
school districts and buildings under this section, the department 2101
shall do all of the following: 2102

(a) Include for each district or building only those students 2103
who are included in the ADM certified for the first full school 2104
week of October and are continuously enrolled in the district or 2105
building through the time of the spring administration of any 2106
assessment prescribed by division (A)(1) or (B)(1) of section 2107
3301.0710 of the Revised Code that is administered to the 2108
student's grade level; 2109

(b) Include cumulative totals from both the fall and spring 2110
administrations of the third grade English language arts 2111
achievement assessment; 2112

(c) Except as required by the "No Child Left Behind Act of 2113
2001" ~~for the calculation of adequate yearly progress,~~ exclude 2114
for each district or building any limited English proficient 2115
student who has been enrolled in United States schools for less 2116
than one full school year. 2117

Sec. 3302.033. The state board of education, in consultation 2118
with the chancellor of the Ohio board of regents, any office 2119
within the office of the governor concerning workforce 2120
development, the Ohio association of career and technical 2121
education, the Ohio association of city career-technical schools, 2122
and the Ohio association of career-technical superintendents, 2123
shall approve a report card for joint vocational school districts 2124
and for other career-technical planning districts that are not 2125
joint vocational school districts, which may contain disaggregated 2126
data for each joint vocational school district, if applicable. The 2127
state board shall submit details of the approved report card to 2128
the governor, the speaker of the house of representatives, the 2129
president of the senate, and the chairpersons of the standing 2130
committees of the house of representatives and the senate 2131
principally responsible for education policy. The department of 2132
education annually shall issue a report card for each joint 2133

vocational school district and other career-technical planning 2134
~~district~~ districts that are not joint vocational school districts, 2135
beginning with report cards for the 2012-2013 school year to be 2136
published not later than September 1, 2013. 2137

As used in this section, "career-technical planning district" 2138
means a school district or group of school districts designated by 2139
the department as being responsible for the planning for and 2140
provision of career-technical education services to students 2141
within the district or group. 2142

Sec. 3302.034. (A) Not later than December 31, 2013, the 2143
state board of education shall adopt and specify measures in 2144
addition to those included on the report card issued under section 2145
3302.03 of the Revised Code. The measures adopted under this 2146
section shall be reported separately, as specified under division 2147
(B) of this section, for each school district, each building in a 2148
district, each community school established under Chapter 3314., 2149
each STEM school established under Chapter 3326., and each 2150
college-preparatory boarding school established under Chapter 2151
3328. of the Revised Code. The measures shall include at least the 2152
following: 2153

(1) Data for students who have passed over a grade or subject 2154
area under an acceleration policy prescribed under section 3324.10 2155
of the Revised Code; 2156

(2) The number of students who are eligible to receive and 2157
those that are receiving free lunch under the "National School 2158
Lunch Act," 42 U.S.C. 1751, as amended, and the "Child Nutrition 2159
Act of 1966," 42 U.S.C. 1771, as amended; 2160

(3) The number of lead teachers employed by each district and 2161
each building once the data is available through the education 2162
management information system established under section 3301.0714 2163

<u>of the Revised Code;</u>	2164
<u>(4) The amount of students screened and identified as gifted</u>	2165
<u>under Chapter 3324. of the Revised Code;</u>	2166
<u>(5) Postgraduate student outcome data as described under</u>	2167
<u>division (E)(2)(d)(ii) of section 3314.017 of the Revised Code;</u>	2168
<u>(6) Availability of courses in fine arts;</u>	2169
<u>(7) Participation with other school districts to provide</u>	2170
<u>career-technical education services to students;</u>	2171
<u>(8) The amount of extracurricular services offered to</u>	2172
<u>students.</u>	2173
<u>(B) The department shall report this information annually</u>	2174
<u>beginning with the 2013-2014 school year and make this information</u>	2175
<u>available on its web site for comparison purposes.</u>	2176
Sec. 3302.04. <u>As used in divisions (A), (C), and (D) of this</u>	2177
<u>section, for the 2014-2015 school year, and for each school year</u>	2178
<u>thereafter, when a provision refers to a school district or school</u>	2179
<u>building in a state of academic emergency, it shall mean a</u>	2180
<u>district or building rated "F"; when a provision refers to a</u>	2181
<u>school district or school building under an academic watch, it</u>	2182
<u>shall mean a district or building rated "D"; and when a provision</u>	2183
<u>refers to a school district or school building in need of</u>	2184
<u>continuous improvement, it shall mean a district or building rated</u>	2185
<u>"C" as those letter grade ratings for overall performance are</u>	2186
<u>assigned under division (C)(2) of section 3302.03 of the Revised</u>	2187
<u>Code, as it exists on or after the effective date of this</u>	2188
<u>amendment.</u>	2189
<u>(A) The department of education shall establish a system of</u>	2190
<u>intensive, ongoing support for the improvement of school districts</u>	2191
<u>and school buildings. In accordance with the model of</u>	2192
<u>differentiated accountability described in section 3302.041 of the</u>	2193

Revised Code, the system shall give priority to the following: 2194

(1) For any school year prior to the 2012-2013 school year, 2195
districts and buildings that have been declared to be under an 2196
academic watch or in a state of academic emergency under section 2197
3302.03 of the Revised Code ~~and;~~ 2198

(2) For the 2012-2013 school year, and for each school year 2199
thereafter, districts and buildings in the manner prescribed by 2200
any agreement currently in force between the department and the 2201
United States department of education. The department shall 2202
endeavor to include schools and buildings that receive grades 2203
under section 3302.03 of the Revised Code that the department 2204
considers to be low performing. 2205

The system shall include services provided to districts and 2206
buildings through regional service providers, such as educational 2207
service centers. 2208

(B) This division does not apply to any school district after 2209
June 30, 2008. 2210

When a school district has been notified by the department 2211
pursuant to ~~division (A)~~ of section 3302.03 of the Revised Code 2212
that the district or a building within the district has failed to 2213
make adequate yearly progress for two consecutive school years, 2214
the district shall develop a three-year continuous improvement 2215
plan for the district or building containing each of the 2216
following: 2217

(1) An analysis of the reasons for the failure of the 2218
district or building to meet any of the applicable performance 2219
indicators established under section 3302.02 of the Revised Code 2220
that it did not meet and an analysis of the reasons for its 2221
failure to make adequate yearly progress; 2222

(2) Specific strategies that the district or building will 2223
use to address the problems in academic achievement identified in 2224

division (B)(1) of this section;	2225
(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;	2226 2227 2228
(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;	2229 2230 2231
(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;	2232 2233 2234
(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	2235 2236 2237
No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.	2238 2239 2240 2241 2242 2243 2244 2245
(C) When <u>(1) For any school year prior to the school year that begins on July 1, 2012, when</u> a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.	2246 2247 2248 2249 2250 2251 2252 2253
<u>(2) For the 2012-2013 school year, and for each school year thereafter, when a district or building has been notified by the</u>	2254 2255

department pursuant to section 3302.03 of the Revised Code that 2256
the district or building has received a rating of "F" for the 2257
number of performance indicators met, a rating of "F" for the 2258
performance index score, or a rating of "D" or "F" for the 2259
value-added progress dimension, the district or building shall be 2260
subject to any rules establishing intervention in such districts 2261
or buildings. 2262

(D)(1) Within For any school year prior to the 2012-2013 2263
school year, within one hundred twenty days after any school 2264
district or building is declared to be in a state of academic 2265
emergency under section 3302.03 of the Revised Code, the 2266
department may initiate a site evaluation of the building or 2267
school district. 2268

(2) For the 2012-2013 school year, and for each school year 2269
thereafter, within one hundred twenty days after any school 2270
district or building has received a rating of "F" for the 2271
performance index score or received a rating of "D" or "F" for the 2272
value-added progress dimension under section 3302.03 of the 2273
Revised Code, the department may initiate a site evaluation of the 2274
building or school district. 2275

(3) Division (D)~~(2)~~(3) of this section does not apply to any 2276
school district after June 30, 2008. 2277

If any school district that is declared to be in a state of 2278
academic emergency or in a state of academic watch under section 2279
3302.03 of the Revised Code or encompasses a building that is 2280
declared to be in a state of academic emergency or in a state of 2281
academic watch fails to demonstrate to the department satisfactory 2282
improvement of the district or applicable buildings or fails to 2283
submit to the department any information required under rules 2284
established by the state board of education, prior to approving a 2285
three-year continuous improvement plan under rules established by 2286
the state board of education, the department shall conduct a site 2287

evaluation of the school district or applicable buildings to 2288
determine whether the school district is in compliance with 2289
minimum standards established by law or rule. 2290

~~(3)(4) Division (D)(4) of this section does not apply to any~~ 2291
~~school district after June 30, 2008.~~ Site evaluations conducted 2292
under divisions (D)(1) ~~and~~, (2), ~~and~~ (3) of this section shall 2293
include, but not be limited to, the following: 2294

(a) Determining whether teachers are assigned to subject 2295
areas for which they are licensed or certified; 2296

(b) Determining pupil-teacher ratios; 2297

(c) Examination of compliance with minimum instruction time 2298
requirements for each school day and for each school year; 2299

(d) Determining whether materials and equipment necessary to 2300
implement the curriculum approved by the school district board are 2301
available; 2302

(e) Examination of whether the teacher and principal 2303
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 2304
and 3319.111 of the Revised Code; 2305

(f) Examination of the adequacy of efforts to improve the 2306
cultural competency, as defined pursuant to section 3319.61 of the 2307
Revised Code, of teachers and other educators. 2308

(E) This division applies only to school districts that 2309
operate a school building that fails to make adequate yearly 2310
progress for two or more consecutive school years. It does not 2311
apply to any such district after June 30, 2008, except as provided 2312
in division (D)(2) of section 3313.97 of the Revised Code. 2313

(1) For any school building that fails to make adequate 2314
yearly progress for two consecutive school years, the district 2315
shall do all of the following: 2316

(a) Provide written notification of the academic issues that 2317

resulted in the building's failure to make adequate yearly 2318
progress to the parent or guardian of each student enrolled in the 2319
building. The notification shall also describe the actions being 2320
taken by the district or building to improve the academic 2321
performance of the building and any progress achieved toward that 2322
goal in the immediately preceding school year. 2323

(b) If the building receives funds under Title I, Part A of 2324
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2325
6311 to 6339, from the district, in accordance with section 2326
3313.97 of the Revised Code, offer all students enrolled in the 2327
building the opportunity to enroll in an alternative building 2328
within the district that is not in school improvement status as 2329
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2330
Chapter 3327. of the Revised Code, the district shall spend an 2331
amount equal to twenty per cent of the funds it receives under 2332
Title I, Part A of the "Elementary and Secondary Education Act of 2333
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 2334
students who enroll in alternative buildings under this division, 2335
unless the district can satisfy all demand for transportation with 2336
a lesser amount. If an amount equal to twenty per cent of the 2337
funds the district receives under Title I, Part A of the 2338
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2339
to 6339, is insufficient to satisfy all demand for transportation, 2340
the district shall grant priority over all other students to the 2341
lowest achieving students among the subgroup described in division 2342
(B)(3) of section 3302.01 of the Revised Code in providing 2343
transportation. Any district that does not receive funds under 2344
Title I, Part A of the "Elementary and Secondary Education Act of 2345
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 2346
transportation to any student who enrolls in an alternative 2347
building under this division. 2348

(2) For any school building that fails to make adequate 2349

yearly progress for three consecutive school years, the district 2350
shall do both of the following: 2351

(a) If the building receives funds under Title I, Part A of 2352
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2353
6311 to 6339, from the district, in accordance with section 2354
3313.97 of the Revised Code, provide all students enrolled in the 2355
building the opportunity to enroll in an alternative building 2356
within the district that is not in school improvement status as 2357
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2358
Chapter 3327. of the Revised Code, the district shall provide 2359
transportation for students who enroll in alternative buildings 2360
under this division to the extent required under division (E)(2) 2361
of this section. 2362

(b) If the building receives funds under Title I, Part A of 2363
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2364
6311 to 6339, from the district, offer supplemental educational 2365
services to students who are enrolled in the building and who are 2366
in the subgroup described in division (B)(3) of section 3302.01 of 2367
the Revised Code. 2368

The district shall spend a combined total of an amount equal 2369
to twenty per cent of the funds it receives under Title I, Part A 2370
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2371
6311 to 6339, to provide transportation for students who enroll in 2372
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 2373
this section and to pay the costs of the supplemental educational 2374
services provided to students under division (E)(2)(b) of this 2375
section, unless the district can satisfy all demand for 2376
transportation and pay the costs of supplemental educational 2377
services for those students who request them with a lesser amount. 2378
In allocating funds between the requirements of divisions 2379
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 2380
shall spend at least an amount equal to five per cent of the funds 2381

it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

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

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for

supplemental educational services under division (E)(2)(b) of this section. 2414
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(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building: 2416
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(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code; 2421
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(b) Decrease the degree of authority the building has to manage its internal operations; 2424
2425

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section. 2426
2427
2428
2429

(d) Extend the length of the school day or year; 2430

(e) Replace the building principal or other key personnel; 2431

(f) Reorganize the administrative structure of the building. 2432

(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: 2433
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(a) Reopen the school as a community school under Chapter 3314. of the Revised Code; 2439
2440

(b) Replace personnel; 2441

(c) Contract with a nonprofit or for-profit entity to operate the building; 2442
2443

(d) Turn operation of the building over to the department;	2444
(e) Other significant restructuring of the building's governance.	2445 2446
(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.	2447 2448 2449 2450 2451
(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 progress for two consecutive school years.	2452 2453 2454 2455 2456
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	2457 2458 2459 2460
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.	2461 2462 2463 2464 2465 2466 2467 2468 2469
(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.	2470 2471 2472 2473
(3) If a school district has been identified for improvement	2474

for three consecutive school years, the department shall take at 2475
least one of the following corrective actions with respect to the 2476
district: 2477

(a) Withhold a portion of the funds the district is entitled 2478
to receive under Title I, Part A of the "Elementary and Secondary 2479
Education Act of 1965," 20 U.S.C. 6311 to 6339; 2480

(b) Direct the district to replace key district personnel; 2481

(c) Institute a new curriculum that is consistent with the 2482
statewide academic standards adopted pursuant to division (A) of 2483
section 3301.079 of the Revised Code; 2484

(d) Establish alternative forms of governance for individual 2485
school buildings within the district; 2486

(e) Appoint a trustee to manage the district in place of the 2487
district superintendent and board of education. 2488

The department shall conduct individual audits of a sampling 2489
of districts subject to this division to determine compliance with 2490
the corrective actions taken by the department. 2491

(4) If a school district has been identified for improvement 2492
for four consecutive school years, the department shall continue 2493
to monitor implementation of the corrective action taken under 2494
division (F)(3) of this section with respect to the district. 2495

(5) If a school district has been identified for improvement 2496
for five consecutive school years, the department shall take at 2497
least one of the corrective actions identified in division (F)(3) 2498
of this section with respect to the district, provided that the 2499
corrective action the department takes is different from the 2500
corrective action previously taken under division (F)(3) of this 2501
section with respect to the district. 2502

(G) The department may establish a state intervention team to 2503
evaluate all aspects of a school district or building, including 2504

management, curriculum, instructional methods, resource 2505
allocation, and scheduling. Any such intervention team shall be 2506
appointed by the department and shall include teachers and 2507
administrators recognized as outstanding in their fields. The 2508
intervention team shall make recommendations regarding methods for 2509
improving the performance of the district or building. 2510

The department shall not approve a district's request for an 2511
intervention team under division (E)(3) of this section if the 2512
department cannot adequately fund the work of the team, unless the 2513
district agrees to pay for the expenses of the team. 2514

(H) The department shall conduct individual audits of a 2515
sampling of community schools established under Chapter 3314. of 2516
the Revised Code to determine compliance with this section. 2517

(I) The state board shall adopt rules for implementing this 2518
section. 2519

Sec. 3302.041. ~~(A) On and after July 1, 2008, in accordance 2520
with the No Child Left Behind Act of 2001, school districts and 2521
school buildings shall continue to be identified for improvement 2522
for failing to make adequate yearly progress for two or more 2523
consecutive school years. 2524~~

~~(B) Beginning July 1, 2008, and contingent upon continued 2525
approval by the United States department of education, each school 2526
district that has been identified for improvement, or that 2527
contains a school building that has been identified for 2528
improvement, shall implement all corrective actions required by 2529
the model of differentiated accountability developed by the Ohio 2530
department of education and approved by the United States 2531
department of education. In any school year in which a district is 2532
subject to this division, the Ohio department of education shall 2533
notify the district, prior to the district's opening date, of the 2534
corrective actions it is required to implement in that school 2535~~

year. 2536

Sec. 3302.042. (A) This section shall operate as a pilot 2537
project that applies to any school that is operated by the 2538
Columbus city school district where either of the following apply: 2539

(1) The school has been ranked according to performance index 2540
score under section 3302.21 of the Revised Code in the lowest five 2541
per cent of ~~all~~ public school buildings statewide for three or 2542
more consecutive school years ~~and is operated by the Columbus city~~ 2543
~~school district. The;~~ 2544

(2) For the 2014-2015 school year, and for each school year 2545
thereafter, the school has received a rating of "D" or "F" on the 2546
value-added progress dimension under division (A)(1)(e), 2547
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 2548
three or more consecutive school years. 2549

The pilot project shall commence once the department of 2550
education establishes implementation guidelines for the pilot 2551
project in consultation with the Columbus city school district. 2552

(B) Except as provided in division (D), (E), or (F) of this 2553
section, if the parents or guardians of at least fifty per cent of 2554
the students enrolled in a school to which this section applies, 2555
or if the parents or guardians of at least fifty per cent of the 2556
total number of students enrolled in that school and the schools 2557
of lower grade levels whose students typically matriculate into 2558
that school, by the thirty-first day of December of any school 2559
year in which the school is subject to this section, sign and file 2560
with the school district treasurer a petition requesting the 2561
district board of education to implement one of the following 2562
reforms in the school, and if the validity and sufficiency of the 2563
petition is certified in accordance with division (C) of this 2564
section, the board shall implement the requested reform in the 2565
next school year: 2566

(1) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2567 2568
(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel;	2569 2570 2571 2572
(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school;	2573 2574 2575
(4) Turn operation of the school over to the department;	2576
(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance.	2577 2578
(C) Not later than thirty days after receipt of a petition under division (B) of this section, the district treasurer shall verify the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the reform requested by the petitioners. If the treasurer certifies to the district board that the petition does not contain the necessary number of valid signatures, any person who signed the petition may file an appeal with the county auditor within ten days after the certification. Not later than thirty days after the filing of an appeal, the county auditor shall conduct an independent verification of the validity and sufficiency of the signatures on the petition and certify to the district board whether the petition contains the necessary number of valid signatures to require the board to implement the requested reform. If the treasurer or county auditor certifies that the petition contains the necessary number of valid signatures, the district board shall notify the superintendent of public instruction and the state board of education of the	2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597

certification.	2598
(D) The district board shall not implement the reform requested by the petitioners in any of the following circumstances:	2599 2600 2601
(1) The district board has determined that the request is for reasons other than improving student academic achievement or student safety.	2602 2603 2604
(2) The state superintendent has determined that implementation of the requested reform would not comply with the model of differentiated accountability described in section 3302.041 of the Revised Code.	2605 2606 2607 2608
(3) The petitioners have requested the district board to implement the reform described in division (B)(4) of this section and the department has not agreed to take over the school's operation.	2609 2610 2611 2612
(4) When all of the following have occurred:	2613
(a) After a public hearing on the matter, the district board issued a written statement explaining the reasons that it is unable to implement the requested reform and agreeing to implement one of the other reforms described in division (B) of this section.	2614 2615 2616 2617 2618
(b) The district board submitted its written statement to the state superintendent and the state board along with evidence showing how the alternative reform the district board has agreed to implement will enable the school to improve its academic performance.	2619 2620 2621 2622 2623
(c) Both the state superintendent and the state board have approved implementation of the alternative reform.	2624 2625
(E) If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail	2626 2627

over the provisions of this section. 2628

(F) If a school is restructured under this section, section 2629
3302.10 or 3302.12 of the Revised Code, or federal law, the school 2630
shall not be required to restructure again under state law for 2631
three consecutive years after the implementation of that prior 2632
restructuring. 2633

