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132nd General Assembly
Regular Session
2017-2018

Sub. S. B. No. 216

A BILL

To amend sections 3301.078, 3301.079, 3301.0711, 1
3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 2
3311.80, 3311.84, 3313.608, 3313.814, 3317.141, 3
3319.075, 3319.081, 3319.088, 3319.111, 4
3319.112, 3319.22, 3319.223, 3319.283, 3319.58, 5
3321.191, 3323.022, 3323.11, 3324.07, 3326.13, 6
3333.0411, and 3365.07; to enact new sections 7
3319.226 and 3319.229 and sections 3301.68, 8
3319.361, 3324.12, and 3365.072; and to repeal 9
sections 3319.074, 3319.114, 3319.226, and 10
3319.229 of the Revised Code to enact the "Ohio 11
Public School Deregulation Act" regarding the 12
administration of preschool and primary and 13
secondary education programs. 14

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

Section 1. That sections 3301.078, 3301.079, 3301.0711, 15
3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 3311.80, 16
3311.84, 3313.608, 3313.814, 3317.141, 3319.075, 3319.081, 17
3319.088, 3319.111, 3319.112, 3319.22, 3319.223, 3319.283, 18
3319.58, 3321.191, 3323.022, 3323.11, 3324.07, 3326.13, 19



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3333.0411, and 3365.07 be amended and new sections 3319.226 and 20
3319.229 and sections 3301.68, 3319.361, 3324.12, and 3365.072 21
of the Revised Code be enacted to read as follows: 22

Sec. 3301.078. (A) No official or board of this state, 23
whether appointed or elected, shall enter into any agreement or 24
memorandum of understanding with any federal or private entity 25
that would require the state to cede any measure of control over 26
the development, adoption, or revision of academic content 27
standards. 28

(B) No funds appropriated from the general revenue fund 29
shall be used to purchase an assessment developed by the 30
partnership for assessment of readiness for college and careers 31
for use as the assessments prescribed under sections 3301.0710 32
and 3301.0712 of the Revised Code. 33

(C) The department of education shall request that each 34
assessment vendor contracted by the department provide an 35
analysis explaining how questions on each of the assessments 36
prescribed under sections 3301.0710 and 3301.0712 of the Revised 37
Code developed by that vendor are aligned to the academic 38
content standards adopted under section 3301.079 of the Revised 39
Code. The analysis shall be provided to all school districts and 40
schools for all grade levels for which assessments are 41
prescribed under sections 3301.0710 and 3301.0712 of the Revised 42
Code. The analysis shall be produced beginning with the 2018- 43
2019 school year and for each school year thereafter. 44

(D) The department shall request that each assessment 45
vendor described in division (A) of this section provide 46
information and materials to school districts and schools for 47
assistance with the state achievement assessments. The 48
information and materials shall include practice assessments, 49

study guides, and other preparatory materials. The information 50
and materials shall be distributed to districts and schools 51
beginning with the 2018-2019 school year and for each school 52
year thereafter. 53

Sec. 3301.079. (A) (1) The state board of education 54
periodically shall adopt statewide academic standards with 55
emphasis on coherence, focus, and essential knowledge and that 56
are more challenging and demanding when compared to 57
international standards for each of grades kindergarten through 58
twelve in English language arts, mathematics, science, and 59
social studies. 60

(a) The state board shall ensure that the standards do all 61
of the following: 62

(i) Include the essential academic content and skills that 63
students are expected to know and be able to do at each grade 64
level that will allow each student to be prepared for 65
postsecondary instruction and the workplace for success in the 66
twenty-first century; 67

(ii) Include the development of skill sets that promote 68
information, media, and technological literacy; 69

(iii) Include interdisciplinary, project-based, real-world 70
learning opportunities; 71

(iv) Instill life-long learning by providing essential 72
knowledge and skills based in the liberal arts tradition, as 73
well as science, technology, engineering, mathematics, and 74
career-technical education; 75

(v) Be clearly written, transparent, and understandable by 76
parents, educators, and the general public. 77

(b) Not later than July 1, 2012, the state board shall 78
incorporate into the social studies standards for grades four to 79
twelve academic content regarding the original texts of the 80
Declaration of Independence, the Northwest Ordinance, the 81
Constitution of the United States and its amendments, with 82
emphasis on the Bill of Rights, and the Ohio Constitution, and 83
their original context. The state board shall revise the model 84
curricula and achievement assessments adopted under divisions 85
(B) and (C) of this section as necessary to reflect the 86
additional American history and American government content. The 87
state board shall make available a list of suggested grade- 88
appropriate supplemental readings that place the documents 89
prescribed by this division in their historical context, which 90
teachers may use as a resource to assist students in reading the 91
documents within that context. 92

(c) When the state board adopts or revises academic 93
content standards in social studies, American history, American 94
government, or science under division (A) (1) of this section, 95
the state board shall develop such standards independently and 96
not as part of a multistate consortium. 97

(2) After completing the standards required by division 98
(A) (1) of this section, the state board shall adopt standards 99
and model curricula for instruction in technology, financial 100
literacy and entrepreneurship, fine arts, and foreign language 101
for grades kindergarten through twelve. The standards shall meet 102
the same requirements prescribed in division (A) (1) (a) of this 103
section. 104

(3) The state board shall adopt the most recent standards 105
developed by the national association for sport and physical 106
education for physical education in grades kindergarten through 107

twelve or shall adopt its own standards for physical education 108
in those grades and revise and update them periodically. 109

The department of education shall employ a full-time 110
physical education coordinator to provide guidance and technical 111
assistance to districts, community schools, and STEM schools in 112
implementing the physical education standards adopted under this 113
division. The superintendent of public instruction shall 114
determine that the person employed as coordinator is qualified 115
for the position, as demonstrated by possessing an adequate 116
combination of education, license, and experience. 117

(4) Not later than December 31, 2018, the state board 118
shall adopt standards and a model curriculum for instruction in 119
computer science in grades kindergarten through twelve, which 120
shall include standards for introductory and advanced computer 121
science courses in grades nine through twelve. When developing 122
the standards and curriculum, the state board shall consider 123
recommendations from computer science education stakeholder 124
groups, including teachers and representatives from higher 125
education, industry, computer science organizations in Ohio, and 126
national computer science organizations. 127

Any district or school may utilize the computer science 128
standards or model curriculum or any part thereof adopted 129
pursuant to division (A) (4) of this section. However, no 130
district or school shall be required to utilize all or any part 131
of the standards or curriculum. 132

(5) When academic standards have been completed for any 133
subject area required by this section, the state board shall 134
inform all school districts, all community schools established 135
under Chapter 3314. of the Revised Code, all STEM schools 136
established under Chapter 3326. of the Revised Code, and all 137

nonpublic schools required to administer the assessments 138
prescribed by sections 3301.0710 and 3301.0712 of the Revised 139
Code of the content of those standards. Additionally, upon 140
completion of any academic standards under this section, the 141
department shall post those standards on the department's web 142
site. 143

(B) (1) The state board shall adopt a model curriculum for 144
instruction in each subject area for which updated academic 145
standards are required by division (A) (1) of this section and 146
for each of grades kindergarten through twelve that is 147
sufficient to meet the needs of students in every community. The 148
model curriculum shall be aligned with the standards, to ensure 149
that the academic content and skills specified for each grade 150
level are taught to students, and shall demonstrate vertical 151
articulation and emphasize coherence, focus, and rigor. When any 152
model curriculum has been completed, the state board shall 153
inform all school districts, community schools, and STEM schools 154
of the content of that model curriculum. 155

(2) Not later than June 30, 2013, the state board, in 156
consultation with any office housed in the governor's office 157
that deals with workforce development, shall adopt model 158
curricula for grades kindergarten through twelve that embed 159
career connection learning strategies into regular classroom 160
instruction. 161

(3) All school districts, community schools, and STEM 162
schools may utilize the state standards and the model curriculum 163
established by the state board, together with other relevant 164
resources, examples, or models to ensure that students have the 165
opportunity to attain the academic standards. Upon request, the 166
department shall provide technical assistance to any district, 167

community school, or STEM school in implementing the model 168
curriculum. 169

Nothing in this section requires any school district to 170
utilize all or any part of a model curriculum developed under 171
this section. 172

(C) The state board shall develop achievement assessments 173
aligned with the academic standards and model curriculum for 174
each of the subject areas and grade levels required by divisions 175
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 176

When any achievement assessment has been completed, the 177
state board shall inform all school districts, community 178
schools, STEM schools, and nonpublic schools required to 179
administer the assessment of its completion, and the department 180
shall make the achievement assessment available to the districts 181
and schools. 182

(D) (1) The state board shall adopt a diagnostic assessment 183
aligned with the academic standards and model curriculum for 184
each of grades kindergarten through two in reading, writing, and 185
mathematics and for grade three in reading and writing. The 186
diagnostic assessment shall be designed to measure student 187
comprehension of academic content and mastery of related skills 188
for the relevant subject area and grade level. Any diagnostic 189
assessment shall not include components to identify gifted 190
students. Blank copies of diagnostic assessments shall be public 191
records. 192

(2) When each diagnostic assessment has been completed, 193
the state board shall inform all school districts of its 194
completion and the department shall make the diagnostic 195
assessment available to the districts at no cost to the 196

district. 197

(3) School districts shall administer the diagnostic 198
assessment pursuant to section 3301.0715 of the Revised Code 199
beginning the first school year following the development of the 200
assessment. 201

However, beginning with the 2017-2018 school year, both of 202
the following shall apply: 203

(a) In the case of the diagnostic assessments for grades 204
one or two in writing or mathematics or for grade three in 205
writing, a school district shall not be required to administer 206
any such assessment, but may do so at the discretion of the 207
district board; 208

(b) In the case of any diagnostic assessment that is not 209
for the grade levels and subject areas specified in division (D) 210
(3) (a) of this section, each school district shall administer 211
the assessment in the manner prescribed by section 3301.0715 of 212
the Revised Code. 213

(4) The department shall approve a list of comparable 214
diagnostic assessments that may be used in lieu of the 215
diagnostic assessment adopted by the state board for students in 216
kindergarten. The department shall make any approved assessment 217
under division (D) (4) of this section available to the districts 218
at no cost to the district. 219

(E) The state board shall not adopt a diagnostic or 220
achievement assessment for any grade level or subject area other 221
than those specified in this section. 222

(F) Whenever the state board or the department consults 223
with persons for the purpose of drafting or reviewing any 224
standards, diagnostic assessments, achievement assessments, or 225

model curriculum required under this section, the state board or 226
the department shall first consult with parents of students in 227
kindergarten through twelfth grade and with active Ohio 228
classroom teachers, other school personnel, and administrators 229
with expertise in the appropriate subject area. Whenever 230
practicable, the state board and department shall consult with 231
teachers recognized as outstanding in their fields. 232

If the department contracts with more than one outside 233
entity for the development of the achievement assessments 234
required by this section, the department shall ensure the 235
interchangeability of those assessments. 236

(G) Whenever the state board adopts standards or model 237
curricula under this section, the department also shall provide 238
information on the use of blended or digital learning in the 239
delivery of the standards or curricula to students in accordance 240
with division (A) (5) of this section. 241

(H) The fairness sensitivity review committee, established 242
by rule of the state board of education, shall not allow any 243
question on any achievement or diagnostic assessment developed 244
under this section or any proficiency test prescribed by former 245
section 3301.0710 of the Revised Code, as it existed prior to 246
September 11, 2001, to include, be written to promote, or 247
inquire as to individual moral or social values or beliefs. The 248
decision of the committee shall be final. This section does not 249
create a private cause of action. 250

(I) (1) (a) The English language arts academic standards 251
review committee is hereby created to review academic content 252
standards in the subject of English language arts. The committee 253
shall consist of the following members: 254

(i) Three experts who are residents of this state and who 255
primarily conduct research, provide instruction, currently work 256
in, or possess an advanced degree in the subject area. One 257
expert shall be appointed by each of the president of the 258
senate, the speaker of the house of representatives, and the 259
governor; 260

(ii) One parent or guardian appointed by the president of 261
the senate; 262

(iii) One educator who is currently teaching in a 263
classroom, appointed by the speaker of the house of 264
representatives; 265

(iv) The chancellor of the Ohio board of regents, or the 266
chancellor's designee; 267

(v) The state superintendent, or the superintendent's 268
designee, who shall serve as the chairperson of the committee. 269

(b) The mathematics academic standards review committee is 270
hereby created to review academic content standards in the 271
subject of mathematics. The committee shall consist of the 272
following members: 273

(i) Three experts who are residents of this state and who 274
primarily conduct research, provide instruction, currently work 275
in, or possess an advanced degree in the subject area. One 276
expert shall be appointed by each of the president of the 277
senate, the speaker of the house of representatives, and the 278
governor; 279

(ii) One parent or guardian appointed by the speaker of 280
the house of representatives; 281

(iii) One educator who is currently teaching in a 282

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| classroom, appointed by the president of the senate; | 283 |
| (iv) The chancellor, or the chancellor's designee; | 284 |
| (v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. | 285 286 |
| (c) The science academic standards review committee is hereby created to review academic content standards in the subject of science. The committee shall consist of the following members: | 287 288 289 290 |
| (i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor; | 291 292 293 294 295 296 |
| (ii) One parent or guardian appointed by the president of the senate; | 297 298 |
| (iii) One educator who is currently teaching in a classroom, appointed by the speaker of the house of representatives; | 299 300 301 |
| (iv) The chancellor, or the chancellor's designee; | 302 |
| (v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee. | 303 304 |
| (d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members: | 305 306 307 308 |
| (i) Three experts who are residents of this state and who | 309 |

primarily conduct research, provide instruction, currently work 310
in, or possess an advanced degree in the subject area. One 311
expert shall be appointed by each of the president of the 312
senate, the speaker of the house of representatives, and the 313
governor; 314

(ii) One parent or guardian appointed by the speaker of 315
the house of representatives; 316

(iii) One educator who is currently teaching in a 317
classroom, appointed by the president of the senate; 318

(iv) The chancellor, or the chancellor's designee; 319

(v) The state superintendent, or the superintendent's 320
designee, who shall serve as the chairperson of the committee. 321

(2) (a) Each committee created in division (I) (1) of this 322
section shall review the academic content standards for its 323
respective subject area to ensure that such standards are clear, 324
concise, and appropriate for each grade level and promote higher 325
student performance, learning, subject matter comprehension, and 326
improved student achievement. Each committee also shall review 327
whether the standards for its respective subject area promote 328
essential knowledge in the subject, lifelong learning, the 329
liberal arts tradition, and college and career readiness and 330
whether the standards reduce remediation. 331

(b) Each committee shall determine whether the assessments 332
submitted to that committee under division (I) (4) of this 333
section are appropriate for the committee's respective subject 334
area and meet the academic content standards adopted under this 335
section and community expectations. 336

(3) The department of education shall provide 337
administrative support for each committee created in division 338

(I) (1) of this section. Members of each committee shall be 339
reimbursed for reasonable and necessary expenses related to the 340
operations of the committee. Members of each committee shall 341
serve at the pleasure of the appointing authority. 342

(4) Notwithstanding anything to the contrary in division 343
(O) of section 3301.0711 of the Revised Code, the department 344
shall submit to the appropriate committee created under division 345
(I) (1) of this section copies of the questions and corresponding 346
answers on the relevant assessments required by section 347
3301.0710 of the Revised Code on the first day of July following 348
the school year that the assessments were administered. The 349
department shall provide each committee with the entire content 350
of each relevant assessment, including corresponding answers. 351

The assessments received by the committees are not public 352
records of the committees and are not subject to release by the 353
committees to any other person or entity under section 149.43 of 354
the Revised Code. However, the assessments shall become public 355
records in accordance with division (O) of section 3301.0711 of 356
the Revised Code. 357

(J) Not later than sixty days prior to the adoption by the 358
state board of updated academic standards under division (A) (1) 359
of this section or updated model curricula under division (B) (1) 360
of this section, the superintendent of public instruction shall 361
present the academic standards or model curricula, as 362
applicable, in person at a public hearing of the respective 363
committees of the house of representatives and senate that 364
consider education legislation. 365

(K) As used in this section: 366

(1) "Blended learning" means the delivery of instruction 367

in a combination of time in a supervised physical location away 368
from home and online delivery whereby the student has some 369
element of control over time, place, path, or pace of learning. 370

(2) "Coherence" means a reflection of the structure of the 371
discipline being taught. 372

(3) "Digital learning" means learning facilitated by 373
technology that gives students some element of control over 374
time, place, path, or pace of learning. 375

(4) "Focus" means limiting the number of items included in 376
a curriculum to allow for deeper exploration of the subject 377
matter. 378

(5) "Vertical articulation" means key academic concepts 379
and skills associated with mastery in particular content areas 380
should be articulated and reinforced in a developmentally 381
appropriate manner at each grade level so that over time 382
students acquire a depth of knowledge and understanding in the 383
core academic disciplines. 384

Sec. 3301.0711. (A) The department of education shall: 385

(1) Annually furnish to, grade, and score all assessments 386
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 387
the Revised Code to be administered by city, local, exempted 388
village, and joint vocational school districts, except that each 389
district shall score any assessment administered pursuant to 390
division (B) (10) of this section. Each assessment so furnished 391
shall include the data verification code of the student to whom 392
the assessment will be administered, as assigned pursuant to 393
division (D) (2) of section 3301.0714 of the Revised Code. In 394
furnishing the practice versions of Ohio graduation tests 395
prescribed by division (D) of section 3301.0710 of the Revised 396

Code, the department shall make the tests available on its web 397
site for reproduction by districts. In awarding contracts for 398
grading assessments, the department shall give preference to 399
Ohio-based entities employing Ohio residents. 400

(2) Adopt rules for the ethical use of assessments and 401
prescribing the manner in which the assessments prescribed by 402
section 3301.0710 of the Revised Code shall be administered to 403
students. 404

(B) Except as provided in divisions (C) and (J) of this 405
section, the board of education of each city, local, and 406
exempted village school district shall, in accordance with rules 407
adopted under division (A) of this section: 408

(1) Administer the English language arts assessments 409
prescribed under division (A)(1)(a) of section 3301.0710 of the 410
Revised Code twice annually to all students in the third grade 411
who have not attained the score designated for that assessment 412
under division (A)(2)(c) of section 3301.0710 of the Revised 413
Code. 414

(2) Administer the mathematics assessment prescribed under 415
division (A)(1)(a) of section 3301.0710 of the Revised Code at 416
least once annually to all students in the third grade. 417

(3) Administer the assessments prescribed under division 418
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 419
annually to all students in the fourth grade. 420

(4) Administer the assessments prescribed under division 421
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 422
annually to all students in the fifth grade. 423

(5) Administer the assessments prescribed under division 424
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 425

annually to all students in the sixth grade. 426

(6) Administer the assessments prescribed under division 427
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 428
annually to all students in the seventh grade. 429

(7) Administer the assessments prescribed under division 430
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 431
annually to all students in the eighth grade. 432

(8) Except as provided in division (B) (9) of this section, 433
administer any assessment prescribed under division (B) (1) of 434
section 3301.0710 of the Revised Code as follows: 435

(a) At least once annually to all tenth grade students and 436
at least twice annually to all students in eleventh or twelfth 437
grade who have not yet attained the score on that assessment 438
designated under that division; 439

(b) To any person who has successfully completed the 440
curriculum in any high school or the individualized education 441
program developed for the person by any high school pursuant to 442
section 3323.08 of the Revised Code but has not received a high 443
school diploma and who requests to take such assessment, at any 444
time such assessment is administered in the district. 445

(9) In lieu of the board of education of any city, local, 446
or exempted village school district in which the student is also 447
enrolled, the board of a joint vocational school district shall 448
administer any assessment prescribed under division (B) (1) of 449
section 3301.0710 of the Revised Code at least twice annually to 450
any student enrolled in the joint vocational school district who 451
has not yet attained the score on that assessment designated 452
under that division. A board of a joint vocational school 453
district may also administer such an assessment to any student 454

described in division (B) (8) (b) of this section. 455

(10) If the district has a three-year average graduation 456
rate of not more than seventy-five per cent, administer each 457
assessment prescribed by division (D) of section 3301.0710 of 458
the Revised Code in September to all ninth grade students who 459
entered ninth grade prior to July 1, 2014. 460

Except as provided in section 3313.614 of the Revised Code 461
for administration of an assessment to a person who has 462
fulfilled the curriculum requirement for a high school diploma 463
but has not passed one or more of the required assessments, the 464
assessments prescribed under division (B) (1) of section 465
3301.0710 of the Revised Code shall not be administered after 466
the date specified in the rules adopted by the state board of 467
education under division (D) (1) of section 3301.0712 of the 468
Revised Code. 469

(11) (a) Except as provided in division (B) (11) (b) of this 470
section, administer the assessments prescribed by division (B) 471
(2) of section 3301.0710 and section 3301.0712 of the Revised 472
Code in accordance with the timeline and plan for implementation 473
of those assessments prescribed by rule of the state board 474
adopted under division (D) (1) of section 3301.0712 of the 475
Revised Code; 476

(b) A student who has presented evidence to the district 477
or school of having satisfied the condition prescribed by 478
division (A) (1) of section 3313.618 of the Revised Code to 479
qualify for a high school diploma prior to the date of the 480
administration of the assessment prescribed under division (B) 481
(1) of section 3301.0712 of the Revised Code shall not be 482
required to take that assessment. However, no board shall 483
prohibit a student who is not required to take such assessment 484

from taking the assessment. 485

(C) (1) (a) In the case of a student receiving special 486
education services under Chapter 3323. of the Revised Code, the 487
individualized education program developed for the student under 488
that chapter shall specify the manner in which the student will 489
participate in the assessments administered under this section, 490
except that a student with significant cognitive disabilities to 491
whom an alternate assessment is administered in accordance with 492
division (C) (1) of this section and a student determined to have 493
a disability that includes an intellectual disability as 494
outlined in guidance issued by the department shall not be 495
required to take the assessment prescribed under division (B) (1) 496
of section 3301.0712 of the Revised Code. The individualized 497
education program may excuse the student from taking any 498
particular assessment required to be administered under this 499
section if it instead specifies an alternate assessment method 500
approved by the department of education as conforming to 501
requirements of federal law for receipt of federal funds for 502
disadvantaged pupils. To the extent possible, the individualized 503
education program shall not excuse the student from taking an 504
assessment unless no reasonable accommodation can be made to 505
enable the student to take the assessment. No board shall 506
prohibit a student who is not required to take an assessment 507
under division (C) (1) of this section from taking the 508
assessment. 509

(b) Any alternate assessment approved by the department 510
for a student under this division shall produce measurable 511
results comparable to those produced by the assessment it 512
replaces in order to allow for the student's results to be 513
included in the data compiled for a school district or building 514
under section 3302.03 of the Revised Code. 515

(c) (i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that assessment.

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

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

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

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

No school district board shall excuse any limited English
proficient student from taking any particular assessment
required to be administered under this section, except as
follows:

(a) Any limited English proficient student who has been
enrolled in United States schools for less than two years and
for whom no appropriate accommodations are available based on
guidance issued by the department shall not be required to take
the assessment prescribed under division (B) (1) of section
3301.0712 of the Revised Code.

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

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

(4) (a) The governing authority of a chartered nonpublic
school may excuse a limited English proficient student from
taking any assessment administered under this section.

