

_____ moved to amend as follows:

1 Engross the bill as directed by the commands in the
2 amendments attached hereto, ignoring matter extraneous to those
3 commands

4 INDEX

5 The following amendments are attached hereto:

Amendment No.
3547-1
3549
3550
3560
3568-1
3573-1
3574-1
3576

AM3620

Amendment No.
3578
3581
3582
3583
3586
3587-1
3590
3604
3607
3619

6 The motion was _____ agreed to.

Topic: Performance measure report and ranking deadlines

_____ moved to amend as follows:

1 After line 840, insert:

2 **"Section 3.** Notwithstanding anything to the contrary in
3 section 3302.035 of the Revised Code, the Department of
4 Education shall issue the reports required under that section on
5 the performance measures for a school district's or school's
6 students with disabilities subgroup, using data from the 2014-
7 2015 school year, not later than January 15, 2016.

8 For each school year thereafter, the Department shall issue
9 those reports on the first day of October as required under that
10 section.

11 **Section 4.** Notwithstanding section 3302.21 of the Revised
12 Code, for the 2014-2015 school year only, the Department of
13 Education shall not rank school districts, community schools,
14 and STEM schools according to the performance measures
15 prescribed in divisions (A)(1), (2), and (5) of that section.
16 However, the Department shall rank districts and schools
17 according to the measures prescribed in divisions (A)(3) and (4)

AM3547X1

18 of that section for the 2014-2015 school year not later than
19 January 15, 2016."

20 The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Mathematics end-of-course examinations, graduation requirements regarding substitute examinations, and phase out of Ohio Graduation Tests

_____ moved to amend as follows:

In line 9, after "sections" insert "3301.0711," 1

Between lines 11 and 12, insert: 2

"Sec. 3301.0711. (A) The department of education shall: 3

(1) Annually furnish to, grade, and score all assessments 4
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 5
the Revised Code to be administered by city, local, exempted 6
village, and joint vocational school districts, except that each 7
district shall score any assessment administered pursuant to 8
division (B)(10) of this section. Each assessment so furnished 9
shall include the data verification code of the student to whom 10
the assessment will be administered, as assigned pursuant to 11
division (D)(2) of section 3301.0714 of the Revised Code. In 12
furnishing the practice versions of Ohio graduation tests 13
prescribed by division (D) of section 3301.0710 of the Revised 14
Code, the department shall make the tests available on its web 15
site for reproduction by districts. In awarding contracts for 16
grading assessments, the department shall give preference to 17
Ohio-based entities employing Ohio residents. 18

(2) Adopt rules for the ethical use of assessments and 19
prescribing the manner in which the assessments prescribed by 20
section 3301.0710 of the Revised Code shall be administered to 21
students. 22

(B) Except as provided in divisions (C) and (J) of this 23
section, the board of education of each city, local, and exempted 24
village school district shall, in accordance with rules adopted 25
under division (A) of this section: 26

(1) Administer the English language arts assessments 27
prescribed under division (A)(1)(a) of section 3301.0710 of the 28
Revised Code twice annually to all students in the third grade who 29
have not attained the score designated for that assessment under 30
division (A)(2)(c) of section 3301.0710 of the Revised Code. 31

(2) Administer the mathematics assessment prescribed under 32
division (A)(1)(a) of section 3301.0710 of the Revised Code at 33
least once annually to all students in the third grade. 34

(3) Administer the assessments prescribed under division 35
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 36
annually to all students in the fourth grade. 37

(4) Administer the assessments prescribed under division 38
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 39
annually to all students in the fifth grade. 40

(5) Administer the assessments prescribed under division 41
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 42
annually to all students in the sixth grade. 43

(6) Administer the assessments prescribed under division 44
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 45
annually to all students in the seventh grade. 46

(7) Administer the assessments prescribed under division 47

(A)(1)(f) of section 3301.0710 of the Revised Code at least once 48
 annually to all students in the eighth grade. 49

(8) Except as provided in division (B)(9) of this section, 50
 administer any assessment prescribed under division (B)(1) of 51
 section 3301.0710 of the Revised Code as follows: 52

(a) At least once annually to all tenth grade students and at 53
 least twice annually to all students in eleventh or twelfth grade 54
 who have not yet attained the score on that assessment designated 55
 under that division; 56

(b) To any person who has successfully completed the 57
 curriculum in any high school or the individualized education 58
 program developed for the person by any high school pursuant to 59
 section 3323.08 of the Revised Code but has not received a high 60
 school diploma and who requests to take such assessment, at any 61
 time such assessment is administered in the district. 62

(9) In lieu of the board of education of any city, local, or 63
 exempted village school district in which the student is also 64
 enrolled, the board of a joint vocational school district shall 65
 administer any assessment prescribed under division (B)(1) of 66
 section 3301.0710 of the Revised Code at least twice annually to 67
 any student enrolled in the joint vocational school district who 68
 has not yet attained the score on that assessment designated under 69
 that division. A board of a joint vocational school district may 70
 also administer such an assessment to any student described in 71
 division (B)(8)(b) of this section. 72

(10) If the district has a three-year average graduation rate 73
 of not more than seventy-five per cent, administer each assessment 74
 prescribed by division (D) of section 3301.0710 of the Revised 75
 Code in September to all ninth grade students, ~~beginning in the~~ 76
~~school year that starts July 1, 2005~~ who entered ninth grade prior 77

to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code ~~and the practice assessments prescribed under division (D) of that section and required to be administered under divisions (B)(8), (9), and (10) of this section~~ shall not be administered after July 1, 2015 the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

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

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

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

(c) 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. In the case of any student so excused from taking an assessment, 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 of ~~education~~ 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 that 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 this division 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.

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

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

(2) Following any administration of the assessments

prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

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

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to

promote to the next grade level any student who does not take an
 assessment administered under this section or make up an
 assessment as provided by division (C)(2) of this section and who
 is not exempt from the requirement to take the assessment under
 division (C)(3) of this section.

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

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

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

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

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

However, any assessment that a student takes during the
 make-up period described in division (C)(2) of this section shall

be submitted not later than the Friday following the day the 229
 student takes the assessment. 230

(2) The department or an entity with which the department 231
 contracts for the scoring of the assessment shall send to each 232
 school district board a list of the individual scores of all 233
 persons taking an assessment prescribed by division (A)(1) or 234
 (B)(1) of section 3301.0710 of the Revised Code within sixty days 235
 after its administration, but in no case shall the scores be 236
 returned later than the fifteenth day of June following the 237
 administration. For assessments administered under this section by 238
 a joint vocational school district, the department or entity shall 239
 also send to each city, local, or exempted village school district 240
 a list of the individual scores of any students of such city, 241
 local, or exempted village school district who are attending 242
 school in the joint vocational school district. 243

(H) Individual scores on any assessments administered under 244
 this section shall be released by a district board only in 245
 accordance with section 3319.321 of the Revised Code and the rules 246
 adopted under division (A) of this section. No district board or 247
 its employees shall utilize individual or aggregate results in any 248
 manner that conflicts with rules for the ethical use of 249
 assessments adopted pursuant to division (A) of this section. 250

(I) Except as provided in division (G) of this section, the 251
 department or an entity with which the department contracts for 252
 the scoring of the assessment shall not release any individual 253
 scores on any assessment administered under this section. The 254
 state board ~~of education~~ shall adopt rules to ensure the 255
 protection of student confidentiality at all times. The rules may 256
 require the use of the data verification codes assigned to 257
 students pursuant to division (D)(2) of section 3301.0714 of the 258

Revised Code to protect the confidentiality of student scores. 259

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division. 260-263

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district. 264-273

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following: 274-281

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code; 282-286

(b) Persons described in division (B)(8)(b) of this section. 287

Any assessment of students pursuant to such an agreement 288

shall be in lieu of any assessment of such students or persons 289
pursuant to this section. 290