(G) Beginning not later than six months after the first 2634
petition under this section has been resolved, the department of 2635
education shall annually evaluate the pilot program and submit a 2636
report to the general assembly under section 101.68 of the Revised 2637
Code. Such reports shall contain its recommendations to the 2638
general assembly with respect to the continuation of the pilot 2639
program, its expansion to other school districts, or the enactment 2640
of further legislation establishing the program statewide under 2641
permanent law. 2642

Sec. 3302.05. The state board of education shall adopt rules 2643
freeing school districts ~~declared to be excellent under division~~ 2644
~~(B)(1) or effective under division (B)(2) of section 3302.03 of~~ 2645
~~the Revised Code~~ from specified state mandates if one of the 2646
following applies: 2647

(A) For the 2011-2012 school year, the school district was 2648
declared to be excellent under section 3302.03 of the Revised 2649
Code, as that section existed prior to the effective date of this 2650
section and had above expected growth in the overall value-added 2651
measure. 2652

(B) For the 2012-2013 school year, the school district 2653
received a grade of "A" for the number of performance indicators 2654
met under division (A)(1)(c) of section 3302.03 of the Revised 2655
Code and for the value-added dimension under division (A)(1)(e) of 2656
section 3302.03 of the Revised Code. 2657

(C) For the 2013-2014 school year, the school district received a grade of "A" for the number of performance indicators met under division (B)(1)(c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B)(1)(e) of section 3302.03 of the Revised Code. 2658
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(D) For the 2014-2015 school year and for each school year thereafter, the school district received an overall grade of "A" under division (C)(2) of section 3302.03 of the Revised Code. Any 2663
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Any mandates included in the rules shall be only those 2666
statutes or rules pertaining to state education requirements. The 2667
rules shall not exempt districts from any operating standard 2668
adopted under division (D)(3) of section 3301.07 of the Revised 2669
Code. 2670

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 2671
of public instruction shall establish an academic distress 2672
commission for each school district that meets any of the 2673
following conditions: 2674

(1) The district has been declared to be in a state of academic emergency pursuant to under section 3302.03 of the Revised Code, as that section existed prior to the effective date of this amendment, and has failed to make adequate yearly progress for four or more consecutive school years; 2675
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(2) The district has received a grade of "F" for the performance index score and a grade of "D" or "F" for the value-added progress dimension of section 3302.03 of the Revised Code for two or more consecutive years; 2680
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(3) The district has received an overall grade of "F" under division (C)(2) or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for two or more consecutive years; 2684
2685
2686
2687

(4) At least fifty per cent of the schools operated by the 2688
district have received an overall grade of "D" or "F" under 2689
division (C)(2) of section 3302.03 of the Revised Code. Each 2690

Each commission shall assist the district for which it was 2691
established in improving the district's academic performance. 2692

Each commission is a body both corporate and politic, 2693
constituting an agency and instrumentality of the state and 2694
performing essential governmental functions of the state. A 2695
commission shall be known as the "academic distress commission for 2696
..... (name of school district)," and, in that name, may 2697
exercise all authority vested in such a commission by this 2698
section. A separate commission shall be established for each 2699
school district to which this division applies. 2700

(B) Each academic distress commission shall consist of five 2701
voting members, three of whom shall be appointed by the 2702
superintendent of public instruction and two of whom shall be 2703
residents of the applicable school district appointed by the 2704
president of the district board of education. When a school 2705
district becomes subject to this section, the superintendent of 2706
public instruction shall provide written notification of that fact 2707
to the district board of education and shall request the president 2708
of the district board to submit to the superintendent of public 2709
instruction, in writing, the names of the president's appointees 2710
to the commission. The superintendent of public instruction and 2711
the president of the district board shall make appointments to the 2712
commission within thirty days after the district is notified that 2713
it is subject to this section. 2714

Members of the commission shall serve at the pleasure of 2715
their appointing authority during the life of the commission. In 2716
the event of the death, resignation, incapacity, removal, or 2717
ineligibility to serve of a member, the appointing authority shall 2718
appoint a successor within fifteen days after the vacancy occurs. 2719

Members shall serve without compensation, but shall be paid by the 2720
commission their necessary and actual expenses incurred while 2721
engaged in the business of the commission. 2722

(C) Immediately after appointment of the initial members of 2723
an academic distress commission, the superintendent of public 2724
instruction shall call the first meeting of the commission and 2725
shall cause written notice of the time, date, and place of that 2726
meeting to be given to each member of the commission at least 2727
forty-eight hours in advance of the meeting. The first meeting 2728
shall include an overview of the commission's roles and 2729
responsibilities, the requirements of section 2921.42 and Chapter 2730
102. of the Revised Code as they pertain to commission members, 2731
the requirements of section 121.22 of the Revised Code, and the 2732
provisions of division (F) of this section. At its first meeting, 2733
the commission shall adopt temporary bylaws in accordance with 2734
division (D) of this section to govern its operations until the 2735
adoption of permanent bylaws. 2736

The superintendent of public instruction shall designate a 2737
chairperson for the commission from among the members appointed by 2738
the superintendent. The chairperson shall call and conduct 2739
meetings, set meeting agendas, and serve as a liaison between the 2740
commission and the district board of education. The chairperson 2741
also shall appoint a secretary, who shall not be a member of the 2742
commission. 2743

The department of education shall provide administrative 2744
support for the commission, provide data requested by the 2745
commission, and inform the commission of available state resources 2746
that could assist the commission in its work. 2747

(D) Each academic distress commission may adopt and alter 2748
bylaws and rules, which shall not be subject to section 111.15 or 2749
Chapter 119. of the Revised Code, for the conduct of its affairs 2750
and for the manner, subject to this section, in which its powers 2751

and functions shall be exercised and embodied. 2752

(E) Three members of an academic distress commission 2753
constitute a quorum of the commission. The affirmative vote of 2754
three members of the commission is necessary for any action taken 2755
by vote of the commission. No vacancy in the membership of the 2756
commission shall impair the rights of a quorum by such vote to 2757
exercise all the rights and perform all the duties of the 2758
commission. Members of the commission are not disqualified from 2759
voting by reason of the functions of any other office they hold 2760
and are not disqualified from exercising the functions of the 2761
other office with respect to the school district, its officers, or 2762
the commission. 2763

(F) The members of an academic distress commission, the 2764
superintendent of public instruction, and any person authorized to 2765
act on behalf of or assist them shall not be personally liable or 2766
subject to any suit, judgment, or claim for damages resulting from 2767
the exercise of or failure to exercise the powers, duties, and 2768
functions granted to them in regard to their functioning under 2769
this section, but the commission, superintendent of public 2770
instruction, and such other persons shall be subject to mandamus 2771
proceedings to compel performance of their duties under this 2772
section. 2773

(G) Each member of an academic distress commission shall file 2774
the statement described in section 102.02 of the Revised Code with 2775
the Ohio ethics commission. The statement shall be confidential, 2776
subject to review, as described in division (B) of that section. 2777

(H) Meetings of each academic distress commission shall be 2778
subject to section 121.22 of the Revised Code. 2779

(I)(1) Within one hundred twenty days after the first meeting 2780
of an academic distress commission, the commission shall adopt an 2781
academic recovery plan to improve academic performance in the 2782

school district. The plan shall address academic problems at both 2783
the district and school levels. The plan shall include the 2784
following: 2785

(a) Short-term and long-term actions to be taken to improve 2786
the district's academic performance, including any actions 2787
required by section 3302.04 or 3302.041 of the Revised Code; 2788

(b) The sequence and timing of the actions described in 2789
division (I)(1)(a) of this section and the persons responsible for 2790
implementing the actions; 2791

(c) Resources that will be applied toward improvement 2792
efforts; 2793

(d) Procedures for monitoring and evaluating improvement 2794
efforts; 2795

(e) Requirements for reporting to the commission and the 2796
district board of education on the status of improvement efforts. 2797

(2) The commission may amend the academic recovery plan 2798
subsequent to adoption. The commission shall update the plan at 2799
least annually. 2800

(3) The commission shall submit the academic recovery plan it 2801
adopts or updates to the superintendent of public instruction for 2802
approval immediately following its adoption or updating. The 2803
superintendent shall evaluate the plan and either approve or 2804
disapprove it within thirty days after its submission. If the plan 2805
is disapproved, the superintendent shall recommend modifications 2806
that will render it acceptable. No academic distress commission 2807
shall implement an academic recovery plan unless the 2808
superintendent has approved it. 2809

(4) County, state, and school district officers and employees 2810
shall assist the commission diligently and promptly in the 2811
implementation of the academic recovery plan. 2812

(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final.

The commission may do any of the following:

(1) Appoint school building administrators and reassign administrative personnel;

(2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division.

(3) Contract with a private entity to perform school or district management functions;

(4) Establish a budget for the district and approve district appropriations and expenditures, unless a financial planning and supervision commission has been established for the district pursuant to section 3316.05 of the Revised Code.

(K) If the board of education of a district for which an academic distress commission has been established under this section renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the district board shall not enter into any agreement that would render any decision of the commission unenforceable. Section 3302.08 of the Revised Code does not apply to this division.

Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the

district board shall resume holding those rights or 2844
responsibilities as if it had not relinquished them in that 2845
agreement until such time as both the academic distress commission 2846
ceases to exist and the district board agrees to relinquish those 2847
rights or responsibilities in a new collective bargaining 2848
agreement. The provisions of this paragraph apply to a collective 2849
bargaining agreement entered into after September 29, 2005, and 2850
those provisions are deemed to be part of that agreement 2851
regardless of whether the district satisfied the conditions 2852
prescribed in division (A) of this section at the time the 2853
district entered into that agreement. 2854

(L) An academic distress commission shall cease to exist when 2855
the district for which it was established receives a performance 2856
rating ~~under section 3302.03 of the Revised Code~~ of in need of 2857
continuous improvement or better, under section 3302.03 of the 2858
Revised Code as that section existed prior to the effective date 2859
of this amendment, or a grade of "C" or better for both the 2860
performance index score under division (C)(1)(b) and the 2861
value-added progress dimension under division (C)(1)(e) of section 2862
3302.03 of the Revised Code for two of the three prior school 2863
years; however, the superintendent of public instruction may 2864
dissolve the commission earlier if the superintendent determines 2865
that the district can perform adequately without the supervision 2866
of the commission. Upon termination of the commission, the 2867
department of education shall compile a final report of the 2868
commission's activities to assist other academic distress 2869
commissions in the conduct of their functions. 2870

Sec. 3302.12. (A)~~(1)~~ Except as provided in divisions (C) and 2871
(D) of this section, ~~for any~~ this section applies to the 2872
following: 2873

(a) Any school building that is ranked according to 2874

performance index score under section 3302.21 of the Revised Code 2875
in the lowest five per cent of all public school buildings 2876
statewide for three consecutive years and is declared to be under 2877
an academic watch or in a state of academic emergency under 2878
section 3302.03 of the Revised Code; 2879

(b) Any school building that has received a grade of "F" for 2880
the value-added progress dimension under division (A)(1)(e), 2881
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 2882
three consecutive school years; 2883

(c) Any school building that has received an overall grade of 2884
"F" under section 3302.03 of the Revised Code for three 2885
consecutive school years. 2886

(2) In the case of a building to which this section applies, 2887
the district board of education in control of that building shall 2888
do one of the following at the conclusion of the school year in 2889
which the building first becomes subject to this division section: 2890
2891

(1)(a) Close the school and direct the district 2892
superintendent to reassign the students enrolled in the school to 2893
other school buildings that demonstrate higher academic 2894
achievement; 2895

(2)(b) Contract with another school district or a nonprofit 2896
or for-profit entity with a demonstrated record of effectiveness 2897
to operate the school; 2898

(3)(c) Replace the principal and all teaching staff of the 2899
school and, upon request from the new principal, exempt the school 2900
from all requested policies and regulations of the board regarding 2901
curriculum and instruction. The board also shall distribute 2902
funding to the school in an amount that is at least equal to the 2903
product of the per pupil amount of state and local revenues 2904
received by the district multiplied by the student population of 2905

the school. 2906

~~(4)~~(d) Reopen the school as a conversion community school 2907
under Chapter 3314. of the Revised Code. 2908

(B) If an action taken by the board under division (A)(2) of 2909
this section causes the district to no longer maintain all grades 2910
kindergarten through twelve, as required by section 3311.29 of the 2911
Revised Code, the board shall enter into a contract with another 2912
school district pursuant to section 3327.04 of the Revised Code 2913
for enrollment of students in the schools of that other district 2914
to the extent necessary to comply with the requirement of section 2915
3311.29 of the Revised Code. Notwithstanding any provision of the 2916
Revised Code to the contrary, if the board enters into and 2917
maintains a contract under section 3327.04 of the Revised Code, 2918
the district shall not be considered to have failed to comply with 2919
the requirement of section 3311.29 of the Revised Code. If, 2920
however, the district board fails to or is unable to enter into or 2921
maintain such a contract, the state board of education shall take 2922
all necessary actions to dissolve the district as provided in 2923
division (A) of section 3311.29 of the Revised Code. 2924

(C) If a particular school is required to restructure under 2925
this section and a petition with respect to that same school has 2926
been filed and verified under divisions (B) and (C) of section 2927
3302.042 of the Revised Code, the provisions of that section and 2928
the petition filed and verified under it shall prevail over the 2929
provisions of this section and the school shall be restructured 2930
under that section. However, if division (D)(1), (2), or (3) of 2931
section 3302.042 of the Revised Code also applies to the school, 2932
the school shall be subject to restructuring under this section 2933
and not section 3302.042 of the Revised Code. 2934

If the provisions of this section conflict in any way with 2935
the requirements of federal law, federal law shall prevail over 2936
the provisions of this section. 2937

(D) If a school is restructured under this section, section 2938
3302.042 or 3302.10 of the Revised Code, or federal law, the 2939
school shall not be required to restructure again under state law 2940
for three consecutive years after the implementation of that prior 2941
restructuring. 2942

Sec. 3302.20. (A) The department of education shall develop 2943
standards for determining, from the existing data reported in 2944
accordance with sections 3301.0714 and 3314.17 of the Revised 2945
Code, the amount of annual operating expenditures for classroom 2946
instructional purposes and for nonclassroom purposes for each 2947
city, exempted village, local, and joint vocational school 2948
district, each community school established under Chapter 3314. 2949
that is not an internet- or computer-based community school, each 2950
internet- or computer-based community school, ~~and~~ each STEM school 2951
established under Chapter 3326., and each college-preparatory 2952
boarding school established under Chapter 3328. of the Revised 2953
Code. The department shall present those standards to the state 2954
board of education for consideration. In developing the standards, 2955
the department shall adapt existing standards used by professional 2956
organizations, research organizations, and other state 2957
governments. The department also shall align the expenditure 2958
categories required for reporting under the standards with the 2959
categories that are required for reporting to the United States 2960
department of education under federal law. 2961

The state board shall consider the proposed standards and 2962
adopt a final set of standards not later than December 31, 2012. 2963
School districts, community schools, and STEM schools shall begin 2964
reporting data in accordance with the standards on July 1, 2013. A 2965
college-preparatory boarding school shall begin reporting data in 2966
accordance with the standards when the school has been in 2967
operation for a least two years. 2968

(B)(1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code.

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on average daily membership as reported under division (D) of section 3317.03 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions (B)(2)(a) and (b) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(6) The department shall categorize all college-preparatory boarding schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, beginning with fiscal year 2014, the following:

(1) The percentage of each district's, community school's, ~~or~~ STEM school's, or college-preparatory boarding school's total

operating budget spent for classroom instructional purposes;	3000
(2) The statewide average percentage for all districts,	3001
community schools, and STEM schools, <u>and college-preparatory</u>	3002
<u>boarding schools</u> combined spent for classroom instructional	3003
purposes;	3004
(3) The average percentage for each of the categories of	3005
districts and schools established under division (B) of this	3006
section spent for classroom instructional purposes;	3007
(4) The ranking of each district, community school, or STEM	3008
<u>school, or college-preparatory boarding school</u> within its	3009
respective category established under division (B) of this section	3010
according to the following:	3011
(a) From highest to lowest percentage spent for classroom	3012
instructional purposes;	3013
(b) From lowest to highest percentage spent for	3014
noninstructional purposes.	3015
(D) In its display of rankings within each category under	3016
division (C)(4) of this section, the department shall make the	3017
following notations:	3018
(1) Within each category of city, exempted village, and local	3019
school districts, the department shall denote each district that	3020
is:	3021
(a) Among the twenty per cent of all city, exempted village,	3022
and local school districts statewide with the lowest total	3023
operating expenditures per pupil;	3024
(b) Among the twenty per cent of all city, exempted village,	3025
and local school districts statewide with the highest performance	3026
index scores.	3027
(2) Within each category of joint vocational school	3028
districts, the department shall denote each district that is:	3029

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil; 3030
3031
3032

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 3033
3034
3035

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 3036
3037
3038

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 3039
3040

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 3041
3042
3043
3044

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 3045
3046
3047

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 3048
3049

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 3050
3051
3052
3053

(5) Within the category of STEM schools, the department shall denote each school that is: 3054
3055

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil; 3056
3057

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 3058
3059

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, ~~and~~ STEM school's, and college-preparatory boarding school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, ~~or~~ STEM school's, or college-preparatory boarding school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code according to the following measures:

(1) Performance index score for each school district, 3091
community school, ~~and~~ STEM school, and college-preparatory 3092
boarding school and for each separate building of a district, 3093
community school, ~~or~~ STEM school, or college-preparatory boarding 3094
school. For districts, schools, or buildings to which the 3095
performance index score does not apply, the superintendent of 3096
public instruction ~~shall~~ may develop another measure of student 3097
academic performance based on similar data and performance 3098
measures if appropriate and use that measure to include those 3099
buildings in the ranking so that ~~all~~ districts, schools, and 3100
buildings may be reliably compared to each other. 3101

(2) Student performance growth from year to year, using the 3102
value-added progress dimension, if applicable, and other measures 3103
of student performance growth designated by the superintendent of 3104
public instruction for subjects and grades not covered by the 3105
value-added progress dimension or the alternative student academic 3106
progress measure if adopted under division (C)(1)(e) of section 3107
3302.03 of the Revised Code; 3108

(3) Current operating expenditures per pupil as determined 3109
under standards adopted by the state board of education under 3110
section 3302.20 of the Revised Code; 3111

(4) Of total current operating expenditures, percentage spent 3112
for classroom instruction as determined under standards adopted by 3113
the state board under section 3302.20 of the Revised Code; 3114

(5) Performance of, and opportunities provided to, students 3115
identified as gifted using value-added progress dimensions, if 3116
applicable, and other relevant measures as designated by the 3117
superintendent of public instruction. 3118

The department shall rank each district, each community 3119
school except a community school to which section 3314.017 of the 3120
Revised Code applies, and each STEM school, and each 3121

college-preparatory boarding school annually in accordance with 3122
the system developed under this section. 3123

(B) In addition to the reports required by sections 3302.03 3124
and 3302.031 of the Revised Code, not later than the first day of 3125
September each year, the department shall issue a report for each 3126
city, exempted village, and local school district, each community 3127
school except a community school to which section 3314.017 of the 3128
Revised Code applies, and each STEM school, and each 3129
college-preparatory boarding school indicating the district's or 3130
school's rank on each measure described in divisions (A)(1) to (4) 3131
of this section, including each separate building's rank among all 3132
public school buildings according to performance index score under 3133
division (A)(1) of this section. 3134

Sec. 3310.03. A student is an "eligible student" for purposes 3135
of the educational choice scholarship pilot program if the 3136
student's resident district is not a school district in which the 3137
pilot project scholarship program is operating under sections 3138
3313.974 to 3313.979 of the Revised Code and the student satisfies 3139
one of the conditions in division (A), (B), or (C) of this 3140
section: 3141

(A)(1) The student is enrolled in a school building ~~that is~~ 3142
operated by the student's resident district that, on the report 3143
card issued under section 3302.03 of the Revised Code published 3144
prior to the first day of July of the school year for which a 3145
scholarship is sought, did not receive a rating as described in 3146
division (G) of this section, and to which ~~both~~ any or a 3147
combination of any of the following apply for two of the three 3148
most recent report cards published prior to the first day of July 3149
of the school year for which a scholarship is sought: 3150

(a) The building was declared, ~~in at least two of the three~~ 3151
~~most recent ratings of school buildings published prior to the~~ 3152

~~first day of July of the school year for which a scholarship is sought,~~ to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code; as that section existed prior to the effective date of this amendment.