(b) No governing authority shall require a limited English
proficient student who has been enrolled in United States

schools for less than two years and for whom no appropriate 575
accommodations are available based on guidance issued by the 576
department to take the assessment prescribed under division (B) 577
(1) of section 3301.0712 of the Revised Code. 578

(c) No governing authority shall prohibit a limited 579
English proficient student from taking an assessment from which 580
the student was excused under division (C) (4) of this section. 581

(D) (1) In the school year next succeeding the school year 582
in which the assessments prescribed by division (A) (1) or (B) (1) 583
of section 3301.0710 of the Revised Code or former division (A) 584
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 585
it existed prior to September 11, 2001, are administered to any 586
student, the board of education of any school district in which 587
the student is enrolled in that year shall provide to the 588
student intervention services commensurate with the student's 589
performance, including any intensive intervention required under 590
section 3313.608 of the Revised Code, in any skill in which the 591
student failed to demonstrate at least a score at the proficient 592
level on the assessment. 593

(2) Following any administration of the assessments 594
prescribed by division (D) of section 3301.0710 of the Revised 595
Code to ninth grade students, each school district that has a 596
three-year average graduation rate of not more than seventy-five 597
per cent shall determine for each high school in the district 598
whether the school shall be required to provide intervention 599
services to any students who took the assessments. In 600
determining which high schools shall provide intervention 601
services based on the resources available, the district shall 602
consider each school's graduation rate and scores on the 603
practice assessments. The district also shall consider the 604

scores received by ninth grade students on the English language 605
arts and mathematics assessments prescribed under division (A) 606
(1) (f) of section 3301.0710 of the Revised Code in the eighth 607
grade in determining which high schools shall provide 608
intervention services. 609

Each high school selected to provide intervention services 610
under this division shall provide intervention services to any 611
student whose results indicate that the student is failing to 612
make satisfactory progress toward being able to attain scores at 613
the proficient level on the Ohio graduation tests. Intervention 614
services shall be provided in any skill in which a student 615
demonstrates unsatisfactory progress and shall be commensurate 616
with the student's performance. Schools shall provide the 617
intervention services prior to the end of the school year, 618
during the summer following the ninth grade, in the next 619
succeeding school year, or at any combination of those times. 620

(E) Except as provided in section 3313.608 of the Revised 621
Code and division (N) of this section, no school district board 622
of education shall utilize any student's failure to attain a 623
specified score on an assessment administered under this section 624
as a factor in any decision to deny the student promotion to a 625
higher grade level. However, a district board may choose not to 626
promote to the next grade level any student who does not take an 627
assessment administered under this section or make up an 628
assessment as provided by division (C) (2) of this section and 629
who is not exempt from the requirement to take the assessment 630
under division (C) (3) of this section. 631

(F) No person shall be charged a fee for taking any 632
assessment administered under this section. 633

(G) (1) Each school district board shall designate one 634

location for the collection of assessments administered in the 635
spring under division (B) (1) of this section and those 636
administered under divisions (B) (2) to (7) of this section. Each 637
district board shall submit the assessments to the entity with 638
which the department contracts for the scoring of the 639
assessments as follows: 640

(a) If the district's total enrollment in grades 641
kindergarten through twelve during the first full school week of 642
October was less than two thousand five hundred, not later than 643
the Friday after all of the assessments have been administered; 644

(b) If the district's total enrollment in grades 645
kindergarten through twelve during the first full school week of 646
October was two thousand five hundred or more, but less than 647
seven thousand, not later than the Monday after all of the 648
assessments have been administered; 649

(c) If the district's total enrollment in grades 650
kindergarten through twelve during the first full school week of 651
October was seven thousand or more, not later than the Tuesday 652
after all of the assessments have been administered. 653

However, any assessment that a student takes during the 654
make-up period described in division (C) (2) of this section 655
shall be submitted not later than the Friday following the day 656
the student takes the assessment. 657

(2) The department or an entity with which the department 658
contracts for the scoring of the assessment shall send to each 659
school district board a list of the individual scores of all 660
persons taking a state achievement assessment as follows: 661

(a) Except as provided in division (G) (2) (b) or (c) of 662
this section, within forty-five days after the administration of 663

the assessments prescribed by sections 3301.0710 and 3301.0712 664
of the Revised Code, but in no case shall the scores be returned 665
later than the thirtieth day of June following the 666
administration; 667

(b) In the case of the third-grade English language arts 668
assessment, within forty-five days after the administration of 669
that assessment, but in no case shall the scores be returned 670
later than the fifteenth day of June following the 671
administration; 672

(c) In the case of the writing component of an assessment 673
or end-of-course examination in the area of English language 674
arts, except for the third-grade English language arts 675
assessment, the results may be sent after forty-five days of the 676
administration of the writing component, but in no case shall 677
the scores be returned later than the thirtieth day of June 678
following the administration. 679

(3) For assessments administered under this section by a 680
joint vocational school district, the department or entity shall 681
also send to each city, local, or exempted village school 682
district a list of the individual scores of any students of such 683
city, local, or exempted village school district who are 684
attending school in the joint vocational school district. 685

(4) A school district, other public school, or chartered 686
nonpublic school may administer in a paper format any assessment 687
administered in the third, fourth, or fifth grade under this 688
section. A district or school shall not be required to 689
administer in an online format any such assessments. A district 690
or school may administer any such assessments in any combination 691
of online and paper formats. A district or school may administer 692
any such assessments in a particular format on a student-by- 693

student basis. 694

(H) Individual scores on any assessments administered 695
under this section shall be released by a district board only in 696
accordance with section 3319.321 of the Revised Code and the 697
rules adopted under division (A) of this section. No district 698
board or its employees shall utilize individual or aggregate 699
results in any manner that conflicts with rules for the ethical 700
use of assessments adopted pursuant to division (A) of this 701
section. 702

(I) Except as provided in division (G) of this section, 703
the department or an entity with which the department contracts 704
for the scoring of the assessment shall not release any 705
individual scores on any assessment administered under this 706
section. The state board shall adopt rules to ensure the 707
protection of student confidentiality at all times. The rules 708
may require the use of the data verification codes assigned to 709
students pursuant to division (D) (2) of section 3301.0714 of the 710
Revised Code to protect the confidentiality of student scores. 711

(J) Notwithstanding division (D) of section 3311.52 of the 712
Revised Code, this section does not apply to the board of 713
education of any cooperative education school district except as 714
provided under rules adopted pursuant to this division. 715

(1) In accordance with rules that the state board shall 716
adopt, the board of education of any city, exempted village, or 717
local school district with territory in a cooperative education 718
school district established pursuant to divisions (A) to (C) of 719
section 3311.52 of the Revised Code may enter into an agreement 720
with the board of education of the cooperative education school 721
district for administering any assessment prescribed under this 722
section to students of the city, exempted village, or local 723

school district who are attending school in the cooperative 724
education school district. 725

(2) In accordance with rules that the state board shall 726
adopt, the board of education of any city, exempted village, or 727
local school district with territory in a cooperative education 728
school district established pursuant to section 3311.521 of the 729
Revised Code shall enter into an agreement with the cooperative 730
district that provides for the administration of any assessment 731
prescribed under this section to both of the following: 732

(a) Students who are attending school in the cooperative 733
district and who, if the cooperative district were not 734
established, would be entitled to attend school in the city, 735
local, or exempted village school district pursuant to section 736
3313.64 or 3313.65 of the Revised Code; 737

(b) Persons described in division (B) (8) (b) of this 738
section. 739

Any assessment of students pursuant to such an agreement 740
shall be in lieu of any assessment of such students or persons 741
pursuant to this section. 742

(K) (1) Except as otherwise provided in division (K) (1) or 743
(2) of this section, each chartered nonpublic school for which 744
at least sixty-five per cent of its total enrollment is made up 745
of students who are participating in state scholarship programs 746
shall administer the elementary assessments prescribed by 747
section 3301.0710 of the Revised Code. In accordance with 748
procedures and deadlines prescribed by the department, the 749
parent or guardian of a student enrolled in the school who is 750
not participating in a state scholarship program may submit 751
notice to the chief administrative officer of the school that 752

the parent or guardian does not wish to have the student take 753
the elementary assessments prescribed for the student's grade 754
level under division (A) of section 3301.0710 of the Revised 755
Code. If a parent or guardian submits an opt-out notice, the 756
school shall not administer the assessments to that student. 757
This option does not apply to any assessment required for a high 758
school diploma under section 3313.612 of the Revised Code. 759

(2) A chartered nonpublic school may submit to the 760
superintendent of public instruction a request for a waiver from 761
administering the elementary assessments prescribed by division 762
(A) of section 3301.0710 of the Revised Code. The state 763
superintendent shall approve or disapprove a request for a 764
waiver submitted under division (K) (2) of this section. No 765
waiver shall be approved for any school year prior to the 2015- 766
2016 school year. 767

To be eligible to submit a request for a waiver, a 768
chartered nonpublic school shall meet the following conditions: 769

(a) At least ninety-five per cent of the students enrolled 770
in the school are children with disabilities, as defined under 771
section 3323.01 of the Revised Code, or have received a 772
diagnosis by a school district or from a physician, including a 773
neuropsychiatrist or psychiatrist, or a psychologist who is 774
authorized to practice in this or another state as having a 775
condition that impairs academic performance, such as dyslexia, 776
dyscalculia, attention deficit hyperactivity disorder, or 777
Asperger's syndrome. 778

(b) The school has solely served a student population 779
described in division (K) (1) (a) of this section for at least ten 780
years. 781

(c) The school provides to the department at least five 782
years of records of internal testing conducted by the school 783
that affords the department data required for accountability 784
purposes, including diagnostic assessments and nationally 785
standardized norm-referenced achievement assessments that 786
measure reading and math skills. 787

(3) Any chartered nonpublic school that is not subject to 788
division (K)(1) of this section may participate in the 789
assessment program by administering any of the assessments 790
prescribed by division (A) of section 3301.0710 of the Revised 791
Code. The chief administrator of the school shall specify which 792
assessments the school will administer. Such specification shall 793
be made in writing to the superintendent of public instruction 794
prior to the first day of August of any school year in which 795
assessments are administered and shall include a pledge that the 796
nonpublic school will administer the specified assessments in 797
the same manner as public schools are required to do under this 798
section and rules adopted by the department. 799

(4) The department of education shall furnish the 800
assessments prescribed by section 3301.0710 of the Revised Code 801
to each chartered nonpublic school that is subject to division 802
(K)(1) of this section or participates under division (K)(3) of 803
this section. 804

(L) If a chartered nonpublic school is educating students 805
in grades nine through twelve, the following shall apply: 806

(1) For a student who is enrolled in a chartered nonpublic 807
school that is accredited through the independent schools 808
association of the central states and who is attending the 809
school under a state scholarship program, the student shall 810
either take all of the assessments prescribed by division (B) of 811

section 3301.0712 of the Revised Code or take an alternative 812
assessment approved by the department under section 3313.619 of 813
the Revised Code. However, a student who is excused from taking 814
an assessment under division (C) of this section or has 815
presented evidence to the chartered nonpublic school of having 816
satisfied the condition prescribed by division (A) (1) of section 817
3313.618 of the Revised Code to qualify for a high school 818
diploma prior to the date of the administration of the 819
assessment prescribed under division (B) (1) of section 3301.0712 820
of the Revised Code shall not be required to take that 821
assessment. No governing authority of a chartered nonpublic 822
school shall prohibit a student who is not required to take such 823
assessment from taking the assessment. 824

(2) For a student who is enrolled in a chartered nonpublic 825
school that is accredited through the independent schools 826
association of the central states, and who is not attending the 827
school under a state scholarship program, the student shall not 828
be required to take any assessment prescribed under section 829
3301.0712 or 3313.619 of the Revised Code. 830

(3) (a) Except as provided in division (L) (3) (b) of this 831
section, for a student who is enrolled in a chartered nonpublic 832
school that is not accredited through the independent schools 833
association of the central states, regardless of whether the 834
student is attending or is not attending the school under a 835
state scholarship program, the student shall do one of the 836
following: 837

(i) Take all of the assessments prescribed by division (B) 838
of section 3301.0712 of the Revised Code; 839

(ii) Take only the assessment prescribed by division (B) 840
(1) of section 3301.0712 of the Revised Code, provided that the 841

student's school publishes the results of that assessment for 842
each graduating class. The published results of that assessment 843
shall include the overall composite scores, mean scores, twenty- 844
fifth percentile scores, and seventy-fifth percentile scores for 845
each subject area of the assessment. 846

(iii) Take an alternative assessment approved by the 847
department under section 3313.619 of the Revised Code. 848

(b) A student who is excused from taking an assessment 849
under division (C) of this section or has presented evidence to 850
the chartered nonpublic school of having satisfied the condition 851
prescribed by division (A) (1) of section 3313.618 of the Revised 852
Code to qualify for a high school diploma prior to the date of 853
the administration of the assessment prescribed under division 854
(B) (1) of section 3301.0712 of the Revised Code shall not be 855
required to take that assessment. No governing authority of a 856
chartered nonpublic school shall prohibit a student who is not 857
required to take such assessment from taking the assessment. 858

(M) (1) The superintendent of the state school for the 859
blind and the superintendent of the state school for the deaf 860
shall administer the assessments described by sections 3301.0710 861
and 3301.0712 of the Revised Code. Each superintendent shall 862
administer the assessments in the same manner as district boards 863
are required to do under this section and rules adopted by the 864
department of education and in conformity with division (C) (1) 865
(a) of this section. 866

(2) The department of education shall furnish the 867
assessments described by sections 3301.0710 and 3301.0712 of the 868
Revised Code to each superintendent. 869

(N) Notwithstanding division (E) of this section, a school 870

district may use a student's failure to attain a score in at 871
least the proficient range on the mathematics assessment 872
described by division (A) (1) (a) of section 3301.0710 of the 873
Revised Code or on an assessment described by division (A) (1) 874
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 875
Code as a factor in retaining that student in the current grade 876
level. 877

(0) (1) In the manner specified in divisions (0) (3), (4), 878
(6), and (7) of this section, the assessments required by 879
division (A) (1) of section 3301.0710 of the Revised Code shall 880
become public records pursuant to section 149.43 of the Revised 881
Code on the thirty-first day of July following the school year 882
that the assessments were administered. 883

(2) The department may field test proposed questions with 884
samples of students to determine the validity, reliability, or 885
appropriateness of questions for possible inclusion in a future 886
year's assessment. The department also may use anchor questions 887
on assessments to ensure that different versions of the same 888
assessment are of comparable difficulty. 889

Field test questions and anchor questions shall not be 890
considered in computing scores for individual students. Field 891
test questions and anchor questions may be included as part of 892
the administration of any assessment required by division (A) (1) 893
or (B) of section 3301.0710 and division (B) of section 894
3301.0712 of the Revised Code. 895

(3) Any field test question or anchor question 896
administered under division (0) (2) of this section shall not be 897
a public record. Such field test questions and anchor questions 898
shall be redacted from any assessments which are released as a 899
public record pursuant to division (0) (1) of this section. 900

(4) This division applies to the assessments prescribed by 901
division (A) of section 3301.0710 of the Revised Code. 902

(a) The first administration of each assessment, as 903
specified in former section 3301.0712 of the Revised Code, shall 904
be a public record. 905

(b) For subsequent administrations of each assessment 906
prior to the 2011-2012 school year, not less than forty per cent 907
of the questions on the assessment that are used to compute a 908
student's score shall be a public record. The department shall 909
determine which questions will be needed for reuse on a future 910
assessment and those questions shall not be public records and 911
shall be redacted from the assessment prior to its release as a 912
public record. However, for each redacted question, the 913
department shall inform each city, local, and exempted village 914
school district of the statewide academic standard adopted by 915
the state board under section 3301.079 of the Revised Code and 916
the corresponding benchmark to which the question relates. The 917
preceding sentence does not apply to field test questions that 918
are redacted under division (O)(3) of this section. 919

(c) The administrations of each assessment in the 2011- 920
2012, 2012-2013, and 2013-2014 school years shall not be a 921
public record. 922

(5) Each assessment prescribed by division (B)(1) of 923
section 3301.0710 of the Revised Code shall not be a public 924
record. 925

(6) (a) Except as provided in division (O)(6)(b) of this 926
section, for the administrations in the 2014-2015, 2015-2016, 927
and 2016-2017 school years, questions on the assessments 928
prescribed under division (A) of section 3301.0710 and division 929

(B) (2) of section 3301.0712 of the Revised Code and the 930
corresponding preferred answers that are used to compute a 931
student's score shall become a public record as follows: 932

(i) Forty per cent of the questions and preferred answers 933
on the assessments on the thirty-first day of July following the 934
administration of the assessment; 935

(ii) Twenty per cent of the questions and preferred 936
answers on the assessment on the thirty-first day of July one 937
year after the administration of the assessment; 938

(iii) The remaining forty per cent of the questions and 939
preferred answers on the assessment on the thirty-first day of 940
July two years after the administration of the assessment. 941

The entire content of an assessment shall become a public 942
record within three years of its administration. 943

The department shall make the questions that become a 944
public record under this division readily accessible to the 945
public on the department's web site. Questions on the spring 946
administration of each assessment shall be released on an annual 947
basis, in accordance with this division. 948

(b) No questions and corresponding preferred answers shall 949
become a public record under division (O) (6) of this section 950
after July 31, 2017. 951

(7) Division (O) (7) of this section applies to the 952
assessments prescribed by division (A) of section 3301.0710 and 953
division (B) (2) of section 3301.0712 of the Revised Code. 954

Beginning with the assessments administered in the spring 955
of the 2017-2018 school year, not less than forty per cent of 956
the questions on each assessment that are used to compute a 957

student's score shall be a public record. The department shall 958
determine which questions will be needed for reuse on a future 959
assessment and those questions shall not be public records and 960
shall be redacted from the assessment prior to its release as a 961
public record. However, for each redacted question, the 962
department shall inform each city, local, and exempted village 963
school district of the corresponding statewide academic standard 964
adopted by the state board under section 3301.079 of the Revised 965
Code and the corresponding benchmark to which the question 966
relates. The department is not required to provide corresponding 967
standards and benchmarks to field test questions that are 968
redacted under division (O) (3) of this section. 969

(P) As used in this section: 970

(1) "Three-year average" means the average of the most 971
recent consecutive three school years of data. 972

(2) "Dropout" means a student who withdraws from school 973
before completing course requirements for graduation and who is 974
not enrolled in an education program approved by the state board 975
of education or an education program outside the state. 976
"Dropout" does not include a student who has departed the 977
country. 978

(3) "Graduation rate" means the ratio of students 979
receiving a diploma to the number of students who entered ninth 980
grade four years earlier. Students who transfer into the 981
district are added to the calculation. Students who transfer out 982
of the district for reasons other than dropout are subtracted 983
from the calculation. If a student who was a dropout in any 984
previous year returns to the same school district, that student 985
shall be entered into the calculation as if the student had 986
entered ninth grade four years before the graduation year of the 987

graduating class that the student joins. 988

(4) "State scholarship programs" means the educational 989
choice scholarship pilot program established under sections 990
3310.01 to 3310.17 of the Revised Code, the autism scholarship 991
program established under section 3310.41 of the Revised Code, 992
the Jon Peterson special needs scholarship program established 993
under sections 3310.51 to 3310.64 of the Revised Code, and the 994
pilot project scholarship program established under sections 995
3313.974 to 3313.979 of the Revised Code. 996

(5) "Other public school" means a community school 997
established under Chapter 3314., a STEM school established under 998
Chapter 3326., or a college-preparatory boarding school 999
established under Chapter 3328. of the Revised Code. 1000

Sec. 3301.0715. (A) Except as required under division (B) 1001
(1) of section 3313.608 or as specified in division (D) (3) of 1002
section 3301.079 of the Revised Code, the board of education of 1003
each city, local, and exempted village school district shall 1004
administer each applicable diagnostic assessment developed and 1005
provided to the district in accordance with section 3301.079 of 1006
the Revised Code to the following: 1007

(1) Any student who transfers into the district or to a 1008
different school within the district if each applicable 1009
diagnostic assessment was not administered by the district or 1010
school the student previously attended in the current school 1011
year, within thirty days after the date of transfer. If the 1012
district or school into which the student transfers cannot 1013
determine whether the student has taken any applicable 1014
diagnostic assessment in the current school year, the district 1015
or school may administer the diagnostic assessment to the 1016
student. However, if a student transfers into the district prior 1017

to the administration of the diagnostic assessments to all 1018
students under division (B) of this section, the district may 1019
administer the diagnostic assessments to that student on the 1020
date or dates determined under that division. 1021

(2) Each kindergarten student, not earlier than the first 1022
day of the school year and not later than the first day of 1023
November. However, a board of education may administer the 1024
selected response and performance task items portion of the 1025
diagnostic assessment up to two weeks prior to the first day of 1026
the school year. 1027

For the purpose of division (A) (2) of this section, the 1028
district shall administer either the kindergarten readiness 1029
~~assessment provided by the department of education prescribed~~ 1030
under division (D) of section 3301.079 of the Revised Code or a 1031
comparable assessment approved by the department of education 1032
under that section. In no case shall the results of ~~the~~ 1033
~~readiness any such~~ assessment be used to prohibit a student from 1034
enrolling in kindergarten. 1035

(3) Each student enrolled in first, second, or third 1036
grade. 1037

Division (A) of this section does not apply to students 1038
with significant cognitive disabilities, as defined by the 1039
department of education. 1040

(B) Each district board shall administer each diagnostic 1041
assessment when the board deems appropriate, provided the 1042
administration complies with section 3313.608 of the Revised 1043
Code. However, the board shall administer any diagnostic 1044
assessment at least once annually to all students in the 1045
appropriate grade level. A district board may administer any 1046

diagnostic assessment in the fall and spring of a school year to 1047
measure the amount of academic growth attributable to the 1048
instruction received by students during that school year. 1049

(C) Any district that received a grade of "A" or "B" for 1050
the performance index score under division (A) (1) (b), (B) (1) (b), 1051
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 1052
value-added progress dimension under division (A) (1) (e), (B) (1) 1053
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 1054
immediately preceding school year may use different diagnostic 1055
assessments from those adopted under division (D) of section 1056
3301.079 of the Revised Code in order to satisfy the 1057
requirements of division (A) (3) of this section. 1058

(D) Each district board shall utilize and score any 1059
diagnostic assessment administered under division (A) of this 1060
section in accordance with rules established by the department. 1061
After the administration of any diagnostic assessment, each 1062
district shall provide a student's completed diagnostic 1063
assessment, the results of such assessment, and any other 1064
accompanying documents used during the administration of the 1065
assessment to the parent of that student, and shall include all 1066
such documents and information in any plan developed for the 1067
student under division (C) of section 3313.608 of the Revised 1068
Code. Each district shall submit to the department, in the 1069
manner the department prescribes, the results of the diagnostic 1070
assessments administered under this section, regardless of the 1071
type of assessment used under section 3313.608 of the Revised 1072
Code. The department may issue reports with respect to the data 1073
collected. The department may report school and district level 1074
kindergarten diagnostic assessment data and use diagnostic 1075
assessment data to calculate the measure prescribed by divisions 1076
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 1077

(E) Each district board shall provide intervention 1078
services to students whose diagnostic assessments show that they 1079
are failing to make satisfactory progress toward attaining the 1080
academic standards for their grade level. 1081

(F) Beginning in the 2018-2019 school year, any chartered 1082
nonpublic school may elect to administer the kindergarten 1083
readiness assessment to all kindergarten students enrolled in 1084
the school. If the school so elects, the chief administrator of 1085
the school shall notify the superintendent of public instruction 1086
not later than the thirty-first day of March prior to any school 1087
year in which the school will administer the assessment. The 1088
department shall furnish either the kindergarten readiness 1089
assessment prescribed under division (D) of section 3301.079 of 1090
the Revised Code or a comparable assessment approved by the 1091
department under that section to the school at no cost to the 1092
school. In administering the assessment, the school shall do all 1093
of the following: 1094

(1) Enter into a written agreement with the department 1095
specifying that the school will share each participating 1096
student's assessment data with the department and, that for the 1097
purpose of reporting the data to the department, each 1098
participating student will be assigned a data verification code 1099
as described in division (D) (2) of section 3301.0714 of the 1100
Revised Code; 1101

(2) Require the assessment to be administered by a teacher 1102
certified under section 3301.071 of the Revised Code who either 1103
has completed training on administering the kindergarten 1104
readiness assessment provided by the department or has been 1105
trained by another person who has completed such training; 1106

(3) Administer the assessment in the same manner as school 1107

districts are required to do under this section and the rules 1108
established under division (D) of this section. 1109

(G) Beginning in the 2017-2018 school year, a school 1110
district in which less than eighty per cent of its students 1111
score at the proficient level or higher on the third-grade 1112
English language arts assessment prescribed under section 1113
3301.0710 of the Revised Code shall establish a reading 1114
improvement plan supported by reading specialists. Prior to 1115
implementation, the plan shall be approved by the school 1116
district board of education. 1117