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 291
or (K)(1)(c) of this section, each chartered nonpublic school for 292
which at least sixty-five per cent of its total enrollment is made 293
up of students who are participating in state scholarship programs 294
shall administer the elementary assessments prescribed by section 295
3301.0710 of the Revised Code. In accordance with procedures and 296
deadlines prescribed by the department, the parent or guardian of 297
a student enrolled in the school who is not participating in a 298
state scholarship program may submit notice to the chief 299
administrative officer of the school that the parent or guardian 300
does not wish to have the student take the elementary assessments 301
prescribed for the student's grade level under division (A) of 302
section 3301.0710 of the Revised Code. If a parent or guardian 303
submits an opt-out notice, the school shall not administer the 304
assessments to that student. This option does not apply to any 305
assessment required for a high school diploma under section 306
3313.612 of the Revised Code. 307

(b) If a chartered nonpublic school is educating students in 308
grades nine through twelve, it shall administer the assessments 309
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 310
Revised Code as a condition of compliance with section 3313.612 of 311
the Revised Code. 312

(c) A chartered nonpublic school may submit to the 313
superintendent of public instruction a request for a waiver from 314
administering the elementary assessments prescribed by division 315
(A) of section 3301.0710 of the Revised Code. The state 316
superintendent shall approve or disapprove a request for a waiver 317
submitted under division (K)(1)(c) of this section. No waiver 318

shall be approved for any school year prior to the 2015-2016 school year. 319
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To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 321
 322

(i) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 323
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(ii) The school has solely served a student population described in division (K)(1)(c)(i) of this section for at least ten years. 332
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(iii) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 335
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(d) Any chartered nonpublic school that is not subject to division (K)(1)(a) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which 341
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assessments are administered and shall include a pledge that the
nonpublic school will administer the specified assessments in the
same manner as public schools are required to do under this
section and rules adopted by the department.

(2) The department of education shall furnish the assessments
prescribed by section 3301.0710 or 3301.0712 of the Revised Code
to each chartered nonpublic school that is subject to division
(K)(1)(a) of this section or participates under division (K)(1)(b)
of this section.

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

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

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

(N)(1) In the manner specified in divisions (N)(3), (4), and
(6) of this section, the assessments required by division (A)(1)
of section 3301.0710 of the Revised Code shall become public

records pursuant to section 149.43 of the Revised Code on the 379
thirty-first day of July following the school year that the 380
assessments were administered. 381

(2) The department may field test proposed questions with 382
samples of students to determine the validity, reliability, or 383
appropriateness of questions for possible inclusion in a future 384
year's assessment. The department also may use anchor questions on 385
assessments to ensure that different versions of the same 386
assessment are of comparable difficulty. 387

Field test questions and anchor questions shall not be 388
considered in computing scores for individual students. Field test 389
questions and anchor questions may be included as part of the 390
administration of any assessment required by division (A)(1) or 391
(B) of section 3301.0710 and division (B) of section 3301.0712 of 392
the Revised Code. 393

(3) Any field test question or anchor question administered 394
under division (N)(2) of this section shall not be a public 395
record. Such field test questions and anchor questions shall be 396
redacted from any assessments which are released as a public 397
record pursuant to division (N)(1) of this section. 398

(4) This division applies to the assessments prescribed by 399
division (A) of section 3301.0710 of the Revised Code. 400

(a) The first administration of each assessment, as specified 401
in former section 3301.0712 of the Revised Code, shall be a public 402
record. 403

(b) For subsequent administrations of each assessment prior 404
to the 2011-2012 school year, not less than forty per cent of the 405
questions on the assessment that are used to compute a student's 406
score shall be a public record. The department shall determine 407

which questions will be needed for reuse on a future assessment 408
 and those questions shall not be public records and shall be 409
 redacted from the assessment prior to its release as a public 410
 record. However, for each redacted question, the department shall 411
 inform each city, local, and exempted village school district of 412
 the statewide academic standard adopted by the state board of 413
~~education~~ education under section 3301.079 of the Revised Code and the 414
 corresponding benchmark to which the question relates. The 415
 preceding sentence does not apply to field test questions that are 416
 redacted under division (N)(3) of this section. 417

(c) The administrations of each assessment in the 2011-2012, 418
 2012-2013, and 2013-2014 school years shall not be a public 419
 record. 420

(5) Each assessment prescribed by division (B)(1) of section 421
 3301.0710 of the Revised Code shall not be a public record. 422

(6) Beginning with the spring administration for the 423
2014-2015 school year, questions on the assessments prescribed 424
under division (A) of section 3301.0710 and division (B)(2) of 425
section 3301.0712 of the Revised Code and the corresponding 426
preferred answers that are used to compute a student's score shall 427
become a public record as follows: 428

(a) Forty per cent of the questions and preferred answers on 429
 the assessments on the thirty-first day of July following the 430
 administration of the assessment; 431

(b) Twenty per cent of the questions and preferred answers on 432
 the assessment on the thirty-first day of July one year after the 433
 administration of the assessment; 434

(c) The remaining forty per cent of the questions and 435
 preferred answers on the assessment on the thirty-first day of 436

July two years after the administration of the assessment. 437

The entire content of an assessment shall become a public 438
record within three years of its administration. 439

The department shall make the questions that become a public 440
record under this division readily accessible to the public on the 441
department's web site. Questions on the spring administration of 442
each assessment shall be released on an annual basis, in 443
accordance with this division. 444

(0) As used in this section: 445

(1) "Three-year average" means the average of the most recent 446
consecutive three school years of data. 447

(2) "Dropout" means a student who withdraws from school 448
before completing course requirements for graduation and who is 449
not enrolled in an education program approved by the state board 450
of education or an education program outside the state. "Dropout" 451
does not include a student who has departed the country. 452

(3) "Graduation rate" means the ratio of students receiving a 453
diploma to the number of students who entered ninth grade four 454
years earlier. Students who transfer into the district are added 455
to the calculation. Students who transfer out of the district for 456
reasons other than dropout are subtracted from the calculation. If 457
a student who was a dropout in any previous year returns to the 458
same school district, that student shall be entered into the 459
calculation as if the student had entered ninth grade four years 460
before the graduation year of the graduating class that the 461
student joins. 462

(4) "State scholarship programs" means the educational choice 463
scholarship pilot program established under sections 3310.01 to 464
3310.17 of the Revised Code, the autism scholarship program 465

established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code."

In line 41, strike through the comma and insert "and"

In line 42, strike through everything after the comma

In line 43, strike through everything before "as"

In line 46, after "(a)" insert "(i)"

In line 47, after the period insert "Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of physical science or biology, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section."

In line 73, strike through "if" and insert "both of the following shall apply:"

(i) If"

In line 74, after "an" insert "appropriate"

In line 75, strike through everything after "course"

In line 76, strike through "standing program" and insert an underlined comma

In line 77, strike through "or applicable examination"

In line 78, strike through everything before "in"

In line 82, strike through the comma and insert "and"

In line 83, strike through everything after the first

"examination"	493
In line 84, strike through everything before "for"	494
Between lines 86 and 87, insert:	495
" <u>(ii) If a student is enrolled in an appropriate course under</u>	496
<u>any other advanced standing program, as described in section</u>	497
<u>3313.6013 of the Revised Code, that student shall not be required</u>	498
<u>to take the physical science or biology, American history, or</u>	499
<u>American government end-of-course examination, whichever is</u>	500
<u>applicable, prescribed under division (B)(2) of this section.</u>	501
<u>Instead, that student's final course grade shall be used in lieu</u>	502
<u>of the applicable end-of-course examination prescribed under that</u>	503
<u>section. The state superintendent and the chancellor jointly shall</u>	504
<u>adopt guidelines for purposes of calculating the minimum final</u>	505
<u>course grade that demonstrates the level of academic achievement</u>	506
<u>necessary to earn a high school diploma.</u>	507
<u>Division (B)(4)(a)(ii) of this section shall apply only to</u>	508
<u>courses for which students receive transcribed credit, as defined</u>	509
<u>in division (U) of section 3365.01 of the Revised Code. It shall</u>	510
<u>not apply to remedial or developmental courses."</u>	511
In line 132, strike through "a" and insert " <u>both of the</u>	512
<u>following shall apply:</u>	513
<u>(i) A"</u>	514
In line 134, strike through everything after "II"	515
In line 135, strike through everything before "shall"	516
In line 137, strike through everything after the first	517
"examination"	518
In line 138, strike through "advanced standing"	519
Between lines 139 and 140, insert:	520

"(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination, so long as the course is not remedial or developmental and the student receives transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code, for the course. Instead, that student's final course grade shall be used in lieu of the examination.