(b) ~~The building was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought~~ The building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both; or if the building serves only grades ten through twelve, the building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of less than seventy-five per cent.

(c) The building received an overall grade of "D" or "F" under division (C)(2) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section.

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

(4) The student is enrolled in a school building ~~that is~~ 3184
operated by the student's resident district or in a community 3185
school established under Chapter 3314. of the Revised Code and 3186
otherwise would be assigned under section 3319.01 of the Revised 3187
Code to a school building described in division (A)(1) of this 3188
section in the school year for which the scholarship is sought. 3189

(5) The student is eligible to enroll in kindergarten in the 3190
school year for which a scholarship is sought, or is enrolled in a 3191
community school established under Chapter 3314. of the Revised 3192
Code, and all of the following apply to the student's resident 3193
district: 3194

(a) The district has in force an intradistrict open 3195
enrollment policy under which no student in kindergarten or the 3196
community school student's grade level, respectively, is 3197
automatically assigned to a particular school building; 3198

~~(b) In at least two of the three most recent ratings of 3199
school districts published prior to the first day of July of the 3200
school year for which a scholarship is sought, the district was 3201
declared to be in a state of academic emergency under section 3202
3302.03 of the Revised Code; 3203~~

~~(c) The district was not declared to be excellent or 3204
effective under that section in the most recent rating published 3205
prior to the first day of July of the school year for which a 3206
scholarship is sought the most recent rating published prior to 3207
the first day of July of the school year for which scholarship is 3208
sought, the district did not receive a rating described in 3209
division (G) of this section, and in at least two of the three 3210
most recent report cards published prior to the first day of July 3211
of that school year, any or a combination of the following apply 3212
to the district: 3213~~

(i) The district was declared to be in a state of academic 3214

emergency under section 3302.03 of the Revised Code as it existed 3215
prior to the effective date of this amendment. 3216

(ii) The district received a grade of "D" or "F" for the 3217
performance index score under division (A)(1)(b) or (B)(1)(b) of 3218
section 3302.03 of the Revised Code and for the value-added 3219
progress dimension under division (A)(1)(e) or (B)(1)(e) of 3220
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 3221
school year, or both. 3222

(c) The district received an overall grade of "D" or "F" 3223
under division (C)(2) of section 3302.03 of the Revised Code or a 3224
grade of "F" for the value-added progress dimension under division 3225
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 3226
school year or any school year thereafter. 3227

(B)(1) The student is enrolled in a school building ~~that is~~ 3228
operated by the student's resident district and to which both of 3229
the following apply: 3230

(a) The building was ranked, for at least two of the three 3231
most recent rankings published under section 3302.21 of the 3232
Revised Code prior to the first day of July of the school year for 3233
which a scholarship is sought, in the lowest ten per cent of all 3234
public school buildings according to performance index score under 3235
section 3302.21 of the Revised Code. 3236

(b) The building was not declared to be excellent or 3237
effective under section 3302.03 of the Revised Code in the most 3238
recent rating published prior to the first day of July of the 3239
school year for which a scholarship is sought. 3240

(2) The student is eligible to enroll in kindergarten in the 3241
school year for which a scholarship is sought and otherwise would 3242
be assigned under section 3319.01 of the Revised Code to a school 3243
building described in division (B)(1) of this section. 3244

(3) The student is enrolled in a community school established 3245

under Chapter 3314. of the Revised Code but otherwise would be 3246
assigned under section 3319.01 of the Revised Code to a building 3247
described in division (B)(1) of this section. 3248

(4) The student is enrolled in a school building ~~that is~~ 3249
operated by the student's resident district or in a community 3250
school established under Chapter 3314. of the Revised Code and 3251
otherwise would be assigned under section 3319.01 of the Revised 3252
Code to a school building described in division (B)(1) of this 3253
section in the school year for which the scholarship is sought. 3254

(C) The student is enrolled in a nonpublic school at the time 3255
the school is granted a charter by the state board of education 3256
under section 3301.16 of the Revised Code and the student meets 3257
the standards of division (B) of section 3310.031 of the Revised 3258
Code. 3259

(D) A student who receives a scholarship under the 3260
educational choice scholarship pilot program remains an eligible 3261
student and may continue to receive scholarships in subsequent 3262
school years until the student completes grade twelve, so long as 3263
all of the following apply: 3264

(1) The student's resident district remains the same, or the 3265
student transfers to a new resident district and otherwise would 3266
be assigned in the new resident district to a school building 3267
described in division (A)(1) or (B)(1) of this section; 3268

(2) The student takes each assessment prescribed for the 3269
student's grade level under section 3301.0710 or 3301.0712 of the 3270
Revised Code while enrolled in a chartered nonpublic school; 3271

(3) In each school year that the student is enrolled in a 3272
chartered nonpublic school, the student is absent from school for 3273
not more than twenty days that the school is open for instruction, 3274
not including excused absences. 3275

(E)(1) The department shall cease awarding first-time 3276

scholarships pursuant to divisions (A)(1) to (4) of this section 3277
with respect to a school building that, in the most recent ratings 3278
of school buildings published under section 3302.03 of the Revised 3279
Code prior to the first day of July of the school year, ceases to 3280
meet the criteria in division (A)(1) of this section. The 3281
department shall cease awarding first-time scholarships pursuant 3282
to division (A)(5) of this section with respect to a school 3283
district that, in the most recent ratings of school districts 3284
published under section 3302.03 of the Revised Code prior to the 3285
first day of July of the school year, ceases to meet the criteria 3286
in division (A)(5) of this section. 3287

(2) The department shall cease awarding first-time 3288
scholarships pursuant to divisions (B)(1) to (4) of this section 3289
with respect to a school building that, in the most recent ratings 3290
of school buildings under section 3302.03 of the Revised Code 3291
prior to the first day of July of the school year, ceases to meet 3292
the criteria in division (B)(1) of this section. 3293

(3) However, students who have received scholarships in the 3294
prior school year remain eligible students pursuant to division 3295
(D) of this section. 3296

(F) The state board of education shall adopt rules defining 3297
excused absences for purposes of division (D)(3) of this section. 3298

(G)(1) A student who satisfies only the conditions prescribed 3299
in divisions (A)(1) to (4) of this section shall not be eligible 3300
for a scholarship if the student's resident building meets any of 3301
the following in the most recent rating under section 3302.03 of 3302
the Revised Code published prior to the first day of July of the 3303
school year for which a scholarship is sought: 3304

(a) The building has an overall designation of excellent or 3305
effective under section 3302.03 of the Revised Code as it existed 3306
prior to the effective date of this amendment. 3307

(b) The building has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both.

(c) The building has a grade of "A" or "B" under division (C)(2) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.

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

(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to the effective date of this amendment.

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

(c) The district has an overall grade of "A" or "B" under division (C)(2) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.

Sec. 3310.06. It is the policy adopted by the general 3339
assembly that the educational choice scholarship pilot program 3340
shall be construed as one of several educational options available 3341
for students enrolled in ~~academic emergency or academic watch~~ 3342
persistently low-performing school buildings. Students may be 3343
enrolled in the schools of the student's resident district, in a 3344
community school established under Chapter 3314. of the Revised 3345
Code, in the schools of another school district pursuant to an 3346
open enrollment policy adopted under section 3313.98 of the 3347
Revised Code, in a chartered nonpublic school with or without a 3348
scholarship under the educational choice scholarship pilot 3349
program, or in other schools as the law may provide. 3350

Sec. 3310.16. For the 2014-2015 school year and each school 3351
year thereafter, the department of education shall conduct two 3352
application periods each year for the educational choice 3353
scholarship pilot program, as follows: 3354

(A) The first application period shall open not sooner than 3355
the first day of February prior to the first day of July of the 3356
school year for which a scholarship is sought and run not less 3357
than seventy-five days. 3358

(B) The second application period shall open not sooner than 3359
the first day of July of the school year for which the scholarship 3360
is sought and run not less than forty-five days. 3361

Sec. 3311.741. (A) This section applies only to a municipal 3362
school district in existence on July 1, 2012. 3363

(B) Not later than December 1, 2012, the board of education 3364
of each municipal school district to which this section applies 3365
shall submit to the superintendent of public instruction an array 3366
of measures to be used in evaluating the performance of the 3367
district. The measures shall assess at least overall student 3368

achievement, student progress over time, the achievement and 3369
progress over time of each of the applicable categories of 3370
students described in division ~~(C)(3)~~(F) of section 3302.03 of the 3371
Revised Code, and college and career readiness. The state 3372
superintendent shall approve or disapprove the measures by January 3373
15, 2013. If the measures are disapproved, the state 3374
superintendent shall recommend modifications that will make the 3375
measures acceptable. 3376

(C) Beginning with the 2012-2013 school year, the board 3377
annually shall establish goals for improvement on each of the 3378
measures approved under division (B) of this section. The school 3379
district's performance data for the 2011-2012 school year shall be 3380
used as a baseline for determining improvement. 3381

(D) Not later than October 1, 2013, and by the first day of 3382
October each year thereafter, the board shall issue a report 3383
describing the school district's performance for the previous 3384
school year on each of the measures approved under division (B) of 3385
this section and whether the district has met each of the 3386
improvement goals established for that year under division (C) of 3387
this section. The board shall provide the report to the governor, 3388
the superintendent of public instruction, and, in accordance with 3389
section 101.68 of the Revised Code, the general assembly. 3390

(E) Not later than November 15, 2017, the superintendent of 3391
public instruction shall evaluate the school district's 3392
performance based on the measures approved under division (B) of 3393
this section and shall issue a report to the governor and general 3394
assembly. 3395

Sec. 3311.80. Notwithstanding any provision of the Revised 3396
Code to the contrary, a municipal school district shall be subject 3397
to this section instead of section 3319.111 of the Revised Code. 3398

(A) Not later than July 1, 2013, the board of education of 3399

each municipal school district and the teachers' labor 3400
organization shall develop and adopt standards-based teacher 3401
evaluation procedures that conform with the framework for 3402
evaluation of teachers developed under section 3319.112 of the 3403
Revised Code. The evaluation procedures shall include at least 3404
formal observations and classroom walk-throughs, which may be 3405
announced or unannounced; examinations of samples of work, such as 3406
lesson plans or assessments designed by a teacher; and multiple 3407
measures of student academic growth. 3408

(B) When using measures of student academic growth as a 3409
component of a teacher's evaluation, those measures shall include 3410
the value-added progress dimension prescribed by section 3302.021 3411
of the Revised Code or the alternative student academic progress 3412
measure if adopted under division (C)(1)(e) of section 3302.03 of 3413
the Revised Code. For teachers of grade levels and subjects for 3414
which the value-added progress dimension or alternative student 3415
academic achievement measure is not applicable, the board shall 3416
administer assessments on the list developed under division (B)(2) 3417
of section 3319.112 of the Revised Code. 3418

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

(2) Each teacher who received a rating of accomplished on the 3426
teacher's most recent evaluation conducted under this section may 3427
be evaluated once every two school years, except that the teacher 3428
shall be evaluated in any school year in which the teacher's 3429
contract is due to expire. The biennial composite evaluation shall 3430
be completed not later than the first day of June of the 3431

applicable school year, and the teacher shall receive a written 3432
report of the results of the composite evaluation not later than 3433
ten days after its completion or the last teacher work day of the 3434
school year, whichever is earlier. 3435

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

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

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

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

(4) A person designated to conduct evaluations under an 3453
agreement providing for peer assistance and review entered into by 3454
the board and the teachers' labor organization. 3455

(E) The evaluation procedures shall describe how the 3456
evaluation results will be used for decisions regarding 3457
compensation, retention, promotion, and reductions in force and 3458
for removal of poorly performing teachers. 3459

(F) A teacher may challenge any violations of the evaluation 3460
procedures in accordance with the grievance procedure specified in 3461
any applicable collective bargaining agreement. A challenge under 3462

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

(G) Notwithstanding any provision to the contrary in Chapter 3477
4117. of the Revised Code, the requirements of this section 3478
prevail over any conflicting provisions of a collective bargaining 3479
agreement entered into on or after ~~the effective date of this~~ 3480
~~section~~ October 1, 2012. However, the board and the teachers' 3481
labor organization may negotiate additional evaluation procedures, 3482
including an evaluation process incorporating peer assistance and 3483
review, provided the procedures are consistent with this section. 3484

(H) This section does not apply to administrators appointed 3485
by the chief executive officer of a municipal school district 3486
under section 3311.72 of the Revised Code, administrators subject 3487
to evaluation procedures under section 3311.84 or 3319.02 of the 3488
Revised Code, or to any teacher employed as a substitute for less 3489
than one hundred twenty days during a school year pursuant to 3490
section 3319.10 of the Revised Code. 3491

Sec. 3313.473. (A) This section does not apply to any school 3492
district ~~declared to be excellent or effective pursuant to~~ 3493

~~division (B)(1) or (2) of section 3302.03 of the Revised Code to~~ 3494
~~which one of the following applies:~~ 3495

(1) For the 2011-2012 school year, the school district was 3496
declared to be excellent or effective under section 3302.03 of the 3497
Revised Code, as that section existed prior to the effective date 3498
of this section. 3499

(2) For the 2012-2013 school year, the school district 3500
received a grade of "A" or "B" for the performance index score 3501
under division (A)(1)(b) and for the value-added dimension under 3502
division (A)(1)(e) of section 3302.03 of the Revised Code. 3503

(3) For the 2013-2014 school year, the school district 3504
received a grade of "A" or "B" for the performance index score 3505
under division (B)(1)(b) and for the value-added dimension under 3506
division (B)(1)(e) of section 3302.03 of the Revised Code. 3507

(4) For the 2014-2015 school year and for any school year 3508
thereafter, the school district received an overall grade of "A" 3509
or "B" under division (C)(2) of section 3302.03 of the Revised 3510
Code. 3511

~~(A)(B)~~ The state board of education shall adopt rules 3512
requiring school districts with a total student count of over five 3513
thousand, as determined pursuant to section 3317.03 of the Revised 3514
Code, to designate one school building to be operated by a 3515
site-based management council. The rules shall specify the 3516
composition of the council and the manner in which members of the 3517
council are to be selected and removed. 3518

~~(B)(C)~~ The rules adopted under division ~~(A)(B)~~ of this 3519
section shall specify those powers, duties, functions, and 3520
responsibilities that shall be vested in the management council 3521
and that would otherwise be exercised by the district board of 3522
education. The rules shall also establish a mechanism for 3523
resolving any differences between the council and the district 3524

board if there is disagreement as to their respective powers, 3525
duties, functions, and responsibilities. 3526

~~(C)~~(D) The board of education of any school district 3527
described by division ~~(A)~~(B) of this section may, in lieu of 3528
complying with the rules adopted under this section, file with the 3529
department of education an alternative structure for a district 3530
site-based management program in at least one of its school 3531
buildings. The proposal shall specify the composition of the 3532
council, which shall include an equal number of parents and 3533
teachers and the building principal, and the method of selection 3534
and removal of the council members. The proposal shall also 3535
clearly delineate the respective powers, duties, functions, and 3536
responsibilities of the district board and the council. The 3537
district's proposal shall comply substantially with the rules 3538
adopted under division ~~(A)~~(B) of this section. 3539

Sec. 3313.608. (A)(1) Beginning with students who enter third 3540
grade in the school year that starts July 1, 2009, and until June 3541
30, 2013, for any student who attains a score in the range 3542
designated under division (A)(3) of section 3301.0710 of the 3543
Revised Code on the assessment prescribed under that section to 3544
measure skill in English language arts expected at the end of 3545
third grade, each school district, in accordance with the policy 3546
adopted under section 3313.609 of the Revised Code, shall do one 3547
of the following: 3548

(a) Promote the student to fourth grade if the student's 3549
principal and reading teacher agree that other evaluations of the 3550
student's skill in reading demonstrate that the student is 3551
academically prepared to be promoted to fourth grade; 3552

(b) Promote the student to fourth grade but provide the 3553
student with intensive intervention services in fourth grade; 3554

(c) Retain the student in third grade. 3555

(2) Beginning with students who enter third grade in the 2013-2014 school year, no school district shall promote to fourth grade any student who attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

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

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

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

(d) All of the following apply:

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

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

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

(iv) The student previously was retained in any of grades 3586
kindergarten to three. 3587

(e)(i) The student received intensive remediation for reading 3588
for two school years but still demonstrates a deficiency in 3589
reading and was previously retained in any of grades kindergarten 3590
to three. 3591

(ii) A student who is promoted under division (A)(2)(e)(i) of 3592
this section shall continue to receive intensive reading 3593
instruction in grade four. The instruction shall include an 3594
altered instructional day that includes specialized diagnostic 3595
information and specific research-based reading strategies for the 3596
student that have been successful in improving reading among 3597
low-performing readers. 3598

(B)(1) Beginning in the 2012-2013 school year, to assist 3599
students in meeting the third grade guarantee established by this 3600
section, each school district board of education shall adopt 3601
policies and procedures with which it annually shall assess the 3602
reading skills of each student enrolled in kindergarten to third 3603
grade by the thirtieth day of September and shall identify 3604
students who are reading below their grade level. Each district 3605
shall use the diagnostic assessment to measure ~~English language~~ 3606
~~arts~~ reading ability for the appropriate grade level adopted under 3607
section 3301.079 of the Revised Code, or a comparable tool 3608
approved by the department of education, to identify such 3609
students. The policies and procedures shall require the students' 3610
classroom teachers to be involved in the assessment and the 3611
identification of students reading below grade level. 3612

(2) For each student identified by the diagnostic assessment 3613
prescribed under this section as having reading skills below grade 3614
level, the district shall do both of the following: 3615

(a) Provide to the student's parent or guardian, in writing, 3616

all of the following: 3617

(i) Notification that the student has been identified as 3618
having a substantial deficiency in reading; 3619

(ii) A description of the current services that are provided 3620
to the student; 3621

(iii) A description of the proposed supplemental 3622
instructional services and supports that will be provided to the 3623
student that are designed to remediate the identified areas of 3624
reading deficiency; 3625

(iv) Notification that if the student attains a score in the 3626
range designated under division (A)(3) of section 3301.0710 of the 3627
Revised Code on the assessment prescribed under that section to 3628
measure skill in English language arts expected at the end of 3629
third grade, the student shall be retained unless the student is 3630
exempt under division (A) of this section. The notification shall 3631
specify that the assessment under section 3301.0710 of the Revised 3632
Code is not the sole determinant of promotion and that additional 3633
evaluations and assessments are available to the student to assist 3634
parents and the district in knowing when a student is reading at 3635
or above grade level and ready for promotion. 3636

(b) Provide intensive reading instruction services and 3637
regular diagnostic assessments to the student immediately 3638
following identification of a reading deficiency, ~~in accordance~~ 3639
~~with~~ until the development of the reading improvement and 3640
monitoring plan required by division (C) of this section. ~~Such~~ 3641
These intervention services shall include research-based reading 3642
strategies that have been shown to be successful in improving 3643
reading among low-performing readers and instruction targeted at 3644
the student's identified reading deficiencies. 3645

(3) For each student retained under division (A) of this 3646
section, the district shall do all of the following: 3647

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

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

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

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

(vii) Summer reading camps.