Sec. 3301.163. (A) Beginning July 1, 2015, any third-grade 1118
student who attends a chartered nonpublic school with a 1119
scholarship awarded under either the educational choice 1120
scholarship pilot program, prescribed in sections 3310.01 to 1121
3310.17, or the pilot project scholarship program prescribed in 1122
sections 3313.974 to 3313.979 of the Revised Code, shall be 1123
subject to the third-grade reading guarantee retention 1124
provisions under division (A) (2) of section 3313.608 of the 1125
Revised Code, including the exemptions prescribed by that 1126
division. For purposes of determining if a child with a 1127
disability is exempt from retention under this section, an 1128
individual services plan created for the child that has been 1129
reviewed by either the student's school district of residence or 1130
the school district in which the chartered nonpublic school is 1131
located and that specifies that the student is not subject to 1132
retention shall be considered in the same manner as an 1133
individualized education program or plan under section 504 of 1134
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 1135
as amended, as prescribed by division (A) (2) of section 3313.608 1136
of the Revised Code. 1137

As used in this section, "child with a disability" and 1138
"school district of residence" have the same meanings as in 1139
section 3323.01 of the Revised Code. 1140

(B) (1) Each chartered nonpublic school that enrolls 1141
students in any of grades kindergarten through three and that 1142
accepts students under the educational choice scholarship pilot 1143
program or the pilot project scholarship program shall adopt 1144
policies and procedures for the annual assessment of the reading 1145
skills of those students. Each school may use the diagnostic 1146
assessment to measure reading ability for the appropriate grade 1147
level prescribed in division (D) of section 3301.079 of the 1148
Revised Code, or for students in kindergarten the comparable 1149
assessments approved by the department of education in that 1150
section. If the school uses such assessments, the department of 1151
education shall furnish them to the chartered nonpublic school. 1152

(2) For each student identified as having reading skills 1153
below grade level, the school shall do both of the following: 1154

(a) Provide to the student's parent or guardian, in 1155
writing, all of the following: 1156

(i) Notification that the student has been identified as 1157
having a substantial deficiency in reading; 1158

(ii) Notification that if the student attains a score in 1159
the range designated under division (A) (3) of section 3301.0710 1160
of the Revised Code on the assessment prescribed under that 1161
section to measure skill in English language arts expected at 1162
the end of third grade, the student shall be retained unless the 1163
student is exempt under division (A) (1) of section 3313.608 of 1164
the Revised Code. 1165

(b) Provide intensive reading instruction services, as 1166

determined appropriate by the school, to each student identified 1167
under this section. 1168

(C) Each chartered nonpublic school subject to this 1169
section annually shall report to the department the number of 1170
students identified as reading at grade level and the number of 1171
students identified as reading below grade level. 1172

Sec. 3301.68. (A) The department of education shall 1173
establish a consolidated school mandate report for school 1174
districts. The report shall be distributed and monitored by the 1175
department. Each district or school shall complete and file the 1176
report not later than the thirtieth day of November each year. 1177
The report shall require each district or school to denote "yes" 1178
to indicate compliance or "no" to indicate noncompliance with 1179
the items prescribed under division (B) of this section, and to 1180
provide any other information that the department requests 1181
regarding those items. If a district or school denotes "no" on 1182
any item, it shall provide, within thirty days, to its board of 1183
education a written explanation for why that item was not 1184
completed and a written plan of action for accurately and 1185
efficiently addressing the problem. 1186

(B) The report shall contain the following items: 1187

(1) Training on the use of physical restraint or seclusion 1188
on students pursuant to section 3319.46 of the Revised Code; 1189

(2) Training on harassment, intimidation, or bullying 1190
pursuant to sections 3313.666, 3313.667, and 3319.073 of the 1191
Revised Code; 1192

(3) Training on the use of cardiopulmonary resuscitation 1193
and an automated external defibrillator under sections 3313.60, 1194
3313.6023, 3313.717, and 3314.16, and training on crisis 1195

| | |
|--|--|
| <u>prevention intervention;</u> | 1196 |
| <u>(4) The establishment of a wellness committee;</u> | 1197 |
| <u>(5) The establishment and review of a school emergency</u> <u>management plan pursuant to section 3313.536 of the Revised</u> <u>Code;</u> | 1198 1199 1200 |
| <u>(6) The reporting of a district's or school's compliance</u> <u>with nutritional standards prescribed under section 3313.814 of</u> <u>the Revised Code;</u> | 1201 1202 1203 |
| <u>(7) Screening of pupils for hearing, vision, speech and</u> <u>communications, and health or medical problems and for any</u> <u>developmental disorders pursuant to section 3313.673 of the</u> <u>Revised Code.</u> | 1204 1205 1206 1207 |
| <u>(C) Except as provided in division (D) of section 3313.814</u> <u>of the Revised Code, the department shall not require a separate</u> <u>report for any of the items listed in division (B) of this</u> <u>section.</u> | 1208 1209 1210 1211 |
| Sec. 3302.03. Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and | 1212 1213 1214 1215 1216 1217 1218 1219 1220 1221 1222 1223 1224 |

that must be calculated separately and used to calculate the 1225
building's overall grade. The department shall issue annual 1226
report cards reflecting the performance of each school district, 1227
each building within each district, and for the state as a whole 1228
using the performance measures and letter grade system described 1229
in this section. The department shall include on the report card 1230
for each district and each building within each district the 1231
most recent two-year trend data in student achievement for each 1232
subject and each grade. 1233

(A) (1) For the 2012-2013 school year, the department shall 1234
issue grades as described in division (E) of this section for 1235
each of the following performance measures: 1236

(a) Annual measurable objectives; 1237

(b) Performance index score for a school district or 1238
building. Grades shall be awarded as a percentage of the total 1239
possible points on the performance index system as adopted by 1240
the state board. In adopting benchmarks for assigning letter 1241
grades under division (A) (1) (b) of this section, the state board 1242
of education shall designate ninety per cent or higher for an 1243
"A," at least seventy per cent but not more than eighty per cent 1244
for a "C," and less than fifty per cent for an "F." 1245

(c) The extent to which the school district or building 1246
meets each of the applicable performance indicators established 1247
by the state board under section 3302.02 of the Revised Code and 1248
the percentage of applicable performance indicators that have 1249
been achieved. In adopting benchmarks for assigning letter 1250
grades under division (A) (1) (c) of this section, the state board 1251
shall designate ninety per cent or higher for an "A." 1252

(d) The four- and five-year adjusted cohort graduation 1253

rates. 1254

In adopting benchmarks for assigning letter grades under 1255
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 1256
department shall designate a four-year adjusted cohort 1257
graduation rate of ninety-three per cent or higher for an "A" 1258
and a five-year cohort graduation rate of ninety-five per cent 1259
or higher for an "A." 1260

(e) The overall score under the value-added progress 1261
dimension of a school district or building, for which the 1262
department shall use up to three years of value-added data as 1263
available. The letter grade assigned for this growth measure 1264
shall be as follows: 1265

(i) A score that is at least two standard errors of 1266
measure above the mean score shall be designated as an "A." 1267

(ii) A score that is at least one standard error of 1268
measure but less than two standard errors of measure above the 1269
mean score shall be designated as a "B." 1270

(iii) A score that is less than one standard error of 1271
measure above the mean score but greater than or equal to one 1272
standard error of measure below the mean score shall be 1273
designated as a "C." 1274

(iv) A score that is not greater than one standard error 1275
of measure below the mean score but is greater than or equal to 1276
two standard errors of measure below the mean score shall be 1277
designated as a "D." 1278

(v) A score that is not greater than two standard errors 1279
of measure below the mean score shall be designated as an "F." 1280

Whenever the value-added progress dimension is used as a 1281

graded performance measure, whether as an overall measure or as 1282
a measure of separate subgroups, the grades for the measure 1283
shall be calculated in the same manner as prescribed in division 1284
(A) (1) (e) of this section. 1285

(f) The value-added progress dimension score for a school 1286
district or building disaggregated for each of the following 1287
subgroups: students identified as gifted, students with 1288
disabilities, and students whose performance places them in the 1289
lowest quintile for achievement on a statewide basis. Each 1290
subgroup shall be a separate graded measure. 1291

(2) Not later than April 30, 2013, the state board of 1292
education shall adopt a resolution describing the performance 1293
measures, benchmarks, and grading system for the 2012-2013 1294
school year and, not later than June 30, 2013, shall adopt rules 1295
in accordance with Chapter 119. of the Revised Code that 1296
prescribe the methods by which the performance measures under 1297
division (A) (1) of this section shall be assessed and assigned a 1298
letter grade, including performance benchmarks for each letter 1299
grade. 1300

At least forty-five days prior to the state board's 1301
adoption of rules to prescribe the methods by which the 1302
performance measures under division (A) (1) of this section shall 1303
be assessed and assigned a letter grade, the department shall 1304
conduct a public presentation before the standing committees of 1305
the house of representatives and the senate that consider 1306
education legislation describing such methods, including 1307
performance benchmarks. 1308

(3) There shall not be an overall letter grade for a 1309
school district or building for the 2012-2013 school year. 1310

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

(a) Annual measurable objectives;

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

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

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

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

(f) 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 1340
whose performance places them in the lowest quintile for 1341
achievement on a statewide basis. Each subgroup shall be a 1342
separate graded measure. 1343

(g) Whether a school district or building is making 1344
progress in improving literacy in grades kindergarten through 1345
three, as determined using a method prescribed by the state 1346
board. The state board shall adopt rules to prescribe benchmarks 1347
and standards for assigning grades to districts and buildings 1348
for purposes of division (B) (1) (g) of this section. In adopting 1349
benchmarks for assigning letter grades under divisions (B) (1) (g) 1350
and (C) (1) (g) of this section, the state board shall determine 1351
progress made based on the reduction in the total percentage of 1352
students scoring below grade level, or below proficient, 1353
compared from year to year on the reading and writing diagnostic 1354
assessments administered under section 3301.0715 of the Revised 1355
Code and the third grade English language arts assessment under 1356
section 3301.0710 of the Revised Code, as applicable. The state 1357
board shall designate for a "C" grade a value that is not lower 1358
than the statewide average value for this measure. No grade 1359
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1360
section for a district or building in which less than five per 1361
cent of students have scored below grade level on the diagnostic 1362
assessment administered to students in kindergarten under 1363
division (B) (1) of section 3313.608 of the Revised Code. 1364

(h) For a high mobility school district or building, an 1365
additional value-added progress dimension score. For this 1366
measure, the department shall use value-added data from the most 1367
recent school year available and shall use assessment scores for 1368
only those students to whom the district or building has 1369
administered the assessments prescribed by section 3301.0710 of 1370

the Revised Code for each of the two most recent consecutive 1371
school years. 1372

As used in this division, "high mobility school district 1373
or building" means a school district or building where at least 1374
twenty-five per cent of its total enrollment is made up of 1375
students who have attended that school district or building for 1376
less than one year. 1377

(2) In addition to the graded measures in division (B)(1) 1378
of this section, the department shall include on a school 1379
district's or building's report card all of the following 1380
without an assigned letter grade: 1381

(a) The percentage of students enrolled in a district or 1382
building participating in advanced placement classes and the 1383
percentage of those students who received a score of three or 1384
better on advanced placement examinations; 1385

(b) The number of a district's or building's students who 1386
have earned at least three college credits through dual 1387
enrollment or advanced standing programs, such as the post- 1388
secondary enrollment options program under Chapter 3365. of the 1389
Revised Code and state-approved career-technical courses offered 1390
through dual enrollment or statewide articulation, that appear 1391
on a student's transcript or other official document, either of 1392
which is issued by the institution of higher education from 1393
which the student earned the college credit. The credits earned 1394
that are reported under divisions (B)(2)(b) and (C)(2)(c) of 1395
this section shall not include any that are remedial or 1396
developmental and shall include those that count toward the 1397
curriculum requirements established for completion of a degree. 1398

(c) The percentage of students enrolled in a district or 1399

building who have taken a national standardized test used for 1400
college admission determinations and the percentage of those 1401
students who are determined to be remediation-free in accordance 1402
with standards adopted under division (F) of section 3345.061 of 1403
the Revised Code; 1404

(d) The percentage of the district's or the building's 1405
students who receive industry-recognized credentials as approved 1406
under section 3313.6113 of the Revised Code. 1407

(e) The percentage of students enrolled in a district or 1408
building who are participating in an international baccalaureate 1409
program and the percentage of those students who receive a score 1410
of four or better on the international baccalaureate 1411
examinations. 1412

(f) The percentage of the district's or building's 1413
students who receive an honors diploma under division (B) of 1414
section 3313.61 of the Revised Code. 1415

(3) Not later than December 31, 2013, the state board 1416
shall adopt rules in accordance with Chapter 119. of the Revised 1417
Code that prescribe the methods by which the performance 1418
measures under divisions (B)(1)(f) and (B)(1)(g) of this section 1419
will be assessed and assigned a letter grade, including 1420
performance benchmarks for each grade. 1421

At least forty-five days prior to the state board's 1422
adoption of rules to prescribe the methods by which the 1423
performance measures under division (B)(1) of this section shall 1424
be assessed and assigned a letter grade, the department shall 1425
conduct a public presentation before the standing committees of 1426
the house of representatives and the senate that consider 1427
education legislation describing such methods, including 1428

performance benchmarks. 1429

(4) There shall not be an overall letter grade for a 1430
school district or building for the 2013-2014, 2014-2015, 2015- 1431
2016, and 2016-2017 school years. 1432

(C) (1) For the 2014-2015 school year and each school year 1433
thereafter, the department shall issue grades as described in 1434
division (E) of this section for each of the performance 1435
measures prescribed in division (C) (1) of this section. The 1436
graded measures are as follows: 1437

(a) Annual measurable objectives; 1438

(b) Performance index score for a school district or 1439
building. Grades shall be awarded as a percentage of the total 1440
possible points on the performance index system as created by 1441
the department. In adopting benchmarks for assigning letter 1442
grades under division (C) (1) (b) of this section, the state board 1443
shall designate ninety per cent or higher for an "A," at least 1444
seventy per cent but not more than eighty per cent for a "C," 1445
and less than fifty per cent for an "F." 1446

(c) The extent to which the school district or building 1447
meets each of the applicable performance indicators established 1448
by the state board under section 3302.03 of the Revised Code and 1449
the percentage of applicable performance indicators that have 1450
been achieved. In adopting benchmarks for assigning letter 1451
grades under division (C) (1) (c) of this section, the state board 1452
shall designate ninety per cent or higher for an "A." 1453

(d) The four- and five-year adjusted cohort graduation 1454
rates; 1455

(e) The overall score under the value-added progress 1456
dimension, or another measure of student academic progress if 1457

adopted by the state board, of a school district or building, 1458
for which the department shall use up to three years of value- 1459
added data as available. 1460

In adopting benchmarks for assigning letter grades for 1461
overall score on value-added progress dimension under division 1462
(C) (1) (e) of this section, the state board shall prohibit the 1463
assigning of a grade of "A" for that measure unless the 1464
district's or building's grade assigned for value-added progress 1465
dimension for all subgroups under division (C) (1) (f) of this 1466
section is a "B" or higher. 1467

For the metric prescribed by division (C) (1) (e) of this 1468
section, the state board may adopt a student academic progress 1469
measure to be used instead of the value-added progress 1470
dimension. If the state board adopts such a measure, it also 1471
shall prescribe a method for assigning letter grades for the new 1472
measure that is comparable to the method prescribed in division 1473
(A) (1) (e) of this section. 1474

(f) The value-added progress dimension score of a school 1475
district or building disaggregated for each of the following 1476
subgroups: ~~students identified as gifted in superior cognitive~~ 1477
~~ability and specific academic ability fields under Chapter 3324.~~ 1478
~~of the Revised Code,~~ students with disabilities, and students 1479
whose performance places them in the lowest quintile for 1480
achievement on a statewide basis, as determined by a method 1481
prescribed by the state board. Each subgroup shall be a separate 1482
graded measure. 1483

The state board may adopt student academic progress 1484
measures to be used instead of the value-added progress 1485
dimension. If the state board adopts such measures, it also 1486
shall prescribe a method for assigning letter grades for the new 1487

measures that is comparable to the method prescribed in division 1488
(A) (1) (e) of this section. 1489

(g) Whether a school district or building is making 1490
progress in improving literacy in grades kindergarten through 1491
three, as determined using a method prescribed by the state 1492
board. The state board shall adopt rules to prescribe benchmarks 1493
and standards for assigning grades to a district or building for 1494
purposes of division (C) (1) (g) of this section. The state board 1495
shall designate for a "C" grade a value that is not lower than 1496
the statewide average value for this measure. No grade shall be 1497
issued under division (C) (1) (g) of this section for a district 1498
or building in which less than five per cent of students have 1499
scored below grade level on the kindergarten diagnostic 1500
assessment under division (B) (1) of section 3313.608 of the 1501
Revised Code. 1502

(h) For a high mobility school district or building, an 1503
additional value-added progress dimension score. For this 1504
measure, the department shall use value-added data from the most 1505
recent school year available and shall use assessment scores for 1506
only those students to whom the district or building has 1507
administered the assessments prescribed by section 3301.0710 of 1508
the Revised Code for each of the two most recent consecutive 1509
school years. 1510

As used in this division, "high mobility school district 1511
or building" means a school district or building where at least 1512
twenty-five per cent of its total enrollment is made up of 1513
students who have attended that school district or building for 1514
less than one year. 1515

(2) In addition to the graded measures in division (C) (1) 1516
of this section, the department shall include on a school 1517

district's or building's report card all of the following 1518
without an assigned letter grade: 1519

(a) The percentage of students enrolled in a district or 1520
building who have taken a national standardized test used for 1521
college admission determinations and the percentage of those 1522
students who are determined to be remediation-free in accordance 1523
with the standards adopted under division (F) of section 1524
3345.061 of the Revised Code; 1525

(b) The percentage of students enrolled in a district or 1526
building participating in advanced placement classes and the 1527
percentage of those students who received a score of three or 1528
better on advanced placement examinations; 1529

(c) The percentage of a district's or building's students 1530
who have earned at least three college credits through advanced 1531
standing programs, such as the college credit plus program under 1532
Chapter 3365. of the Revised Code and state-approved career- 1533
technical courses offered through dual enrollment or statewide 1534
articulation, that appear on a student's college transcript 1535
issued by the institution of higher education from which the 1536
student earned the college credit. The credits earned that are 1537
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 1538
shall not include any that are remedial or developmental and 1539
shall include those that count toward the curriculum 1540
requirements established for completion of a degree. 1541

(d) The percentage of the district's or building's 1542
students who receive an honor's diploma under division (B) of 1543
section 3313.61 of the Revised Code; 1544

(e) The percentage of the district's or building's 1545
students who receive industry-recognized credentials as approved 1546

under section 3313.6113 of the Revised Code; 1547

(f) The percentage of students enrolled in a district or 1548
building who are participating in an international baccalaureate 1549
program and the percentage of those students who receive a score 1550
of four or better on the international baccalaureate 1551
examinations; 1552

(g) The results of the college and career-ready 1553
assessments administered under division (B)(1) of section 1554
3301.0712 of the Revised Code. 1555

(3) The state board shall adopt rules pursuant to Chapter 1556
119. of the Revised Code that establish a method to assign an 1557
overall grade for a school district or school building for the 1558
2017-2018 school year and each school year thereafter. The rules 1559
shall group the performance measures in divisions (C)(1) and (2) 1560
of this section into the following components: 1561

(a) Gap closing, which shall include the performance 1562
measure in division (C)(1)(a) of this section; 1563

(b) Achievement, which shall include the performance 1564
measures in divisions (C)(1)(b) and (c) of this section; 1565

(c) Progress, which shall include the performance measures 1566
in divisions (C)(1)(e) and (f) of this section; 1567

(d) Graduation, which shall include the performance 1568
measure in division (C)(1)(d) of this section; 1569

(e) Kindergarten through third-grade literacy, which shall 1570
include the performance measure in division (C)(1)(g) of this 1571
section; 1572

(f) Prepared for success, which shall include the 1573
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1574

and (f) of this section. The state board shall develop a method 1575
to determine a grade for the component in division (C) (3) (f) of 1576
this section using the performance measures in divisions (C) (2) 1577
(a), (b), (c), (d), (e), and (f) of this section. When 1578
available, the state board may incorporate the performance 1579
measure under division (C) (2) (g) of this section into the 1580
component under division (C) (3) (f) of this section. When 1581
determining the overall grade for the prepared for success 1582
component prescribed by division (C) (3) (f) of this section, no 1583
individual student shall be counted in more than one performance 1584
measure. However, if a student qualifies for more than one 1585
performance measure in the component, the state board may, in 1586
its method to determine a grade for the component, specify an 1587
additional weight for such a student that is not greater than or 1588
equal to 1.0. In determining the overall score under division 1589
(C) (3) (f) of this section, the state board shall ensure that the 1590
pool of students included in the performance measures aggregated 1591
under that division are all of the students included in the 1592
four- and five-year adjusted graduation cohort. 1593

In the rules adopted under division (C) (3) of this 1594
section, the state board shall adopt a method for determining a 1595
grade for each component in divisions (C) (3) (a) to (f) of this 1596
section. The state board also shall establish a method to assign 1597
an overall grade of "A," "B," "C," "D," or "F" using the grades 1598
assigned for each component. The method the state board adopts 1599
for assigning an overall grade shall give equal weight to the 1600
components in divisions (C) (3) (b) and (c) of this section. 1601

At least forty-five days prior to the state board's 1602
adoption of rules to prescribe the methods for calculating the 1603
overall grade for the report card, as required by this division, 1604
the department shall conduct a public presentation before the 1605

standing committees of the house of representatives and the 1606
senate that consider education legislation describing the format 1607
for the report card, weights that will be assigned to the 1608
components of the overall grade, and the method for calculating 1609
the overall grade. 1610

(D) On or after July 1, 2015, the state board may develop 1611
a measure of student academic progress for high school students 1612
using only data from assessments in English language arts and 1613
mathematics. If the state board develops this measure, each 1614
school district and applicable school building shall be assigned 1615
a separate letter grade for it not sooner than the 2017-2018 1616
school year. The district's or building's grade for that measure 1617
shall not be included in determining the district's or 1618
building's overall letter grade. 1619

(E) The letter grades assigned to a school district or 1620
building under this section shall be as follows: 1621

(1) "A" for a district or school making excellent 1622
progress; 1623

(2) "B" for a district or school making above average 1624
progress; 1625

(3) "C" for a district or school making average progress; 1626

(4) "D" for a district or school making below average 1627
progress; 1628

(5) "F" for a district or school failing to meet minimum 1629
progress. 1630

(F) When reporting data on student achievement and 1631
progress, the department shall disaggregate that data according 1632
to the following categories: 1633

| | |
|---|--|
| (1) Performance of students by grade-level; | 1634 |
| (2) Performance of students by race and ethnic group; | 1635 |
| (3) Performance of students by gender; | 1636 |
| (4) Performance of students grouped by those who have been enrolled in a district or school for three or more years; | 1637 1638 |
| (5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years; | 1639 1640 1641 |
| (6) Performance of students grouped by those who have been enrolled in a district or school for one year or less; | 1642 1643 |
| (7) Performance of students grouped by those who are economically disadvantaged; | 1644 1645 |
| (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code; | 1646 1647 1648 |
| (9) Performance of students grouped by those who are classified as limited English proficient; | 1649 1650 |
| (10) Performance of students grouped by those who have disabilities; | 1651 1652 |
| (11) Performance of students grouped by those who are classified as migrants; | 1653 1654 |
| (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability | 1655 1656 1657 1658 1659 1660 |

~~in math and reading. If any other academic field is assessed,~~ 1661
~~the department shall also include data for students with~~ 1662
~~specific academic ability in that field as well.~~ 1663

~~(13)~~ Performance of students grouped by those who perform 1664
in the lowest quintile for achievement on a statewide basis, as 1665
determined by a method prescribed by the state board. 1666