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

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

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination."

In line 838, after "sections" insert "3301.0711,"

After line 840, insert:

"Section 3. (A)(1) For the 2014-2015 school year, if a student is enrolled in an appropriate course under either of the dual enrollment programs described in former divisions (A)(1) or (4) of section 3313.6013 of the Revised Code, as it existed prior to September 17, 2014, in the area of physical science or biology, American history, or American government, that student shall not be required to take the physical science or biology, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of section 3301.0712 of the Revised Code. Instead, that student's

final course grade shall be used in lieu of the applicable 550
end-of-course examination prescribed under that section. 551

(2) For the 2014-2015 school year, if a student is enrolled 552
in an appropriate course under the dual enrollment program 553
described in former division (A)(3) of section 3313.6013 of the 554
Revised Code, as it existed prior to September 17, 2014, in the 555
area of physical science or biology, American history, or American 556
government, that student shall either: 557

(a) Take the applicable examination under that dual 558
enrollment program in lieu of the physical science or biology, 559
American history, or American government end-of-course 560
examination, whichever is applicable, prescribed under division 561
(B)(2) of section 3301.0712 of the Revised Code; 562

(b) Not be required to take the physical science or biology, 563
American history, or American government end-of-course 564
examination, whichever is applicable, prescribed under division 565
(B)(2) of section 3301.0712 of the Revised Code. Instead, that 566
student's final course grade shall be used in lieu of the 567
applicable end-of-course examination prescribed under that 568
section. 569

Divisions (A)(1) and (A)(2)(b) of this section shall apply 570
only to courses for which students receive transcribed credit, as 571
defined in division (U) of section 3365.01 of the Revised Code. 572
Neither division shall apply to remedial or developmental courses. 573

(B) For purposes of this section: 574

(1) The State Board of Education shall specify the score 575
levels for each examination required under this section for 576
purposes of calculating the minimum cumulative performance score 577
that demonstrates the level of academic achievement necessary to 578
earn a high school diploma. 579

(2) The Superintendent of Public Instruction and the 580
Chancellor of the Ohio Board of Regents jointly shall adopt 581
guidelines for purposes of calculating the minimum final course 582
grade that demonstrates the level of academic achievement 583
necessary to earn a high school diploma." 584

In line 1 of the title, after "sections" insert "3301.0711," 585

The motion was _____ agreed to.

Sub. H.B. 343
As Pending in H. Education
LSC 130 1533-3

Topic: Career Advising and Mentoring Program

_____ moved to amend as follows:

After line 840, insert: 1

"**Section 3.** That Section 263.320 of Am. Sub. H.B. 59 of the 2
130th General Assembly, as amended by Am. Sub. H.B. 483 of the 3
130th General Assembly, be amended to read as follows: 4

Sec. 263.320. LOTTERY PROFITS EDUCATION FUND 5

Appropriation item 200612, Foundation Funding (Fund 7017), 6
shall be used in conjunction with appropriation item 200550, 7
Foundation Funding (GRF), to provide state foundation payments to 8
school districts. 9

The Department of Education, with the approval of the 10
Director of Budget and Management, shall determine the monthly 11
distribution schedules of appropriation item 200550, Foundation 12
Funding (GRF), and appropriation item 200612, Foundation Funding 13
(Fund 7017). If adjustments to the monthly distribution schedule 14
are necessary, the Department of Education shall make such 15
adjustments with the approval of the Director of Budget and 16
Management. 17

CAREER ADVISING AND MENTORING PROGRAM 18

The foregoing appropriation item 200629, Career Advising and Mentoring, shall be used by the State Superintendent of Public Instruction to create the Career Advising and Mentoring Grant Program. The Superintendent shall develop guidelines for the grants. The program shall award competitive matching grants to provide funding for local networks of volunteers and organizations to sponsor career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the State Superintendent. Eligible school districts shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and mentoring services.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 200629, Career Advising and Mentoring Program, at the end of fiscal year 2015 is hereby reappropriated to the Department of Education for the same purpose for fiscal year 2016.

STRAIGHT A FUND 39

Of the foregoing appropriation item 200648, Straight A Fund, up to \$70,000 in each fiscal year shall be used by Kids Unlimited of Toledo for quality after-school tutoring and mentoring programs in two elementary school buildings in Lucas County. The school buildings may include any community school, chartered nonpublic school, or building that is part of a city, local, or exempted village school district. Kids Unlimited of Toledo shall provide local matching funds equal to the set-aside.

Of the foregoing appropriation item 200648, Straight A Fund, 48
 up to \$250,000 in each fiscal year may be used to make competitive 49
 grants in accordance with Section 263.324 of this act. 50

Of the foregoing appropriation item 200648, Straight A Fund, 51
 up to \$6,000,000 in fiscal year 2014 shall be distributed to the 52
 Cleveland Municipal School District to be used, as determined by 53
 the Department of Education, to implement provisions of Am. Sub. 54
 H.B. 525 of the 129th General Assembly. 55

Of the foregoing appropriation item 200648, Straight A Fund, 56
 up to \$5,000,000 in each fiscal year shall be provided to school 57
 districts that meet the conditions prescribed in division (G)(3) 58
 of section 3317.0212 of the Revised Code to support innovations 59
 that improve the efficiency of pupil transportation. This may 60
 include, but is not limited to, the purchase of buses and other 61
 equipment. The Department of Education shall distribute these 62
 funds to districts based on each district's qualifying ridership 63
 as reported under division (B) of section 3317.0212 of the Revised 64
 Code. 65

The remainder of appropriation item 200648, Straight A Fund, 66
 shall be used to make competitive grants in accordance with 67
 Section 263.325 of this act. 68

EDCHOICE EXPANSION 69

The foregoing appropriation item 200666, EdChoice Expansion, 70
 shall be used as follows: 71

(A) In fiscal year 2014, notwithstanding section 3310.032 of 72
 the Revised Code, the Department of Education shall administer an 73
 expansion of the Educational Choice Scholarship program as 74
 follows: 75

(1) A student is an "eligible student" for purposes of the 76

expansion of the Educational Choice Scholarship Pilot Program 77
under division (A) of this section if the student's resident 78
district is not a school district in which the pilot project 79
scholarship program is operating under sections 3313.974 to 80
3313.979 of the Revised Code and the student's family income is at 81
or below two hundred per cent of the federal poverty guidelines, 82
as defined in section 5101.46 of the Revised Code. 83

(2) The Department shall pay scholarships to attend chartered 84
nonpublic schools in accordance with section 3310.08 of the 85
Revised Code. The number of scholarships awarded under division 86
(A) of this section shall not exceed the number that can be funded 87
with appropriations made by the general assembly for this purpose. 88

(3) Scholarships under division (A) of this section shall be 89
awarded for the 2013-2014 school year, to eligible students who 90
are entering kindergarten in that school year for the first time. 91

(4) If the number of eligible students who apply for a 92
scholarship exceeds the scholarships available based on the 93
appropriation for division (A) of this section, the department 94
shall award scholarships in the following order of priority: 95

(a) First, to eligible students with family incomes at or 96
below one hundred per cent of the federal poverty guidelines. 97

(b) Second, to other eligible students who qualify under 98
division (A) of this section. If the number of students described 99
in division (A)(4)(b) of this section exceeds the number of 100
available scholarships after awards are made under division 101
(A)(4)(a) of this section, the department shall select students 102
described in division (A)(4)(b) of this section by lot to receive 103
any remaining scholarships. 104

(5) A student who receives a scholarship under division (A) 105

of this section remains an eligible student and may continue to receive scholarships under section 3310.032 of the Revised Code in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (E)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current and subsequent school years, even if the student's family income rises above the amount specified in division (A) of section 3310.032 of the Revised Code, provided the student remains enrolled in a chartered nonpublic school.