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

(c) Provide each student with a high-performing teacher, as determined by the teacher's student performance data, when available, and performance reviews.

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

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic

ability field, each district shall provide instruction 3678
commensurate with student achievement levels in that specific 3679
academic ability field. 3680

As used in this division, "specific academic ability field" 3681
has the same meaning as in section 3324.01 of the Revised Code. 3682

(C) For each student required to be provided intervention 3683
services under this section, the district shall develop a reading 3684
improvement and monitoring plan within sixty days after receiving 3685
the student's results on the diagnostic assessment or comparable 3686
tool administered under division (B)(1) of this section. The 3687
district shall involve the student's parent or guardian and 3688
classroom teacher in developing the plan. The plan shall include 3689
all of the following: 3690

(1) Identification of the student's specific reading 3691
deficiencies; 3692

(2) A description of the additional instructional services 3693
and support that will be provided to the student to remediate the 3694
identified reading deficiencies; 3695

(3) Opportunities for the student's parent or guardian to be 3696
involved in the instructional services and support described in 3697
division (C)(2) of this section; 3698

(4) A process for monitoring the extent to which the student 3699
receives the instructional services and support described in 3700
division (C)(2) of this section; 3701

(5) A reading curriculum during regular school hours that 3702
does all of the following: 3703

(a) Assists students to read at grade level; 3704

(b) Provides scientifically based and reliable assessment; 3705

(c) Provides initial and ongoing analysis of each student's 3706
reading progress. 3707

(6) A statement that if the student attains a score in the range 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.

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 has either received a passing score on a rigorous test of principles of scientifically based reading instruction approved by the state board of education or has a reading endorsement on the teacher's license.

The district shall report any information requested by the department about the plans developed under this division in the manner required by the department.

(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 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. 3739

(2) The school districts conduct assessment before and after 3740
students participate in the program to facilitate monitoring 3741
results of the remediation services. 3742

(3) The parents of participating students are involved in 3743
programming decisions. 3744

(F) Any intervention or remediation services required by this 3745
section shall include intensive, explicit, and systematic 3746
instruction. 3747

(G) This section does not create a new cause of action or a 3748
substantive legal right for any person. 3749

Sec. 3314.011. Every community school established under this 3750
chapter shall have a designated fiscal officer. The auditor of 3751
state may require by rule that the fiscal officer of any community 3752
school, before entering upon duties as fiscal officer of the 3753
school, execute a bond in an amount and with surety to be approved 3754
by the governing authority of the school, payable to the state, 3755
conditioned for the faithful performance of all the official 3756
duties required of the fiscal officer. Any such bond shall be 3757
deposited with the governing authority of the school, and a copy 3758
thereof, certified by the governing authority, shall be filed with 3759
the county auditor. 3760

Prior to assuming the duties of fiscal officer, the fiscal 3761
officer designated under this section shall be licensed under 3762
section 3301.074 of the Revised Code ~~or shall complete not less~~ 3763
~~than sixteen hours of continuing education classes, courses, or~~ 3764
~~workshops in the area of school accounting as approved by the~~ 3765
~~sponsor of the community school. Any fiscal officer who is not~~ 3766
~~licensed under section 3301.074 of the Revised Code shall complete~~ 3767
~~an additional twenty four hours of continuing education classes,~~ 3768

~~courses, or workshops in the area of school accounting as approved 3769
by the sponsor of the school within one year after assuming the 3770
duties of fiscal officer of the school. However, any such classes, 3771
courses, or workshops in excess of sixteen hours completed by the 3772
fiscal officer prior to assuming the duties of fiscal officer 3773
shall count toward the additional twenty four hours of continuing 3774
education required under this section. In each subsequent year, 3775
any fiscal officer who is not licensed under section 3301.074 of 3776
the Revised Code shall complete eight hours of continuing 3777
education classes, courses, or workshops in the area of school 3778
accounting as approved by the sponsor of the school. 3779~~

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 3780
the superintendent of public instruction shall appoint 3781
representatives of the department of education, including 3782
employees who work with the education management information 3783
system, to a committee to develop report card models for community 3784
schools. The committee shall design model report cards appropriate 3785
for the various types of community schools approved to operate in 3786
the state. Sufficient models shall be developed to reflect the 3787
variety of grade levels served and the missions of the state's 3788
community schools. All models shall include both financial and 3789
academic data. The initial models shall be developed by March 31, 3790
2000. 3791

(B) The Except as provided in section 3314.017 of the Revised 3792
Code, the department of education shall issue an annual report 3793
card for each community school, regardless of how long the school 3794
has been in operation. The report card shall report the academic 3795
and financial performance of the school utilizing one of the 3796
models developed under division (A) of this section. The report 3797
card shall include all information applicable to school buildings 3798
under ~~division~~ divisions (A), (B), (C), and (D) of section 3302.03 3799
of the Revised Code. The ratings a community school receives under 3800

section 3302.03 of the Revised Code for its first two full school 3801
years shall not be considered toward automatic closure of the 3802
school under section 3314.35 of the Revised Code or any other 3803
matter that is based on report card ratings. 3804

(C) Upon receipt of a copy of a contract between a sponsor 3805
and a community school entered into under this chapter, the 3806
department of education shall notify the community school of the 3807
specific model report card that will be used for that school. 3808

(D) Report cards shall be distributed to the parents of all 3809
students in the community school, to the members of the board of 3810
education of the school district in which the community school is 3811
located, and to any person who requests one from the department. 3812

Sec. 3314.013. (A) Until ~~January 1, 2013~~ the sixty-first day 3813
after the effective date of this amendment, no internet- or 3814
computer-based community school shall operate unless the school 3815
was open for instruction as of May 1, 2005. No entity described in 3816
division (C)(1) of section 3314.02 of the Revised Code shall enter 3817
into a contract to sponsor an internet- or computer-based 3818
community school, including a conversion school, between May 1, 3819
2005, and ~~January 1, 2013~~ the sixty-first day after the effective 3820
date of this amendment, except as follows: 3821

(1) The entity may renew a contract that the entity entered 3822
into with an internet- or computer-based community school prior to 3823
May 1, 2005, if the school was open for operation as of that date. 3824

(2) The entity may assume sponsorship of an existing 3825
internet- or computer-based community school that was formerly 3826
sponsored by another entity and may enter into a contract with 3827
that community school in accordance with section 3314.03 of the 3828
Revised Code. 3829

If a sponsor entered into a contract with an internet- or 3830

computer-based community school, including a conversion school, 3831
but the school was not open for operation as of May 1, 2005, the 3832
contract shall be void and the entity shall not enter into another 3833
contract with the school until ~~January 1, 2013~~ the sixty-first day 3834
after the effective date of this amendment. 3835

(B)(1) ~~Beginning January on the later of July 1, 2013, or the~~ 3836
~~sixty-first day after the effective date of this amendment,~~ up to 3837
five new internet- or computer-based community schools may open 3838
each year. ~~If the governing authorities of more than five new~~ 3839
~~schools notify the department of education under division (D) of~~ 3840
~~section 3314.02 of the Revised Code, by a deadline established by~~ 3841
~~the department, that they have signed a contract with a sponsor to~~ 3842
~~open in the following school year, the department shall hold a~~ 3843
~~lottery within thirty days after the deadline to choose the five~~ 3844
~~schools that may open in that school year. The contract signed by~~ 3845
~~the governing authority of any school not selected in the lottery~~ 3846
~~shall be void, but the school may enter into a contract with a~~ 3847
~~sponsor to open in a subsequent school year, subject to this~~ 3848
~~division,~~ subject to approval of the superintendent of public 3849
instruction under division (B)(2) of this section. 3850

(2) The superintendent of public instruction shall approve 3851
applications for new internet- or computer-based community schools 3852
from only those applicants demonstrating experience and quality. 3853

The superintendent shall adopt rules prescribing measures to 3854
determine experience and quality of applicants in accordance with 3855
Chapter 119. of the Revised Code. The measures shall include, but 3856
not be limited to, the following considerations: 3857

(a) The sponsor's experience with online schools; 3858

(b) The operator's experience with online schools; 3859

(c) The sponsor's and operator's previous record for student 3860
performance; 3861

(d) A preference for operators with previous experience in Ohio. 3862
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The superintendent shall adopt the rules so that they are effective not later than the sixty-first day after the effective date of this amendment. 3864
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(3) The department of education shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the superintendent has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013, or the sixty-first day after the effective date of this amendment, if such date occurs after July 1, 2013. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter. 3867
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(C) Nothing in divisions (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers. 3884
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(D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of internet- or computer-based community schools. The director shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration of enactment by the general assembly. 3887
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Sec. 3314.015. (A) The department of education shall be 3894
responsible for the oversight of any and all sponsors of the 3895
community schools established under this chapter and shall provide 3896
technical assistance to schools and sponsors in their compliance 3897
with applicable laws and the terms of the contracts entered into 3898
under section 3314.03 of the Revised Code and in the development 3899
and start-up activities of those schools. In carrying out its 3900
duties under this section, the department shall do all of the 3901
following: 3902

(1) In providing technical assistance to proposing parties, 3903
governing authorities, and sponsors, conduct training sessions and 3904
distribute informational materials; 3905

(2) Approve entities to be sponsors of community schools; 3906

(3) Monitor and evaluate, as required under section 3314.016 3907
of the Revised Code, the effectiveness of any and all sponsors in 3908
their oversight of the schools with which they have contracted; 3909

(4) By December thirty-first of each year, issue a report to 3910
the governor, the speaker of the house of representatives, the 3911
president of the senate, and the chairpersons of the house and 3912
senate committees principally responsible for education matters 3913
regarding the effectiveness of academic programs, operations, and 3914
legal compliance and of the financial condition of all community 3915
schools established under this chapter and on the performance of 3916
community school sponsors; 3917

(5) From time to time, make legislative recommendations to 3918
the general assembly designed to enhance the operation and 3919
performance of community schools. 3920

(B)(1) Except as provided in sections 3314.021 and 3314.027 3921
of the Revised Code, no entity listed in division (C)(1) of 3922
section 3314.02 of the Revised Code shall enter into a preliminary 3923

agreement under division (C)(2) of section 3314.02 of the Revised Code until it has received approval from the department of education to sponsor community schools under this chapter and has entered into a written agreement with the department regarding the manner in which the entity will conduct such sponsorship. The department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for such approval, for oversight of sponsors, for revocation of the approval of sponsors, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require entities approved as sponsors on and after June 30, 2005, to demonstrate a record of financial responsibility and successful implementation of educational programs. If an entity seeking approval on or after June 30, 2005, to sponsor community schools in this state sponsors or operates schools in another state, at least one of the schools sponsored or operated by the entity must be comparable to or better than the performance of Ohio schools in need of continuous improvement under section 3302.03 of the Revised Code, as determined by the department.

Subject to section 3314.016 of the Revised Code, an entity that sponsors community schools may enter into preliminary agreements and sponsor up to one hundred schools, provided each school and the contract for sponsorship meets the requirements of this chapter.

(2) The ~~department~~ state board of education shall determine, pursuant to criteria ~~adopted by rule of the department~~ specified in rules adopted in accordance with Chapter 119. of the Revised Code, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board

of trustees or the board's designee under division (C)(1)(e) of 3956
section 3314.02 of the Revised Code complies with the requirements 3957
of that division. Such determination of the ~~department~~ state board 3958
is final. 3959

(3) The ~~department~~ state board of education shall determine, 3960
pursuant to criteria ~~adopted by rule of the department~~ specified 3961
in rules adopted in accordance with Chapter 119. of the Revised 3962
Code, if any tax-exempt entity under section 501(c)(3) of the 3963
Internal Revenue Code that is proposed to be a sponsor of a 3964
community school is an education-oriented entity for purpose of 3965
satisfying the condition prescribed in division (C)(1)(f)(iii) of 3966
section 3314.02 of the Revised Code. Such determination of the 3967
~~department~~ state board is final. 3968

(C) If at any time the state board of education finds that a 3969
sponsor is not in compliance or is no longer willing to comply 3970
with its contract with any community school or with the 3971
department's rules for sponsorship, the state board or designee 3972
shall conduct a hearing in accordance with Chapter 119. of the 3973
Revised Code on that matter. If after the hearing, the state board 3974
or designee has confirmed the original finding, the department of 3975
education may revoke the sponsor's approval to sponsor community 3976
schools. In that case, the department's office of Ohio school 3977
sponsorship, established under section 3314.029 of the Revised 3978
Code, may assume the sponsorship of any schools with which the 3979
sponsor has contracted until the earlier of the expiration of two 3980
school years or until a new sponsor as described in division 3981
(C)(1) of section 3314.02 of the Revised Code is secured by the 3982
school's governing authority. The office of Ohio school 3983
sponsorship may extend the term of the contract in the case of a 3984
school for which it has assumed sponsorship under this division as 3985
necessary to accommodate the term of the department's 3986
authorization to sponsor the school specified in this division. 3987

Community schools sponsored under this division shall not apply to 3988
the limit on directly authorized community schools under division 3989
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3990
in this division shall preclude a community school affected by 3991
this division from applying for sponsorship under that section. 3992

(D) The decision of the department to disapprove an entity 3993
for sponsorship of a community school or to revoke approval for 3994
such sponsorship under division (C) of this section, may be 3995
appealed by the entity in accordance with section 119.12 of the 3996
Revised Code. 3997

(E) The department shall adopt procedures for use by a 3998
community school governing authority and sponsor when the school 3999
permanently closes and ceases operation, which shall include at 4000
least procedures for data reporting to the department, handling of 4001
student records, distribution of assets in accordance with section 4002
3314.074 of the Revised Code, and other matters related to ceasing 4003
operation of the school. 4004

(F) In carrying out its duties under this chapter, the 4005
department shall not impose requirements on community schools or 4006
their sponsors that are not permitted by law or duly adopted 4007
rules. 4008

Sec. 3314.016. This section applies to any entity that 4009
sponsors a community school, regardless of whether section 4010
3314.021 or 3314.027 of the Revised Code exempts the entity from 4011
the requirement to be approved for sponsorship under divisions 4012
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 4013
office of Ohio school sponsorship established under section 4014
3314.029 of the Revised Code shall be ~~ranked~~ rated under division 4015
(B) of this section, but divisions (A) and (C) of this section do 4016
not apply to the office. 4017

(A) An entity that sponsors a community school shall be 4018

permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets both of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not ~~ranked in the lowest twenty per cent of community school sponsors on the ranking prescribed by~~ rated as "ineffective" under division (B)(6) of this section.

(B)(1) For purposes of this section, the department shall ~~develop a composite performance index score, as defined in section 3302.01 of the Revised Code, that measures the academic and~~ implement an evaluation system that rates each entity that sponsors a community school based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity;

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. The department shall not include this measure in the sponsor evaluation rating system until the department prescribes quality practices and develops an instrument to measure adherence to those practices under division (B)(3) of this section.

(c) Compliance with applicable laws and administrative rules by an entity that sponsors a community school.

(2) In calculating an ~~entity's composite academic performance index score~~ component, the department shall exclude all of the following:

(a) All community schools that have been in operation for ~~less~~ not more than two full school years;

(b) All community schools described in division (A)~~(3)~~(4)(b)

of section 3314.35 of the Revised Code, ~~but the department shall~~ 4049
~~cease to exclude the schools described in division (A)(3)(a) of~~ 4050
~~that section if those schools become subject to closure under~~ 4051
~~division (D) of that section.~~ 4052

(3) The department, in consultation with entities that 4053
sponsor community schools, shall prescribe quality practices for 4054
community school sponsors and develop an instrument to measure 4055
adherence to those quality practices. The quality practices shall 4056
be based on standards developed by the national association of 4057
charter school authorizers or any other nationally organized 4058
community school organization. 4059

(4)(a) The department may permit peer review of a sponsor's 4060
adherence to the quality practices prescribed under division 4061
(B)(3) of this section. 4062

(b) The department shall require individuals participating in 4063
peer review under division (B)(4)(a) of this section to complete 4064
training approved or established by the department. 4065

(c) The department may enter into an agreement with another 4066
entity to provide training to individuals conducting peer review 4067
of sponsors. Prior to entering into an agreement with an entity, 4068
the department shall review and approve of the entity's training 4069
program. 4070

(5) Not later than July 1, 2013, the state board of education 4071
shall adopt rules in accordance with Chapter 119. of the Revised 4072
Code prescribing standards for measuring compliance with 4073
applicable laws and rules under division (B)(1)(c) of this 4074
section. 4075

(6) The department annually shall ~~rank~~ rate all entities that 4076
sponsor community schools ~~from highest to lowest according to the~~ 4077
entities' composite performance index scores and as either 4078
"exemplary," "effective," or "ineffective," based on the 4079

components prescribed by division (B) of this section, where each 4080
component is weighted equally, except that entities sponsoring 4081
community schools for the first time may be assigned the rating of 4082
"emerging" for only the first two consecutive years. 4083

The department shall publish the ~~rankings~~ ratings between the 4084
first day of October and the fifteenth day of October. 4085

(7)(a) Prior to the 2014-2015 school year, student academic 4086
performance prescribed under division (B)(1)(a) of this section 4087
shall not include student academic performance data from community 4088
schools that primarily serve students enrolled in a dropout 4089
prevention and recovery program as described in division (A)(4)(a) 4090
of section 3314.35 of the Revised Code. 4091

(b) For the 2014-2015 school year and each school year 4092
thereafter, student academic performance prescribed under division 4093
(B)(1)(a) of this section shall include student academic 4094
performance data from community schools that primarily serve 4095
students enrolled in a dropout prevention and recovery program. 4096

(C) If the governing authority of a community school enters 4097
into a contract with a sponsor prior to the date on which the 4098
sponsor is prohibited from sponsoring additional schools under 4099
division (A) of this section and the school has not opened for 4100
operation as of that date, that contract shall be void and the 4101
school shall not open until the governing authority secures a new 4102
sponsor by entering into a contract with the new sponsor under 4103
section 3314.03 of the Revised Code. However, the department's 4104
office of Ohio school sponsorship, established under section 4105
3314.029 of the Revised Code, may assume the sponsorship of the 4106
school until the earlier of the expiration of two school years or 4107
until a new sponsor is secured by the school's governing 4108
authority. A community school sponsored by the department under 4109
this division shall not be included when calculating the maximum 4110
number of directly authorized community schools permitted under 4111

division (A)(3) of section 3314.029 of the Revised Code. 4112

Sec. 3314.017. (A) The state board of education shall 4113
prescribe by rules, adopted in accordance with Chapter 119. of the 4114
Revised Code, an academic performance rating and report card 4115
system that satisfies the requirements of this section for 4116
community schools that primarily serve students enrolled in 4117
dropout prevention and recovery programs as described in division 4118
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 4119
lieu of the system prescribed under sections 3302.03 and 3314.012 4120
of the Revised Code beginning with the 2012-2013 school year. Each 4121
such school shall comply with the testing and reporting 4122
requirements of the system as prescribed by the state board. 4123