The department may disaggregate data on student 1667
performance according to other categories that the department 1668
determines are appropriate. To the extent possible, the 1669
department shall disaggregate data on student performance 1670
according to any combinations of two or more of the categories 1671
listed in divisions (F) (1) to ~~(13)~~ (12) of this section that it 1672
deems relevant. 1673

In reporting data pursuant to division (F) of this 1674
section, the department shall not include in the report cards 1675
any data statistical in nature that is statistically unreliable 1676
or that could result in the identification of individual 1677
students. For this purpose, the department shall not report 1678
student performance data for any group identified in division 1679
(F) of this section that contains less than ~~ten~~ thirty students. 1680
If the department does not report student performance data for a 1681
group because it contains less than ~~ten~~ thirty students, the 1682
department shall indicate on the report card that is why data 1683
was not reported. 1684

(G) The department may include with the report cards any 1685
additional education and fiscal performance data it deems 1686
valuable. 1687

(H) The department shall include on each report card a 1688
list of additional information collected by the department that 1689

is available regarding the district or building for which the 1690
report card is issued. When available, such additional 1691
information shall include student mobility data disaggregated by 1692
race and socioeconomic status, college enrollment data, and the 1693
reports prepared under section 3302.031 of the Revised Code. 1694

The department shall maintain a site on the world wide 1695
web. The report card shall include the address of the site and 1696
shall specify that such additional information is available to 1697
the public at that site. The department shall also provide a 1698
copy of each item on the list to the superintendent of each 1699
school district. The district superintendent shall provide a 1700
copy of any item on the list to anyone who requests it. 1701

(I) (1) (a) Except as provided in division (I) (1) (b) of this 1702
section, for any district that sponsors a conversion community 1703
school under Chapter 3314. of the Revised Code, the department 1704
shall combine data regarding the academic performance of 1705
students enrolled in the community school with comparable data 1706
from the schools of the district for the purpose of determining 1707
the performance of the district as a whole on the report card 1708
issued for the district under this section or section 3302.033 1709
of the Revised Code. 1710

(b) The department shall not combine data from any 1711
conversion community school that a district sponsors if a 1712
majority of the students enrolled in the conversion community 1713
school are enrolled in a dropout prevention and recovery program 1714
that is operated by the school, as described in division (A) (4) 1715
(a) of section 3314.35 of the Revised Code. The department shall 1716
include as an addendum to the district's report card the ratings 1717
and performance measures that are required under section 1718
3314.017 of the Revised Code for any community school to which 1719

division (I) (1) (b) of this section applies. This addendum shall 1720
include, at a minimum, the data specified in divisions (C) (1) 1721
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 1722

(2) Any district that leases a building to a community 1723
school located in the district or that enters into an agreement 1724
with a community school located in the district whereby the 1725
district and the school endorse each other's programs may elect 1726
to have data regarding the academic performance of students 1727
enrolled in the community school combined with comparable data 1728
from the schools of the district for the purpose of determining 1729
the performance of the district as a whole on the district 1730
report card. Any district that so elects shall annually file a 1731
copy of the lease or agreement with the department. 1732

(3) Any municipal school district, as defined in section 1733
3311.71 of the Revised Code, that sponsors a community school 1734
located within the district's territory, or that enters into an 1735
agreement with a community school located within the district's 1736
territory whereby the district and the community school endorse 1737
each other's programs, may exercise either or both of the 1738
following elections: 1739

(a) To have data regarding the academic performance of 1740
students enrolled in that community school combined with 1741
comparable data from the schools of the district for the purpose 1742
of determining the performance of the district as a whole on the 1743
district's report card; 1744

(b) To have the number of students attending that 1745
community school noted separately on the district's report card. 1746

The election authorized under division (I) (3) (a) of this 1747
section is subject to approval by the governing authority of the 1748

community school. 1749

Any municipal school district that exercises an election 1750
to combine or include data under division (I) (3) of this 1751
section, by the first day of October of each year, shall file 1752
with the department documentation indicating eligibility for 1753
that election, as required by the department. 1754

(J) The department shall include on each report card the 1755
percentage of teachers in the district or building who are 1756
highly qualified, as defined by the No Child Left Behind Act of 1757
2001, and a comparison of that percentage with the percentages 1758
of such teachers in similar districts and buildings. 1759

This division shall not apply after the effective date of 1760
this amendment. 1761

(K) (1) In calculating English language arts, mathematics, 1762
or science assessment passage rates used to determine school 1763
district or building performance under this section, the 1764
department shall include all students taking an assessment with 1765
accommodation or to whom an alternate assessment is administered 1766
pursuant to division (C) (1) or (3) of section 3301.0711 of the 1767
Revised Code. 1768

(2) In calculating performance index scores, rates of 1769
achievement on the performance indicators established by the 1770
state board under section 3302.02 of the Revised Code, and 1771
annual measurable objectives for determining adequate yearly 1772
progress for school districts and buildings under this section, 1773
the department shall do all of the following: 1774

(a) Include for each district or building only those 1775
students who are included in the ADM certified for the first 1776
full school week of October and are continuously enrolled in the 1777

district or building through the time of the spring 1778
administration of any assessment prescribed by division (A) (1) 1779
or (B) (1) of section 3301.0710 or division (B) of section 1780
3301.0712 of the Revised Code that is administered to the 1781
student's grade level; 1782

(b) Include cumulative totals from both the fall and 1783
spring administrations of the third grade English language arts 1784
achievement assessment; 1785

(c) Except as required by the No Child Left Behind Act of 1786
2001, exclude for each district or building any limited English 1787
proficient student who has been enrolled in United States 1788
schools for less than one full school year. 1789

(L) Beginning with the 2015-2016 school year and at least 1790
once every three years thereafter, the state board of education 1791
shall review and may adjust the benchmarks for assigning letter 1792
grades to the performance measures and components prescribed 1793
under divisions (C) (3) and (D) of this section. 1794

Sec. 3311.78. Notwithstanding any provision of the Revised 1795
Code to the contrary, a municipal school district shall be 1796
subject to this section instead of sections 3317.13, 3317.14, 1797
and 3317.141 of the Revised Code. 1798

(A) As used in this section, "principal" includes an 1799
assistant principal. 1800

(B) The board of education of each municipal school 1801
district annually shall adopt a differentiated salary schedule 1802
for teachers based upon performance as described in division (D) 1803
of this section. The board also annually shall adopt a 1804
differentiated salary schedule for principals based upon 1805
performance as described in division (D) of this section. 1806

For each teacher or principal hired on or after October 1, 1807
2012, the board shall determine the teacher's or principal's 1808
initial placement on the applicable salary schedule based on 1809
years of experience and area of licensure and any other factors 1810
the board considers appropriate. For each teacher hired prior to 1811
October 1, 2012, the board shall initially place the teacher on 1812
the applicable salary schedule so that the teacher's annual 1813
salary on the schedule is comparable to the teacher's annual 1814
salary for the school year immediately prior to the school year 1815
covered by the schedule. For each principal hired prior to 1816
October 1, 2012, the board shall initially place the principal 1817
on the applicable salary schedule consistent with the 1818
principal's employment contract. 1819

(C) The salary of a teacher shall not be reduced unless 1820
such reduction is accomplished as part of a negotiated 1821
collective bargaining agreement. The salary of a principal shall 1822
not be reduced during the term of the principal's employment 1823
contract unless such reduction is by mutual agreement of the 1824
board and the principal or is part of a uniform plan affecting 1825
the entire district. 1826

(D) For purposes of the schedules, the board shall measure 1827
a teacher's or principal's performance by considering all of the 1828
following: 1829

(1) The level of license issued under section 3319.22 of 1830
the Revised Code that the teacher or principal holds; 1831

~~(2) Whether the teacher or principal is a highly qualified 1832
teacher, as defined in section 3319.074 of the Revised Code; 1833~~

~~(3) Ratings received by the teacher or principal on 1834
performance evaluations conducted under section 3311.80 or 1835~~

3311.84 of the Revised Code; 1836

~~(4)~~(3) Any specialized training and experience in the 1837
assigned position. 1838

(E) The salary schedules adopted under this section may 1839
provide for additional compensation for teachers or principals 1840
who perform duties, not contracted for under a supplemental 1841
contract, that the board determines warrant additional 1842
compensation. Those duties may include, but are not limited to, 1843
assignment to a school building eligible for funding under Title 1844
I of the "Elementary and Secondary Education Act of 1965," 20 1845
U.S.C. 6301 et seq.; assignment to a building in "school 1846
improvement" status under the "No Child Left Behind Act of 1847
2001," as defined in section 3302.01 of the Revised Code; 1848
teaching in a grade level or subject area in which the board has 1849
determined there is a shortage within the district; assignment 1850
to a hard-to-staff school, as determined by the board; or 1851
teaching in a school with an extended school day or school year. 1852

(F) The chief executive officer of the district, or the 1853
chief executive officer's designee, annually shall review the 1854
salary of each teacher and principal and make a recommendation 1855
to the board. Based on the recommendation, the board may 1856
increase a teacher's or principal's salary based on the 1857
teacher's or principal's performance and duties as provided for 1858
in divisions (D) and (E) of this section. The performance-based 1859
increase for a teacher or principal rated as accomplished shall 1860
be greater than the performance-based increase for a teacher or 1861
principal rated as skilled. Notwithstanding division (C) of this 1862
section, division (C) of section 3319.02, and section 3319.12 of 1863
the Revised Code, the board may decrease the teacher's or 1864
principal's salary if the teacher or principal will perform 1865

fewer or different duties described in division (E) of this 1866
section in the school year for which the salary is decreased. 1867

(G) Notwithstanding any provision to the contrary in 1868
Chapter 4117. of the Revised Code, the requirements of this 1869
section prevail over any conflicting provisions of a collective 1870
bargaining agreement entered into on or after October 1, 2012. 1871
However, the board and the teachers' labor organization shall 1872
negotiate the implementation of the differentiated salary 1873
schedule for teachers and may negotiate additional factors 1874
regarding teacher salaries, provided those factors are 1875
consistent with this section. 1876

Sec. 3311.79. (A) When assigning teachers to schools of a 1877
municipal school district prior to the start of a school year, 1878
teachers may apply for open positions. All applicants shall be 1879
considered. Applicants may be interviewed by a building level 1880
team comprised of the building principal, a representative of 1881
the district teachers' labor organization, a parent, a staff 1882
member in the same job classification as the posted position, 1883
and any other members mutually agreed upon by the principal and 1884
the labor organization representative. When openings occur, the 1885
principal and labor organization representative shall mutually 1886
select the members of the building level team. Interviews by the 1887
building level team shall not be delayed due to the 1888
unavailability of duly notified team members. The team shall 1889
make recommendations whether to assign a teacher to an open 1890
position in the building based on how suitably the teacher's 1891
credentials fulfill the needs of the particular school. For this 1892
purpose, the building level team shall consider the following 1893
credentials: 1894

(1) The level of license issued under section 3319.22 of 1895

the Revised Code that the teacher holds; 1896

(2) The number of subject areas the teacher is licensed to 1897
teach; 1898

(3) ~~Whether the teacher is a highly qualified teacher, as~~ 1899
~~defined in section 3319.074 of the Revised Code;~~ 1900

~~(4)~~The results of the teacher's performance evaluations 1901
conducted under section 3311.80 of the Revised Code; 1902

~~(5)~~(4) Whether the teacher has recently taught and been 1903
evaluated in the subject areas the teacher would teach at the 1904
school; 1905

~~(6)~~(5) Any specialized training or experience the teacher 1906
possesses that are relevant to the open position; 1907

~~(7)~~(6) Any other credentials established by the district 1908
chief executive officer or a building level team. 1909

(B) The building level team shall make its recommendations 1910
to the district chief executive officer or the chief executive 1911
officer's designee for the chief executive officer's or 1912
designee's final approval of the assignment. 1913

(C) In the event that open positions in one or more school 1914
buildings have not been filled through the procedures set forth 1915
in divisions (A) and (B) of this section, or if the building 1916
level team has not been able to reach a consensus on a 1917
candidate, by ten days prior to the first work day for teachers 1918
of the school year, the district chief executive officer or the 1919
chief executive officer's designee shall assign teachers to any 1920
of those open positions based on the best interests of the 1921
district. In making an assignment under this division, the chief 1922
executive officer or the chief executive officer's designee 1923

shall take into consideration all input from the building level 1924
team members. 1925

(D) In the event that a position opens after the first 1926
student day of the school year, the building level team 1927
interview and recommendation procedures set forth in divisions 1928
(A) and (B) of this section shall be used to fill the open 1929
position. If any positions remain open, or if the building level 1930
team has not been able to reach a consensus on a candidate, 1931
after a reasonable period of time as determined by the chief 1932
executive officer or the chief executive officer's designee, the 1933
chief executive officer or the chief executive officer's 1934
designee shall assign teachers to any of those open positions 1935
based on the best interests of the district. In making an 1936
assignment under this division, the chief executive officer or 1937
the chief executive officer's designee shall take into 1938
consideration all input from the building level team members. 1939

(E) In the event it becomes necessary to assign, reassign, 1940
or transfer a teacher, whether voluntarily or involuntarily on 1941
the part of the teacher, for the purpose of promoting the best 1942
interests of the district, the chief executive officer or the 1943
chief executive officer's designee shall first meet with the 1944
teacher, the principals of the affected buildings, and a 1945
representative of the district teachers' labor organization. The 1946
assignment, reassignment, or transfer shall not be delayed due 1947
to the unavailability of the meeting participants who have been 1948
duly notified. 1949

(F) The district chief executive officer or a building 1950
level team shall not use seniority or continuing contract status 1951
as the primary factor in determining any teacher's assignment to 1952
a school. 1953

(G) 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 section~~ October 1, 2012. However, the board and the teachers' labor organization shall negotiate regarding the implementation of this section, including the processes by which each building level team conducts its interviews and makes recommendations, consistent with this section.

Sec. 3311.80. Notwithstanding any provision of the Revised Code to the contrary, a not later than July 1, 2018, the board of education of each municipal school district and the teachers' labor organization jointly shall decide whether to update the district's standards-based teacher evaluation procedures to conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code, as it exists on and after the effective date of this amendment. If the board of education and the teachers' labor organization decide not to conform the framework to the evaluation framework developed under section 3319.112 of the Revised Code, the district shall be subject to this section instead of section 3319.111 of the Revised Code.

(A) Not later than July 1, ~~2013~~ 2018, the board of education of each municipal school district and the teachers' labor organization jointly shall develop and adopt standards-based teacher evaluation procedures that conform with either the framework for evaluation of teachers developed under section 3319.112 of the Revised Code, as it existed prior to the effective date of this amendment, or the evaluation framework developed under section 3319.112 of the Revised Code, as it exists on and after the effective date of this amendment. The

evaluation procedures shall include at least formal observations 1985
and classroom walk-throughs, which may be announced or 1986
unannounced; examinations of samples of work, such as lesson 1987
plans or assessments designed by a teacher; and multiple 1988
measures of student academic growth. 1989

(B) When using measures of student academic growth as a 1990
component of a teacher's evaluation, those measures shall 1991
include the value-added progress dimension prescribed by section 1992
3302.021 of the Revised Code or the alternative student academic 1993
progress measure if adopted under division (C) (1) (e) of section 1994
3302.03 of the Revised Code. For teachers of grade levels and 1995
subjects for which the value-added progress dimension or 1996
alternative student academic achievement measure is not 1997
applicable, the board shall administer assessments on the list 1998
developed under former division (B) (2) of section 3319.112 of 1999
the Revised Code as it existed prior to the effective date of 2000
this amendment. 2001

(C) (1) Each teacher employed by the board shall be 2002
evaluated at least once each school year, except as provided in 2003
division (C) (2) of this section. The composite evaluation shall 2004
be completed not later than the first day of June and the 2005
teacher shall receive a written report of the results of the 2006
composite evaluation not later than ten days after its 2007
completion or the last teacher work day of the school year, 2008
whichever is earlier. 2009

(2) Each teacher who received a rating of accomplished on 2010
the teacher's most recent evaluation conducted under this 2011
section may be evaluated once every two school years, except 2012
that the teacher shall be evaluated in any school year in which 2013
the teacher's contract is due to expire. The biennial composite 2014

evaluation shall be completed not later than the first day of 2015
June of the applicable school year, and the teacher shall 2016
receive a written report of the results of the composite 2017
evaluation not later than ten days after its completion or the 2018
last teacher work day of the school year, whichever is earlier. 2019

(D) Each evaluation conducted pursuant to this section 2020
shall be conducted by one or more of the following persons who 2021
have been trained to conduct evaluations in accordance with 2022
criteria that shall be developed jointly by the chief executive 2023
officer of the district, or the chief executive officer's 2024
designee, and the teachers' labor organization: 2025

(1) The chief executive officer or a subordinate officer 2026
of the district with responsibility for instruction or academic 2027
affairs; 2028

(2) A person who is under contract with the board pursuant 2029
to section 3319.02 of the Revised Code and holds a license 2030
designated for being a principal issued under section 3319.22 of 2031
the Revised Code; 2032

(3) A person who is under contract with the board pursuant 2033
to section 3319.02 of the Revised Code and holds a license 2034
designated for being a vocational director or a supervisor in 2035
any educational area issued under section 3319.22 of the Revised 2036
Code; 2037

(4) A person designated to conduct evaluations under an 2038
agreement providing for peer assistance and review entered into 2039
by the board and the teachers' labor organization. 2040

(E) The evaluation procedures shall describe how the 2041
evaluation results will be used for decisions regarding 2042
compensation, retention, promotion, and reductions in force and 2043

for removal of poorly performing teachers. 2044

(F) A teacher may challenge any violations of the 2045
evaluation procedures in accordance with the grievance procedure 2046
specified in any applicable collective bargaining agreement. A 2047
challenge under this division is limited to the determination of 2048
procedural errors that have resulted in substantive harm to the 2049
teacher and to ordering the correction of procedural errors. The 2050
failure of the board or a person conducting an evaluation to 2051
strictly comply with any deadline or evaluation forms 2052
established as part of the evaluation process shall not be cause 2053
for an arbitrator to determine that a procedural error occurred, 2054
unless the arbitrator finds that the failure resulted in 2055
substantive harm to the teacher. The arbitrator shall have no 2056
jurisdiction to modify the evaluation results, but the 2057
arbitrator may stay any decision taken pursuant to division (E) 2058
of this section pending the board's correction of any procedural 2059
error. The board shall correct any procedural error within 2060
fifteen business days after the arbitrator's determination that 2061
a procedural error occurred. 2062

(G) Notwithstanding any provision to the contrary in 2063
Chapter 4117. of the Revised Code, the requirements of this 2064
section prevail over any conflicting provisions of a collective 2065
bargaining agreement entered into on or after October 1, 2012. 2066
However, the board and the teachers' labor organization may 2067
negotiate additional evaluation procedures, including an 2068
evaluation process incorporating peer assistance and review, 2069
provided the procedures are consistent with this section. 2070

(H) This section does not apply to administrators 2071
appointed by the chief executive officer of a municipal school 2072
district under section 3311.72 of the Revised Code, 2073

administrators subject to evaluation procedures under section 2074
3311.84 or 3319.02 of the Revised Code, or to any teacher 2075
employed as a substitute for less than one hundred twenty days 2076
during a school year pursuant to section 3319.10 of the Revised 2077
Code. 2078

Sec. 3311.84. Notwithstanding any provision of the Revised 2079
Code to the contrary, unless a municipal school district updates 2080
its evaluation framework to conform with the evaluation 2081
framework developed under section 3319.112 of the Revised Code, 2082
as it exists on and after the effective date of this amendment, 2083
the district shall be subject to this section instead of 2084
division (D) of section 3319.02 of the Revised Code with respect 2085
to principals and assistant principals, but all other provisions 2086
of that section shall apply to the district with respect to 2087
principals and assistant principals. Section 3319.02 of the 2088
Revised Code in its entirety shall apply to the district with 2089
respect to employees other than principals and assistant 2090
principals who are covered by that section, except as otherwise 2091
provided in section 3311.72 of the Revised Code. 2092

(A) As used in this section, "principal" includes an 2093
assistant principal. 2094

(B) The board of education of each municipal school 2095
district shall adopt procedures for the evaluation of principals 2096
and shall evaluate all principals in accordance with those 2097
procedures. The procedures shall be based on principles 2098
comparable to the teacher evaluation procedures adopted under 2099
section 3311.80 of the Revised Code, but shall be tailored to 2100
the duties and responsibilities of principals and the 2101
environment in which principals work. Each evaluation shall 2102
measure the principal's effectiveness in performing the duties 2103

included in the principal's job description and shall be 2104
considered by the board in deciding whether to renew the 2105
principal's contract of employment. 2106

(C) The evaluation procedures adopted under this section 2107
shall require each principal to be evaluated annually through a 2108
written evaluation process. The evaluation shall be conducted by 2109
the chief executive officer of the district, or the chief 2110
executive officer's designee. 2111

(D) To provide time to show progress in correcting 2112
deficiencies identified in the evaluation, each evaluation shall 2113
be completed as follows: 2114

(1) In any school year that the principal's contract of 2115
employment is not due to expire, at least one evaluation shall 2116
be completed in that year. A written copy of the evaluation 2117
shall be provided to the principal by the end of the principal's 2118
contract year as defined by the principal's annual salary 2119
notice. 2120

(2) In any school year that the principal's contract of 2121
employment is due to expire, at least a preliminary evaluation 2122
and a final evaluation shall be completed in that year. A 2123
written copy of the preliminary evaluation shall be provided to 2124
the principal at least sixty days prior to any action by the 2125
board on the principal's contract of employment. The final 2126
evaluation shall indicate the chief executive officer's intended 2127
recommendation to the board regarding a contract of employment 2128
for the principal. A written copy of the final evaluation shall 2129
be provided to the principal at least five days prior to the 2130
chief executive officer making the recommendation to the board. 2131

(E) At least thirty days prior to taking action to renew 2132

or not renew the contract of a principal, the board shall notify 2133
the principal of the board's intended action and that the 2134
principal may request a meeting with the board regarding the 2135
board's intended action. Upon request of the principal, the 2136
board shall grant the principal a meeting in executive session. 2137
In that meeting, the board shall discuss its reasons for 2138
considering renewal or nonrenewal of the contract. The principal 2139
shall be permitted to have a representative, chosen by the 2140
principal, present at the meeting. 2141

The establishment of evaluation procedures in accordance 2142
with this section shall not create an expectancy of continued 2143
employment. Nothing in this section shall prevent the board from 2144
making the final determination regarding the renewal or 2145
nonrenewal of a principal's contract. 2146

(F) Termination of a principal's contract shall be in 2147
accordance with section 3319.16 of the Revised Code, except as 2148
follows: 2149

(1) Failure of the principal's building to meet academic 2150
performance standards established by the chief executive officer 2151
shall be considered good and just cause for termination under 2152
that section. 2153

(2) If the chief executive officer intends to recommend to 2154
the board that the principal's contract be terminated, the chief 2155
executive officer shall provide the principal a written copy of 2156
the principal's evaluation at least five days prior to making 2157
the recommendation to the board. 2158

Sec. 3313.608. (A) (1) Beginning with students who enter 2159
third grade in the school year that starts July 1, 2009, and 2160
until June 30, 2013, unless the student is excused under 2161

division (C) of section 3301.0711 of the Revised Code from 2162
taking the assessment described in this section, for any student 2163
who does not attain at least the equivalent level of achievement 2164
designated under division (A) (3) of section 3301.0710 of the 2165
Revised Code on the assessment prescribed under that section to 2166
measure skill in English language arts expected at the end of 2167
third grade, each school district, in accordance with the policy 2168
adopted under section 3313.609 of the Revised Code, shall do one 2169
of the following: 2170

(a) Promote the student to fourth grade if the student's 2171
principal and reading teacher agree that other evaluations of 2172
the student's skill in reading demonstrate that the student is 2173
academically prepared to be promoted to fourth grade; 2174

(b) Promote the student to fourth grade but provide the 2175
student with intensive intervention services in fourth grade; 2176