(B) In fiscal year 2015, to provide for the scholarships awarded under the expansion of the educational choice program established under section 3310.032 of the Revised Code. The number of scholarships awarded under the expansion of the educational choice program shall not exceed the number that can be funded with the appropriations made by the General Assembly for this purpose.

COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$100 for each full-time equivalent pupil for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department of Education shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 4. That existing Section 263.320 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of

the 130th General Assembly, is hereby repealed." 136

In line 3 of the title, after "Code" insert "and to amend 137

Section 263.320 of Am. Sub. H.B. 59 of the 130th General Assembly, 138

as subsequently amended," 139

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Montessori community schools

_____ moved to amend as follows:

In line 9, after "3313.612," insert "3314.06," 1

In line 10, after "3319.227," insert "3319.261," 2

Between lines 324 and 325 insert: 3

"**Sec. 3314.06.** The governing authority of each community 4
school established under this chapter shall adopt admission 5
procedures that specify the following: 6

(A) That, except as otherwise provided in this section, 7
admission to the school shall be open to any individual age five 8
to twenty-two entitled to attend school pursuant to section 9
3313.64 or 3313.65 of the Revised Code in a school district in the 10
state. 11

Additionally, except as otherwise provided in this section, 12
admission to the school may be open on a tuition basis to any 13
individual age five to twenty-two who is not a resident of this 14
state. The school shall not receive state funds under section 15
3314.08 of the Revised Code for any student who is not a resident 16
of this state. 17

An individual younger than five years of age may be admitted 18
to the school in accordance with division (A)(2) of section 19

3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3314.08 of the Revised Code.

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If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age, but the school shall not receive funds under this chapter for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

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(B)(1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

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(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

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(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

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(D)(1) That there will be no discrimination in the admission

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of students to the school on the basis of race, creed, color, 50
 disability, or sex except that: 51

(a) The governing authority may do either of the following 52
 for the purpose described in division (G) of this section: 53

(i) Establish a single-gender school for either sex; 54

(ii) Establish single-gender schools for each sex under the 55
 same contract, provided substantially equal facilities and 56
 learning opportunities are offered for both boys and girls. Such 57
 facilities and opportunities may be offered for each sex at 58
 separate locations. 59

(b) The governing authority may establish a school that 60
 simultaneously serves a group of students identified as autistic 61
 and a group of students who are not disabled, as authorized in 62
 section 3314.061 of the Revised Code. However, unless the total 63
 capacity established for the school has been filled, no student 64
 with any disability shall be denied admission on the basis of that 65
 disability. 66

(2) That upon admission of any student with a disability, the 67
 community school will comply with all federal and state laws 68
 regarding the education of students with disabilities. 69

(E) That the school may not limit admission to students on 70
 the basis of intellectual ability, measures of achievement or 71
 aptitude, or athletic ability, except that a school may limit its 72
 enrollment to students as described in division (B) of this 73
 section. 74

(F) That the community school will admit the number of 75
 students that does not exceed the capacity of the school's 76
 programs, classes, grade levels, or facilities. 77

(G) That the purpose of single-gender schools that are 78

established shall be to take advantage of the academic benefits 79
 some students realize from single-gender instruction and 80
 facilities and to offer students and parents residing in the 81
 district the option of a single-gender education. 82

(H) That, except as otherwise provided under division (B) of 83
 this section or section 3314.061 of the Revised Code, if the 84
 number of applicants exceeds the capacity restrictions of division 85
 (F) of this section, students shall be admitted by lot from all 86
 those submitting applications, except preference shall be given to 87
 students attending the school the previous year and to students 88
 who reside in the district in which the school is located. 89
 Preference may be given to siblings of students attending the 90
 school the previous year. 91

Notwithstanding divisions (A) to (H) of this section, in the 92
 event the racial composition of the enrollment of the community 93
 school is violative of a federal desegregation order, the 94
 community school shall take any and all corrective measures to 95
 comply with the desegregation order." 96

Between lines 603 and 604, insert: 97

"**Sec. 3319.261.** (A) Notwithstanding any other provision of 98
 the Revised Code or any rule adopted by the state board of 99
 education to the contrary, the state board shall issue an 100
 alternative resident educator license under division (C) of 101
 section 3319.26 of the Revised Code to each applicant who meets 102
 the following conditions: 103

(1) Holds a bachelor's degree from an accredited institution 104
 of higher education; 105

(2) Has successfully completed a teacher education program 106
offered by one of the following entities: 107

(a) ~~Graduation from an~~ The American Montessori 108
~~society affiliated teacher education program~~ society; 109

(b) ~~Receipt of a certificate from the~~ The association 110
 Montessori internationale; 111

(c) An institution accredited by the Montessori accreditation 112
council for teacher education. 113

(3) Is employed in a school that operates a program that uses 114
 the Montessori method endorsed by the American Montessori society, 115
the Montessori accreditation council for teacher education, or the 116
 association Montessori internationale as its primary method of 117
 instruction. 118

(B) The holder of an alternative resident educator license 119
 issued under this section shall be subject to divisions (A), (B), 120
 (D), and (E) of section 3319.26 of the Revised Code and shall be 121
 granted a professional educator license upon successful completion 122
 of the requirements described in division (F) of section 3319.26 123
 of the Revised Code." 124

In line 839, after "3313.612," insert "3314.06, "; after 125
 "3319.227," insert "3319.261," 126

After line 840, insert: 127

"**Section 3.** That Section 263.20 of Am. Sub. H.B. 59 of the 128
 130th General Assembly, as amended by Am. Sub. H.B. 487 of the 129
 130th General Assembly, be amended to read as follows: 130

Sec. 263.20. OPERATING EXPENSES 131

A portion of the foregoing appropriation item 200321, 132
 Operating Expenses, shall be used by the Department of Education 133
 to provide matching funds under 20 U.S.C. 2321. 134

EARLY CHILDHOOD EDUCATION 135

Of the foregoing appropriation item 200408, Early Childhood Education, up to \$50,000 in each fiscal year shall be used to support the operations of the "Ready, Set, Go...to Kindergarten" Program at the Horizon Education Center in Lorain County. The effectiveness of the program shall be evaluated and reported to the Department of Education in a study that includes statistics on program participants' scores for the "Get It, Got It, Go!" assessment and the kindergarten readiness assessment.

The Department of Education shall distribute the remainder of the foregoing appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section: 149

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph.

(2)(a) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(b) In the case of a community school, "new eligible provider" means a community school that operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.

(4) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning programs.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated

under this section and the early learning program standards. 195

(D) After setting aside the amounts to make payments due from 196
the previous fiscal year, in fiscal year 2014, the Department 197
shall distribute funds first to recipients of funds for early 198
childhood education programs under Section 267.10.10 of Am. Sub. 199
H.B. 153 of the 129th General Assembly, as amended by Am. Sub. 200
H.B. 487 of the 129th General Assembly, in the previous fiscal 201
year and the balance to new eligible providers of early childhood 202
education programs under this section or to existing providers to 203
serve more eligible children or for purposes of program expansion, 204
improvement, or special projects to promote quality and 205
innovation. 206

After setting aside the amounts to make payments due from the 207
previous fiscal year, in fiscal year 2015, the Department shall 208
distribute funds first to providers of early childhood education 209
programs under this section in the previous fiscal year and the 210
balance to new eligible providers or to existing providers to 211
serve more eligible children as outlined under division (E) of 212
this section or for purposes of program expansion, improvement, or 213
special projects to promote quality and innovation. 214

(E) The Department shall distribute any new or remaining 215
funding to existing providers of early childhood education 216
programs or any new eligible providers in an effort to invest in 217
high quality early childhood programs where there is a need as 218
determined by the Department. The Department shall distribute the 219
new or remaining funds to existing providers of early childhood 220
education programs or any new eligible providers to serve 221
additional eligible children based on community economic 222
disadvantage, limited access to high quality preschool or 223
childcare services, and demonstration of high quality preschool 224

services as determined by the Department using new metrics 225
developed pursuant to Ohio's Race to the Top—Early Learning 226
Challenge Grant, awarded to the Department in December 2011. 227