(B) Nothing in this section shall at any time relieve a 4124
school from its obligations under the "No Child Left Behind Act of 4125
2001" to make "adequate yearly progress," as both that act and 4126
that term are defined in section 3302.01 of the Revised Code, or a 4127
school's amenability to the provisions of section 3302.04 or 4128
3302.041 of the Revised Code. The department shall continue to 4129
report each school's performance as required by the act and to 4130
enforce applicable sanctions under section 3302.04 or 3302.041 of 4131
the Revised Code. 4132

(C) The rules adopted by the state board shall prescribe the 4133
following performance indicators for the rating and report card 4134
system required by this section: 4135

(1) Graduation rate for each of the following student 4136
cohorts: 4137

(a) The number of students who graduate in four years or less 4138
with a regular high school diploma divided by the number of 4139
students who form the adjusted cohort for the graduating class; 4140

(b) The number of students who graduate in five years with a 4141

regular high school diploma divided by the number of students who 4142
form the adjusted cohort for the four-year graduation rate; 4143

(c) The number of students who graduate in six years with a 4144
regular high school diploma divided by the number of students who 4145
form the adjusted cohort for the four-year graduation rate; 4146

(d) The number of students who graduate in seven years with a 4147
regular high school diploma divided by the number of students who 4148
form the adjusted cohort for the four-year graduation rate; 4149

(e) The number of students who graduate in eight years with a 4150
regular high school diploma divided by the number of students who 4151
form the adjusted cohort for the four-year graduation rate. 4152

(2) The percentage of twelfth-grade students currently 4153
enrolled in the school who have attained the designated passing 4154
score on all of the applicable state high school achievement 4155
assessments required under division (B)(1) or (2) of section 4156
3301.0710 of the Revised Code and other students enrolled in the 4157
school, regardless of grade level, who are within three months of 4158
their twenty-second birthday and have attained the designated 4159
passing score on all of the applicable state high school 4160
achievement assessments by their twenty-second birthday; 4161

(3) Annual measurable objectives as defined in section 4162
3302.01 of the Revised Code; 4163

(4) Growth in student achievement in reading, or mathematics, 4164
or both as measured by separate nationally norm-referenced 4165
assessments that have developed appropriate standards for students 4166
enrolled in dropout prevention and recovery programs, adopted or 4167
approved by the state board. 4168

(D)(1) The state board's rules shall prescribe the expected 4169
performance levels and benchmarks for each of the indicators 4170
prescribed by division (C) of this section based on the data 4171
gathered by the department under division (F) of this section. 4172

<u>Based on a school's level of attainment or nonattainment of the</u>	4173
<u>expected performance levels and benchmarks for each of the</u>	4174
<u>indicators, the department shall rate each school in one of the</u>	4175
<u>following categories:</u>	4176
<u>(a) Exceeds standards;</u>	4177
<u>(b) Meets standards;</u>	4178
<u>(c) Does not meet standards.</u>	4179
<u>(2) The state board's rules shall establish all of the</u>	4180
<u>following:</u>	4181
<u>(a) Not later than March 31, 2013, performance levels and</u>	4182
<u>benchmarks for the indicators described in divisions (C)(1) to (3)</u>	4183
<u>of this section;</u>	4184
<u>(b) Not later than December 31, 2014, both of the following:</u>	4185
<u>(i) Performance levels and benchmarks for the indicator</u>	4186
<u>described in division (C)(4) of this section;</u>	4187
<u>(ii) Standards for awarding a community school described in</u>	4188
<u>division (A)(4)(a) of section 3314.35 of the Revised Code an</u>	4189
<u>overall designation, which shall be calculated as follows:</u>	4190
<u>(I) Thirty per cent of the score shall be based on the</u>	4191
<u>indicators described in division (C)(1) of this section that are</u>	4192
<u>applicable to the school year for which the overall designation is</u>	4193
<u>granted.</u>	4194
<u>(II) Thirty per cent of the score shall be based on the</u>	4195
<u>indicators described in division (C)(4) of this section.</u>	4196
<u>(III) Twenty per cent of the score shall be based on the</u>	4197
<u>indicators described in division (C)(2) of this section.</u>	4198
<u>(IV) Twenty per cent of the score shall be based on the</u>	4199
<u>indicators described in division (C)(3) of this section.</u>	4200
<u>(3) If both of the indicators described in divisions (C)(1)</u>	4201

and (2) of this section improve by ten per cent for two 4202
consecutive years, a school shall be rated as "meets standards." 4203

The rating and the relevant performance data for each school 4204
shall be posted on the department's web site, and a copy of the 4205
rating and data shall be provided to the governing authority of 4206
the community school. 4207

(E)(1) For the 2012-2013 school year, the department shall 4208
issue a report card including the following performance measures, 4209
but without a performance rating as described in divisions 4210
(D)(1)(a) to (c) of this section, for each community school 4211
described in division (A)(4)(a) of section 3314.35 of the Revised 4212
Code: 4213

(a) The graduation rates as described in divisions (C)(1)(a) 4214
to (c) of this section; 4215

(b) The percentage of twelfth-grade students and other 4216
students who have attained a designated passing score on high 4217
school achievement assessments as described in division (C)(2) of 4218
this section; 4219

(c) The statewide average for the graduation rates and 4220
assessment passage rates described in divisions (C)(1)(a) to (c) 4221
and (C)(2) of this section; 4222

(d) Annual measurable objectives described in division (C)(3) 4223
of this section. 4224

(2) For the 2013-2014 school year, the department shall issue 4225
a report card including the following performance measures for 4226
each community school described in division (A)(4) of section 4227
3314.35 of the Revised Code: 4228

(a) The graduation rates described in divisions (C)(1)(a) to 4229
(d) of this section, including a performance rating as described 4230
in divisions (D)(1)(a) to (c) of this section; 4231

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 4232
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(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 4237
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(d) Both of the following without an assigned rating: 4240

(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available; 4241
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(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate. 4244
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(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section: 4247
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(a) The graduation rates as described in division (C)(1) of this section; 4254
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(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 4256
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(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in 4260
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divisions (D)(1)(a) to (c) of this section; 4262

(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section; 4263
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(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section. 4265
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The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating. 4268
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(F) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division. 4274
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The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of those states in developing the system required by this section. 4285
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Sec. 3314.02. (A) As used in this chapter: 4290

(1) "Sponsor" means the board of education of a school 4291

district or the governing board of an educational service center 4292
that agrees to the conversion of all or part of a school or 4293
building under division (B) of this section, or an entity listed 4294
in division (C)(1) of this section, which either has been approved 4295
by the department of education to sponsor community schools or is 4296
exempted by section 3314.021 or 3314.027 of the Revised Code from 4297
obtaining approval, and with which the governing authority of a 4298
community school enters into a contract under section 3314.03 of 4299
the Revised Code. 4300

(2) "Pilot project area" means the school districts included 4301
in the territory of the former community school pilot project 4302
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 4303
the 122nd general assembly. 4304

(3) "Challenged school district" means any of the following: 4305

(a) A school district that is part of the pilot project area; 4306

(b) A school district that ~~is either~~ meets one of the 4307
following conditions: 4308

(i) On the effective date of this amendment, the district was 4309
in a state of academic emergency or in a state of academic watch 4310
under section 3302.03 of the Revised Code, as that section existed 4311
prior to the effective date of this amendment; 4312

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 4313
school years, the district received a grade of "D" or "F" for the 4314
performance index score and a grade of "F" for the value-added 4315
progress dimension under section 3302.03 of the Revised Code; 4316

(iii) For the 2015-2016 school year and for any school year 4317
thereafter, the district has received an overall grade of "D" or 4318
"F" under division (C)(2) of section 3302.03 of the Revised Code, 4319
or, for at least two of the three most recent school years, the 4320
district received a grade of "F" for the value-added progress 4321
dimension under division (C)(1)(e) of that section. 4322

- (c) A big eight school district; 4323
- (d) A school district ranked in the lowest five per cent of 4324
school districts according to performance index score under 4325
section 3302.21 of the Revised Code. 4326
- (4) "Big eight school district" means a school district that 4327
for fiscal year 1997 had both of the following: 4328
- (a) A percentage of children residing in the district and 4329
participating in the predecessor of Ohio works first greater than 4330
thirty per cent, as reported pursuant to section 3317.10 of the 4331
Revised Code; 4332
- (b) An average daily membership greater than twelve thousand, 4333
as reported pursuant to former division (A) of section 3317.03 of 4334
the Revised Code. 4335
- (5) "New start-up school" means a community school other than 4336
one created by converting all or part of an existing public school 4337
or educational service center building, as designated in the 4338
school's contract pursuant to division (A)(17) of section 3314.03 4339
of the Revised Code. 4340
- (6) "Urban school district" means one of the state's 4341
twenty-one urban school districts as defined in division (O) of 4342
section 3317.02 of the Revised Code as that section existed prior 4343
to July 1, 1998. 4344
- (7) "Internet- or computer-based community school" means a 4345
community school established under this chapter in which the 4346
enrolled students work primarily from their residences on 4347
assignments in nonclassroom-based learning opportunities provided 4348
via an internet- or other computer-based instructional method that 4349
does not rely on regular classroom instruction or via 4350
comprehensive instructional methods that include internet-based, 4351
other computer-based, and noncomputer-based learning 4352
opportunities. 4353

(8) "Operator" means either of the following: 4354

(a) An individual or organization that manages the daily 4355
operations of a community school pursuant to a contract between 4356
the operator and the school's governing authority; 4357

(b) A nonprofit organization that provides programmatic 4358
oversight and support to a community school under a contract with 4359
the school's governing authority and that retains the right to 4360
terminate its affiliation with the school if the school fails to 4361
meet the organization's quality standards. 4362

(B) Any person or group of individuals may initially propose 4363
under this division the conversion of all or a portion of a public 4364
school or a building operated by an educational service center to 4365
a community school. The proposal shall be made to the board of 4366
education of the city, local, exempted village, or joint 4367
vocational school district in which the public school is proposed 4368
to be converted or, in the case of the conversion of a building 4369
operated by an educational service center, to the governing board 4370
of the service center. Upon receipt of a proposal, a board may 4371
enter into a preliminary agreement with the person or group 4372
proposing the conversion of the public school or service center 4373
building, indicating the intention of the board to support the 4374
conversion to a community school. A proposing person or group that 4375
has a preliminary agreement under this division may proceed to 4376
finalize plans for the school, establish a governing authority for 4377
the school, and negotiate a contract with the board. Provided the 4378
proposing person or group adheres to the preliminary agreement and 4379
all provisions of this chapter, the board shall negotiate in good 4380
faith to enter into a contract in accordance with section 3314.03 4381
of the Revised Code and division (C) of this section. 4382

(C)(1) Any person or group of individuals may propose under 4383
this division the establishment of a new start-up school to be 4384
located in a challenged school district. The proposal may be made 4385

to any of the following entities: 4386

(a) The board of education of the district in which the 4387
school is proposed to be located; 4388

(b) The board of education of any joint vocational school 4389
district with territory in the county in which is located the 4390
majority of the territory of the district in which the school is 4391
proposed to be located; 4392

(c) The board of education of any other city, local, or 4393
exempted village school district having territory in the same 4394
county where the district in which the school is proposed to be 4395
located has the major portion of its territory; 4396

(d) The governing board of any educational service center, as 4397
long as the proposed school will be located in a county within the 4398
territory of the service center or in a county contiguous to such 4399
county~~+~~. However, the governing board of an educational service 4400
center may sponsor a new start-up school in any challenged school 4401
district in the state if all of the following are satisfied: 4402

(i) If applicable, it satisfies the requirements of division 4403
(E) of section 3311.86 of the Revised Code; 4404

(ii) It is approved to do so by the department; 4405

(iii) It enters into an agreement with the department under 4406
section 3314.015 of the Revised Code. 4407

(e) A sponsoring authority designated by the board of 4408
trustees of any of the thirteen state universities listed in 4409
section 3345.011 of the Revised Code or the board of trustees 4410
itself as long as a mission of the proposed school to be specified 4411
in the contract under division (A)(2) of section 3314.03 of the 4412
Revised Code and as approved by the department ~~of education~~ under 4413
division (B)(2) of section 3314.015 of the Revised Code will be 4414
the practical demonstration of teaching methods, educational 4415

technology, or other teaching practices that are included in the 4416
curriculum of the university's teacher preparation program 4417
approved by the state board of education; 4418

(f) Any qualified tax-exempt entity under section 501(c)(3) 4419
of the Internal Revenue Code as long as all of the following 4420
conditions are satisfied: 4421

(i) The entity has been in operation for at least five years 4422
prior to applying to be a community school sponsor. 4423

(ii) The entity has assets of at least five hundred thousand 4424
dollars and a demonstrated record of financial responsibility. 4425

(iii) The department ~~of education~~ has determined that the 4426
entity is an education-oriented entity under division (B)(3) of 4427
section 3314.015 of the Revised Code and the entity has a 4428
demonstrated record of successful implementation of educational 4429
programs. 4430

(iv) The entity is not a community school. 4431

Any entity described in division (C)(1) of this section may 4432
enter into a preliminary agreement pursuant to division (C)(2) of 4433
this section with the proposing person or group. 4434

(2) A preliminary agreement indicates the intention of an 4435
entity described in division (C)(1) of this section to sponsor the 4436
community school. A proposing person or group that has such a 4437
preliminary agreement may proceed to finalize plans for the 4438
school, establish a governing authority as described in division 4439
(E) of this section for the school, and negotiate a contract with 4440
the entity. Provided the proposing person or group adheres to the 4441
preliminary agreement and all provisions of this chapter, the 4442
entity shall negotiate in good faith to enter into a contract in 4443
accordance with section 3314.03 of the Revised Code. 4444

(3) A new start-up school that is established in a school 4445

~~district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or ranked in the lowest five per cent according to performance index score under section 3302.21 of the Revised Code described in either division (A)(3)(b) or (d) of this section~~ may continue in existence once the school district ~~is~~ no longer ~~in~~ a state of academic emergency or academic watch or ranked in the lowest five per cent according to performance index score meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority

which shall consist of a board of not less than five individuals. 4478

No person shall serve on the governing authority or operate 4479
the community school under contract with the governing authority 4480
so long as the person owes the state any money or is in a dispute 4481
over whether the person owes the state any money concerning the 4482
operation of a community school that has closed. 4483

(2) No person shall serve on the governing authorities of 4484
more than five start-up community schools at the same time. 4485

(3) No present or former member, or immediate relative of a 4486
present or former member, of the governing authority of any 4487
community school established under this chapter shall be an owner, 4488
employee, or consultant of any sponsor or operator of a community 4489
school, unless at least one year has elapsed since the conclusion 4490
of the person's membership. 4491

(4) The governing authority of a start-up community school 4492
may provide by resolution for the compensation of its members. 4493
However, no individual who serves on the governing authority of a 4494
start-up community school shall be compensated more than four 4495
hundred twenty-five dollars per meeting of that governing 4496
authority and no such individual shall be compensated more than a 4497
total amount of five thousand dollars per year for all governing 4498
authorities upon which the individual serves. 4499

(F)(1) A new start-up school that is established prior to 4500
August 15, 2003, in an urban school district that is not also a 4501
big-eight school district may continue to operate after that date 4502
and the contract between the school's governing authority and the 4503
school's sponsor may be renewed, as provided under this chapter, 4504
after that date, but no additional new start-up schools may be 4505
established in such a district unless the district is a challenged 4506
school district as defined in this section as it exists on and 4507
after that date. 4508

(2) A community school that was established prior to June 29, 4509
1999, and is located in a county contiguous to the pilot project 4510
area and in a school district that is not a challenged school 4511
district may continue to operate after that date, provided the 4512
school complies with all provisions of this chapter. The contract 4513
between the school's governing authority and the school's sponsor 4514
may be renewed, but no additional start-up community school may be 4515
established in that district unless the district is a challenged 4516
school district. 4517

(3) Any educational service center that, on June 30, 2007, 4518
sponsors a community school that is not located in a county within 4519
the territory of the service center or in a county contiguous to 4520
such county may continue to sponsor that community school on and 4521
after June 30, 2007, and may renew its contract with the school. 4522
However, the educational service center shall not enter into a 4523
contract with any additional community school, unless the school 4524
is located in a county within the territory of the service center 4525
or in a county contiguous to such county, or unless the governing 4526
board of the service center has entered into an agreement with the 4527
department authorizing the service center to sponsor a community 4528
school in any challenged school district in the state. 4529

Sec. 3314.05. (A) The contract between the community school 4530
and the sponsor shall specify the facilities to be used for the 4531
community school and the method of acquisition. Except as provided 4532
in divisions (B)(3) and (4) of this section, no community school 4533
shall be established in more than one school district under the 4534
same contract. 4535

(B) Division (B) of this section shall not apply to internet- 4536
or computer-based community schools. 4537

(1) A community school may be located in multiple facilities 4538
under the same contract only if the limitations on availability of 4539

space prohibit serving all the grade levels specified in the 4540
contract in a single facility or division (B)(2), (3), or (4) of 4541
this section applies to the school. The school shall not offer the 4542
same grade level classrooms in more than one facility. 4543

(2) A community school may be located in multiple facilities 4544
under the same contract and, notwithstanding division (B)(1) of 4545
this section, may assign students in the same grade level to 4546
multiple facilities, as long as all of the following apply: 4547

(a) The governing authority of the community school filed a 4548
copy of its contract with the school's sponsor under section 4549
3314.03 of the Revised Code with the superintendent of public 4550
instruction on or before May 15, 2008. 4551

(b) The school was not open for operation prior to July 1, 4552
2008. 4553

(c) The governing authority has entered into and maintains a 4554
contract with an operator of the type described in division 4555
(A)(8)(b) of section 3314.02 of the Revised Code. 4556

(d) The contract with that operator qualified the school to 4557
be established pursuant to division (A) of former section 3314.016 4558
of the Revised Code. 4559

(e) The school's rating under section 3302.03 of the Revised 4560
Code does not fall below ~~"in need of continuous improvement"~~ a 4561
combination of any of the following for two or more consecutive 4562
years: 4563

(i) A rating of "in need of continuous improvement" under 4564
section 3302.03 of the Revised Code, as that section existed prior 4565
to the effective date of this section; 4566

(ii) For the 2012-2013 and 2013-2014 school years, a rating 4567
of "C" for both the performance index score under division 4568
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 4569

division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; 4570
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(iii) For the 2014-2015 school year and for any school year thereafter, an overall grade of "C" under division (C)(2) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code. 4572
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(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 4577
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(a) At least one of the school districts in which the school is established is a challenged school district; 4580
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(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and 4582
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(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 4586
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In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all 4589
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other purposes of this chapter and shall notify the department of
education of that designation.

(4) A community school may be located in multiple facilities
under the same contract and, notwithstanding division (B)(1) of
this section, may assign students in the same grade level to
multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) The governing authority has entered into and maintains a
contract with an operator.

In the case of a community school to which division (B)(4) of
this section applies and that maintains facilities in more than
one school district, the school's governing authority shall
designate one of those districts to be considered the school's
primary location and the district in which the school is located
for the purposes of division (A)(19) of section 3314.03 and
divisions (C) and (H) of section 3314.06 of the Revised Code and
for all other purposes of this chapter and shall notify the
department of that designation.

(5) Any facility used for a community school shall meet all
health and safety standards established by law for school
buildings.

(C) In the case where a community school is proposed to be
located in a facility owned by a school district or educational
service center, the facility may not be used for such community
school unless the district or service center board owning the
facility enters into an agreement for the community school to
utilize the facility. Use of the facility may be under any terms
and conditions agreed to by the district or service center board
and the school.