(c) Retain the student in third grade. 2177

(2) Beginning with students who enter third grade in the 2178
2013-2014 school year, unless the student is excused under 2179
division (C) of section 3301.0711 of the Revised Code from 2180
taking the assessment described in this section, no school 2181
district shall promote to fourth grade any student who does not 2182
attain at least the equivalent level of achievement designated 2183
under division (A) (3) of section 3301.0710 of the Revised Code 2184
on the assessment prescribed under that section to measure skill 2185
in English language arts expected at the end of third grade, 2186
unless one of the following applies: 2187

(a) The student is a limited English proficient student 2188
who has been enrolled in United States schools for less than 2189
three full school years and has had less than three years of 2190

instruction in an English as a second language program. 2191

(b) The student is a child with a disability entitled to 2192
special education and related services under Chapter 3323. of 2193
the Revised Code and the student's individualized education 2194
program exempts the student from retention under this division. 2195

(c) The student demonstrates an acceptable level of 2196
performance on an alternative standardized reading assessment as 2197
determined by the department of education. 2198

(d) All of the following apply: 2199

(i) The student is a child with a disability entitled to 2200
special education and related services under Chapter 3323. of 2201
the Revised Code. 2202

(ii) The student has taken the third grade English 2203
language arts achievement assessment prescribed under section 2204
3301.0710 of the Revised Code. 2205

(iii) The student's individualized education program or 2206
plan under section 504 of the "Rehabilitation Act of 1973," 87 2207
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 2208
received intensive remediation in reading for two school years 2209
but still demonstrates a deficiency in reading. 2210

(iv) The student previously was retained in any of grades 2211
kindergarten to three. 2212

(e) (i) The student received intensive remediation for 2213
reading for two school years but still demonstrates a deficiency 2214
in reading and was previously retained in any of grades 2215
kindergarten to three. 2216

(ii) A student who is promoted under division (A) (2) (e) (i) 2217
of this section shall continue to receive intensive reading 2218

instruction in grade four. The instruction shall include an 2219
altered instructional day that includes specialized diagnostic 2220
information and specific research-based reading strategies for 2221
the student that have been successful in improving reading among 2222
low-performing readers. 2223

(B) (1) Beginning in the 2012-2013 school year, to assist 2224
students in meeting the third grade guarantee established by 2225
this section, each school district board of education shall 2226
adopt policies and procedures with which it annually shall 2227
assess the reading skills of each student, except those students 2228
with significant cognitive disabilities or other disabilities as 2229
authorized by the department on a case-by-case basis, enrolled 2230
in kindergarten to third grade and shall identify students who 2231
are reading below their grade level. The reading skills 2232
assessment shall be completed by the thirtieth day of September 2233
for students in grades one to three, and by the first day of 2234
November for students in kindergarten. Each district shall use 2235
the diagnostic assessment to measure reading ability for the 2236
appropriate grade level adopted under section 3301.079 of the 2237
Revised Code, or a comparable assessment or tool approved by the 2238
department of education, to identify such students. The policies 2239
and procedures shall require the students' classroom teachers to 2240
be involved in the assessment and the identification of students 2241
reading below grade level. The assessment may be administered 2242
electronically using live, two-way video and audio connections 2243
whereby the teacher administering the assessment may be in a 2244
separate location from the student. 2245

(2) For each student identified by the diagnostic 2246
assessment prescribed under this section as having reading 2247
skills below grade level, the district shall do both of the 2248
following: 2249

| | |
|--|--|
| (a) Provide to the student's parent or guardian, in writing, all of the following: | 2250 2251 |
| (i) Notification that the student has been identified as having a substantial deficiency in reading; | 2252 2253 |
| (ii) A description of the current services that are provided to the student; | 2254 2255 |
| (iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency; | 2256 2257 2258 2259 |
| (iv) Notification 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 at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion. | 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 |
| (b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low- | 2272 2273 2274 2275 2276 2277 2278 |

performing readers and instruction targeted at the student's 2279
identified reading deficiencies. 2280

(3) For each student retained under division (A) of this 2281
section, the district shall do all of the following: 2282

(a) Provide intense remediation services until the student 2283
is able to read at grade level. The remediation services shall 2284
include intensive interventions in reading that address the 2285
areas of deficiencies identified under this section including, 2286
but not limited to, not less than ninety minutes of reading 2287
instruction per day, and may include any of the following: 2288

(i) Small group instruction; 2289

(ii) Reduced teacher-student ratios; 2290

(iii) More frequent progress monitoring; 2291

(iv) Tutoring or mentoring; 2292

(v) Transition classes containing third and fourth grade 2293
students; 2294

(vi) Extended school day, week, or year; 2295

(vii) Summer reading camps. 2296

(b) Establish a policy for the mid-year promotion of a 2297
student retained under division (A) of this section who 2298
demonstrates that the student is reading at or above grade 2299
level; 2300

(c) Provide each student with a teacher who satisfies one 2301
or more of the criteria set forth in division (H) of this 2302
section. 2303

The district shall offer the option for students to 2304
receive applicable services from one or more providers other 2305

than the district. Providers shall be screened and approved by 2306
the district or the department of education. If the student 2307
participates in the remediation services and demonstrates 2308
reading proficiency in accordance with standards adopted by the 2309
department prior to the start of fourth grade, the district 2310
shall promote the student to that grade. 2311

(4) For each student retained under division (A) of this 2312
section who has demonstrated proficiency in a specific academic 2313
ability field, each district shall provide instruction 2314
commensurate with student achievement levels in that specific 2315
academic ability field. 2316

As used in this division, "specific academic ability 2317
field" has the same meaning as in section 3324.01 of the Revised 2318
Code. 2319

(C) For each student required to be provided intervention 2320
services under this section, the district shall develop a 2321
reading improvement and monitoring plan within sixty days after 2322
receiving the student's results on the diagnostic assessment or 2323
comparable tool administered under division (B)(1) of this 2324
section. The district shall involve the student's parent or 2325
guardian and classroom teacher in developing the plan. The plan 2326
shall include all of the following: 2327

(1) Identification of the student's specific reading 2328
deficiencies; 2329

(2) A description of the additional instructional services 2330
and support that will be provided to the student to remediate 2331
the identified reading deficiencies; 2332

(3) Opportunities for the student's parent or guardian to 2333
be involved in the instructional services and support described 2334

| | |
|---|--|
| in division (C) (2) of this section; | 2335 |
| (4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section; | 2336 2337 2338 |
| (5) A reading curriculum during regular school hours that does all of the following: | 2339 2340 |
| (a) Assists students to read at grade level; | 2341 |
| (b) Provides scientifically based and reliable assessment; | 2342 |
| (c) Provides initial and ongoing analysis of each student's reading progress. | 2343 2344 |
| (6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. | 2345 2346 2347 2348 2349 2350 |
| Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section. | 2351 2352 2353 2354 |
| The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department. | 2355 2356 2357 2358 |
| (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 | 2359 2360 2361 2362 |

annually shall report to the governor and general assembly the 2363
number and percentage of students in grades kindergarten through 2364
four reading below grade level based on the diagnostic 2365
assessments administered under division (B) of this section and 2366
the achievement assessments administered under divisions (A)(1) 2367
(a) and (b) of section 3301.0710 of the Revised Code in English 2368
language arts, aggregated by school district and building; the 2369
types of intervention services provided to students; and, if 2370
available, an evaluation of the efficacy of the intervention 2371
services provided. 2372

(E) Any summer remediation services funded in whole or in 2373
part by the state and offered by school districts to students 2374
under this section shall meet the following conditions: 2375

(1) The remediation methods are based on reliable 2376
educational research. 2377

(2) The school districts conduct assessment before and 2378
after students participate in the program to facilitate 2379
monitoring results of the remediation services. 2380

(3) The parents of participating students are involved in 2381
programming decisions. 2382

(F) Any intervention or remediation services required by 2383
this section shall include intensive, explicit, and systematic 2384
instruction. 2385

(G) This section does not create a new cause of action or 2386
a substantive legal right for any person. 2387

(H) (1) Except as provided under divisions (H) (2), (3), and 2388
(4) of this section, each student described in division (B) (3) 2389
or (C) of this section who enters third grade for the first time 2390
on or after July 1, 2013, shall be assigned a teacher who has at 2391

least one year of teaching experience and who satisfies one or 2392
more of the following criteria: 2393

(a) The teacher holds a reading endorsement on the 2394
teacher's license and has attained a passing score on the 2395
corresponding assessment for that endorsement, as applicable. 2396

(b) The teacher has completed a master's degree program 2397
with a major in reading. 2398

(c) The teacher was rated "most effective" for reading 2399
instruction consecutively for the most recent two years based on 2400
assessments of student growth measures developed by a vendor and 2401
that is on the list of student assessments approved by the state 2402
board under former division (B) (2) of section 3319.112 of the 2403
Revised Code as it existed prior to the effective date of this 2404
amendment. 2405

(d) The teacher was rated "above expected value added," in 2406
reading instruction, as determined by criteria established by 2407
the department, for the most recent, consecutive two years. 2408

(e) The teacher has earned a passing score on a rigorous 2409
test of principles of scientifically research-based reading 2410
instruction as approved by the state board. 2411

(f) The teacher holds an educator license for teaching 2412
grades pre-kindergarten through three or four through nine 2413
issued on or after July 1, 2017. 2414

(2) Notwithstanding division (H) (1) of this section, a 2415
student described in division (B) (3) or (C) of this section who 2416
enters third grade for the first time on or after July 1, 2013, 2417
may be assigned to a teacher with less than one year of teaching 2418
experience provided that the teacher meets one or more of the 2419
criteria described in divisions (H) (1) (a) to (f) of this section 2420

and that teacher is assigned a teacher mentor who meets the 2421
qualifications of division (H) (1) of this section. 2422

(3) Notwithstanding division (H) (1) of this section, a 2423
student described in division (B) (3) or (C) of this section who 2424
enters third grade for the first time on or after July 1, 2013, 2425
but prior to July 1, 2016, may be assigned to a teacher who 2426
holds an alternative credential approved by the department or 2427
who has successfully completed training that is based on 2428
principles of scientifically research-based reading instruction 2429
that has been approved by the department. Beginning on July 1, 2430
2014, the alternative credentials and training described in 2431
division (H) (3) of this section shall be aligned with the 2432
reading competencies adopted by the state board of education 2433
under section 3301.077 of the Revised Code. 2434

(4) Notwithstanding division (H) (1) of this section, a 2435
student described in division (B) (3) or (C) of this section who 2436
enters third grade for the first time on or after July 1, 2013, 2437
may receive reading intervention or remediation services under 2438
this section from an individual employed as a speech-language 2439
pathologist who holds a license issued by the state speech and 2440
hearing professionals board under Chapter 4753. of the Revised 2441
Code and a professional pupil services license as a school 2442
speech-language pathologist issued by the state board of 2443
education. 2444

(5) A teacher, other than a student's teacher of record, 2445
may provide any services required under this section, so long as 2446
that other teacher meets the requirements of division (H) of 2447
this section and the teacher of record and the school principal 2448
agree to the assignment. Any such assignment shall be documented 2449
in the student's reading improvement and monitoring plan. 2450

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

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

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

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community

school that has submitted a plan under this division shall 2481
submit to the department a detailed report of the progress the 2482
district or school has made in meeting the requirements under 2483
this section. 2484

A school district or community school may request an 2485
extension of a staffing plan beyond the 2013-2014 school year. 2486
Extension requests must be submitted to the department not later 2487
than the thirtieth day of April prior to the start of the 2488
applicable school year. The department may grant extensions 2489
valid through the 2015-2016 school year. 2490

Until June 30, 2015, the department annually shall review 2491
all staffing plans and report to the state board not later than 2492
the thirtieth day of June of each year the progress of school 2493
districts and community schools in meeting the requirements of 2494
this section. 2495

(K) The department of education shall designate one or 2496
more staff members to provide guidance and assistance to school 2497
districts and community schools in implementing the third grade 2498
guarantee established by this section, including any standards 2499
or requirements adopted to implement the guarantee and to 2500
provide information and support for reading instruction and 2501
achievement. 2502

Sec. 3313.814. (A) As used in this section and sections 2503
3313.816 and 3313.817 of the Revised Code: 2504

(1) "A la carte item" means an individually priced food or 2505
beverage item that is available for sale to students through any 2506
of the following: 2507

(a) A school food service program; 2508

(b) A vending machine located on school property; 2509

(c) A store operated by the school, a student association, 2510
or other school-sponsored organization. 2511

"A la carte item" does not include any food or beverage 2512
item available for sale in connection with a school-sponsored 2513
fundraiser held outside of the regular school day, any other 2514
school-sponsored event held outside of the regular school day, 2515
or an interscholastic athletic event. "A la carte item" also 2516
does not include any food or beverage item that is part of a 2517
reimbursable meal and that is available for sale as an 2518
individually priced item in a serving portion of the same size 2519
as in the reimbursable meal, regardless of whether the food or 2520
beverage item is included in the reimbursable meal served on a 2521
particular school day. 2522

(2) "Added sweeteners" means any additives that enhance 2523
the sweetness of a beverage, including processed sugar. "Added 2524
sweeteners" do not include any natural sugars found in fruit 2525
juices that are a component of the beverage. 2526

(3) "Extended school day" means the period before and 2527
after the regular school day during which students participate 2528
in school-sponsored extracurricular activities, latchkey 2529
programs as defined in section 3313.207 of the Revised Code, or 2530
other academic or enrichment programs. 2531

(4) "Regular school day" means the period each school day 2532
between the designated arrival time for students and the end of 2533
the final instructional period. 2534

(5) "Reimbursable meal" means a meal that is provided to 2535
students through a school breakfast or lunch program established 2536
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 2537
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 2538

80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 2539
criteria for reimbursement established by the United States 2540
department of agriculture. 2541

(6) "School food service program" means a school food 2542
service program operated under section 3313.81 or 3313.813 of 2543
the Revised Code. 2544

(B) Each school district board of education and each 2545
chartered nonpublic school governing authority shall adopt and 2546
enforce nutrition standards governing the types of food and 2547
beverages that may be sold on the premises of its schools, and 2548
specifying the time and place each type of food or beverage may 2549
be sold. 2550

(1) In adopting the standards, the board or governing 2551
authority shall do all of the following: 2552

(a) Consider the nutritional value of each food or 2553
beverage; 2554

(b) Consult with a dietitian licensed under Chapter 4759. 2555
of the Revised Code, a dietetic technician registered by the 2556
commission on dietetic registration, or a school nutrition 2557
specialist certified or credentialed by the school nutrition 2558
association. The person with whom the board or governing 2559
authority consults may be an employee of the board or governing 2560
authority, a person contracted by the board or governing 2561
authority, or a volunteer, provided the person meets the 2562
requirements of this division. 2563

(c) Consult the dietary guidelines for Americans jointly 2564
developed by the United States department of agriculture and the 2565
United States department of health and human services and, to 2566
the maximum extent possible, incorporate the guidelines into the 2567

standards. 2568

(2) No food or beverage may be sold on any school premises 2569
except in accordance with the standards adopted by the board or 2570
governing authority. 2571

(3) The standards shall comply with sections 3313.816 and 2572
3313.817 of the Revised Code, but nothing in this section shall 2573
prohibit the standards from being more restrictive than 2574
otherwise required by those sections. 2575

(C) The nutrition standards adopted under this section 2576
shall prohibit the placement of vending machines in any 2577
classroom where students are provided instruction, unless the 2578
classroom also is used to serve students meals. This division 2579
does not apply to vending machines that sell only milk, 2580
reimbursable meals, or food and beverage items that are part of 2581
a reimbursable meal and are available for sale as individually 2582
priced items in serving portions of the same size as in the 2583
reimbursable meal. 2584

(D) Each board or governing authority shall designate 2585
staff to be responsible for ensuring that the school district or 2586
school meets the nutrition standards adopted under this section. 2587
The staff shall prepare an annual report regarding the 2588
district's or school's compliance with the standards and ~~submit~~ 2589
include it in the report to the department of education 2590
prescribed in section 3301.68 of the Revised Code. The board or 2591
governing authority annually shall schedule a presentation on 2592
the nutrition standards report at one of its regular meetings. 2593
Each district or school shall make copies of the nutrition 2594
standards report available to the public upon request. 2595

(E) The state board of education shall formulate and adopt 2596

guidelines, which boards of education and chartered nonpublic 2597
schools may follow in enforcing and implementing this section. 2598

Sec. 3317.141. The board of education of any city, 2599
exempted village, local, or joint vocational school district 2600
that is the recipient of moneys from a grant awarded under the 2601
federal race to the top program, Division (A), Title XIV, 2602
Sections 14005 and 14006 of the "American Recovery and 2603
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 2604
shall comply with this section in accordance with the timeline 2605
contained in the board's scope of work, as approved by the 2606
superintendent of public instruction, and shall not be subject 2607
to sections 3317.13 and 3317.14 of the Revised Code. The board 2608
of education of any other school district, and the governing 2609
board of each educational service center, shall comply with 2610
either this section or sections 3317.13 and 3317.14 of the 2611
Revised Code. 2612

(A) The board annually shall adopt a salary schedule for 2613
teachers based upon performance as described in division (B) of 2614
this section. 2615

(B) For purposes of the schedule, a board shall measure a 2616
teacher's performance by considering all of the following: 2617

(1) The level of license issued under section 3319.22 of 2618
the Revised Code that the teacher holds; 2619

(2) ~~Whether the teacher is a highly qualified teacher, as~~ 2620
~~defined in section 3319.074 of the Revised Code;~~ 2621

~~(3) Ratings received by the teacher on performance~~ 2622
evaluations conducted under section 3319.111 of the Revised 2623
Code. 2624

(C) The schedule shall provide for annual adjustments 2625

based on performance on the evaluations conducted under section 2626
3319.111 of the Revised Code. The annual performance-based 2627
adjustment for a teacher rated as accomplished shall be greater 2628
than the annual performance-based adjustment for a teacher rated 2629
as skilled. 2630

(D) The salary schedule adopted under this section may 2631
provide for additional compensation for teachers who agree to 2632
perform duties, not contracted for under a supplemental 2633
contract, that the employing board determines warrant additional 2634
compensation. Those duties may include, but are not limited to, 2635
assignment to a school building eligible for funding under Title 2636
I of the "Elementary and Secondary Education Act of 1965," 20 2637
U.S.C. 6301 et seq.; assignment to a building in "school 2638
improvement" status under the "No Child Left Behind Act of 2639
2001," as defined in section 3302.01 of the Revised Code; 2640
teaching in a grade level or subject area in which the board has 2641
determined there is a shortage within the district or service 2642
center; or assignment to a hard-to-staff school, as determined 2643
by the board. 2644

Sec. 3319.075. Once the state board of education adopts 2645
professional development standards pursuant to section 3319.61 2646
of the Revised Code, the board of education of each school 2647
district shall use the standards for the following purposes: 2648

(A) To guide the design of teacher education programs 2649
serving both teacher candidates and experienced teachers; 2650

(B) To guide school-based professional development that is 2651
aligned with student achievement; 2652

(C) To determine what types of professional development 2653
the school district and the schools within the district should 2654

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|---|--|
| provide; | 2655 |
| (D) To guide how state and federal funding for professional development should be spent; | 2656 2657 |
| (E) To develop criteria for decision making by the local professional development committees established under section 3319.22 of the Revised Code; | 2658 2659 2660 |
| (F) To guide the school district in the hiring of third-party providers of instructional services who use or meet the professional development standards; | 2661 2662 2663 |
| (G) To guide all licensed school personnel in developing their own plans for professional growth; | 2664 2665 |
| <u>(H) To guide the development of professional growth plans and improvement plans resulting from the teacher evaluations conducted under section 3319.111 of the Revised Code.</u> | 2666 2667 2668 |
| Sec. 3319.081. Except as otherwise provided in division (G) of this section, in all school districts wherein the provisions of Chapter 124. of the Revised Code do not apply, the following employment contract system shall control for employees whose contracts of employment are not otherwise provided by law: | 2669 2670 2671 2672 2673 |
| (A) Newly hired regular nonteaching school employees, including regular hourly rate and per diem employees, shall enter into written contracts for their employment which shall be for a period of not more than one year. If such employees are rehired, their <u>three</u> subsequent contract <u>contracts</u> shall be for a period of two years <u>each</u> . | 2674 2675 2676 2677 2678 2679 |
| (B) After the termination of the <u>third</u> two-year contract provided in division (A) of this section, if the contract of a nonteaching employee is renewed, the employee shall be continued | 2680 2681 2682 |

in employment, and the salary provided in the contract may be 2683
increased but not reduced unless such reduction is a part of a 2684
uniform plan affecting the nonteaching employees of the entire 2685
district. 2686

(C) The contracts as provided for in this section may be 2687
terminated by a majority vote of the board of education. Except 2688
as provided in sections 3319.0810 and 3319.172 of the Revised 2689
Code, the contracts may be terminated only for violation of 2690
written rules and regulations as set forth by the board of 2691
education or for incompetency, inefficiency, dishonesty, 2692
drunkenness, immoral conduct, insubordination, discourteous 2693
treatment of the public, neglect of duty, or any other acts of 2694
misfeasance, malfeasance, or nonfeasance. In addition to the 2695
right of the board of education to terminate the contract of an 2696
employee, the board may suspend an employee for a definite 2697
period of time or demote the employee for the reasons set forth 2698
in this division. The action of the board of education 2699
terminating the contract of an employee or suspending or 2700
demoting the employee shall be served upon the employee by 2701
certified mail. Within ten days following the receipt of such 2702
notice by the employee, the employee may file an appeal, in 2703
writing, with the court of common pleas of the county in which 2704
such school board is situated. After hearing the appeal the 2705
common pleas court may affirm, disaffirm, or modify the action 2706
of the school board. 2707

A violation of division (A) (7) of section 2907.03 of the 2708
Revised Code is grounds for termination of employment of a 2709
nonteaching employee under this division. 2710

(D) All employees who have been employed by a school 2711
district where the provisions of Chapter 124. of the Revised 2712

Code do not apply, for a period of at least three years on 2713
November 24, 1967, shall hold continuing contracts of employment 2714
pursuant to this section. 2715

(E) Any nonteaching school employee may terminate the 2716
nonteaching school employee's contract of employment thirty days 2717
subsequent to the filing of a written notice of such termination 2718
with the treasurer of the board. 2719

(F) A person hired exclusively for the purpose of 2720
replacing a nonteaching school employee while such employee is 2721
on leave of absence granted under section 3319.13 of the Revised 2722
Code is not a regular nonteaching school employee under this 2723
section. 2724

(G) All nonteaching employees employed pursuant to this 2725
section and Chapter 124. of the Revised Code shall be paid for 2726
all time lost when the schools in which they are employed are 2727
closed owing to an epidemic or other public calamity. Nothing in 2728
this division shall be construed as requiring payment in excess 2729
of an employee's regular wage rate or salary for any time worked 2730
while the school in which the employee is employed is officially 2731
closed for the reasons set forth in this division. 2732

Sec. 3319.088. As used in this section, "educational 2733
assistant" means any nonteaching employee working in a federally 2734
funded program in a school district who directly assists a 2735
teacher as defined in section 3319.09 of the Revised Code, by 2736
performing duties for which a license issued pursuant to 2737
sections 3319.22 to 3319.30 of the Revised Code is not required. 2738

(A) The state board of education shall issue educational 2739
aide permits and educational paraprofessional licenses for 2740
educational assistants ~~and~~ to applicants who undergo criminal 2741

records checks in accordance with section 3319.291 of the 2742
Revised Code that do not indicate a plea of guilty, a finding of 2743
guilt by a jury or court of, or a conviction of any of the 2744
offenses listed in divisions (B) and (C) of section 3319.31 of 2745
the Revised Code. The state board shall adopt rules for the 2746
issuance and renewal of such permits and licenses which shall be 2747
consistent with the provisions of this section. Educational aide 2748
permits and educational paraprofessional licenses may be of 2749
several types ~~and the rules shall prescribe the minimum~~ 2750
~~qualifications of education, health, and character for the~~ 2751
~~service to be authorized under each type. The prescribed minimum~~ 2752
~~qualifications may require special training or educational~~ 2753
~~courses designed to qualify a person to perform effectively the~~ 2754
~~duties authorized under an educational aide permit or~~ 2755
~~educational paraprofessional license~~ as prescribed in the rules 2756
adopted by the state board. 2757