Awards under divisions (D) and (E) of this section shall be 228
distributed on a per-pupil basis, and in accordance with division 229
(I) of this section. The Department may adjust the per-pupil 230
amount so that the per-pupil amount multiplied by the number of 231
eligible children enrolled and receiving services on the first day 232
of December or the business day closest to that date equals the 233
amount allocated under this section. 234

(F) Costs for developing and administering an early childhood 235
education program may not exceed fifteen per cent of the total 236
approved costs of the program. 237

All providers shall maintain such fiscal control and 238
accounting procedures as may be necessary to ensure the 239
disbursement of, and accounting for, these funds. The control of 240
funds provided in this program, and title to property obtained, 241
shall be under the authority of the approved provider for purposes 242
provided in the program unless, as described in division (K) of 243
this section, the program waives its right for funding or a 244
program's funding is eliminated or reduced due to its inability to 245
meet financial or early learning program standards. The approved 246
provider shall administer and use such property and funds for the 247
purposes specified. 248

(G) The Department may examine a provider's financial and 249
program records. If the financial practices of the program are not 250
in accordance with standard accounting principles or do not meet 251
financial standards outlined under division (F) of this section, 252
or if the program fails to substantially meet the early learning 253
program standards, meet a quality rating level in the tiered 254

quality rating and improvement system developed under section 255
5104.30 of the Revised Code as prescribed by the Department, or 256
exhibits below average performance as measured against the 257
standards, the early childhood education program shall propose and 258
implement a corrective action plan that has been approved by the 259
Department. The approved corrective action plan shall be signed by 260
the chief executive officer and the executive of the official 261
governing body of the provider. The corrective action plan shall 262
include a schedule for monitoring by the Department. Such 263
monitoring may include monthly reports, inspections, a timeline 264
for correction of deficiencies, and technical assistance to be 265
provided by the Department or obtained by the early childhood 266
education program. The Department may withhold funding pending 267
corrective action. If an early childhood education program fails 268
to satisfactorily complete a corrective action plan, the 269
Department may deny expansion funding to the program or withdraw 270
all or part of the funding to the program and establish a new 271
eligible provider through a selection process established by the 272
Department. 273

(H)(1) If the early childhood education program is licensed 274
by the Department of Education and is not highly rated, as 275
determined by the Director of Job and Family Services, under the 276
tiered quality rating and improvement system described in section 277
5104.30 of the Revised Code, the program shall do all of the 278
following: 279

(a) Meet teacher qualification requirements prescribed by 280
section 3301.311 of the Revised Code; 281

(b) Align curriculum to the early learning content standards 282
developed by the Department; 283

(c) Meet any child or program assessment requirements 284

prescribed by the Department;	285
(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;	286 287 288 289
(e) Document and report child progress as prescribed by the Department;	290 291
(f) Meet and report compliance with the early learning program standards as prescribed by the Department;	292 293
(g) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system.	294 295 296 297
(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code, the program shall comply with the requirements of that system.	298 299 300 301 302
(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule	303 304 305 306 307 308 309 310 311 312 313

creates a hardship or for which the provider shows evidence that 314
the provider is working in collaboration with a preschool special 315
education program, the provider may submit a waiver to the 316
Department requesting an alternate schedule. If the Department 317
approves a waiver for an alternate schedule that provides services 318
for less time than the standard early childhood education 319
schedule, the Department may reduce the provider's annual 320
allocation proportionately. Under no circumstances shall an annual 321
allocation be increased because of the approval of an alternate 322
schedule. 323

(J) Each provider shall develop a sliding fee scale based on 324
family incomes and shall charge families who earn more than two 325
hundred per cent of the federal poverty guidelines, as defined in 326
division (A)(3) of section 5101.46 of the Revised Code, for the 327
early childhood education program. 328

The Department shall conduct an annual survey of each 329
provider to determine whether the provider charges families 330
tuition or fees, the amount families are charged relative to 331
family income levels, and the number of families and students 332
charged tuition and fees for the early childhood program. 333

(K) If an early childhood education program voluntarily 334
waives its right for funding, or has its funding eliminated for 335
not meeting financial standards or the early learning program 336
standards, the provider shall transfer control of title to 337
property, equipment, and remaining supplies obtained through the 338
program to providers designated by the Department and return any 339
unexpended funds to the Department along with any reports 340
prescribed by the Department. The funding made available from a 341
program that waives its right for funding or has its funding 342
eliminated or reduced may be used by the Department for new grant 343

awards or expansion grants. The Department may award new grants or 344
 expansion grants to eligible providers who apply. The eligible 345
 providers who apply must do so in accordance with the selection 346
 process established by the Department. 347

(L) Eligible expenditures for the Early Childhood Education 348
 Program shall be claimed each fiscal year to help meet the state's 349
 TANF maintenance of effort requirement. The Superintendent of 350
 Public Instruction and the Director of Job and Family Services 351
 shall enter into an interagency agreement to carry out the 352
 requirements under this division, which shall include developing 353
 reporting guidelines for these expenditures. 354

(M) The Early Childhood Advisory Council established under 355
 section 3301.90 of the Revised Code shall provide, by October 1, 356
 2013, recommendations including, but not limited to, the 357
 administration, implementation, and distribution of funding for an 358
 early childhood voucher program, to the Superintendent of Public 359
 Instruction, the Governor's Office of 21st Century Education, the 360
 Speaker of the House of Representatives, the President of the 361
 Senate, and the chairpersons of the standing committees of the 362
 House of Representatives and the Senate that deal primarily with 363
 issues of education. Decisions on the implementation of the 364
 voucher program shall be made by the Governor's Office of 21st 365
 Century Education with recommendations from the State 366
 Superintendent of Public Instruction and the Early Childhood 367
 Advisory Council. 368

Section 4. That existing Section 263.20 of Am. Sub. H.B. 59 369
 of the 130th General Assembly, as amended by Am. Sub. H.B. 487 of 370
 the 130th General Assembly, is hereby repealed." 371

In line 1 of the title, after "3313.612," insert "3314.06," 372

In line 2 of the title, after "3319.227," insert "3319.261," 373

In line 3 of the title, after "Code" insert "; and to amend 374
Section 263.20 of Am. Sub. H.B. 59 of the 130th General Assembly, 375
as subsequently amended," 376

In line 7 of the title, delete "and" 377

In line 8 of the title, after "participants" insert ", and 378
Montessori community schools" 379

The motion was _____ agreed to.

Topic: Recommendation on extension of safe harbor for school districts and schools and teacher evaluations

_____ moved to amend as follows:

1 After line 840, insert:

2 **"Section 3.** Not later than November 1, 2015, the State
3 Board of Education shall make a recommendation on whether or not
4 to extend by one year the safe harbor provisions prescribed by
5 section 3302.036 of the Revised Code and Section 13 of Am. Sub.
6 H.B. 487 of the 130th General Assembly."

7 The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Student assessment score reporting; scoring of state report card measures

_____ moved to amend as follows:

After line 840, insert: 1

"**Section 3.** That Section 9 of Am. Sub. H.B. 487 of the 130th 2
General Assembly be amended to read as follows: 3

Sec. 9. (A) For the 2014-2015 school year, each school 4
district, community school established under Chapter 3314., or 5
STEM school established under Chapter 3326. of the Revised Code 6
shall administer to third grade students, for purposes of section 7
3313.608 of the Revised Code, the English language arts assessment 8
required under division (A)(1)(a) of section 3301.0710 of the 9
Revised Code ~~to third grade students for purposes of section~~ 10
~~3313.608 of the Revised Code as follows:~~ 11

~~(1) For the fall administration of the assessment, each 12
district or school shall administer the English language arts 13
assessment for third graders that the school administered for the 14
previous year under that section 3301.0710 of the Revised Code.~~ 15

~~(2) For the spring administration of the assessment to any 16
student who fails to attain at least the score range prescribed by 17
division (A)(3) of section 3301.0710 of the Revised Code, each 18~~

district or school shall administer the English language arts assessment for third graders that the school administered for the previous year under section 3301.0710 of the Revised Code.