(D) Two or more separate community schools may be located in
the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.35. (A)(1) Except as provided in division (A)~~(3)~~(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and

has been declared to be in a state of academic emergency under 4662
section 3302.03 of the Revised Code for three of the four most 4663
recent school years. 4664

(2) Except as provided in division (A)~~(3)~~(4) of this section, 4665
this section applies to any community school that meets one of the 4666
following criteria after July 1, 2011, but before July 1, 2013: 4667

(a) The school does not offer a grade level higher than three 4668
and has been declared to be in a state of academic emergency under 4669
section 3302.03 of the Revised Code for two of the three most 4670
recent school years. 4671

(b) The school satisfies all of the following conditions: 4672

(i) The school offers any of grade levels four to eight but 4673
does not offer a grade level higher than nine. 4674

(ii) The school has been declared to be in a state of 4675
academic emergency under section 3302.03 of the Revised Code for 4676
two of the three most recent school years. 4677

(iii) In at least two of the three most recent school years, 4678
the school showed less than one standard year of academic growth 4679
in either reading or mathematics, as determined by the department 4680
in accordance with rules adopted under division (A) of section 4681
3302.021 of the Revised Code. 4682

(c) The school offers any of grade levels ten to twelve and 4683
has been declared to be in a state of academic emergency under 4684
section 3302.03 of the Revised Code for two of the three most 4685
recent school years. 4686

(3) Except as provided in division (A)(4) of this section, 4687
this section applies to any community school that meets one of the 4688
following criteria on or after July 1, 2013: 4689

(a) The school does not offer a grade level higher than three 4690
and, for two of the three most recent school years, satisfies any 4691

of the following criteria: 4692

(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment; 4693
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(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 4696
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(iii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code. 4699
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(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the following criteria: 4701
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment; 4705
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(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and a grade of "F" 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; 4708
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(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code. 4713
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(c) The school offers any of grade levels ten to twelve and, for two of the three most recent school years, satisfies any of the following criteria: 4717
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed 4720
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prior to the effective date of this amendment; 4722

(ii) The school has received a grade of "F" for the 4723
performance index score under division (A)(1)(b), (B)(1)(b), or 4724
(C)(1)(b) and has not met annual measurable objectives under 4725
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 4726
the Revised Code; 4727

(iii) The school has received an overall grade of "F" under 4728
division (C) and a grade of "F" for the value-added progress 4729
dimension under division (C)(1)(e) of section 3302.03 of the 4730
Revised Code. 4731

For purposes of division (A)(3) of this section only, the 4732
value-added progress dimension for a community school shall be 4733
calculated using assessment scores for only those students to whom 4734
the school has administered the achievement assessments prescribed 4735
by section 3301.0710 of the Revised Code for at least the two most 4736
recent school years. 4737

(4) This section does not apply to either of the following: 4738

(a) Any community school in which a majority of the students 4739
are enrolled in a dropout prevention and recovery program that is 4740
operated by the school and that has been granted a waiver under 4741
section 3314.36 of the Revised Code;. Rather, such schools shall 4742
be subject to closure only as provided in section 3314.351 of the 4743
Revised Code. However, prior to July 1, 2014, a community school 4744
in which a majority of the students are enrolled in a dropout 4745
prevention and recovery program shall be exempt from this section 4746
only if it has been granted a waiver under section 3314.36 of the 4747
Revised Code. 4748

(b) Any community school in which a majority of the enrolled 4749
students are children with disabilities receiving special 4750
education and related services in accordance with Chapter 3323. of 4751
the Revised Code. 4752

(B) Any community school to which this section applies shall 4753
permanently close at the conclusion of the school year in which 4754
the school first becomes subject to this section. The sponsor and 4755
governing authority of the school shall comply with all procedures 4756
for closing a community school adopted by the department under 4757
division (E) of section 3314.015 of the Revised Code. The 4758
governing authority of the school shall not enter into a contract 4759
with any other sponsor under section 3314.03 of the Revised Code 4760
after the school closes. 4761

(C) In accordance with division (B) of section 3314.012 of 4762
the Revised Code, the department shall not consider the 4763
performance ratings assigned to a community school for its first 4764
two years of operation when determining whether the school meets 4765
the criteria prescribed by division (A)(1) or (2) of this section. 4766

~~(D) Notwithstanding division (A)(3)(a) of this section, if, 4767
by March 31, 2013, the general assembly does not enact for 4768
community schools described in that division performance 4769
standards, a report card rating system, and criteria for closure, 4770
those schools shall be required to permanently close upon meeting 4771
the criteria prescribed in division (A)(2) of this section, except 4772
that, subject to division (C) of this section, only the 4773
performance ratings issued for the 2012-2013 school year and later 4774
shall count in determining if the criteria are met. 4775~~

Sec. 3314.351. (A) This section applies to any community 4776
school in which a majority of the students are enrolled in a 4777
dropout prevention and recovery program. Beginning on or after 4778
July 1, 2014, any such community school that has received a 4779
designation of "does not meet standards," as described in division 4780
(D)(1) of section 3314.017 of the Revised Code on the report card 4781
issued under that section, for at least two of the three most 4782
recent school years shall be subject to closure in accordance with 4783

this section. 4784

(B) Not later than the first day of September in each school year, the department of education shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June. 4785
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A school so notified shall close as required. 4789

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016. 4790
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(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes. 4795
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Sec. 3314.36. (A) ~~Except as otherwise provided in division (D) of section~~ Section 3314.35 of the Revised Code, ~~that section~~ does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. ~~The~~ Until June 30, 2014, the department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions: 4801
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(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age. 4810
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(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level 4812
4813

behind their cohort age groups or experience crises that 4814
significantly interfere with their academic progress such that 4815
they are prevented from continuing their traditional programs. 4816

(3) The program requires students to attain at least the 4817
applicable score designated for each of the assessments prescribed 4818
under division (B)(1) of section 3301.0710 of the Revised Code or, 4819
to the extent prescribed by rule of the state board of education 4820
under division (D)(6) of section 3301.0712 of the Revised Code, 4821
division (B)(2) of that section. 4822

(4) The program develops an individual career plan for the 4823
student that specifies the student's matriculating to a two-year 4824
degree program, acquiring a business and industry credential, or 4825
entering an apprenticeship. 4826

(5) The program provides counseling and support for the 4827
student related to the plan developed under division (A)(4) of 4828
this section during the remainder of the student's high school 4829
experience. 4830

(6) Prior to receiving the waiver, the program has submitted 4831
to the department an instructional plan that demonstrates how the 4832
academic content standards adopted by the state board of education 4833
under section 3301.079 of the Revised Code will be taught and 4834
assessed. 4835

If the department does not act either to grant the waiver or 4836
to reject the program application for the waiver within sixty days 4837
as required under this section, the waiver shall be considered to 4838
be granted. 4839

(B) Notwithstanding division (A) of this section, the 4840
department shall not grant a waiver to any community school that 4841
did not qualify for a waiver under this section when it initially 4842
began operations, unless the state board of education approves the 4843
waiver. 4844

(C) Beginning on July 1, 2014, all community schools in which 4845
a majority of the students are enrolled in a dropout prevention 4846
and recovery program are subject to the provisions of section 4847
3314.351 of the Revised Code, regardless of whether a waiver has 4848
been granted under this section. Thereafter, no waivers shall be 4849
granted under this section. 4850

Sec. 3314.37. (A) A five-year demonstration project is hereby 4851
established at the community schools known as the ISUS institutes. 4852
The project is a research and development initiative to collect 4853
and analyze data with which to improve dropout prevention and 4854
recovery programs, to evaluate various methodologies employed in 4855
those programs, to develop tools and criteria for evaluating 4856
community schools that operate dropout prevention and recovery 4857
programs, to institute stringent accountability measures for such 4858
community schools, and to direct curricular and programming 4859
decisions for such community schools. The program shall begin with 4860
the 2008-2009 school year and shall operate through the 2012-2013 4861
school year. 4862

(B) Under the demonstration project, the ISUS institutes 4863
shall select and pay the costs of an independent evaluator to 4864
create a study plan and collect and analyze data from the 4865
institutes. The ISUS institutes' selection of the independent 4866
evaluator is subject to the approval of the department of 4867
education. The data collected by the evaluator shall include, but 4868
need not be limited to, the following: 4869

(1) Baseline measures of student status at enrollment, 4870
including academic level; history of court involvement, drug use, 4871
and other behavioral problems; and the circumstances of the 4872
students' parenting and living arrangements; 4873

(2) Student academic progress, measured at multiple and 4874
regular intervals each school year; 4875

(3) Value-added elements of the institutes' dropout prevention and recovery programs, including industry certifications, college coursework, community service and service learning, apprenticeships, and internships;

(4) Outcomes in addition to high school graduation, including students' contributions to community service and students' transitions to employment, post-secondary training, college, or the military.

(C) Not later than the thirtieth day of September following each school year in which the demonstration project is operating, the independent evaluator shall do both of the following:

(1) Submit to the ISUS institutes and the department all data collected and a report of its data analysis;

(2) Submit a report of its data analysis to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation.

(D) For each school year in which the demonstration project is operating:

(1) The ISUS institutes shall continue to report data through the education management information system under section 3314.17 of the Revised Code.

(2) The department shall continue to issue annual report cards for the ISUS institutes under section 3314.012 of the Revised Code and shall continue to assign them performance ratings under ~~division (B) of~~ section 3302.03 of the Revised Code.

(E) Nothing in this section prevents the application to the ISUS institutes, during the demonstration project, of any

provision of the Revised Code or rule or policy of the department 4906
or the state board of education requiring closure, or otherwise 4907
restricting the operation, of a community school based on measures 4908
of academic performance for any school year before or during the 4909
demonstration project. Nothing in this section prevents a sponsor 4910
of an ISUS institute from terminating or not renewing its contract 4911
with the school, from suspending the operations of the school, or 4912
from placing the school on probationary status, in accordance with 4913
this chapter, during the demonstration project. Nothing in this 4914
section prevents the auditor of state from taking action against 4915
an ISUS institute under Chapter 117. of the Revised Code or other 4916
applicable law during the demonstration project. 4917

(F) The department may conduct its own analysis of data 4918
submitted under the demonstration project. 4919

(G) Not later than December 31, 2013, the independent 4920
evaluator shall issue a final report of its findings and analysis 4921
and its recommendations for appropriate academic accountability 4922
measures for community schools that operate dropout prevention and 4923
recovery programs. The independent evaluator shall submit the 4924
report to the department, the speaker and minority leader of the 4925
house of representatives, the president and minority leader of the 4926
senate, and the chairpersons and ranking minority members of the 4927
standing committees of the house of representatives and the senate 4928
that consider education legislation. 4929

Sec. 3317.081. (A) Tuition shall be computed in accordance 4930
with this section if: 4931

(1) The tuition is required by division (C)(3)(b) of section 4932
3313.64 of the Revised Code; or 4933

(2) Neither the child nor the child's parent resides in this 4934
state and tuition is required by section 3327.06 of the Revised 4935
Code. 4936

(B) Tuition computed in accordance with this section shall 4937
equal the attendance district's tuition rate computed under 4938
section 3317.08 of the Revised Code plus the amount in state 4939
education aid, as defined in section 3317.02 of the Revised Code, 4940
that district would have received for the child during the school 4941
year had the attendance district been authorized to count the 4942
child in its formula ADM for that school year under section 4943
3317.03 of the Revised Code. 4944

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 4945
Code, this section applies to any person who is employed under a 4946
teacher license issued under this chapter, or under a professional 4947
or permanent teacher's certificate issued under former section 4948
3319.222 of the Revised Code, and who spends at least fifty per 4949
cent of the time employed providing student instruction. However, 4950
this section does not apply to any person who is employed as a 4951
substitute teacher. 4952

(A) Not later than July 1, 2013, the board of education of 4953
each school district, in consultation with teachers employed by 4954
the board, shall adopt a standards-based teacher evaluation policy 4955
that conforms with the framework for evaluation of teachers 4956
developed under section 3319.112 of the Revised Code. The policy 4957
shall become operative at the expiration of any collective 4958
bargaining agreement covering teachers employed by the board that 4959
is in effect on ~~the effective date of this section~~ September 29, 4960
2011, and shall be included in any renewal or extension of such an 4961
agreement. 4962

(B) When using measures of student academic growth as a 4963
component of a teacher's evaluation, those measures shall include 4964
the value-added progress dimension prescribed by section 3302.021 4965
of the Revised Code or an alternative student academic progress 4966
measure if adopted under division (C)(1)(e) of section 3302.03 of 4967

the Revised Code. For teachers of grade levels and subjects for 4968
which the value-added progress dimension or alternative student 4969
academic progress measure is not applicable, the board shall 4970
administer assessments on the list developed under division (B)(2) 4971
of section 3319.112 of the Revised Code. 4972

(C)(1) The board shall conduct an evaluation of each teacher 4973
employed by the board at least once each school year, except as 4974
provided in division (C)(2) of this section. The evaluation shall 4975
be completed by the first day of May and the teacher shall receive 4976
a written report of the results of the evaluation by the tenth day 4977
of May. 4978

(2) The board may elect, by adoption of a resolution, to 4979
evaluate each teacher who received a rating of accomplished on the 4980
teacher's most recent evaluation conducted under this section once 4981
every two school years. In that case, the biennial evaluation 4982
shall be completed by the first day of May of the applicable 4983
school year, and the teacher shall receive a written report of the 4984
results of the evaluation by the tenth day of May of that school 4985
year. 4986

(D) Each evaluation conducted pursuant to this section shall 4987
be conducted by one or more of the following persons who hold a 4988
credential established by the department of education for being an 4989
evaluator: 4990

(1) A person who is under contract with the board pursuant to 4991
section 3319.01 or 3319.02 of the Revised Code and holds a license 4992
designated for being a superintendent, assistant superintendent, 4993
or principal issued under section 3319.22 of the Revised Code; 4994

(2) A person who is under contract with the board pursuant to 4995
section 3319.02 of the Revised Code and holds a license designated 4996
for being a vocational director, administrative specialist, or 4997
supervisor in any educational area issued under section 3319.22 of 4998

the Revised Code;	4999
(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;	5000 5001 5002 5003
(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.	5004 5005 5006 5007 5008 5009
(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code:	5010 5011
(1) The board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.	5012 5013 5014 5015 5016
(2) The board may elect, by adoption of a resolution, to require only one formal observation of a teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section, provided the teacher completes a project that has been approved by the board to demonstrate the teacher's continued growth and practice at the accomplished level.	5017 5018 5019 5020 5021 5022
(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.	5023 5024 5025 5026 5027 5028
(G) For purposes of section 3333.0411 of the Revised Code,	5029

the board annually shall report to the department of education the number of teachers for whom an evaluation was conducted under this section and the number of teachers assigned each rating prescribed under division (B)(1) of section 3319.112 of the Revised Code, aggregated by the teacher preparation programs from which and the years in which the teachers graduated. The department shall establish guidelines for reporting the information required by this division. The guidelines shall not permit or require that the name of, or any other personally identifiable information about, any teacher be reported under this division.

(H) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ September 24, 2012.

(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of sections 3119.11 and 3119.112 of the Revised Code prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment.

Sec. 3319.112. (A) Not later than December 31, 2011, the state board of education shall develop a standards-based state framework for the evaluation of teachers. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following:

(1) Provides for multiple evaluation factors, ~~including student academic growth which shall account for fifty per cent of each.~~ One factor shall be student academic growth which shall account for fifty per cent of each evaluation. When applicable to the grade level or subject area taught by a teacher, the

value-added progress dimension established under section 3302.021 5061
of the Revised Code or an alternative student academic progress 5062
measure if adopted under division (C)(1)(e) of section 3302.03 of 5063
the Revised Code shall be used in the student academic growth 5064
portion of an evaluation. In calculating student academic growth 5065
for an evaluation, a student shall not be included if the student 5066
has sixty or more unexcused absences for the school year. 5067

(2) Is aligned with the standards for teachers adopted under 5068
section 3319.61 of the Revised Code; 5069

(3) Requires observation of the teacher being evaluated, 5070
including at least two formal observations by the evaluator of at 5071
least thirty minutes each and classroom walkthroughs; 5072

(4) Assigns a rating on each evaluation in accordance with 5073
division (B) of this section; 5074

(5) Requires each teacher to be provided with a written 5075
report of the results of the teacher's evaluation; 5076

(6) Identifies measures of student academic growth for grade 5077
levels and subjects for which the value-added progress dimension 5078
prescribed by section 3302.021 of the Revised Code or an 5079
alternative student academic progress measure if adopted under 5080
division (C)(1)(e) of section 3302.03 of the Revised Code does not 5081
apply; 5082

(7) Implements a classroom-level, value-added program 5083
developed by a nonprofit organization described in division (B) of 5084
section 3302.021 of the Revised Code or an alternative student 5085
academic progress measure if adopted under division (C)(1)(e) of 5086
section 3302.03 of the Revised Code; 5087

(8) Provides for professional development to accelerate and 5088
continue teacher growth and provide support to poorly performing 5089
teachers; 5090

(9) Provides for the allocation of financial resources to support professional development.	5091 5092
(B) For purposes of the framework developed under this section, the state board also shall do the following:	5093 5094
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	5095 5096 5097 5098 5099
(a) Accomplished;	5100
(b) Proficient;	5101
(c) Developing;	5102
(d) Ineffective.	5103
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code and the value-added progress dimension prescribed by section 3302.021 of the Revised Code, <u>or alternative student academic progress measure</u> , do not apply, develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations.	5104 5105 5106 5107 5108 5109 5110 5111 5112
(C) The state board shall consult with experts, teachers and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B)(1) of this section.	5113 5114 5115 5116
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do both of the following:	5117 5118 5119
(1) Serve as a clearinghouse of promising evaluation	5120

procedures and evaluation models that districts may use; 5121

(2) Provide technical assistance to districts in creating 5122
evaluation policies. 5123

(E) Not later than June 30, 2013, the state board, in 5124
consultation with state agencies that employ teachers, shall 5125
develop a standards-based framework for the evaluation of teachers 5126
employed by those agencies. Each state agency that employs 5127
teachers shall adopt a standards-based teacher evaluation policy 5128
that conforms with the framework developed under this division. 5129
The policy shall become operative at the expiration of any 5130
collective bargaining agreement covering teachers employed by the 5131
agency that is in effect on ~~the effective date of this amendment~~ 5132
September 24, 2012, and shall be included in any renewal or 5133
extension of such an agreement. 5134

Sec. 3319.58. (A) As used in this section, "core subject 5135
area" has the same meaning as in section 3319.074 of the Revised 5136
Code. 5137

(B) Each year, beginning with the 2015-2016 school year, the 5138
board of education of each city, exempted village, local, and 5139
joint vocational school district shall require each classroom 5140
teacher who is currently teaching in a core subject area and has 5141
received a rating of ineffective on the evaluations conducted 5142
under section 3319.111 of the Revised Code for two of the three 5143
most recent school years to register for and take all written 5144
examinations of content knowledge selected by the department of 5145
education as appropriate to determine expertise to teach that core 5146
subject area and the grade level to which the teacher is assigned. 5147

(C) Each year, beginning with the 2015-2016 school year, the 5148
governing authority of each community school established under 5149
Chapter 3314. of the Revised Code except a community school to 5150
which section 3314.017 of the Revised Code applies and governing 5151

body of each STEM school established under Chapter 3326. of the 5152
Revised Code with a building ranked in the lowest ten per cent of 5153
all public school buildings according to performance index score, 5154
under section 3302.21 of the Revised Code, shall require each 5155
classroom teacher currently teaching in a core subject area in 5156
such a building to register for and take all written examinations 5157
of content knowledge selected by the department as appropriate to 5158
determine expertise to teach that core subject area and the grade 5159
level to which the teacher is assigned. 5160