(B) (1) Any application for a permit or license, or a 2758
renewal or duplicate of a permit or license, under this section 2759
shall be accompanied by the payment of a fee in the amount 2760
established under division (A) of section 3319.51 of the Revised 2761
Code. Any fees received under this division shall be paid into 2762
the state treasury to the credit of the state board of education 2763
licensure fund established under division (B) of section 3319.51 2764
of the Revised Code. 2765

(2) Any person applying for or holding a permit or license 2766
pursuant to this section is subject to sections 3123.41 to 2767
3123.50 of the Revised Code and any applicable rules adopted 2768
under section 3123.63 of the Revised Code and sections 3319.31 2769
and 3319.311 of the Revised Code. 2770

(C) Educational assistants shall at all times while in the 2771

performance of their duties be under the supervision and 2772
direction of a teacher as defined in section 3319.09 of the 2773
Revised Code. Educational assistants may assist a teacher to 2774
whom assigned in the supervision of pupils, in assisting with 2775
instructional tasks, and in the performance of duties which, in 2776
the judgment of the teacher to whom the assistant is assigned, 2777
may be performed by a person not licensed pursuant to sections 2778
3319.22 to 3319.30 of the Revised Code and for which a teaching 2779
license, issued pursuant to sections 3319.22 to 3319.30 of the 2780
Revised Code is not required. The duties of an educational 2781
assistant shall not include the assignment of grades to pupils. 2782
The duties of an educational assistant need not be performed in 2783
the physical presence of the teacher to whom assigned, but the 2784
activity of an educational assistant shall at all times be under 2785
the direction of the teacher to whom assigned. The assignment of 2786
an educational assistant need not be limited to assisting a 2787
single teacher. In the event an educational assistant is 2788
assigned to assist more than one teacher the assignments shall 2789
be clearly delineated and so arranged that the educational 2790
assistant shall never be subject to simultaneous supervision or 2791
direction by more than one teacher. 2792

Educational assistants assigned to supervise children 2793
shall, when the teacher to whom assigned is not physically 2794
present, maintain the degree of control and discipline that 2795
would be maintained by the teacher. 2796

Educational assistants may not be used in place of 2797
classroom teachers or other employees and any payment of 2798
compensation by boards of education to educational assistants 2799
for such services is prohibited. The ratio between the number of 2800
licensed teachers and the pupils in a school district may not be 2801
decreased by utilization of educational assistants and no 2802

grouping, or other organization of pupils, for utilization of 2803
educational assistants shall be established which is 2804
inconsistent with sound educational practices and procedures. A 2805
school district may employ up to one full time equivalent 2806
educational assistant for each six full time equivalent licensed 2807
employees of the district. Educational assistants shall not be 2808
counted as licensed employees for purposes of state support in 2809
the school foundation program and no grouping or regrouping of 2810
pupils with educational assistants may be counted as a class or 2811
unit for school foundation program purposes. Neither special 2812
courses required by the regulations of the state board of 2813
education, prescribing minimum qualifications of education for 2814
an educational assistant, nor years of service as an educational 2815
assistant shall be counted in any way toward qualifying for a 2816
teacher license, for a teacher contract of any type, or for 2817
determining placement on a salary schedule in a school district 2818
as a teacher. 2819

(D) Educational assistants employed by a board of 2820
education shall have all rights, benefits, and legal protection 2821
available to other nonteaching employees in the school district, 2822
except that provisions of Chapter 124. of the Revised Code shall 2823
not apply to any person employed as an educational assistant, 2824
and shall be members of the school employees retirement system. 2825
Educational assistants shall be compensated according to a 2826
salary plan adopted annually by the board. 2827

Except as provided in this section nonteaching employees 2828
shall not serve as educational assistants without first 2829
obtaining an appropriate educational aide permit or educational 2830
paraprofessional license from the state board of education. A 2831
nonteaching employee who is the holder of a valid educational 2832
aide permit or educational paraprofessional license shall 2833

neither render nor be required to render services inconsistent 2834
with the type of services authorized by the permit or license 2835
held. No person shall receive compensation from a board of 2836
education for services rendered as an educational assistant in 2837
violation of this provision. 2838

Nonteaching employees whose functions are solely 2839
secretarial-clerical and who do not perform any other duties as 2840
educational assistants, even though they assist a teacher and 2841
work under the direction of a teacher shall not be required to 2842
hold a permit or license issued pursuant to this section. 2843
Students preparing to become licensed teachers or educational 2844
assistants shall not be required to hold an educational aide 2845
permit or paraprofessional license for such periods of time as 2846
such students are assigned, as part of their training program, 2847
to work with a teacher in a school district. Such students shall 2848
not be compensated for such services. 2849

Nonteaching employees whose services are needed to 2850
substitute for educational assistants shall not be required to 2851
hold a permit or license issued pursuant to this section. 2852

Following the determination of the assignment and general 2853
job description of an educational assistant and subject to 2854
supervision by the teacher's immediate administrative officer, a 2855
teacher to whom an educational assistant is assigned shall make 2856
all final determinations of the duties to be assigned to such 2857
assistant. Teachers shall not be required to hold a license 2858
designated for being a supervisor or administrator in order to 2859
perform the necessary supervision of educational assistants. 2860

(E) No person who is, or who has been employed as an 2861
educational assistant shall divulge, except to the teacher to 2862
whom assigned, or the administrator of the school in the absence 2863

of the teacher to whom assigned, or when required to testify in 2864
a court or proceedings, any personal information concerning any 2865
pupil in the school district which was obtained or obtainable by 2866
the educational assistant while so employed. Violation of this 2867
provision is grounds for disciplinary action or dismissal, or 2868
both. 2869

(F) Notwithstanding anything to the contrary in this 2870
section, the superintendent of a school district may allow an 2871
employee who does not hold a permit or license issued under this 2872
section to work as a substitute for an educational assistant who 2873
is absent on account of illness or on a leave of absence, or to 2874
fill a temporary position created by an emergency, provided that 2875
the superintendent believes the employee's application materials 2876
indicate that the employee is qualified to obtain a permit or 2877
license under this section. 2878

An employee shall begin work as a substitute under this 2879
division not earlier than on the date on which the employee 2880
files an application with the state board for a permit or 2881
license under this section. An employee shall cease working as a 2882
substitute under this division on the earliest of the following: 2883

(1) The date on which the employee files a valid permit or 2884
license issued under this section with the superintendent; 2885

(2) The date on which the employee is denied a permit or 2886
license under this section; 2887

(3) Sixty days following the date on which the employee 2888
began work as a substitute under this division. 2889

The superintendent shall ensure that an employee assigned 2890
to work as a substitute under division (F) of this section has 2891
undergone a criminal records check in accordance with section 2892

3319.391 of the Revised Code. 2893

Sec. 3319.111. Notwithstanding section 3319.09 of the 2894
Revised Code, this section applies to any person who is employed 2895
under a teacher license issued under this chapter, or under a 2896
professional or permanent teacher's certificate issued under 2897
former section 3319.222 of the Revised Code, and who spends at 2898
least fifty per cent of the time employed providing student 2899
instruction. However, this section does not apply to any person 2900
who is employed as a substitute teacher or as an instructor of 2901
adult education. 2902

(A) Not later than July 1, ~~2013~~ 2018, the board of 2903
education of each school district, in consultation with teachers 2904
employed by the board, shall ~~adopt a~~ update its standards-based 2905
teacher evaluation policy ~~that conforms to conform~~ with the 2906
framework for evaluation of teachers ~~developed~~ adopted under 2907
section 3319.112 of the Revised Code. The policy shall become 2908
operative at the expiration of any collective bargaining 2909
agreement covering teachers employed by the board that is in 2910
effect on ~~September 29, 2011~~ the effective date of this 2911
amendment, and shall be included in any renewal or extension of 2912
such an agreement. 2913

(B) When using measures of student ~~academic growth as a~~ 2914
~~component of~~ performance as evidence in a teacher's evaluation, 2915
those measures shall ~~include the value added progress dimension~~ 2916
~~prescribed by section 3302.021 of the Revised Code or an~~ 2917
~~alternative student academic progress measure if adopted under~~ 2918
~~division (C) (1) (e) of section 3302.03 of the Revised Code. For~~ 2919
~~teachers of grade levels and subjects for which the value added~~ 2920
~~progress dimension or alternative student academic progress~~ 2921
~~measure is not applicable, the board shall administer~~ 2922

~~assessments on the list developed under division (B) (2) be high-~~ 2923
~~quality student data, as defined under division (A) (6) of~~ 2924
section 3319.112 of the Revised Code. 2925

(C) (1) The board shall conduct an evaluation of each 2926
teacher employed by the board at least once each school year, 2927
except as provided in division (C) (2) of this section. The 2928
evaluation shall be completed by the first day of May and the 2929
teacher shall receive a written report of the results of the 2930
evaluation by the tenth day of May. 2931

(2) (a) The board may evaluate each teacher who received a 2932
rating of accomplished on the teacher's most recent evaluation 2933
conducted under this section once every three school years, so 2934
long as ~~the teacher's student academic growth measure, for the~~ 2935
~~most recent school year for which data is available, is average~~ 2936
~~or higher, as determined by the department of education~~ teacher 2937
submits a self-directed professional growth plan to the 2938
evaluator that focuses on specific areas identified in the 2939
observations and evaluation and the evaluator determines that 2940
the teacher is making progress on that plan. 2941

(b) The board may evaluate each teacher who received a 2942
rating of skilled on the teacher's most recent evaluation 2943
conducted under this section once every two years, so long as 2944
~~the teacher's student academic growth measure, for the most~~ 2945
~~recent school year for which data is available, is average or~~ 2946
~~higher, as determined by the department of education~~ teacher and 2947
evaluator jointly develop a professional growth plan for the 2948
teacher that focuses on specific areas identified in the 2949
observations and evaluation and the evaluator determines that 2950
the teacher is making progress on that plan. 2951

(c) For each teacher who is evaluated pursuant to division 2952

(C) (2) of this section, the evaluation shall be completed by the 2953
first day of May of the applicable school year, and the teacher 2954
shall receive a written report of the results of the evaluation 2955
by the tenth day of May of that school year. 2956

(d) ~~Beginning with the 2014-2015 school year, the~~ The 2957
board may elect not to conduct an evaluation of a teacher who 2958
meets one of the following requirements: 2959

(i) The teacher was on leave from the school district for 2960
fifty per cent or more of the school year, as calculated by the 2961
board. 2962

(ii) The teacher has submitted notice of retirement and 2963
that notice has been accepted by the board not later than the 2964
first day of December of the school year in which the evaluation 2965
is otherwise scheduled to be conducted. 2966

(e) Beginning with the 2017-2018 school year, the board 2967
may elect not to conduct an evaluation of a teacher who is 2968
participating in the teacher residency program established under 2969
section 3319.223 of the Revised Code for the year during which 2970
that teacher takes, for the first time, at least half of the 2971
performance-based assessment prescribed by the state board of 2972
education for resident educators. 2973

(3) In any year that a teacher is not formally evaluated 2974
pursuant to division (C) of this section as a result of 2975
receiving a rating of accomplished or skilled on the teacher's 2976
most recent evaluation, an individual qualified to evaluate a 2977
teacher under division (D) of this section shall conduct at 2978
least one observation of the teacher and hold at least one 2979
conference with the teacher. The conference shall include a 2980
discussion of progress on the teacher's professional growth 2981

plan. 2982

(D) Each evaluation conducted pursuant to this section 2983
shall be conducted by one or more of the following persons who 2984
hold a credential established by the department of education for 2985
being an evaluator: 2986

(1) A person who is under contract with the board pursuant 2987
to section 3319.01 or 3319.02 of the Revised Code and holds a 2988
license designated for being a superintendent, assistant 2989
superintendent, or principal issued under section 3319.22 of the 2990
Revised Code; 2991

(2) A person who is under contract with the board pursuant 2992
to section 3319.02 of the Revised Code and holds a license 2993
designated for being a vocational director, administrative 2994
specialist, or supervisor in any educational area issued under 2995
section 3319.22 of the Revised Code; 2996

(3) A person designated to conduct evaluations under an 2997
agreement entered into by the board, including an agreement 2998
providing for peer review entered into by the board and 2999
representatives of teachers employed by the board; 3000

(4) A person who is employed by an entity contracted by 3001
the board to conduct evaluations and who holds a license 3002
designated for being a superintendent, assistant superintendent, 3003
principal, vocational director, administrative specialist, or 3004
supervisor in any educational area issued under section 3319.22 3005
of the Revised Code or is qualified to conduct evaluations. 3006

(E) Notwithstanding division (A) (3) of section 3319.112 of 3007
the Revised Code: 3008

~~(1) The~~, the board shall require at least three formal 3009
observations of each teacher who is under consideration for 3010

nonrenewal and with whom the board has entered into a limited 3011
contract or an extended limited contract under section 3319.11 3012
of the Revised Code. 3013

~~(2) The board may elect, by adoption of a resolution, to 3014
require only one formal observation of a teacher who received a 3015
rating of accomplished on the teacher's most recent evaluation 3016
conducted under this section, provided the teacher completes a 3017
project that has been approved by the board to demonstrate the 3018
teacher's continued growth and practice at the accomplished 3019
level. 3020~~

(F) The board shall include in its evaluation policy 3021
procedures for using the evaluation results for retention and 3022
promotion decisions and for removal of poorly performing 3023
teachers. Seniority shall not be the basis for a decision to 3024
retain a teacher, except when making a decision between teachers 3025
who have comparable evaluations. 3026

(G) For purposes of section 3333.0411 of the Revised Code, 3027
the board annually shall report to the department of education 3028
the number of teachers for whom an evaluation was conducted 3029
under this section and the number of teachers assigned each 3030
rating prescribed under division (B)~~(1)~~ of section 3319.112 of 3031
the Revised Code, aggregated by the teacher preparation programs 3032
from which and the years in which the teachers graduated. The 3033
department shall establish guidelines for reporting the 3034
information required by this division. The guidelines shall not 3035
permit or require that the name of, or any other personally 3036
identifiable information about, any teacher be reported under 3037
this division. 3038

(H) Notwithstanding any provision to the contrary in 3039
Chapter 4117. of the Revised Code, the requirements of this 3040

section prevail over any conflicting provisions of a collective 3041
bargaining agreement entered into on or after ~~September 24, 2012~~ 3042
the effective date of this amendment. 3043

Sec. 3319.112. (A) ~~Not later than December 31, 2011,~~ The 3044
department of education shall revise the state board of 3045
~~education shall develop a~~ education's standards-based state 3046
framework for the evaluation of teachers, based on the 3047
recommendations of the educator standards board established 3048
under section 3319.60 of the Revised Code, and shall submit a 3049
summary of the revisions to the state board for review. Not 3050
later than May 1, 2018, the state board shall adopt the revised 3051
framework. The state board may update the framework periodically 3052
by adoption of a resolution. The framework shall establish an 3053
evaluation system that does the following: 3054

(1) Provides for multiple evaluation factors. ~~One factor~~ 3055
~~shall be student academic growth which shall account for fifty~~ 3056
~~per cent of each evaluation, except as otherwise prescribed by~~ 3057
~~the alternative framework under section 3319.114 of the Revised~~ 3058
~~Code. When applicable to the grade level or subject area taught~~ 3059
~~by a teacher, the value added progress dimension established~~ 3060
~~under section 3302.021 of the Revised Code or an alternative~~ 3061
~~student academic progress measure if adopted under division (C)~~ 3062
~~(1)(e) of section 3302.03 of the Revised Code shall be used in~~ 3063
~~the student academic growth portion of an evaluation in~~ 3064
~~proportion to the part of a teacher's schedule of courses or~~ 3065
~~subjects for which the value added progress dimension is~~ 3066
~~applicable.~~ 3067

~~If a teacher's schedule is comprised only of courses or~~ 3068
~~subjects for which the value added progress dimension is~~ 3069
~~applicable, one of the following applies:~~ 3070

~~(a) Beginning with March 22, 2013, until June 30, 2014, the majority of the student academic growth factor of the evaluation shall be based on the value-added progress dimension.~~ 3071-3073

~~(b) On or after July 1, 2014, the entire student academic growth factor of the evaluation shall be based on the value-added progress dimension. In calculating student academic growth for an evaluation, a student shall not be included if the student has forty five or more excused or unexcused absences during the full academic year.;~~ 3074-3079

(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code; 3080-3081

(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom ~~walkthroughs~~ walk-throughs; 3082-3085

(4) Assigns a rating on each evaluation in accordance with division (B) of this section ~~or section 3319.114 of the Revised Code, whichever is applicable;~~ 3086-3088

(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation; 3089-3090

~~(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code does not apply;~~ 3091-3096

~~(7) Implements a classroom level, value added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code or an alternative~~ 3097-3099

~~student academic progress measure if adopted under division (C)~~ 3100
~~(1) (e) of section 3302.03 of the Revised Code;~~ 3101

~~(8)~~ Uses student assessment instruments approved by the 3102
district board of education; 3103

(7) Prohibits the shared attribution of student 3104
performance data among all teachers in a district, building, 3105
grade, content area, or other group; 3106

(8) Includes development of a professional growth plan or 3107
improvement plan for the teacher that is based on the results of 3108
the evaluation and is aligned to any school district or building 3109
improvement plan required for the teacher's district or building 3110
under the "Elementary and Secondary Education Act of 1965," as 3111
amended by the Every Student Succeeds Act of 2015, Pub. L. No. 3112
114-95, 20 U.S.C. 6301 et seq.; 3113

(9) Provides for professional development to accelerate 3114
and continue teacher growth and provide support to poorly 3115
performing teachers; 3116

~~(9)~~ (10) Provides for the allocation of financial 3117
resources to support professional development. 3118

(B) For purposes of the framework ~~developed~~ adopted under 3119
this section, the ~~state board~~ department also shall ~~do the~~ 3120
~~following:~~ 3121

~~(1)~~ Develop revise, as necessary, specific standards and 3122
criteria that distinguish between the following levels of 3123
performance for teachers and principals for the purpose of 3124
assigning ratings on the evaluations conducted under sections 3125
3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code: 3126

~~(a)~~ (1) Accomplished; 3127

~~(b) (2) Skilled;~~ 3128

~~(c) (3) Developing;~~ 3129

~~(d) (4) Ineffective.~~ 3130

~~(2) For grade levels and subjects for which the~~ 3131
~~assessments prescribed under sections 3301.0710 and 3301.0712 of~~ 3132
~~the Revised Code and the value-added progress dimension~~ 3133
~~prescribed by section 3302.021 of the Revised Code, or~~ 3134
~~alternative student academic progress measure, do not apply,~~ 3135
~~develop a list of student assessments that measure mastery of~~ 3136
~~the course content for the appropriate grade level, which may~~ 3137
~~include nationally normed standardized assessments, industry~~ 3138
~~certification examinations, or end-of-course examinations.~~ 3139

(C) ~~the state board department~~ shall consult with experts, 3140
teachers and principals employed in public schools, the educator 3141
standards board, and representatives of stakeholder groups in 3142
~~developing revising~~ the standards and criteria required by 3143
division (B) ~~(1)~~ of this section. 3144

(D) To assist school districts in developing evaluation 3145
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 3146
of the Revised Code, the department shall do ~~both~~ all of the 3147
following: 3148

(1) Serve as a clearinghouse of promising evaluation 3149
procedures and evaluation models that districts may use; 3150

(2) Provide technical assistance to districts in creating 3151
evaluation policies; 3152

(3) Provide guidance to districts on how high-quality 3153
student data may be used as evidence of student learning 3154
attributable to a particular teacher, including examples of 3155

appropriate use of that data within the framework adopted under 3156
this section; 3157

(4) Provide guidance to districts on how information from 3158
student surveys, student portfolios, peer review evaluations, 3159
teacher self-evaluations, and other components determined 3160
appropriate by the district may be used as part of the 3161
evaluation process. 3162

(E) Not later than ~~June 30, 2013~~ July 1, 2018, the ~~state~~ 3163
~~board~~ department, in consultation with other state agencies that 3164
employ teachers, shall ~~develop a~~ update its standards-based 3165
framework for the evaluation of teachers employed by those 3166
agencies. Each state agency that employs teachers shall adopt a 3167
standards-based teacher evaluation policy ~~that conforms to~~ 3168
conform with the framework ~~developed under this division~~. The 3169
policy shall become operative at the expiration of any 3170
collective bargaining agreement covering teachers employed by 3171
the agency that is in effect on ~~September 24, 2012~~ the effective 3172
date of this amendment, and shall be included in any renewal or 3173
extension of such an agreement. However, this division does not 3174
apply to any person who is employed as a substitute teacher or 3175
as an instructor of adult education. 3176

Sec. 3319.22. (A) (1) The state board of education shall 3177
issue the following educator licenses: 3178

(a) A resident educator license, which shall be valid for 3179
four years and shall be renewable for reasons specified by rules 3180
adopted by the state board pursuant to division (A) (3) of this 3181
section. The state board, on a case-by-case basis, may extend 3182
the license's duration as necessary to enable the license holder 3183
to complete the Ohio teacher residency program established under 3184
section 3319.223 of the Revised Code; 3185

(b) A professional educator license, which shall be valid 3186
for five years and shall be renewable; 3187

(c) A senior professional educator license, which shall be 3188
valid for five years and shall be renewable; 3189

(d) A lead professional educator license, which shall be 3190
valid for five years and shall be renewable. 3191

Licenses issued under division (A)(1) of this section 3192
shall specify whether the educator is licensed to teach grades 3193
pre-kindergarten through six or to teach grades five through 3194
twelve. 3195

(2) The state board may issue any additional educator 3196
licenses of categories, types, and levels the board elects to 3197
provide. 3198

(3) The state board shall adopt rules establishing the 3199
standards and requirements for obtaining each educator license 3200
issued under this section. The rules shall also include the 3201
reasons for which a resident educator license may be renewed 3202
under division (A)(1)(a) of this section. 3203

(B) The rules adopted under this section shall require at 3204
least the following standards and qualifications for the 3205
educator licenses described in division (A)(1) of this section: 3206

(1) An applicant for a resident educator license shall 3207
hold at least a bachelor's degree from an accredited teacher 3208
preparation program or be a participant in the teach for America 3209
program and meet the qualifications required under section 3210
3319.227 of the Revised Code. 3211

(2) An applicant for a professional educator license 3212
shall: 3213

(a) Hold at least a bachelor's degree from an institution 3214
of higher education accredited by a regional accrediting 3215
organization; 3216

(b) Have successfully completed the Ohio teacher residency 3217
program established under section 3319.223 of the Revised Code, 3218
if the applicant's current or most recently issued license is a 3219
resident educator license issued under this section or an 3220
alternative resident educator license issued under section 3221
3319.26 of the Revised Code. 3222

(3) An applicant for a senior professional educator 3223
license shall: 3224

(a) Hold at least a master's degree from an institution of 3225
higher education accredited by a regional accrediting 3226
organization; 3227

(b) Have previously held a professional educator license 3228
issued under this section or section 3319.222 or under former 3229
section 3319.22 of the Revised Code; 3230

(c) Meet the criteria for the accomplished or 3231
distinguished level of performance, as described in the 3232
standards for teachers adopted by the state board under section 3233
3319.61 of the Revised Code. 3234

(4) An applicant for a lead professional educator license 3235
shall: 3236

(a) Hold at least a master's degree from an institution of 3237
higher education accredited by a regional accrediting 3238
organization; 3239

(b) Have previously held a professional educator license 3240
or a senior professional educator license issued under this 3241

section or a professional educator license issued under section 3242
3319.222 or former section 3319.22 of the Revised Code; 3243

(c) Meet the criteria for the distinguished level of 3244
performance, as described in the standards for teachers adopted 3245
by the state board under section 3319.61 of the Revised Code; 3246

(d) Either hold a valid certificate issued by the national 3247
board for professional teaching standards or meet the criteria 3248
for a master teacher or other criteria for a lead teacher 3249
adopted by the educator standards board under division (F) (4) or 3250
(5) of section 3319.61 of the Revised Code. 3251