~~(3) For the spring administration of the assessment to any student who has attained at least the score range prescribed by division (A)(3) of section 3301.0710 of the Revised Code, each district or school shall administer the English language arts assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC).~~

(B) The For the 2014-2015 school year, the Department shall use the assessments described in ~~divisions~~ division (A)(1) and (2) of this section to calculate a district's or school's grades on the state report card prescribed by section 3302.03 of the Revised Code. However, notwithstanding anything to the contrary in the Revised Code, the Department shall not use the results of the third-grade English language arts assessments described in division (A) of this section in determining the performance index score of a school district or building.

A school district or building shall be considered to have met the performance indicator for the third-grade English language arts assessment described in division (A) of this section, if at least eighty per cent of the tested students attain a score of proficient or higher on the assessment.

Section 4. That existing Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly is hereby repealed.

Section 5. Notwithstanding division (G)(2) of section 3301.0711 of the Revised Code, for the 2014-2015 school year only, the Department of Education or an entity with which the Department

contracts for the scoring of the assessments prescribed by 47
divisions (A)(1) and (B)(1) and (2) of section 3301.0710 of the 48
Revised Code shall send to each school district board a list of 49
the individual scores of all persons taking such an assessment for 50
that school year not later than December 31, 2015. 51

Section 6. For the 2014-2015 school year, for the state 52
report card prescribed by section 3302.03 of the Revised Code, 53
notwithstanding anything to the contrary in the Revised Code, the 54
Department of Education shall calculate the performance index 55
score and the performance indicators met report card measures 56
based on the following assessments as follows: 57

(A) For students enrolled in any of grades nine through 58
twelve, the scores from the assessments administered under 59
division (B)(1) of section 3301.0710 of the Revised Code. 60

Any scores from assessments under division (B)(2) of section 61
3301.0712 of the Revised Code taken by students in any of grades 62
nine through twelve shall be reported only and shall not be 63
included in the calculation of a letter grade for a school 64
district or building's performance index or performance indicator 65
score. 66

(B) For students enrolled in grade eight or below, the scores 67
from the assessments administered under division (B)(2) of section 68
3301.0712 of the Revised Code." 69

In line 3 of the title, after "Code" insert "and to amend 70
Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly" 71

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: State report card performance indicators

_____ moved to amend as follows:

In line 9 after "3301.0712," insert "3302.02," 1

Between lines 204 and 205, insert: 2

"**Sec. 3302.02.** Not later than one year after the adoption of 3
rules under division (D) of section 3301.0712 of the Revised Code 4
and at least every sixth year thereafter, upon recommendations of 5
the superintendent of public instruction, the state board of 6
education shall establish a set of performance indicators that 7
considered as a unit will be used as one of the performance 8
categories for the report cards required by section 3302.03 of the 9
Revised Code. In establishing these indicators, the superintendent 10
shall consider inclusion of student performance on assessments 11
prescribed under section 3301.0710 or 3301.0712 of the Revised 12
Code, rates of student improvement on such assessments, the 13
breadth of coursework available within the district, and other 14
indicators of student success. 15

Beginning with the report card for the 2014-2015 school year, 16
the performance indicators shall include an indicator that 17
reflects the level of services provided to, and the performance 18
of, students identified as gifted under Chapter 3324. of the 19
Revised Code. The indicator shall include the performance of 20

students identified as gifted on state assessments and value-added
growth measure disaggregated for students identified as gifted.

For the 2013-2014 school year, except as otherwise provided
in this section, for any indicator based on the percentage of
students attaining a proficient score on the assessments
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the
Revised Code, a school district or building shall be considered to
have met the indicator if at least eighty per cent of the tested
students attain a score of proficient or higher on the assessment.
A school district or building shall be considered to have met the
indicator for the assessments prescribed by division (B)(1) of
section 3301.0710 of the Revised Code and only as administered to
eleventh grade students, if at least eighty-five per cent of the
tested students attain a score of proficient or higher on the
assessment. ~~Not later than July 1, 2014, the~~

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

(A) Not later than December 1, 2015, for the 2014-2015 school
year;

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

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

The proficiency percentage shall not be less than sixty per
cent for the 2014-2015, 2015-2016, and 2016-2017 school years. The

proficiency percentage shall not be less than eighty per cent for 50
the 2017-2018 school year and each school year thereafter. 51

The superintendent shall not establish any performance 52
indicator for passage of the third or fourth grade English 53
language arts assessment that is solely based on the assessment 54
given in the fall for the purpose of determining whether students 55
have met the reading guarantee provisions of section 3313.608 of 56
the Revised Code." 57

In line 838, after "3301.0712," insert "3302.02," 58

After line 840, insert: 59

"**Section 3.** Notwithstanding section 3302.03 of the Revised 60
Code, the Department of Education shall issue grades as described 61
in division (E) of section 3302.03 of the Revised Code for each of 62
the performance measures prescribed in division (C)(1) of that 63
section for the 2014-2015 school year not later than January 15, 64
2016. 65

Section 4. Notwithstanding section 3302.22 of the Revised 66
Code, the State Board of Education may adopt a resolution excusing 67
the Department of Education from determining the top ten per cent 68
of schools for the Governor's Effective and Efficient Schools 69
Recognition Program under section 3302.22 of the Revised Code for 70
the 2014-2015 school year." 71

In line 1 of the title, after "3301.0712," insert "3302.02," 72

The motion was _____ agreed to.

AM3576

Sub. H.B. 343
LSC 130 1533-3

Topic: Teach for America resident educator licenses

_____ moved to amend as follows:

1 In line 603, delete "state board" and insert "department of
2 education"

3 The motion was _____ agreed to.

Topic: Scoring levels for substitute end-of-course examinations

_____ moved to amend as follows:

1 In line 96, strike through "(a)"; strike through
2 "determine" and insert "do all of the following:

3 (a) Determine"

4 In line 117, after the period insert "A score of two on an
5 advanced placement examination shall be considered equivalent to
6 a proficient level of skill as specified under division
7 (B) (5) (a) (iii) of this section. A score of three on an advanced
8 placement examinations shall be considered equivalent to an
9 accelerated level of skill as specified under division
10 (B) (5) (a) (ii) of this section."

11 The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Calculation of grades and class standing for CCP courses

_____ moved to amend as follows:

- In line 10, delete "and" 1
- In line 11, after "3345.86" insert ", and 3365.04" 2
- Between lines 837 and 838, insert: 3
- "Sec. 3365.04.** Each public and participating nonpublic 4
secondary school shall do all of the following with respect to the 5
college credit plus program: 6
- (A) Provide information about the program prior to the first 7
day of March of each year to all students enrolled in grades six 8
through eleven; 9
- (B) Provide counseling services to students in grades six 10
through eleven and to their parents before the students 11
participate in the program under this chapter to ensure that 12
students and parents are fully aware of the possible consequences 13
and benefits of participation. Counseling information shall 14
include: 15
- (1) Program eligibility; 16
- (2) The process for granting academic credits; 17
- (3) Any necessary financial arrangements for tuition, 18

textbooks, and fees; 19

(4) Criteria for any transportation aid; 20

(5) Available support services; 21

(6) Scheduling; 22

(7) Communicating the possible consequences and benefits of participation, including all of the following: 23
24

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements; 25
26
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(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable; 28
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(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education. 31
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(8) The academic and social responsibilities of students and parents under the program; 35
36

(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll; 37
38

(10) The standard packet of information for the program developed by the chancellor of the Ohio board of regents pursuant to section 3365.15 of the Revised Code; 39
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For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so. 42
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(C) Promote the program on the school's web site, including 46
 the details of the school's current agreements with partnering 47
 colleges; 48

(D) Schedule at least one informational session per school 49
 year to allow each partnering college that is located within 50
 thirty miles of the school to meet with interested students and 51
 parents. The session shall include the benefits and consequences 52
 of participation and shall outline any changes or additions to the 53
 requirements of the program. If there are no partnering colleges 54
 located within thirty miles of the school, the school shall 55
 coordinate with the closest partnering college to offer an 56
 informational session. 57