(D) If a teacher who takes an examination under division (B) 5161
of this section passes that examination and provides proof of that 5162
passage to the teacher's employer, the employer shall require the 5163
teacher, at the teacher's expense, to complete professional 5164
development that is targeted to the deficiencies identified in the 5165
teacher's evaluations conducted under section 3319.111 of the 5166
Revised Code. The receipt by the teacher of a rating of 5167
ineffective on the teacher's next evaluation after completion of 5168
the professional development, or the failure of the teacher to 5169
complete the professional development, shall be grounds for 5170
termination of the teacher under section 3319.16 of the Revised 5171
Code. 5172

(E) If a teacher who takes an examination under this section 5173
passes that examination and provides proof of that passage to the 5174
teacher's employer, the teacher shall not be required to take the 5175
examination again for three years, regardless of the teacher's 5176
evaluation ratings or the performance index score ranking of the 5177
building in which the teacher teaches. No teacher shall be 5178
responsible for the cost of taking an examination under this 5179
section. 5180

(F) Each district board of education, each community school 5181
governing authority, and each STEM school governing body may use 5182
the results of a teacher's examinations required under division 5183

(B) or (C) of this section in developing and revising professional 5184
development plans and in deciding whether or not to continue 5185
employing the teacher in accordance with the provisions of this 5186
chapter or Chapter 3314. or 3326. of the Revised Code. However, no 5187
decision to terminate or not to renew a teacher's employment 5188
contract shall be made solely on the basis of the results of a 5189
teacher's examination under this section until and unless the 5190
teacher has not attained a passing score on the same required 5191
examination for at least three consecutive administrations of that 5192
examination. 5193

Sec. 3326.03. (A) The STEM committee shall authorize the 5194
establishment of and award grants to science, technology, 5195
engineering, and mathematics schools based on proposals submitted 5196
to the committee. 5197

The committee shall determine the criteria for proposals, 5198
establish procedures for the submission of proposals, accept and 5199
evaluate proposals, and choose which proposals to approve to 5200
become a STEM school. In approving proposals for STEM schools, the 5201
committee shall consider locating the schools in diverse 5202
geographic regions of the state so that all students have access 5203
to a STEM school. 5204

The committee may authorize the establishment of a group of 5205
multiple STEM schools to operate from multiple facilities located 5206
in one or more school districts under the direction of a single 5207
governing body in the manner prescribed by section 3326.031 of the 5208
Revised Code. The committee shall consider the merits of each of 5209
the proposed STEM schools within a group and shall authorize each 5210
school separately. Anytime after authorizing a group of STEM 5211
schools to be under the direction of a single governing body, upon 5212
a proposal from the governing body, the committee may authorize 5213
one or more additional schools to operate as part of that group. 5214

The STEM committee may approve one or more STEM schools to 5215
serve only students identified as gifted under Chapter 3324. of 5216
the Revised Code. 5217

(B) Proposals may be submitted only by a partnership of 5218
public and private entities consisting of at least all of the 5219
following: 5220

(1) A city, exempted village, local, or joint vocational 5221
school district or an educational service center; 5222

(2) Higher education entities; 5223

(3) Business organizations. 5224

(C) Each proposal shall include at least the following: 5225

(1) Assurances that the STEM school or group of STEM schools 5226
will be under the oversight of a governing body and a description 5227
of the members of that governing body and how they will be 5228
selected; 5229

(2) Assurances that each STEM school will operate in 5230
compliance with this chapter and the provisions of the proposal as 5231
accepted by the committee; 5232

(3) Evidence that each school will offer a rigorous, diverse, 5233
integrated, and project-based curriculum to students in any of 5234
grades six through twelve, with the goal to prepare those students 5235
for college, the workforce, and citizenship, and that does all of 5236
the following: 5237

(a) Emphasizes the role of science, technology, engineering, 5238
and mathematics in promoting innovation and economic progress; 5239

(b) Incorporates scientific inquiry and technological design; 5240

(c) Includes the arts and humanities; 5241

(d) Emphasizes personalized learning and teamwork skills. 5242

(4) Evidence that each school will attract school leaders who 5243

support the curriculum principles of division (C)(3) of this 5244
section; 5245

(5) A description of how each school's curriculum will be 5246
developed and approved in accordance with section 3326.09 of the 5247
Revised Code; 5248

(6) Evidence that each school will utilize an established 5249
capacity to capture and share knowledge for best practices and 5250
innovative professional development; 5251

(7) Evidence that each school will operate in collaboration 5252
with a partnership that includes institutions of higher education 5253
and businesses; 5254

(8) Assurances that each school has received commitments of 5255
sustained and verifiable fiscal and in-kind support from regional 5256
education and business entities; 5257

(9) A description of how each school's assets will be 5258
distributed if the school closes for any reason. 5259

Sec. 3333.041. (A) On or before the last day of December of 5260
each year, the chancellor of the Ohio board of regents shall 5261
submit to the governor and, in accordance with section 101.68 of 5262
the Revised Code, the general assembly a report or reports 5263
concerning all of the following: 5264

(1) The status of graduates of Ohio school districts at state 5265
institutions of higher education during the twelve-month period 5266
ending on the thirtieth day of September of the current calendar 5267
year. The report shall list, by school district, the number of 5268
graduates of each school district who attended a state institution 5269
of higher education and the percentage of each district's 5270
graduates enrolled in a state institution of higher education 5271
during the reporting period who were required during such period 5272
by the college or university, as a prerequisite to enrolling in 5273

those courses generally required for first-year students, to 5274
enroll in a remedial course in English, including composition or 5275
reading, mathematics, and any other area designated by the 5276
chancellor. The chancellor also shall make the information 5277
described in division (A)(1) of this section available to the 5278
board of education of each city, exempted village, and local 5279
school district. 5280

Each state institution of higher education shall, by the 5281
first day of November of each year, submit to the chancellor in 5282
the form specified by the chancellor the information the 5283
chancellor requires to compile the report. 5284

(2) Aggregate academic growth data for students assigned to 5285
graduates of teacher preparation programs approved under section 5286
3333.048 of the Revised Code who teach English language arts or 5287
mathematics in any of grades four to eight in a public school in 5288
Ohio. For this purpose, the chancellor shall use the value-added 5289
progress dimension prescribed by section 3302.021 of the Revised 5290
Code or the alternative student academic progress measure if 5291
adopted under division (C)(1)(e) of section 3302.03 of the Revised 5292
Code. The chancellor shall aggregate the data by graduating class 5293
for each approved teacher preparation program, except that if a 5294
particular class has ten or fewer graduates to which this section 5295
applies, the chancellor shall report the data for a group of 5296
classes over a three-year period. In no case shall the report 5297
identify any individual graduate. The department of education 5298
shall share any data necessary for the report with the chancellor. 5299

(3) The following information with respect to the Ohio 5300
tuition trust authority: 5301

(a) The name of each investment manager that is a minority 5302
business enterprise or a women's business enterprise with which 5303
the chancellor contracts; 5304

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted;

(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

(4) The status of implementation of faculty improvement programs under section 3345.28 of the Revised Code. The report shall include, but need not be limited to, the following: the number of professional leave grants made by each institution; the purpose of each professional leave; and a statement of the cost to the institution of each professional leave, to the extent that the cost exceeds the salary of the faculty member on professional leave.

(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code.

(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.

(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;	5336 5337
(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;	5338 5339 5340
(c) The chancellor's strategy in assigning choose Ohio first scholarships among state universities and colleges and how the actual awards fit that strategy.	5341 5342 5343
(8) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:	5344 5345 5346 5347
(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;	5348 5349
(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;	5350 5351 5352
(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.	5353 5354 5355
(B) As used in this section:	5356
(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	5357 5358
(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.	5359 5360 5361
(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.	5362 5363
(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint	5364 5365

venture of any kind, that is owned and controlled by women who are 5366
United States citizens and residents of this state. 5367

Sec. 3333.048. (A) Not later than one year after ~~the~~ 5368
~~effective date of this section~~ October 16, 2009, the chancellor of 5369
the Ohio board of regents and the superintendent of public 5370
instruction jointly shall do the following: 5371

(1) In accordance with Chapter 119. of the Revised Code, 5372
establish metrics and educator preparation programs for the 5373
preparation of educators and other school personnel and the 5374
institutions of higher education that are engaged in their 5375
preparation. The metrics and educator preparation programs shall 5376
be aligned with the standards and qualifications for educator 5377
licenses adopted by the state board of education under section 5378
3319.22 of the Revised Code and the requirements of the Ohio 5379
teacher residency program established under section 3319.223 of 5380
the Revised Code. The metrics and educator preparation programs 5381
also shall ensure that educators and other school personnel are 5382
adequately prepared to use the value-added progress dimension 5383
prescribed by section 3302.021 of the Revised Code or the 5384
alternative student academic progress measure if adopted under 5385
division (C)(1)(e) of section 3302.03 of the Revised Code. 5386

(2) Provide for the inspection of institutions of higher 5387
education desiring to prepare educators and other school 5388
personnel. 5389

(B) Not later than one year after ~~the effective date of this~~ 5390
~~section~~ October 16, 2009, the chancellor shall approve 5391
institutions of higher education engaged in the preparation of 5392
educators and other school personnel that maintain satisfactory 5393
training procedures and records of performance, as determined by 5394
the chancellor. 5395

(C) If the metrics established under division (A)(1) of this 5396

section require an institution of higher education that prepares 5397
teachers to satisfy the standards of an independent accreditation 5398
organization, the chancellor shall permit each institution to 5399
satisfy the standards of either the national council for 5400
accreditation of teacher education or the teacher education 5401
accreditation council. 5402

(D) The metrics and educator preparation programs established 5403
under division (A)(1) of this section may require an institution 5404
of higher education, as a condition of approval by the chancellor, 5405
to make changes in the curricula of its preparation programs for 5406
educators and other school personnel. 5407

Notwithstanding division (D) of section 119.03 and division 5408
(A)(1) of section 119.04 of the Revised Code, any metrics, 5409
educator preparation programs, rules, and regulations, or any 5410
amendment or rescission of such metrics, educator preparation 5411
programs, rules, and regulations, adopted under this section that 5412
necessitate institutions offering preparation programs for 5413
educators and other school personnel approved by the chancellor to 5414
revise the curricula of those programs shall not be effective for 5415
at least one year after the first day of January next succeeding 5416
the publication of the said change. 5417

Each institution shall allocate money from its existing 5418
appropriations to pay the cost of making the curricular changes. 5419

(E) The chancellor shall notify the state board of the 5420
metrics and educator preparation programs established under 5421
division (A)(1) of this section and the institutions of higher 5422
education approved under division (B) of this section. The state 5423
board shall publish the metrics, educator preparation programs, 5424
and approved institutions with the standards and qualifications 5425
for each type of educator license. 5426

(F) The graduates of institutions of higher education 5427

approved by the chancellor shall be licensed by the state board in 5428
accordance with the standards and qualifications adopted under 5429
section 3319.22 of the Revised Code. 5430

Sec. 3333.391. (A) As used in this section and in section 5431
3333.392 of the Revised Code: 5432

(1) "Academic year" shall be as defined by the chancellor of 5433
the Ohio board of regents. 5434

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 5435
be as defined by the department of education. 5436

(3) "Parent" means the parent, guardian, or custodian of a 5437
qualified student. 5438

(4) "Qualified service" means teaching at a qualifying 5439
school. 5440

(5) "Qualifying school" means a hard-to-staff school district 5441
building or a school district building that has a persistently low 5442
performance rating ~~of academic watch or academic emergency, as~~ 5443
determined jointly by the chancellor and superintendent of public 5444
instruction, under section 3302.03 of the Revised Code at the time 5445
the recipient becomes employed by the district. 5446

(B) If the chancellor of the Ohio board of regents determines 5447
that sufficient funds are available from general revenue fund 5448
appropriations made to the Ohio board of regents or to the 5449
chancellor, the chancellor and the superintendent of public 5450
instruction jointly may develop and agree on a plan for the Ohio 5451
teaching fellows program to promote and encourage high school 5452
seniors to enter and remain in the teaching profession. Upon 5453
agreement of such a plan, the chancellor shall establish and 5454
administer the program in conjunction with the superintendent and 5455
with the cooperation of teacher training institutions. Under the 5456
program, the chancellor annually shall provide scholarships to 5457

students who commit to teaching in a qualifying school for a 5458
minimum of four years upon graduation from a teacher training 5459
program at a state institution of higher education or an Ohio 5460
nonprofit institution of higher education that has a certificate 5461
of authorization under Chapter 1713. of the Revised Code. The 5462
scholarships shall be for up to four years at the undergraduate 5463
level at an amount determined by the chancellor based on state 5464
appropriations. 5465

(C) The chancellor shall adopt a competitive process for 5466
awarding scholarships under the teaching fellows program, which 5467
shall include minimum grade point average and scores on national 5468
standardized tests for college admission. The process shall also 5469
give additional consideration to all of the following: 5470

(1) A person who has participated in the program described in 5471
division (A) of section 3333.39 of the Revised Code; 5472

(2) A person who plans to specialize in teaching students 5473
with special needs; 5474

(3) A person who plans to teach in the disciplines of 5475
science, technology, engineering, or mathematics. 5476

The chancellor shall require that all applicants to the 5477
teaching fellows program shall file a statement of service status 5478
in compliance with section 3345.32 of the Revised Code, if 5479
applicable, and that all applicants have not been convicted of, 5480
plead guilty to, or adjudicated a delinquent child for any 5481
violation listed in section 3333.38 of the Revised Code. 5482

(D) Teaching fellows shall complete the four-year teaching 5483
commitment within not more than seven years after graduating from 5484
the teacher training program. Failure to fulfill the commitment 5485
shall convert the scholarship into a loan to be repaid under 5486
section 3333.392 of the Revised Code. 5487

(E) The chancellor shall adopt rules in accordance with 5488

Chapter 119. of the Revised Code to administer this section and 5489
section 3333.392 of the Revised Code. 5490

Sec. 5910.01. As used in this chapter and section 5919.34 of 5491
the Revised Code: 5492

(A) "Child" includes natural and adopted children and 5493
stepchildren who have not been legally adopted by the veteran 5494
parent provided that the relationship between the stepchild and 5495
the veteran parent meets the following criteria: 5496

(1) The veteran parent is married to the child's natural or 5497
adoptive parent at the time application for a scholarship granted 5498
under this chapter is made; or if the veteran parent is deceased, 5499
the child's natural or adoptive parent was married to the veteran 5500
parent at the time of the veteran parent's death; 5501

(2) The child resided with the veteran parent for a period of 5502
not less than ten consecutive years immediately prior to making 5503
application for the scholarship; or if the veteran parent is 5504
deceased, the child resided with the veteran parent for a period 5505
of not less than ten consecutive years immediately prior to the 5506
veteran parent's death; 5507

(3) The child received financial support from the veteran 5508
parent for a period of not less than ten consecutive years 5509
immediately prior to making application for the scholarship; or if 5510
the veteran parent is deceased, the child received financial 5511
support from the veteran parent for a period of not less than ten 5512
consecutive years immediately prior to the veteran parent's death. 5513

(B) "Veteran" includes ~~either~~ any of the following: 5514

(1) Any person who was a member of the armed services of the 5515
United States for a period of ninety days or more, or who was 5516
discharged from the armed services due to a disability incurred 5517
while a member with less than ninety days' service, or who died 5518

while a member of the armed services; provided that such service, 5519
disability, or death occurred during one of the following periods: 5520
April 6, 1917, to November 11, 1918; December 7, 1941, to December 5521
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 5522
May 7, 1975; August 2, 1990, to the end of operations conducted as 5523
a result of the invasion of Kuwait by Iraq, including support for 5524
operation desert shield and operation desert storm, as declared by 5525
the president of the United States or the congress; October 7, 5526
2001, to the end of operation enduring freedom as declared by the 5527
president of the United States or the congress; March 20, 2003, to 5528
the end of operation Iraqi freedom as declared by the president of 5529
the United States or the congress; or any other period of conflict 5530
established by the United States department of veterans affairs 5531
for pension purposes; 5532

(2) Any person who was a member of the armed services of the 5533
United States and participated in an operation for which the armed 5534
forces expeditionary medal was awarded; 5535

(3) Any person who served as a member of the United States 5536
merchant marine and to whom either of the following applies: 5537

(a) The person has an honorable report of separation from the 5538
active duty military service, form DD214 or DD215. 5539

(b) The person served in the United States merchant marine 5540
between December 7, 1941, and December 31, 1946, and died on 5541
active duty while serving in a war zone during that period of 5542
service. 5543

(C) "Armed services of the United States" or "United States 5544
armed forces" includes the army, air force, navy, marine corps, 5545
coast guard, and such other military service branch as may be 5546
designated by congress as a part of the armed forces of the United 5547
States. 5548

(D) "Board" means the Ohio war orphans scholarship board 5549

created by section 5910.02 of the Revised Code. 5550

(E) "Disabled" means having a sixty per cent or greater 5551
service-connected disability or receiving benefits for permanent 5552
and total nonservice-connected disability, as determined by the 5553
United States department of veterans affairs. 5554

(F) "United States merchant marine" includes the United 5555
States army transport service and the United States naval 5556
transport service. 5557

Sec. 5910.02. There is hereby created an Ohio war orphans 5558
scholarship board as part of the department of veterans services. 5559
The board consists of eight members as follows: the chancellor of 5560
the Ohio board of regents or the chancellor's designee; the 5561
director of veterans services or the director's designee; one 5562
member of the house of representatives, appointed by the speaker; 5563
one member of the senate, appointed by the president of the 5564
senate; and four members appointed by the governor, one of whom 5565
shall be a representative of the American Legion, one of whom 5566
shall be a representative of the Veterans of Foreign Wars, one of 5567
whom shall be a representative of the Disabled American Veterans, 5568
and one of whom shall be a representative of the AMVETS. At least 5569
ninety days prior to the expiration of the term of office of the 5570
representative of a veterans organization appointed by the 5571
governor, the governor shall notify the state headquarters of the 5572
affected organization of the need for an appointment and request 5573
the organization to make at least three nominations. Within sixty 5574
days after making the request for nominations, the governor may 5575
make the appointment from the nominations received, or may reject 5576
all the nominations and request at least three new nominations, 5577
from which the governor shall make an appointment within thirty 5578
days after making the request for the new nominations. If the 5579
governor receives no nominations during this thirty-day period, 5580

the governor may appoint any veteran. 5581

Terms of office for the four members appointed by the 5582
governor shall be for four years, commencing on the first day of 5583
January and ending on the thirty-first day of December, except 5584
that the term of the AMVETS representative shall expire December 5585
31, 1998, and the new term that succeeds it shall commence on 5586
January 1, 1999, and end on December 31, 2002. Each member shall 5587
hold office from the date of the member's appointment until the 5588
end of the term for which the member was appointed. The other 5589
members shall serve during their terms of office. Any vacancy 5590
shall be filled by appointment in the same manner as by original 5591
appointment. Any member appointed to fill a vacancy occurring 5592
prior to the expiration of the term for which the member's 5593
predecessor was appointed shall hold office for the remainder of 5594
such term. Any appointed member shall continue in office 5595
subsequent to the expiration date of the member's term until the 5596
member's successor takes office, or until a period of sixty days 5597
has elapsed, whichever occurs first. The members of the board 5598
shall serve without pay but shall be reimbursed for travel 5599
expenses and for other actual and necessary expenses incurred in 5600
the performance of their duties, not to exceed ten dollars per day 5601
for ten days in any one year to be appropriated out of any moneys 5602
in the state treasury to the credit of the general revenue fund. 5603

The chancellor of the board of regents shall act as secretary 5604
to the board and shall furnish such clerical and other assistance 5605
as may be necessary to the performance of the duties of the board. 5606