(C) The state board shall align the standards and 3252
qualifications for obtaining a principal license with the 3253
standards for principals adopted by the state board under 3254
section 3319.61 of the Revised Code. 3255

(D) If the state board requires any examinations for 3256
educator licensure, the department of education shall provide 3257
the results of such examinations received by the department to 3258
the chancellor of higher education, in the manner and to the 3259
extent permitted by state and federal law. 3260

(E) Any rules the state board of education adopts, amends, 3261
or rescinds for educator licenses under this section, division 3262
(D) of section 3301.07 of the Revised Code, or any other law 3263
shall be adopted, amended, or rescinded under Chapter 119. of 3264
the Revised Code except as follows: 3265

(1) Notwithstanding division (E) of section 119.03 and 3266
division (A) (1) of section 119.04 of the Revised Code, in the 3267
case of the adoption of any rule or the amendment or rescission 3268
of any rule that necessitates institutions' offering preparation 3269
programs for educators and other school personnel that are 3270

approved by the chancellor of higher education under section 3271
3333.048 of the Revised Code to revise the curriculum of those 3272
programs, the effective date shall not be as prescribed in 3273
division (E) of section 119.03 and division (A)(1) of section 3274
119.04 of the Revised Code. Instead, the effective date of such 3275
rules, or the amendment or rescission of such rules, shall be 3276
the date prescribed by section 3333.048 of the Revised Code. 3277

(2) Notwithstanding the authority to adopt, amend, or 3278
rescind emergency rules in division (G) of section 119.03 of the 3279
Revised Code, this authority shall not apply to the state board 3280
of education with regard to rules for educator licenses. 3281

(F)(1) The rules adopted under this section establishing 3282
standards requiring additional coursework for the renewal of any 3283
educator license shall require a school district and a chartered 3284
nonpublic school to establish local professional development 3285
committees. In a nonpublic school, the chief administrative 3286
officer shall establish the committees in any manner acceptable 3287
to such officer. The committees established under this division 3288
shall determine whether coursework that a district or chartered 3289
nonpublic school teacher proposes to complete meets the 3290
requirement of the rules. The department of education shall 3291
provide technical assistance and support to committees as the 3292
committees incorporate the professional development standards 3293
adopted by the state board of education pursuant to section 3294
3319.61 of the Revised Code into their review of coursework that 3295
is appropriate for license renewal. The rules shall establish a 3296
procedure by which a teacher may appeal the decision of a local 3297
professional development committee. 3298

(2) In any school district in which there is no exclusive 3299
representative established under Chapter 4117. of the Revised 3300

Code, the professional development committees shall be 3301
established as described in division (F) (2) of this section. 3302

Not later than the effective date of the rules adopted 3303
under this section, the board of education of each school 3304
district shall establish the structure for one or more local 3305
professional development committees to be operated by such 3306
school district. The committee structure so established by a 3307
district board shall remain in effect unless within thirty days 3308
prior to an anniversary of the date upon which the current 3309
committee structure was established, the board provides notice 3310
to all affected district employees that the committee structure 3311
is to be modified. Professional development committees may have 3312
a district-level or building-level scope of operations, and may 3313
be established with regard to particular grade or age levels for 3314
which an educator license is designated. 3315

Each professional development committee shall consist of 3316
at least three classroom teachers employed by the district, one 3317
principal employed by the district, and one other employee of 3318
the district appointed by the district superintendent. For 3319
committees with a building-level scope, the teacher and 3320
principal members shall be assigned to that building, and the 3321
teacher members shall be elected by majority vote of the 3322
classroom teachers assigned to that building. For committees 3323
with a district-level scope, the teacher members shall be 3324
elected by majority vote of the classroom teachers of the 3325
district, and the principal member shall be elected by a 3326
majority vote of the principals of the district, unless there 3327
are two or fewer principals employed by the district, in which 3328
case the one or two principals employed shall serve on the 3329
committee. If a committee has a particular grade or age level 3330
scope, the teacher members shall be licensed to teach such grade 3331

or age levels, and shall be elected by majority vote of the 3332
classroom teachers holding such a license and the principal 3333
shall be elected by all principals serving in buildings where 3334
any such teachers serve. The district superintendent shall 3335
appoint a replacement to fill any vacancy that occurs on a 3336
professional development committee, except in the case of 3337
vacancies among the elected classroom teacher members, which 3338
shall be filled by vote of the remaining members of the 3339
committee so selected. 3340

Terms of office on professional development committees 3341
shall be prescribed by the district board establishing the 3342
committees. The conduct of elections for members of professional 3343
development committees shall be prescribed by the district board 3344
establishing the committees. A professional development 3345
committee may include additional members, except that the 3346
majority of members on each such committee shall be classroom 3347
teachers employed by the district. Any member appointed to fill 3348
a vacancy occurring prior to the expiration date of the term for 3349
which a predecessor was appointed shall hold office as a member 3350
for the remainder of that term. 3351

The initial meeting of any professional development 3352
committee, upon election and appointment of all committee 3353
members, shall be called by a member designated by the district 3354
superintendent. At this initial meeting, the committee shall 3355
select a chairperson and such other officers the committee deems 3356
necessary, and shall adopt rules for the conduct of its 3357
meetings. Thereafter, the committee shall meet at the call of 3358
the chairperson or upon the filing of a petition with the 3359
district superintendent signed by a majority of the committee 3360
members calling for the committee to meet. 3361

(3) In the case of a school district in which an exclusive
representative has been established pursuant to Chapter 4117. of
the Revised Code, professional development committees shall be
established in accordance with any collective bargaining
agreement in effect in the district that includes provisions for
such committees.

If the collective bargaining agreement does not specify a
different method for the selection of teacher members of the
committees, the exclusive representative of the district's
teachers shall select the teacher members.

If the collective bargaining agreement does not specify a
different structure for the committees, the board of education
of the school district shall establish the structure, including
the number of committees and the number of teacher and
administrative members on each committee; the specific
administrative members to be part of each committee; whether the
scope of the committees will be district levels, building
levels, or by type of grade or age levels for which educator
licenses are designated; the lengths of terms for members; the
manner of filling vacancies on the committees; and the frequency
and time and place of meetings. However, in all cases, except as
provided in division (F)(4) of this section, there shall be a
majority of teacher members of any professional development
committee, there shall be at least five total members of any
professional development committee, and the exclusive
representative shall designate replacement members in the case
of vacancies among teacher members, unless the collective
bargaining agreement specifies a different method of selecting
such replacements.

(4) Whenever an administrator's coursework plan is being

discussed or voted upon, the local professional development 3392
committee shall, at the request of one of its administrative 3393
members, cause a majority of the committee to consist of 3394
administrative members by reducing the number of teacher members 3395
voting on the plan. 3396

(G) (1) The department of education, educational service 3397
centers, county boards of developmental disabilities, regional 3398
professional development centers, special education regional 3399
resource centers, college and university departments of 3400
education, head start programs, and the Ohio education computer 3401
network may establish local professional development committees 3402
to determine whether the coursework proposed by their employees 3403
who are licensed or certificated under this section or section 3404
3319.222 of the Revised Code, or under the former version of 3405
either section as it existed prior to October 16, 2009, meet the 3406
requirements of the rules adopted under this section. They may 3407
establish local professional development committees on their own 3408
or in collaboration with a school district or other agency 3409
having authority to establish them. 3410

Local professional development committees established by 3411
county boards of developmental disabilities shall be structured 3412
in a manner comparable to the structures prescribed for school 3413
districts in divisions (F) (2) and (3) of this section, as shall 3414
the committees established by any other entity specified in 3415
division (G) (1) of this section that provides educational 3416
services by employing or contracting for services of classroom 3417
teachers licensed or certificated under this section or section 3418
3319.222 of the Revised Code, or under the former version of 3419
either section as it existed prior to October 16, 2009. All 3420
other entities specified in division (G) (1) of this section 3421
shall structure their committees in accordance with guidelines 3422

which shall be issued by the state board. 3423

(2) Any public agency that is not specified in division 3424
(G)(1) of this section but provides educational services and 3425
employs or contracts for services of classroom teachers licensed 3426
or certificated under this section or section 3319.222 of the 3427
Revised Code, or under the former version of either section as 3428
it existed prior to October 16, 2009, may establish a local 3429
professional development committee, subject to the approval of 3430
the department of education. The committee shall be structured 3431
in accordance with guidelines issued by the state board. 3432

(H) Not later than July 1, 2016, the state board, in 3433
accordance with Chapter 119. of the Revised Code, shall adopt 3434
rules pursuant to division (A)(3) of this section that do both 3435
of the following: 3436

(1) Exempt consistently high-performing teachers from the 3437
requirement to complete any additional coursework for the 3438
renewal of an educator license issued under this section or 3439
section 3319.26 of the Revised Code. The rules also shall 3440
specify that such teachers are exempt from any requirements 3441
prescribed by professional development committees established 3442
under divisions (F) and (G) of this section. 3443

(2) For purposes of division (H)(1) of this section, the 3444
state board shall define the term "consistently high-performing 3445
teacher." 3446

Sec. 3319.223. (A) Not later than January 1, 2011, the 3447
superintendent of public instruction and the chancellor of 3448
higher education jointly shall establish the Ohio teacher 3449
residency program, which shall be a four-year, entry-level 3450
program for classroom teachers. Except as provided in division 3451

(B) of this section, the teacher residency program shall include 3452
at least the following components: 3453

(1) Mentoring by teachers for the first two years of the 3454
program; 3455

(2) Counseling, as determined necessary by the school 3456
district or school, to ensure that program participants receive 3457
needed professional development; 3458

(3) Measures of appropriate progression through the 3459
program, which shall include the performance-based assessment 3460
prescribed by the state board of education for resident 3461
educators in the third year of the program. 3462

(B) (1) For an individual who is teaching career-technical 3463
courses under an alternative resident educator license issued 3464
under section 3319.26 of the Revised Code or rule of the state 3465
board, the Ohio teacher residency program shall include the 3466
following components: 3467

(a) Conditions that, as of September 29, 2015, were 3468
necessary for a participant in the third and fourth year of the 3469
program to complete prior to applying for the professional 3470
educator license under division (A) (2) of section 3319.22 of the 3471
Revised Code, except as provided in division (B) (2) (b) of this 3472
section; 3473

(b) Four years of successful teaching experience under the 3474
alternative resident educator license, as verified by the 3475
superintendent of the employing school district; 3476

(c) Successful completion of a career-technical workforce 3477
development teacher preparation program that ~~consists of not~~ 3478
~~less than twenty-four semester hours, or the equivalent, from a~~ 3479
~~state university. The teacher preparation program shall include~~ 3480

~~a performance based assessment, to be verified by the~~ 3481
~~institution meets the criteria described in division (C) (1) of~~ 3482
~~section 3319.229 of the Revised Code.~~ 3483

(2) No individual who is teaching career-technical courses 3484
under an alternative resident educator license issued under 3485
section 3319.26 of the Revised Code or rule of the state board 3486
shall be required to do either of the following: 3487

(a) Complete the conditions of the Ohio teacher residency 3488
program that a participant, as of September 29, 2015, would have 3489
been required to complete during the participant's first and 3490
second year of teaching under an alternative resident educator 3491
license. 3492

(b) Take the performance-based assessment prescribed by 3493
the state board for resident educators. 3494

(C) The teacher residency program shall be aligned with 3495
the standards for teachers adopted by the state board under 3496
section 3319.61 of the Revised Code and best practices 3497
identified by the superintendent of public instruction. 3498

(D) Each person who holds a resident educator license 3499
issued under section 3319.22 or 3319.227 of the Revised Code or 3500
an alternative resident educator license issued under section 3501
3319.26 of the Revised Code shall participate in the teacher 3502
residency program. Successful completion of the program shall be 3503
required to qualify any such person for a professional educator 3504
license issued under section 3319.22 of the Revised Code. 3505

Sec. 3319.226. (A) Beginning July 1, 2018, the state board 3506
of education shall issue educator licenses for substitute 3507
teaching only under this section. 3508

(B) The state board shall adopt rules establishing 3509

standards and requirements for obtaining a license under this 3510
section and for renewal of the license. The rules shall require 3511
an applicant to hold a post-secondary degree, but not in any 3512
specified subject area. The rules also shall allow the holder of 3513
a license issued under this section to work: 3514

(1) For an unlimited number of school days if the license 3515
holder has a post-secondary degree in either education or a 3516
subject area directly related to the subject of the class the 3517
license holder will teach; 3518

(2) For one full semester, subject to the approval of the 3519
employing school district board of education, if the license 3520
holder has a post-secondary degree in a subject area that is not 3521
directly related to the subject of the class that the license 3522
holder will teach. 3523

The district superintendent may request that the board 3524
approve one or more additional subsequent semester-long periods 3525
of teaching for the license holder. 3526

(C) Any license issued or renewed under former section 3527
3319.226 of the Revised Code that was still in force on the 3528
effective date of this section shall remain in force for the 3529
remainder of the term for which it was issued or renewed. Upon 3530
the expiration of that term, the holder of that license shall be 3531
subject to licensure under the rules adopted under this section. 3532

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 3533
section 3319.229 of the Revised Code by this act, the state 3534
board of education shall accept applications for new, and for 3535
renewal of, professional career-technical teaching licenses 3536
through June 30, 2018, and issue them on the basis of the 3537
applications received by that date in accordance with the rules 3538

described in that former section. Except as otherwise provided 3539
in divisions (A) (2) and (3) of this section, beginning July 1, 3540
2018, the state board shall issue career-technical workforce 3541
development educator licenses only under this section. 3542

(2) An individual who, on July 1, 2018, holds a 3543
professional career-technical teaching license issued under the 3544
rules described in former section 3319.229 of the Revised Code, 3545
may continue to renew that license in accordance with those 3546
rules for the remainder of the individual's teaching career. 3547
However, nothing in this division shall be construed to prohibit 3548
the individual from applying to the state board for a career- 3549
technical workforce development educator license under this 3550
section. 3551

(3) An individual who, on July 1, 2018, holds an 3552
alternative resident educator license for teaching career- 3553
technical education issued under section 3319.26 of the Revised 3554
Code may, upon the expiration of the license, apply for a 3555
professional career-technical teaching license issued under the 3556
rules described in former section 3319.229 of the Revised Code. 3557
Such an individual may continue to renew the professional 3558
license in accordance with those rules for the remainder of the 3559
individual's teaching career. However, nothing in this division 3560
shall be construed to prohibit the individual from applying to 3561
the state board for a career-technical workforce development 3562
educator license under this section. 3563

(B) The state board, in collaboration with the chancellor 3564
of higher education, shall adopt rules establishing standards 3565
and requirements for obtaining a two-year initial career- 3566
technical workforce development educator license and a five-year 3567
advanced career-technical workforce development educator 3568

license. Each license shall be valid for teaching career- 3569
technical education or workforce development programs in grades 3570
four through twelve. The rules shall require applicants for 3571
either license to have a high school diploma. 3572

(C) (1) The state board shall issue an initial career- 3573
technical workforce development educator license to an applicant 3574
upon request from the superintendent of a school district that 3575
has agreed to employ the applicant. In making the request, the 3576
superintendent shall provide documentation, in accordance with 3577
procedures prescribed by the department of education, showing 3578
that the applicant has at least five years of work experience, 3579
or the equivalent, in the subject area in which the applicant 3580
will teach. The license shall be valid for teaching only in the 3581
requesting district. The superintendent also shall provide 3582
documentation, in accordance with procedures prescribed by the 3583
department, that the applicant is enrolled in a career-technical 3584
workforce development educator preparation program offered by an 3585
institution of higher education that has an existing teacher 3586
preparatory program in place that meets all of the following 3587
criteria: 3588

(a) Is approved by the chancellor of higher education to 3589
provide instruction in teaching methods and principles; 3590

(b) Provides classroom support to the license holder; 3591

(c) Includes at least three semester hours of coursework 3592
in the teaching of reading in the subject area; 3593

(d) Is aligned with career-technical education and 3594
workforce development competencies developed by the department; 3595

(e) Uses a summative performance-based assessment 3596
developed by the program and aligned to the competencies 3597

described in division (C) (1) (d) of this section to evaluate the 3598
license holder's knowledge and skills; 3599

(f) Consists of not less than twenty-four semester hours 3600
of coursework, or the equivalent. 3601

(2) As a condition of continuing to hold the initial 3602
career-technical workforce development license, the holder of 3603
the license shall be participating in a career-technical 3604
workforce development educator preparation program described in 3605
division (C) (1) of this section. 3606

(3) The state board shall renew an initial career- 3607
technical workforce development educator license if the 3608
supervisor of the program described in division (C) (1) of this 3609
section and the superintendent of the employing school district 3610
indicate that the applicant is making sufficient progress in 3611
both the program and the teaching position. 3612

(D) The state board shall issue an advanced career- 3613
technical workforce development educator license to an applicant 3614
who has successfully completed the program described in division 3615
(C) (1) of this section, as indicated by the supervisor of the 3616
program, and who demonstrates mastery of the applicable career- 3617
technical education and workforce development competencies 3618
described in division (C) (1) (d) of this section in the teaching 3619
position, as indicated by the superintendent of the employing 3620
school district. 3621

(E) The holder of an advanced career-technical workforce 3622
development educator license shall work with a local 3623
professional development committee established under section 3624
3319.22 of the Revised Code in meeting requirements for renewal 3625
of the license. 3626

Sec. 3319.283. (A) The board of education of any school 3627
district may employ an individual who is not certificated or 3628
licensed as required by Chapter 3319. of the Revised Code, but 3629
who meets the following qualifications, as a teacher in the 3630
schools of the district: 3631

(1) The individual is a veteran of the armed forces of the 3632
United States and was honorably discharged within three years of 3633
June 30, 1997; 3634

(2) While in the armed forces the individual had 3635
meaningful teaching or other instructional experience; 3636

(3) The individual holds at least a baccalaureate degree. 3637

(B) An individual employed under this section shall be 3638
deemed to hold a teaching certificate or educator license for 3639
the purposes of state and federal law and rules and regulations 3640
and school district policies, rules, and regulations. ~~However,~~ 3641
~~an individual employed under this section is not a highly~~ 3642
~~qualified teacher for purposes of the school district's~~ 3643
~~compliance with section 3319.074 of the Revised Code. Each~~ 3644
individual employed under this section shall meet the 3645
requirement to successfully complete fifteen hours, or the 3646
equivalent, of coursework every five years that is approved by 3647
the local professional development committee as is required of 3648
other teachers licensed in accordance with Chapter 3319. of the 3649
Revised Code. 3650

(C) The superintendent of public instruction may revoke 3651
the right of an individual employed under division (A) of this 3652
section to teach if, after an investigation and an adjudication 3653
conducted pursuant to Chapter 119. of the Revised Code, the 3654
superintendent finds that the person is not competent to teach 3655

the subject the person has been employed to teach or did not 3656
fulfill the requirements of division (A) of this section. No 3657
individual whose right to teach has been revoked under this 3658
division shall teach in a public school, and no board of 3659
education may engage such an individual to teach in the schools 3660
of its district. 3661

Notwithstanding division (B) of this section, a board of 3662
education is not required to comply with the provisions of 3663
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 3664
Code with regard to termination of employment if the 3665
superintendent, after an investigation and an adjudication, has 3666
revoked the individual's right to teach. 3667

Sec. 3319.361. Notwithstanding any provision of the 3668
Revised Code or any rule of the state board of education to the 3669
contrary, a superintendent of a school district may submit a 3670
written request to the district board of education to employ a 3671
person licensed under section 3319.22 of the Revised Code to 3672
teach a subject area or grade level for which the person is not 3673
licensed for up to one school year. The superintendent may 3674
submit a written request to the board to renew the person's 3675
employment under this section for an additional school year; 3676
however, the total term of the person's employment under this 3677
section shall not exceed four consecutive school years. 3678

Sec. 3319.58. (A) As used in this section, "core subject 3679
area" ~~has the same meaning as in section 3319.074 of the Revised~~ 3680
~~Code means reading and English language arts, mathematics,~~ 3681
science, foreign language, government, economics, fine arts, 3682
history, and geography. 3683

(B) Each year, beginning with the 2015-2016 school year, 3684
the board of education of each city, exempted village, local, 3685

and joint vocational school district shall require each 3686
classroom teacher who is currently teaching in a core subject 3687
area and has received a rating of ineffective on the evaluations 3688
conducted under section 3319.111 of the Revised Code for two of 3689
the three most recent school years to register for and take all 3690
written examinations of content knowledge selected by the 3691
department of education as appropriate to determine expertise to 3692
teach that core subject area and the grade level to which the 3693
teacher is assigned. 3694

(C) Each year, beginning with the 2015-2016 school year, 3695
the governing authority of each community school established 3696
under Chapter 3314. of the Revised Code except a community 3697
school to which section 3314.017 of the Revised Code applies and 3698
governing body of each STEM school established under Chapter 3699
3326. of the Revised Code with a building ranked in the lowest 3700
ten per cent of all public school buildings according to 3701
performance index score, under section 3302.21 of the Revised 3702
Code, shall require each classroom teacher currently teaching in 3703
a core subject area in such a building to register for and take 3704
all written examinations of content knowledge selected by the 3705
department as appropriate to determine expertise to teach that 3706
core subject area and the grade level to which the teacher is 3707
assigned. 3708

(D) If a teacher who takes an examination under division 3709
(B) of this section passes that examination and provides proof 3710
of that passage to the teacher's employer, the employer shall 3711
require the teacher, at the teacher's expense, to complete 3712
professional development that is targeted to the deficiencies 3713
identified in the teacher's evaluations conducted under section 3714
3319.111 of the Revised Code. The receipt by the teacher of a 3715
rating of ineffective on the teacher's next evaluation after 3716

completion of the professional development, or the failure of 3717
the teacher to complete the professional development, shall be 3718
grounds for termination of the teacher under section 3319.16 of 3719
the Revised Code. 3720

(E) If a teacher who takes an examination under this 3721
section passes that examination and provides proof of that 3722
passage to the teacher's employer, the teacher shall not be 3723
required to take the examination again for three years, 3724
regardless of the teacher's evaluation ratings or the 3725
performance index score ranking of the building in which the 3726
teacher teaches. No teacher shall be responsible for the cost of 3727
taking an examination under this section. 3728

(F) Each district board of education, each community 3729
school governing authority, and each STEM school governing body 3730
may use the results of a teacher's examinations required under 3731
division (B) or (C) of this section in developing and revising 3732
professional development plans and in deciding whether or not to 3733
continue employing the teacher in accordance with the provisions 3734
of this chapter or Chapter 3314. or 3326. of the Revised Code. 3735
However, no decision to terminate or not to renew a teacher's 3736
employment contract shall be made solely on the basis of the 3737
results of a teacher's examination under this section until and 3738
unless the teacher has not attained a passing score on the same 3739
required examination for at least three consecutive 3740
administrations of that examination. 3741

Sec. 3321.191. (A) Effective beginning with the 2017-2018 3742
school year, the board of education of each city, exempted 3743
village, local, joint vocational, and cooperative education 3744
school district and the governing board of each educational 3745
service center shall adopt a new or amended policy to guide 3746

employees of the school district or service center in addressing 3747
and ameliorating student absences. In developing the policy, the 3748
appropriate board shall consult with the judge of the juvenile 3749
court of the county or counties in which the district or service 3750
center is located, with the parents, guardians, or other persons 3751
having care of the pupils attending school in the district, and 3752
with appropriate state and local agencies. 3753

(B) The policy developed under division (A) of this 3754
section shall include as an intervention strategy all of the 3755
following actions, if applicable: 3756

(1) Providing a truancy intervention plan for any student 3757
who is excessively absent from school, as described in the first 3758
paragraph of division (C) of this section; 3759

(2) Providing counseling for an habitual truant; 3760

(3) Requesting or requiring a parent, guardian, or other 3761
person having care of an habitual truant to attend parental 3762
involvement programs, including programs adopted under section 3763
3313.472 or 3313.663 of the Revised Code; 3764

(4) Requesting or requiring a parent, guardian, or other 3765
person having care of an habitual truant to attend truancy 3766
prevention mediation programs; 3767

(5) Notification of the registrar of motor vehicles under 3768
section 3321.13 of the Revised Code; 3769