(E) Implement a policy for the awarding of grades and the 58
 calculation of class standing for courses taken under division 59
 (A)(2) or (B) of section 3365.06 of the Revised Code. The policy 60
 adopted under this division shall be equivalent to the school's 61
 policy for courses taken under the advanced standing programs 62
 described in divisions (A)(2) and (3) of section 3313.6013 of the 63
 Revised Code or for other courses designated as honors courses by 64
 the school. If the policy includes awarding a weighted grade or 65
 enhancing a student's class standing for these courses, the policy 66
 adopted under this section shall ~~also provide for these~~ require 67
the same procedures to be applied to all courses taken under the 68
 college credit plus program, regardless of whether a similar 69
course is offered at the school. 70

(F) Develop model course pathways, pursuant to section 71
 3365.13 of the Revised Code, and publish the course pathways among 72
 the school's official list of course offerings for the program. 73

(G) Annually collect, report, and track specified data 74
 related to the program according to data reporting guidelines 75

adopted by the chancellor and the superintendent of public 76
instruction pursuant to section 3365.15 of the Revised Code." 77

 In line 840, delete "and"; after "3345.86" insert ", and 78
3365.04" 79

 In line 3 of the title, delete "and"; after "3345.86" insert 80
", and 3365.04" 81

 In line 7 of the title, after the semicolon insert "the 82
calculation of grades and class standing for courses taken under 83
the College Credit Plus Program;" 84

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Charging of public school students enrolled in private colleges under CCP

_____ moved to amend as follows:

In line 10, delete "and"

In line 11, after "3345.86" insert ", and 3365.07"

1
2

Between lines 837 and 838, insert:

3

"**Sec. 3365.07.** The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of the Ohio board of regents, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn college-level credit while enrolled in a secondary school, with the exception of the programs listed in division (A) of section 3365.02 of the Revised Code.

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(A) For each public or nonpublic secondary school participant 19
enrolled in a public college: 20

(1) If no agreement has been entered into under division 21
(A)(2) of this section, both of the following shall apply: 22

(a) The department shall pay to the college the applicable 23
amount as follows: 24

(i) For a participant enrolled in a college course delivered 25
on the college campus, at another location operated by the 26
college, or online, the default ceiling amount; 27

(ii) For a participant enrolled in a college course delivered 28
at the participant's secondary school but taught by college 29
faculty, fifty per cent of the default ceiling amount; 30

(iii) For a participant enrolled in a college course 31
delivered at the participant's secondary school and taught by a 32
high school teacher who has met the credential requirements 33
established for purposes of the program in rules adopted by the 34
chancellor of the Ohio board of regents, the default floor amount. 35

(b) The participant's secondary school shall pay for 36
textbooks, and the college shall waive payment of all other fees 37
related to participation in the program. 38

(2) The governing entity of a participant's secondary school 39
and the college may enter into an agreement to establish an 40
alternative payment structure for tuition, textbooks, and fees. 41
Under such an agreement, payments for each participant made by the 42
department shall be not less than the default floor amount, unless 43
approved by the chancellor, and not more than the default ceiling 44
amount. The chancellor shall approve an agreement that includes a 45
payment below the default floor amount, as long as the provisions 46
of the agreement comply with all other requirements of this 47

chapter to ensure program quality. If no agreement is entered into
under division (A)(2) of this section, both of the following shall
apply:

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

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

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(3) No participant that is enrolled in a public college shall
be charged for any tuition, textbooks, or other fees related to
participation in the program.

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

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

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(2) The governing entity of a participant's secondary school
and the college may enter into an agreement to establish an
alternative payment structure for tuition, textbooks, and fees.
Under such an agreement, payments shall be not less than the
default floor amount, unless approved by the chancellor, and not
more than the default ceiling amount.

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

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(a) The department shall make a payment to the college for
each participant that is equal to the default floor amount, unless

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approved by the chancellor to pay an amount below the default
 floor amount. The chancellor shall approve an agreement that
 includes a payment below the default floor amount, as long as the
 provisions of the agreement comply with all other requirements of
 this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the
 amount paid by the department pursuant to division (B)(2)(a) of
 this section shall be negotiated by the school and the college.
 The agreement may include a stipulation permitting the charging of
 a participant, so long as the school provides information to all
 participants on the no-cost options available under this chapter.

However, under no circumstances shall:

(i) Payments for a participant made by the department under
~~this~~ division (B)(2) of this section exceed the default ceiling
 amount;

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

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

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

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

(III) For a participant enrolled in a college course

delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor of the Ohio board of regents, one hundred dollars.

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

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

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the default ceiling amount.

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

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a

public, private, or eligible out-of-state college, the department 135
 shall pay to the college the default ceiling amount, if that 136
 participant is enrolled in a college course delivered on the 137
 college campus, at another location operated by the college, or 138
 online. 139

(E) Not later than thirty days after the end of each term, 140
 each college expecting to receive payment for the costs of a 141
 participant under this section shall notify the department of the 142
 number of enrolled credit hours for each participant. 143

(F) Each January and July, or as soon as possible thereafter, 144
 the department shall make the applicable payments under this 145
 section to each college, which provided proper notification to the 146
 department under division (E) of this section, for the number of 147
 enrolled credit hours for participants enrolled in the college 148
 under division (B) of section 3365.06 of the Revised Code. The 149
 department shall not make any payments to a college under this 150
 section if a participant withdrew from a course prior to the date 151
 on which a withdrawal from the course would have negatively 152
 affected the participant's transcribed grade, as prescribed by 153
 the college's established withdrawal policy. 154

(1) Payments made for public secondary school participants 155
 under this section shall be deducted from the school foundation 156
 payments made to the participant's school district or, if the 157
 participant is enrolled in a community school, a STEM school, or a 158
 college-preparatory boarding school, from the payments made to 159
 that school under section 3314.08, 3326.33, or 3328.34 of the 160
 Revised Code. If the participant is enrolled in a joint vocational 161
 school district, a portion of the amount shall be deducted from 162
 the payments to the joint vocational school district and a portion 163
 shall be deducted from the payments to the participant's city, 164

local, or exempted village school district in accordance with the 165
 full-time equivalency of the student's enrollment in each 166
 district. Amounts deducted under division (F)(1) of this section 167
 shall be calculated in accordance with rules adopted by the 168
 chancellor, in consultation with the state superintendent, 169
 pursuant to division (B) of section 3365.071 of the Revised Code. 170

(2) Payments made for nonpublic secondary school 171
 participants, nonchartered nonpublic secondary school 172
 participants, and home-instructed participants under this section 173
 shall be deducted from moneys appropriated by the general assembly 174
 for such purpose. Payments shall be allocated and distributed in 175
 accordance with rules adopted by the chancellor, in consultation 176
 with the state superintendent, pursuant to division (A) of section 177
 3365.071 of the Revised Code. 178

(G) Any public college that enrolls a student under division 179
 (B) of section 3365.06 of the Revised Code may include that 180
 student in the calculation used to determine its state share of 181
 instruction funds appropriated to the Ohio board of regents by the 182
 general assembly." 183

In line 840, delete "and"; after "3345.86" insert ", and 184
 3365.07" 185

In line 3 of the title, delete "and"; after "3345.86" insert 186
 ", and 3365.07" 187

In line 7 of the title, after the semicolon insert "charging 188
 students under the College Credit Plus Program;" 189

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Admission of students under the CCP program

_____ moved to amend as follows:

- In line 10, delete "and" 1
- In line 11, after "3345.86" insert ", and 3365.05" 2
- Between lines 837 and 838, insert: 3
- "Sec. 3365.05.** Each public and participating private college 4
shall do all of the following with respect to the college credit 5
plus program: 6
- (A) Apply established standards and procedures for admission 7
to the college and for course placement for participants. When 8
determining admission and course placement, the college shall do 9
all of the following: 10
- (1) Consider all available student data that may be an 11
indicator of college readiness, including grade point average and 12
end-of-course examination scores, if applicable; 13
- (2) Give priority to its current students regarding 14
enrollment in courses. However, once a participant has been 15
accepted into a course, the college shall not displace the 16
participant for another student. 17
- (3) Adhere to any capacity limitations that the college has 18
established for specified courses. 19