The board shall determine the number of scholarships to be 5607
made available, receive applications for scholarships, pass upon 5608
the eligibility of applicants, decide which applicants are to 5609
receive scholarships, and do all other things necessary for the 5610
proper administration of this chapter. 5611

The board may apply for, and may receive and accept, grants, 5612

and may receive and accept gifts, bequests, and contributions, 5613
from public and private sources, including agencies and 5614
instrumentalities of the United States and this state, and shall 5615
deposit the grants, gifts, bequests, or contributions into the 5616
Ohio war orphans scholarship fund. 5617

Sec. 5910.07. The Ohio war orphans scholarship fund is 5618
created in the state treasury. The fund shall consist of gifts, 5619
bequests, grants, and contributions made to the fund. Investment 5620
earnings of the fund shall be deposited into the fund. The fund 5621
shall be used to operate the war orphans scholarship program and 5622
to provide grants under sections 5910.01 to 5910.06 of the Revised 5623
Code. 5624

Sec. 5919.34. (A) As used in this section: 5625

(1) "Academic term" means any one of the following: 5626

(a) Fall term, which consists of fall semester or fall 5627
quarter, as appropriate; 5628

(b) Winter term, which consists of winter semester, winter 5629
quarter, or spring semester, as appropriate; 5630

(c) Spring term, which consists of spring quarter; 5631

(d) Summer term, which consists of summer semester or summer 5632
quarter, as appropriate. 5633

(2) "Eligible applicant" means any individual to whom all of 5634
the following apply: 5635

(a) The individual does not possess a baccalaureate degree. 5636

(b) The individual has enlisted, re-enlisted, or extended 5637
current enlistment in the Ohio national guard or is an individual 5638
to which division (F) of this section applies. 5639

(c) The individual is actively enrolled as a full-time or 5640

part-time student for at least three credit hours of course work 5641
in a semester or quarter in a two-year or four-year 5642
degree-granting program at a state institution of higher education 5643
or a private institution of higher education, or in a 5644
diploma-granting program at a state or private institution of 5645
higher education that is a school of nursing. 5646

(d) The individual has not accumulated ninety-six eligibility 5647
units under division (E) of this section. 5648

(3) "State institution of higher education" means any state 5649
university or college as defined in division (A)(1) of section 5650
3345.12 of the Revised Code, community college established under 5651
Chapter 3354. of the Revised Code, state community college 5652
established under Chapter 3358. of the Revised Code, university 5653
branch established under Chapter 3355. of the Revised Code, or 5654
technical college established under Chapter 3357. of the Revised 5655
Code. 5656

(4) "Private institution of higher education" means an Ohio 5657
institution of higher education that is nonprofit and has received 5658
a certificate of authorization pursuant to Chapter 1713. of the 5659
Revised Code, that is a private institution exempt from regulation 5660
under Chapter 3332. of the Revised Code as prescribed in section 5661
3333.046 of the Revised Code, or that holds a certificate of 5662
registration and program authorization issued by the state board 5663
of career colleges and schools pursuant to section 3332.05 of the 5664
Revised Code. 5665

(5) "Tuition" means the charges imposed to attend an 5666
institution of higher education and includes general and 5667
instructional fees. "Tuition" does not include laboratory fees, 5668
room and board, or other similar fees and charges. 5669

(B) There is hereby created a scholarship program to be known 5670
as the Ohio national guard scholarship program. 5671

(C) The adjutant general shall approve scholarships for all 5672
eligible applicants. The adjutant general shall process all 5673
applications for scholarships for each academic term in the order 5674
in which they are received. The scholarships shall be made without 5675
regard to financial need. At no time shall one person be placed in 5676
priority over another because of sex, race, or religion. 5677

(D)(1) Except as provided in divisions (I) and (J) of this 5678
section, for each academic term that an eligible applicant is 5679
approved for a scholarship under this section and either remains a 5680
current member in good standing of the Ohio national guard or is 5681
eligible for a scholarship under division (F)(1) of this section, 5682
the institution of higher education in which the applicant is 5683
enrolled shall, if the applicant's enlistment obligation extends 5684
beyond the end of that academic term or if division (F)(1) of this 5685
section applies, be paid on the applicant's behalf the applicable 5686
one of the following amounts: 5687

(a) If the institution is a state institution of higher 5688
education, an amount equal to one hundred per cent of the 5689
institution's tuition charges; 5690

(b) If the institution is a nonprofit private institution or 5691
a private institution exempt from regulation under Chapter 3332. 5692
of the Revised Code as prescribed in section 3333.046 of the 5693
Revised Code, an amount equal to one hundred per cent of the 5694
average tuition charges of all state universities; 5695

(c) If the institution is an institution that holds a 5696
certificate of registration from the state board of career 5697
colleges and schools, the lesser of the following: 5698

(i) An amount equal to one hundred per cent of the 5699
institution's tuition; 5700

(ii) An amount equal to one hundred per cent of the average 5701
tuition charges of all state universities, as that term is defined 5702

in section 3345.011 of the Revised Code. 5703

(2) An eligible applicant's scholarship shall not be reduced 5704
by the amount of that applicant's benefits under "the Montgomery 5705
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 5706

(E) A scholarship recipient under this section shall be 5707
entitled to receive scholarships under this section for the number 5708
of quarters or semesters it takes the recipient to accumulate 5709
ninety-six eligibility units as determined under divisions (E)(1) 5710
to (3) of this section. 5711

(1) To determine the maximum number of semesters or quarters 5712
for which a recipient is entitled to a scholarship under this 5713
section, the adjutant general shall convert a recipient's credit 5714
hours of enrollment for each academic term into eligibility units 5715
in accordance with the following table: 5716

		The			5717
Number of		following	The following		5718
		number of	number of	number of	5719
of enrollment		eligibility	eligibility	eligibility	5720
in an academic		units if a	units if a	units if a	5721
term	equals	semester	or	quarter	5722
					5723
12 or more hours		12 units		8 units	5724
9 but less than 12		9 units		6 units	5725
6 but less than 9		6 units		4 units	5726
3 but less than 6		3 units		2 units	5727

(2) A scholarship recipient under this section may continue 5728
to apply for scholarships under this section until the recipient 5729
has accumulated ninety-six eligibility units. 5730

(3) If a scholarship recipient withdraws from courses prior 5731
to the end of an academic term so that the recipient's enrollment 5732
for that academic term is less than three credit hours, no 5733

scholarship shall be paid on behalf of that person for that 5734
academic term. Except as provided in division (F)(3) of this 5735
section, if a scholarship has already been paid on behalf of the 5736
person for that academic term, the adjutant general shall add to 5737
that person's accumulated eligibility units the number of 5738
eligibility units for which the scholarship was paid. 5739

(F) This division applies to any eligible applicant called 5740
into active duty on or after September 11, 2001. As used in this 5741
division, "active duty" means active duty pursuant to an executive 5742
order of the president of the United States, an act of the 5743
congress of the United States, or section 5919.29 or 5923.21 of 5744
the Revised Code. 5745

(1) For a period of up to five years from when an 5746
individual's enlistment obligation in the Ohio national guard 5747
ends, an individual to whom this division applies is eligible for 5748
scholarships under this section for those academic terms that were 5749
missed or could have been missed as a result of the individual's 5750
call into active duty. Scholarships shall not be paid for the 5751
academic term in which an eligible applicant's enlistment 5752
obligation ends unless an applicant is eligible under this 5753
division for a scholarship for such academic term due to previous 5754
active duty. 5755

(2) When an individual to whom this division applies 5756
withdraws or otherwise fails to complete courses, for which 5757
scholarships have been awarded under this section, because the 5758
individual was called into active duty, the institution of higher 5759
education shall grant the individual a leave of absence from the 5760
individual's education program and shall not impose any academic 5761
penalty for such withdrawal or failure to complete courses. 5762
Division (F)(2) of this section applies regardless of whether or 5763
not the scholarship amount was paid to the institution of higher 5764
education. 5765

(3) If an individual to whom this division applies withdraws 5766
or otherwise fails to complete courses because the individual was 5767
called into active duty, and if scholarships for those courses 5768
have already been paid, either: 5769

(a) The adjutant general shall not add to that person's 5770
accumulated eligibility units calculated under division (E) of 5771
this section the number of eligibility units for the academic 5772
courses or term for which the scholarship was paid and the 5773
institution of higher education shall repay the scholarship amount 5774
to the state. 5775

(b) The adjutant general shall add to that individual's 5776
accumulated eligibility units calculated under division (E) of 5777
this section the number of eligibility units for the academic 5778
courses or term for which the scholarship was paid if the 5779
institution of higher education agrees to permit the individual to 5780
complete the remainder of the academic courses in which the 5781
individual was enrolled at the time the individual was called into 5782
active duty. 5783

(4) No individual who is discharged from the Ohio national 5784
guard under other than honorable conditions shall be eligible for 5785
scholarships under this division. 5786

(G) A scholarship recipient under this section who fails to 5787
complete the term of enlistment, re-enlistment, or extension of 5788
current enlistment the recipient was serving at the time a 5789
scholarship was paid on behalf of the recipient under this section 5790
is liable to the state for repayment of a percentage of all Ohio 5791
national guard scholarships paid on behalf of the recipient under 5792
this section, plus interest at the rate of ten per cent per annum 5793
calculated from the dates the scholarships were paid. This 5794
percentage shall equal the percentage of the current term of 5795
enlistment, re-enlistment, or extension of enlistment a recipient 5796
has not completed as of the date the recipient is discharged from 5797

the Ohio national guard. 5798

The attorney general may commence a civil action on behalf of 5799
the chancellor of the Ohio board of regents to recover the amount 5800
of the scholarships and the interest provided for in this division 5801
and the expenses incurred in prosecuting the action, including 5802
court costs and reasonable attorney's fees. A scholarship 5803
recipient is not liable under this division if the recipient's 5804
failure to complete the term of enlistment being served at the 5805
time a scholarship was paid on behalf of the recipient under this 5806
section is due to the recipient's death or discharge from the 5807
national guard due to disability. 5808

(H) On or before the first day of each academic term, the 5809
adjutant general shall provide an eligibility roster to the 5810
chancellor and to each institution of higher education at which 5811
one or more scholarship recipients have applied for enrollment. 5812
The institution shall use the roster to certify the actual 5813
full-time or part-time enrollment of each scholarship recipient 5814
listed as enrolled at the institution and return the roster to the 5815
adjutant general and the chancellor. Except as provided in 5816
division (J) of this section, the chancellor shall provide for 5817
payment of the appropriate number and amount of scholarships to 5818
each institution of higher education pursuant to division (D) of 5819
this section. If an institution of higher education fails to 5820
certify the actual enrollment of a scholarship recipient listed as 5821
enrolled at the institution within thirty days of the end of an 5822
academic term, the institution shall not be eligible to receive 5823
payment from the Ohio national guard scholarship program or from 5824
the individual enrollee. The adjutant general shall report on a 5825
~~semi-annual~~ semiannual basis to the director of budget and 5826
management, the speaker of the house of representatives, the 5827
president of the senate, and the chancellor the number of Ohio 5828
national guard scholarship recipients, the size of the 5829

scholarship-eligible population, and a projection of the cost of 5830
the program for the remainder of the biennium. 5831

(I) The chancellor and the adjutant general may adopt rules 5832
pursuant to Chapter 119. of the Revised Code governing the 5833
administration and fiscal management of the Ohio national guard 5834
scholarship program and the procedure by which the chancellor and 5835
the department of the adjutant general may modify the amount of 5836
scholarships a member receives based on the amount of other state 5837
financial aid a member receives. 5838

(J) The adjutant general, the chancellor, and the director, 5839
or their designees, shall jointly estimate the costs of the Ohio 5840
national guard scholarship program for each upcoming fiscal 5841
biennium, and shall report that estimate prior to the beginning of 5842
the fiscal biennium to the chairpersons of the finance committees 5843
in the general assembly. During each fiscal year of the biennium, 5844
the adjutant general, the chancellor, and the director, or their 5845
designees, shall meet regularly to monitor the actual costs of the 5846
Ohio national guard scholarship program and update cost 5847
projections for the remainder of the biennium as necessary. If the 5848
amounts appropriated for the Ohio national guard scholarship 5849
program and any funds in the Ohio national guard scholarship 5850
reserve fund are not adequate to provide scholarships in the 5851
amounts specified in division (D)(1) of this section for all 5852
eligible applicants, the chancellor shall do all of the following: 5853

(1) Notify each private institution of higher education, 5854
where a scholarship recipient is enrolled, that, by accepting the 5855
Ohio national guard scholarship program as payment for all or part 5856
of the institution's tuition, the institution agrees that if the 5857
chancellor reduces the amount of each scholarship, the institution 5858
shall provide each scholarship recipient a grant or tuition waiver 5859
in an amount equal to the amount the recipient's scholarship was 5860
reduced by the chancellor. 5861

(2) Reduce the amount of each scholarship under division 5862
(D)(1)(a) of this section proportionally based on the amount of 5863
remaining available funds. Each state institution of higher 5864
education shall provide each scholarship recipient under division 5865
(D)(1)(a) of this section a grant or tuition waiver in an amount 5866
equal to the amount the recipient's scholarship was reduced by the 5867
chancellor. 5868

(K) Notwithstanding division (A) of section 127.14 of the 5869
Revised Code, the controlling board shall not transfer all or part 5870
of any appropriation for the Ohio national guard scholarship 5871
program. 5872

(L) The chancellor and the adjutant general may apply for, 5873
and may receive and accept grants, and may receive and accept 5874
gifts, bequests, and contributions, from public and private 5875
sources, including agencies and instrumentalities of the United 5876
States and this state, and shall deposit the grants, gifts, 5877
bequests, or contributions into the national guard scholarship 5878
reserve fund. 5879

Section 2. That existing sections 3301.079, 3301.0710, 5880
3301.0711, 3301.0714, 3302.01, 3302.02, 3302.021, 3302.03, 5881
3302.033, 3302.04, 3302.041, 3302.042, 3302.05, 3302.10, 3302.12, 5882
3302.20, 3302.21, 3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 5883
3313.608, 3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 5884
3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3317.081, 3319.111, 5885
3319.112, 3319.58, 3326.03, 3333.041, 3333.048, 3333.391, 5910.01, 5886
5910.02, and 5919.34 of the Revised Code are hereby repealed. 5887

Section 3. The Ohio Accountability Task Force, as established 5888
under section 3302.021 of the Revised Code, as it existed prior to 5889
the effective date of this section, is hereby abolished and 5890
replaced by the Ohio Accountability Advisory Committee as 5891

established by section 3302.021 of the Revised Code as amended by 5892
this act. The initial members of the Ohio Accountability Advisory 5893
Committee shall be appointed not later than thirty days after the 5894
effective date of this section. Individuals serving as members of 5895
the Ohio Accountability Task Force at the time it is abolished may 5896
be appointed as members of the Ohio Accountability Advisory 5897
Committee. 5898

Section 4. Not later than August 31, 2013, the state board of 5899
education shall submit to the General Assembly under section 5900
101.68 of the Revised Code recommendations for a comprehensive 5901
statewide plan to intervene directly in and improve the 5902
performance of persistently poor performing schools and school 5903
districts. For purposes of fulfilling the requirements of this 5904
section, "persistently poor performing schools and school 5905
districts" means any of the following: 5906

(A) Priority schools and focus schools as defined by the 5907
Elementary and Secondary Education Act waiver issued by the United 5908
States Department of Education under the No Child Left Behind Act 5909
of 2001; 5910

(B) Schools and school districts that have been in school 5911
improvement status as defined by the United States Department of 5912
Education for four of the five most recent school years; 5913

(C) Schools and school districts whose performance index 5914
score places them in the bottom five per cent of schools statewide 5915
for three of the five most recent school years; 5916

(D) Schools and school districts that have a value-added 5917
progress dimension grade of "F" for three of the five most recent 5918
school years under section 3302.03 of the Revised Code, as amended 5919
by this act, or the equivalent measure. 5920

Section 5. Not later than December 31, 2013, the Department of Education shall review the additional information included on the school district and building report cards described in division (H) of section 3302.03 of the Revised Code, as amended by this act, and shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, recommendations for revisions to make the report cards easier to read and understand.

Section 6. The amendment of section 3314.016 of the Revised Code shall take effect January 1, 2015.

Section 7. For purposes of preparing to implement the community school sponsor rating system prescribed by section 3314.016 of the Revised Code, as amended by this act, not later than March 31, 2013, the Department of Education, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors, develop an instrument to measure adherence to those quality practices, and publish the quality practices and instrument, so that they are available to entities that sponsor community schools prior to their implementation. The quality practices developed under this section shall be based on standards developed by the National Association of Charter School Authorizers or any other nationally organized community school organization.

Section 8. That Section 267.10.90 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. S.B. 316 of the 129th General Assembly, be amended to read as follows:

Sec. 267.10.90. (A) Notwithstanding anything to the contrary in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the Revised Code, the administration of the English language arts

assessments for elementary grades as a replacement for the 5950
separate reading and writing assessments prescribed by sections 5951
3301.0710 and 3301.0711 of the Revised Code, as those sections 5952
were amended by Am. Sub. H.B. 1 of the 128th General Assembly, 5953
shall not be required until a date prescribed by rule of the State 5954
Board of Education. Until that date, the Department of Education 5955
and school districts and schools shall continue to administer 5956
separate reading assessments for elementary grades, as prescribed 5957
by the versions of sections 3301.0710 and 3301.0711 of the Revised 5958
Code that were in effect prior to the effective date of Section 5959
265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The 5960
intent for delaying implementation of the replacement English 5961
language arts assessment is to provide adequate time for the 5962
complete development of the new assessment. 5963

~~(B) Notwithstanding anything to the contrary in section 5964
3301.0710 of the Revised Code, the State Board shall not prescribe 5965
the three ranges of scores for the assessments prescribed by 5966
division (A)(2) of section 3301.0710 of the Revised Code, as 5967
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until 5968
the Board adopts the rule required by division (A) of this 5969
section. Until that date, the Board shall continue to prescribe 5970
the five ranges of scores required by the version of section 5971
3301.0710 of the Revised Code in effect prior to the effective 5972
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General 5973
Assembly, and the range of scores designated by the State Board as 5974
a proficient level of skill remains the passing score on the Ohio 5975
Graduation Tests for purposes of sections 3313.61, 3313.611, 5976
3313.612, and 3325.08 of the Revised Code. 5977~~

~~(C) Not later than December 31, 2013, the State Board shall 5978
submit to the General Assembly recommended changes to divisions 5979
(A)(2) and (3) of section 3301.0710 of the Revised Code necessary 5980
to successfully implement the common core curriculum and 5981~~

assessments in the 2014-2015 school year. 5982

~~(D)~~(C) This section is not subject to expiration after June 5983
30, 2013, under Section 809.10 of this act. 5984

Section 9. That existing Section 267.10.90 of Am. Sub. H.B. 5985
153 of the 129th General Assembly, as amended by Am. Sub. S.B. 316 5986
of the 129th General Assembly, is hereby repealed. 5987

Section 10. The General Assembly, applying the principle 5988
stated in division (B) of section 1.52 of the Revised Code that 5989
amendments are to be harmonized if reasonably capable of 5990
simultaneous operation, finds that the following sections, 5991
presented in this act as composites of the sections as amended by 5992
the acts indicated, are the resulting versions of the sections in 5993
effect prior to the effective date of the sections as presented in 5994
this act: 5995

Section 3301.0714 of the Revised Code as amended by both Am. 5996
Sub. H.B. 386 and Am. Sub. S.B. 316 of the 129th General Assembly. 5997

Section 3302.03 of the Revised Code as amended by both Sub. 5998
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 5999

Section 3319.112 of the Revised Code as amended by both Sub. 6000
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 6001