(6) Taking legal action under section 2919.222, 3321.20, 3770
or 3321.38 of the Revised Code. 3771

(C) (1) In the event that a child of compulsory school age 3772
is absent ~~with or~~ without legitimate excuse from the public 3773
school the child is supposed to attend for thirty-eight or more 3774

hours in one school month, or sixty-five or more hours in a 3775
school year, the attendance officer of that school shall notify 3776
the child's parent, guardian, or custodian of the child's 3777
absences, in writing, within seven days after the date after the 3778
absence that triggered the notice requirement. At the time 3779
notice is given, the school also may take any appropriate action 3780
as an intervention strategy contained in the policy developed by 3781
the board pursuant to division (A) of this section. 3782

(2) (a) If the absences of a student surpass the threshold 3783
for an habitual truant as set forth in section 2151.011 of the 3784
Revised Code, the principal or chief administrator of the school 3785
or the superintendent of the school district shall assign the 3786
student to an absence intervention team. Within fourteen school 3787
days after the assignment of a student to an absence 3788
intervention team, the team shall develop an intervention plan 3789
for that student in an effort to reduce or eliminate further 3790
absences. Each intervention plan shall vary based on the 3791
individual needs of the student, but the plan shall state that 3792
the attendance officer shall file a complaint not later than 3793
sixty-one days after the date the plan was implemented, if the 3794
child has refused to participate in, or failed to make 3795
satisfactory progress on, the intervention plan or an 3796
alternative to adjudication under division (C) (2) (b) of section 3797
3321.191 of the Revised Code. Within seven days after the 3798
development of the plan, the school district or school shall 3799
make reasonable efforts to provide the student's parent, 3800
guardian, custodian, guardian ad litem, or temporary custodian 3801
with written notice of the plan. 3802

(b) As part of the absence intervention plan described in 3803
division (C) (2) of this section, the school district or school, 3804
in its discretion, may contact the appropriate juvenile court 3805

and ask to have a student informally enrolled in any alternative 3806
to adjudication described in division (G) of section 2151.27 of 3807
the Revised Code. If the school district or school chooses to 3808
have students informally enrolled in an alternative to 3809
adjudication, the school district or school shall develop a 3810
written policy regarding the use of, and selection process for, 3811
offering alternatives to adjudication to ensure fairness. 3812

(c) The superintendent of each school district, or the 3813
superintendent's designee, shall establish an absence 3814
intervention team for the district to be used by any schools of 3815
the district that do not establish their own absence 3816
intervention team as permitted under division (C)(2)(d) of this 3817
section. Membership of each absence intervention team may vary 3818
based on the needs of each individual student but shall include 3819
a representative from the child's school district or school, 3820
another representative from the child's school district or 3821
school who knows the child, and the child's parent or parent's 3822
designee, or the child's guardian, custodian, guardian ad litem, 3823
or temporary custodian. The team also may include a school 3824
psychologist, counselor, social worker, or representative of a 3825
public or nonprofit agency designed to assist students and their 3826
families in reducing absences. 3827

(d) The principal or chief administrator of each school 3828
may establish an absence intervention team or series of teams to 3829
be used in lieu of the district team established pursuant to 3830
division (C)(2)(c) of this section. Membership of each absence 3831
intervention team may vary based on the needs of each individual 3832
student but shall include a representative from the child's 3833
school district or school, another representative from the 3834
child's school district or school who knows the child, and the 3835
child's parent or parent's designee, or the child's guardian, 3836

custodian, guardian ad litem, or temporary custodian. The team 3837
also may include a school psychologist, counselor, social 3838
worker, or representative of a public or nonprofit agency 3839
designed to assist students and their families in reducing 3840
absences. 3841

(e) A superintendent, as described in division (C) (2) (c) 3842
of this section, or principal or chief administrator, as 3843
described in division (C) (2) (d) of this section, shall select 3844
the members of an absence intervention team within seven school 3845
days of the triggering event described in division (C) (2) (a) of 3846
this section. The superintendent, principal, or chief 3847
administrator, within the same period of seven school days, 3848
shall make at least three meaningful, good faith attempts to 3849
secure the participation of the student's parent, guardian, 3850
custodian, guardian ad litem, or temporary custodian on that 3851
team. If the student's parent responds to any of those attempts, 3852
but is unable to participate for any reason, the representative 3853
of the school district shall inform the parent of the parent's 3854
right to appear by designee. If seven school days elapse and the 3855
student's parent, guardian, custodian, guardian ad litem, or 3856
temporary custodian fails to respond to the attempts to secure 3857
participation, the school district or school shall do both of 3858
the following: 3859

(i) Investigate whether the failure to respond triggers 3860
mandatory reporting to the public children services agency for 3861
the county in which the child resides in the manner described in 3862
section 2151.421 of the Revised Code; 3863

(ii) Instruct the absence intervention team to develop an 3864
intervention plan for the child notwithstanding the absence of 3865
the child's parent, guardian, custodian, guardian ad litem, or 3866

temporary custodian. 3867

(f) In the event that a student becomes habitually truant 3868
within twenty-one school days prior to the last day of 3869
instruction of a school year, the school district or school may, 3870
in its discretion, assign one school official to work with the 3871
child's parent, guardian, custodian, guardian ad litem, or 3872
temporary custodian to develop an absence intervention plan 3873
during the summer. If the school district or school selects this 3874
method, the plan shall be implemented not later than seven days 3875
prior to the first day of instruction of the next school year. 3876
In the alternative, the school district or school may toll the 3877
time periods to accommodate for the summer months and reconvene 3878
the absence intervention process upon the first day of 3879
instruction of the next school year. 3880

(3) For purposes of divisions (C) (2) (c) and (d) of this 3881
section, the state board of education shall develop a format for 3882
parental permission to ensure compliance with the "Family 3883
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3884
U.S.C. 1232g, as amended, and any regulations promulgated under 3885
that act, and section 3319.321 of the Revised Code. 3886

(D) Each school district or school may consult or partner 3887
with public and nonprofit agencies to provide assistance as 3888
appropriate to students and their families in reducing absences. 3889

(E) Beginning with the 2017-2018 school year, each school 3890
district shall report to the department of education, as soon as 3891
practicable, and in a format and manner determined by the 3892
department, any of the following occurrences: 3893

(1) When a notice required by division (C) (1) of this 3894
section is submitted to a parent, guardian, or custodian; 3895

(2) When a child of compulsory school age has been absent 3896
without legitimate excuse from the public school the child is 3897
supposed to attend for thirty or more consecutive hours, forty- 3898
two or more hours in one school month, or seventy-two or more 3899
hours in a school year; 3900

(3) When a child of compulsory school age who has been 3901
adjudicated an unruly child for being an habitual truant 3902
violates the court order regarding that adjudication; 3903

(4) When an absence intervention plan has been implemented 3904
for a child under this section. 3905

(F) Nothing in this section shall be construed to limit 3906
the duty or authority of a district board of education or 3907
governing body of an educational service center to develop other 3908
policies related to truancy or to limit the duty or authority of 3909
any employee of the school district or service center to respond 3910
to pupil truancy. However, a board shall be subject to the 3911
prohibition against suspending, expelling, or otherwise 3912
preventing a student from attending school for excessive 3913
absences as prescribed by section 3313.668 of the Revised Code. 3914

Sec. 3323.022. The rules of the state board of education 3915
for staffing ratios for programs with preschool children with 3916
disabilities shall require the following: 3917

(A) A full-time staff member shall be provided when there 3918
are eight full-day or sixteen half-day preschool children 3919
eligible for special education enrolled in a center-based 3920
preschool special education program. 3921

(B) Staff ratios of one teacher for every eight children 3922
shall be maintained at all times for a program with a center- 3923
based teacher, and a second adult shall be present when there 3924

are nine or more children, including nondisabled children 3925
enrolled in a class session. 3926

(C) Unless otherwise specified in the individualized 3927
education program, a minimum of ten hours of services per week 3928
shall be provided for each child served by a center-based 3929
teacher. 3930

Sec. 3323.11. Each school district shall employ, as 3931
necessary, the personnel to meet the needs of the children with 3932
disabilities enrolled in its schools. Personnel shall possess 3933
appropriate qualifications and certificates or licenses as 3934
prescribed in rules of the state board of education. ~~Teachers~~ 3935
~~shall be "highly qualified," as that term is defined in section~~ 3936
~~602(10) of the "Individuals with Disabilities Education~~ 3937
~~Improvement Act of 2004," 20 U.S.C.1401(10).~~ 3938

Sec. 3324.07. (A) The board of education of each school 3939
district shall develop a plan for the service of gifted students 3940
enrolled in the district that are identified under section 3941
3324.03 of the Revised Code. Services specified in the plan 3942
developed by each board may include such options as the 3943
following: 3944

(1) A differentiated curriculum; 3945

(2) Cluster grouping; 3946

(3) Mentorships; 3947

(4) Accelerated course work; 3948

(5) The college credit plus program under Chapter 3365. of 3949
the Revised Code; 3950

(6) Advanced placement; 3951

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| (7) Honors classes; | 3952 |
| (8) Magnet schools; | 3953 |
| (9) Self-contained classrooms; | 3954 |
| (10) Independent study; | 3955 |
| (11) <u>International baccalaureate;</u> | 3956 |
| <u>(12) Other options identified in rules adopted by the</u> department of education. | 3957 3958 |
| (B) Each board shall file the plan developed under division (A) of this section with the department of education by December 15, 2000. The department shall review and analyze each plan to determine if it is adequate and to make funding estimates. | 3959 3960 3961 3962 3963 |
| (C) Unless otherwise required by law, rule, or as a condition for receipt of funds, school boards may implement the plans developed under division (A) of this section, but shall not be required to do so until further action by the general assembly or the state superintendent of public instruction. | 3964 3965 3966 3967 3968 |
| <u>Sec. 3324.12. For the purposes of any licensure or</u> <u>endorsement established for teaching gifted students under rules</u> <u>adopted pursuant to section 3319.22 or 3319.26 of the Revised</u> <u>Code, the state board of education shall require that</u> <u>professional development hours completed for teaching advanced</u> <u>placement or international baccalaureate classes also count as</u> <u>hours toward meeting any professional development requirement</u> <u>for a gifted education license or endorsement. However, an</u> <u>individual who teaches advanced placement or international</u> <u>baccalaureate classes shall not be required to complete</u> <u>professional development for a gifted education license or</u> | 3969 3970 3971 3972 3973 3974 3975 3976 3977 3978 3979 |

endorsement unless the individual will be teaching gifted 3980
students. 3981

Sec. 3326.13. (A) Teachers employed by a science, 3982
technology, engineering, and mathematics school shall be ~~highly-~~ 3983
~~qualified teachers, as defined in section 3319.074 of the~~ 3984
~~Revised Code, and shall be licensed~~ under sections 3319.22 to 3985
3319.31 of the Revised Code and rules of the state board of 3986
education implementing those sections. 3987

(B) No STEM school shall employ any classroom teacher 3988
initially hired on or after July 1, 2013, to provide instruction 3989
in physical education unless the teacher holds a valid license 3990
issued pursuant to section 3319.22 of the Revised Code for 3991
teaching physical education. 3992

Sec. 3333.0411. Not later than December 31, 2014, and 3993
annually thereafter, the chancellor of higher education shall 3994
report for each approved teacher preparation program, the number 3995
and percentage of all graduates of the program who were rated at 3996
each of the performance levels prescribed by division (B) ~~(1)~~ of 3997
section 3319.112 of the Revised Code on an evaluation conducted 3998
in accordance with section 3319.111 of the Revised Code in the 3999
previous school year. 4000

In no case shall the report identify any individual 4001
graduate. The department of education shall share any data 4002
necessary for the report with the chancellor. 4003

Sec. 3365.07. The department of education shall calculate 4004
and pay state funds to colleges for participants in the college 4005
credit plus program under division (B) of section 3365.06 of the 4006
Revised Code pursuant to this section. For a nonpublic secondary 4007
school participant, a nonchartered nonpublic secondary school 4008

participant, or a home-instructed participant, the department 4009
shall pay state funds pursuant to this section only if that 4010
participant is awarded funding according to rules adopted by the 4011
chancellor of higher education, in consultation with the 4012
superintendent of public instruction, pursuant to section 4013
3365.071 of the Revised Code. The program shall be the sole 4014
mechanism by which state funds are paid to colleges for students 4015
to earn transcribed credit for college courses while enrolled 4016
in both a secondary school and a college, with the exception of 4017
state funds paid to colleges according to an agreement described 4018
in division (A) (1) of section 3365.02 of the Revised Code. 4019

Beginning with participation for the 2018-2019 school 4020
year, section 3365.072 of the Revised Code shall govern all 4021
arrangements for the provision and payment of textbooks under 4022
the program. 4023

(A) For each public or nonpublic secondary school 4024
participant enrolled in a public college: 4025

(1) If no agreement has been entered into under division 4026
(A) (2) of this section, both of the following shall apply: 4027

(a) The department shall pay to the college the applicable 4028
amount as follows: 4029

(i) For a participant enrolled in a college course 4030
delivered on the college campus, at another location operated by 4031
the college, or online, the lesser of the default ceiling amount 4032
or the college's standard rate; 4033

(ii) For a participant enrolled in a college course 4034
delivered at the participant's secondary school but taught by 4035
college faculty, the lesser of fifty per cent of the default 4036
ceiling amount or the college's standard rate; 4037

(iii) For a participant enrolled in a college course 4038
delivered at the participant's secondary school and taught by a 4039
high school teacher who has met the credential requirements 4040
established for purposes of the program in rules adopted by the 4041
chancellor, the default floor amount. 4042

(b) The ~~participant's secondary school shall pay for~~ 4043
~~textbooks, and the~~ college shall waive payment of all other fees 4044
related to participation in the program. 4045

(2) The governing entity of a participant's secondary 4046
school and the college may enter into an agreement to establish 4047
an alternative payment structure for tuition, ~~textbooks,~~ and 4048
fees. Under such an agreement, payments for each participant 4049
made by the department shall be not less than the default floor 4050
amount, unless approved by the chancellor, and not more than 4051
either the default ceiling amount or the college's standard 4052
rate, whichever is less. The chancellor may approve an agreement 4053
that includes a payment below the default floor amount, as long 4054
as the provisions of the agreement comply with all other 4055
requirements of this chapter to ensure program quality. If no 4056
agreement is entered into under division (A) (2) of this section, 4057
both of the following shall apply: 4058

(a) The department shall pay to the college the applicable 4059
default amounts prescribed by division (A) (1) (a) of this 4060
section, depending upon the method of delivery and instruction. 4061

(b) In accordance with division (A) (1) (b) of this section, 4062
~~the participant's secondary school shall pay for textbooks, and~~ 4063
the college shall waive payment of all other fees related to 4064
participation in the program. 4065

(3) No participant that is enrolled in a public college 4066

shall be charged for any tuition, ~~textbooks,~~ or other fees 4067
related to participation in the program. 4068

(B) For each public secondary school participant enrolled 4069
in a private college: 4070

(1) If no agreement has been entered into under division 4071
(B) (2) of this section, the department shall pay to the college 4072
the applicable amount calculated in the same manner as in 4073
division (A) (1) (a) of this section. 4074

(2) The governing entity of a participant's secondary 4075
school and the college may enter into an agreement to establish 4076
an alternative payment structure for tuition, ~~textbooks,~~ and 4077
fees. Under such an agreement, payments shall be not less than 4078
the default floor amount, unless approved by the chancellor, and 4079
not more than either the default ceiling amount or the college's 4080
standard rate, whichever is less. 4081

If an agreement is entered into under division (B) (2) of 4082
this section, both of the following shall apply: 4083

(a) The department shall make a payment to the college for 4084
each participant that is equal to the default floor amount, 4085
unless approved by the chancellor to pay an amount below the 4086
default floor amount. The chancellor may approve an agreement 4087
that includes a payment below the default floor amount, as long 4088
as the provisions of the agreement comply with all other 4089
requirements of this chapter to ensure program quality. 4090

(b) Payment for costs for the participant that exceed the 4091
amount paid by the department pursuant to division (B) (2) (a) of 4092
this section shall be negotiated by the school and the college. 4093
The agreement may include a stipulation permitting the charging 4094
of a participant. 4095

However, under no circumstances shall: 4096

(i) Payments for a participant made by the department 4097
under division (B) (2) of this section exceed the lesser of the 4098
default ceiling amount or the college's standard rate; 4099

(ii) The amount charged to a participant under division 4100
(B) (2) of this section exceed the difference between the maximum 4101
per participant charge amount and the default floor amount; 4102

(iii) The sum of the payments made by the department for a 4103
participant and the amount charged to that participant under 4104
division (B) (2) of this section exceed the following amounts, as 4105
applicable: 4106

(I) For a participant enrolled in a college course 4107
delivered on the college campus, at another location operated by 4108
the college, or online, the maximum per participant charge 4109
amount; 4110

(II) For a participant enrolled in a college course 4111
delivered at the participant's secondary school but taught by 4112
college faculty, one hundred twenty-five dollars; 4113

(III) For a participant enrolled in a college course 4114
delivered at the participant's secondary school and taught by a 4115
high school teacher who has met the credential requirements 4116
established for purposes of the program in rules adopted by the 4117
chancellor, one hundred dollars. 4118

(iv) A participant that is identified as economically 4119
disadvantaged according to rules adopted by the department be 4120
charged under division (B) (2) of this section for any tuition, 4121
textbooks, or other fees related to participation in the 4122
program. 4123

(C) For each nonpublic secondary school participant 4124
enrolled in a private or eligible out-of-state college, the 4125
department shall pay to the college the applicable amount 4126
calculated in the same manner as in division (A)(1)(a) of this 4127
section. Payment for costs for the participant that exceed the 4128
amount paid by the department shall be negotiated by the 4129
governing body of the nonpublic secondary school and the 4130
college. 4131

However, under no circumstances shall: 4132

(1) The payments for a participant made by the department 4133
under this division exceed the lesser of the default ceiling 4134
amount or the college's standard rate. 4135

(2) Any nonpublic secondary school participant, who is 4136
enrolled in that secondary school with a scholarship awarded 4137
under either the educational choice scholarship pilot program, 4138
as prescribed by sections 3310.01 to 3310.17, or the pilot 4139
project scholarship program, as prescribed by sections 3313.974 4140
to 3313.979 of the Revised Code, and who qualifies as a low- 4141
income student under either of those programs, be charged for 4142
any tuition, ~~textbooks,~~ or other fees related to participation 4143
in the college credit plus program. 4144

(D) For each nonchartered nonpublic secondary school 4145
participant and each home-instructed participant enrolled in a 4146
public, private, or eligible out-of-state college, the 4147
department shall pay to the college the lesser of the default 4148
ceiling amount or the college's standard rate, if that 4149
participant is enrolled in a college course delivered on the 4150
college campus, at another location operated by the college, or 4151
online. 4152

(E) Not later than thirty days after the end of each term, 4153
each college expecting to receive payment for the costs of a 4154
participant under this section shall notify the department of 4155
the number of enrolled credit hours for each participant. 4156

(F) The department shall make the applicable payments 4157
under this section to each college, which provided proper 4158
notification to the department under division (E) of this 4159
section, for the number of enrolled credit hours for 4160
participants enrolled in the college under division (B) of 4161
section 3365.06 of the Revised Code. Except in cases involving 4162
incomplete participant information or a dispute of participant 4163
information, payments shall be made by the last day of January 4164
for participants who were enrolled during the fall term and by 4165
the last day of July for participants who were enrolled during 4166
the spring term. The department shall not make any payments to a 4167
college under this section if a participant withdrew from a 4168
course prior to the date on which a withdrawal from the course 4169
would have negatively affected the participant's transcribed 4170
grade, as prescribed by the college's established withdrawal 4171
policy. 4172

(1) Payments made for public secondary school participants 4173
under this section shall be deducted from the school foundation 4174
payments made to the participant's school district or, if the 4175
participant is enrolled in a community school, a STEM school, or 4176
a college-preparatory boarding school, from the payments made to 4177
that school under section 3314.08, 3326.33, or 3328.34 of the 4178
Revised Code. If the participant is enrolled in a joint 4179
vocational school district, a portion of the amount shall be 4180
deducted from the payments to the joint vocational school 4181
district and a portion shall be deducted from the payments to 4182
the participant's city, local, or exempted village school 4183

district in accordance with the full-time equivalency of the 4184
student's enrollment in each district. Amounts deducted under 4185
division (F) (1) of this section shall be calculated in 4186
accordance with rules adopted by the chancellor, in consultation 4187
with the state superintendent, pursuant to division (B) of 4188
section 3365.071 of the Revised Code. 4189

(2) Payments made for nonpublic secondary school 4190
participants, nonchartered nonpublic secondary school 4191
participants, and home-instructed participants under this 4192
section shall be deducted from moneys appropriated by the 4193
general assembly for such purpose. Payments shall be allocated 4194
and distributed in accordance with rules adopted by the 4195
chancellor, in consultation with the state superintendent, 4196
pursuant to division (A) of section 3365.071 of the Revised 4197
Code. 4198

(G) Any public college that enrolls a student under 4199
division (B) of section 3365.06 of the Revised Code may include 4200
that student in the calculation used to determine its state 4201
share of instruction funds appropriated to the department of 4202
higher education by the general assembly. 4203

Sec. 3365.072. This section applies only to participants 4204
who elect to participate under division (B) of section 3365.06 4205
of the Revised Code. This section first shall apply to 4206
participation for the 2018-2019 school year. 4207

(A) Except as provided in division (B) of this section and 4208
notwithstanding section 3329.06 of the Revised Code, for each 4209
participant enrolled in a public, nonpublic, or nonchartered 4210
nonpublic secondary school, textbooks required for courses in 4211
which the participant enrolls under the college credit plus 4212
program shall be paid for in the following manner: 4213

(1) The participant's secondary school shall pay for fifty 4214
per cent of the cost of all required textbooks. 4215

(2) The participant shall pay for fifty per cent of the 4216
cost of all required textbooks. 4217

(B) No participant who is identified as economically 4218
disadvantaged according to rules adopted by the department shall 4219
be charged for textbooks under division (A) of this section. 4220
Instead, the participant's secondary school shall pay for one 4221
hundred per cent of all required textbooks for that participant. 4222

(C) Each home-instructed participant enrolled in the 4223
college credit plus program shall be responsible for the cost of 4224
textbooks required for courses under the program. 4225

Section 2. That existing sections 3301.078, 3301.079, 4226
3301.0711, 3301.0715, 3301.163, 3302.03, 3311.78, 3311.79, 4227
3311.80, 3311.84, 3313.608, 3313.814, 3317.141, 3319.075, 4228
3319.081, 3319.088, 3319.111, 3319.112, 3319.22, 3319.223, 4229
3319.283, 3319.58, 3321.191, 3323.022, 3323.11, 3324.07, 4230
3326.13, 3333.0411, and 3365.07 and sections 3319.074, 3319.114, 4231
3319.226, and 3319.229 of the Revised Code are hereby repealed. 4232

Section 3. Not later than one year after the effective 4233
date of this section, the Department of Education shall conduct 4234
a study on the results and cost-effectiveness of the College 4235
Credit Plus Program, established under Chapter 3365. of the 4236
Revised Code, and submit a report of its findings to the 4237
Governor, the Chancellor of Higher Education, each member of the 4238
General Assembly, and the superintendent of each school district 4239
and each educational service center. The study shall include the 4240
cost-effectiveness for secondary schools and participants under 4241
the program, as well as whether participants in the program save 4242

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| money on college tuition and reduce the amount of time to degree | 4243 |
| completion. | 4244 |
| Section 4. The General Assembly recognizes that section | 4245 |
| 3319.229 of the Revised Code, as repealed and re-enacted by this | 4246 |
| act, codifies a method for assessing if career-technical | 4247 |
| teachers teaching under alternative resident educator licenses | 4248 |
| are qualified for a professional educator license which the | 4249 |
| Department of Education was required to establish under Section | 4250 |
| 13 of Sub. S.B. 3 of the 131st General Assembly. | 4251 |
| Section 5. This act shall be known as the "Ohio Public | 4252 |
| School Deregulation Act." | 4253 |