If a participant meets the applicable eligibility criteria 20
required for participation under the college credit plus program, 21
no public or participating private college shall prohibit the 22
admission of that participant based solely on the grade in which 23
the participant is currently enrolled. 24

(B) Send written notice to a participant, the participant's 25
parent, the participant's secondary school, and the superintendent 26
of public instruction, not later than fourteen calendar days prior 27
to the first day of classes for that term, of the participant's 28
admission to the college and to specified courses under the 29
program. 30

(C) Provide both of the following, not later than twenty-one 31
calendar days after the first day of classes for that term, to 32
each participant, participant's secondary school, and the 33
superintendent of public instruction: 34

(1) The courses and hours of enrollment of the participant; 35

(2) The option elected by the participant under division (A) 36
or (B) of section 3365.06 of the Revised Code for each course. 37

The college shall also provide to each partnering school a 38
roster of participants from that school that are enrolled in the 39
college and a list of course assignments for each participant. 40

(D) Promote the program on the college's web site, including 41
the details of the college's current agreements with partnering 42
secondary schools. 43

(E) Coordinate with each partnering secondary school that is 44
located within thirty miles of the college to present at least one 45
informational session per school year for interested students and 46
parents. The session shall include the benefits and consequences 47
of participation and shall outline any changes or additions to the 48

requirements of the program. If there are no partnering schools 49
 located within thirty miles of the college, the college shall 50
 coordinate with the closest partnering school to offer an 51
 informational session. 52

(F) Assign an academic advisor that is employed by the 53
 college to each participant enrolled in that college. Prior to the 54
 date on which a withdrawal from a course would negatively affect a 55
 participant's transcribed grade, as prescribed by the college's 56
 established withdrawal policy, the college shall ensure that the 57
 academic advisor and the participant meet at least once to discuss 58
 the program and the courses in which the participant is enrolled. 59

(G) Do both of the following with regard to high school 60
 teachers that are teaching courses for the college at a secondary 61
 school under the program: 62

(1) Provide at least one professional development session per 63
 school year; 64

(2) Conduct at least one classroom observation per school 65
 year for each course that is authorized by the college and taught 66
 by a high school teacher to ensure that the course meets the 67
 quality of a college-level course. 68

(H) Annually collect, report, and track specified data 69
 related to the program according to data reporting guidelines 70
 adopted by the chancellor and the superintendent of public 71
 instruction pursuant to section 3365.15 of the Revised Code. 72

(I) With the exception of divisions (D) and (E) of this 73
 section, any eligible out-of-state college participating in the 74
 college credit plus program shall be subject to the same 75
 requirements as a participating private college under this 76
 section." 77

In line 840, delete "and"; after "3345.86" insert ", and 78
3365.05" 79

In line 3 of the title, delete "and"; after "3345.86" insert 80
", and 3365.05" 81

In line 7 of the title, after the semicolon insert "the 82
admission of students under the College Credit Plus Program;" 83

The motion was _____ agreed to.

Sub. H.B. 343
As Pending in H. Education
LSC 130 1533-3

Topic: School employee salary schedules

_____ moved to amend as follows:

In line 9, after "3302.035," insert "3311.78, 3313.42," 1

In line 10, after "3317.034," insert "3317.12, 3317.14,
3317.141, "; delete "and" 2
3

In line 11, after "3345.86" insert ", 5126.24, and 5705.412" 4

Between lines 257 and 258, insert: 5

"**Sec. 3311.78.** Notwithstanding any provision of the Revised 6
Code to the contrary, a municipal school district shall be subject 7
to this section instead of sections ~~3317.13~~, 3317.14, and 3317.141 8
of the Revised Code. 9

(A) As used in this section, "principal" includes an 10
assistant principal. 11

(B) The board of education of each municipal school district 12
annually shall adopt a differentiated salary schedule for teachers 13
based upon performance as described in division (D) of this 14
section. The board also annually shall adopt a differentiated 15
salary schedule for principals based upon performance as described 16
in division (D) of this section. 17

For each teacher or principal hired on or after October 1, 18
2012, the board shall determine the teacher's or principal's 19
initial placement on the applicable salary schedule based on years 20
of experience and area of licensure and any other factors the 21
board considers appropriate. For each teacher hired prior to 22
October 1, 2012, the board shall initially place the teacher on 23
the applicable salary schedule so that the teacher's annual salary 24
on the schedule is comparable to the teacher's annual salary for 25
the school year immediately prior to the school year covered by 26
the schedule. For each principal hired prior to October 1, 2012, 27
the board shall initially place the principal on the applicable 28
salary schedule consistent with the principal's employment 29
contract. 30

(C) The salary of a teacher shall not be reduced unless such 31
reduction is accomplished as part of a negotiated collective 32
bargaining agreement. The salary of a principal shall not be 33
reduced during the term of the principal's employment contract 34
unless such reduction is by mutual agreement of the board and the 35
principal or is part of a uniform plan affecting the entire 36
district. 37

(D) For purposes of the schedules, the board shall measure a 38
teacher's or principal's performance by considering all of the 39
following: 40

(1) The level of license issued under section 3319.22 of the 41
Revised Code that the teacher or principal holds; 42

(2) Whether the teacher or principal is a highly qualified 43
teacher, as defined in section 3319.074 of the Revised Code; 44

(3) Ratings received by the teacher or principal on 45
performance evaluations conducted under section 3311.80 or 3311.84 46
of the Revised Code; 47

(4) Any specialized training and experience in the assigned position. 48
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(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year. 50
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(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as skilled. Notwithstanding division (C) of this section, division (C) of section 3319.02, and section 3319.12 of the Revised Code, the board may decrease the teacher's or principal's salary if the teacher or principal will perform fewer or different duties described in division (E) of this section in the school year for which the salary is decreased. 64
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(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 October 1, 2012. However, the board and the teachers' labor organization shall negotiate the implementation of the differentiated salary schedule for teachers and may negotiate additional factors regarding teacher salaries, provided those factors are consistent with this section.

Sec. 3313.42. (A) When in the judgment of a board of education of any school district in this state, lying adjacent to a school district of another state, the best interests of the public schools can be promoted by purchasing school grounds, repairing or erecting a schoolhouse, and maintaining them jointly between the two adjacent school districts, the board of education of the school district of this state so situated may enter into an agreement with the school authorities of said adjacent school district for the purpose of purchasing school grounds, repairing or constructing a school building, purchasing school furniture, equipment, appliances, fuel, employing teachers, and maintaining a school. The board of education of this state may levy taxes and perform such other duties in maintaining such joint school as are otherwise provided by law for maintaining the public schools in this state.

In carrying out this section the school district shall pay such proportion of the cost of purchasing school grounds, repairing or erecting a building, and in maintaining the joint school as is equitable and just in the judgment of the board of education and trustees of the two adjacent school districts.

~~(B) In any school district that has entered into an agreement under division (A) of this section, the state minimum teacher~~

~~salary requirements prescribed by section 3317.13 of the Revised Code do not apply if the total expenditures by the school district for teacher salaries in any school year equals or exceeds the total minimum expenditures that would have been required in that year if such minimum teacher salary requirements did apply.~~

~~(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of the Revised Code, the board of education of a local school district that has entered into an agreement with an adjacent school district in another state under division (A) of this section may contract with the educational service center within which the local school district is located for the service center to provide any administrative services specified in the agreement to the local school district and the adjacent district. If such an agreement provides for the duties of a district treasurer, superintendent, or principals to be performed by the service center, the local school district is not required to employ persons to perform such duties."~~

Between lines 422 and 423, insert:

"Sec. 3317.12. Any board of education participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a salary ~~schedule~~ schedules for teachers and nonteaching school employees ~~based upon training, experience, and qualifications with initial salaries no less than the salaries in effect on October 13, 1967. Each board of education shall prepare and may amend from time to time, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the classifications of employees required to perform the duties specified in the salary schedule. All nonteaching school employees are to be notified of the position classification to which they are assigned and the salary for the~~

~~classification. The compensation of all employees working for a particular school board shall be uniform for like positions except as compensation would be affected by salary increments based upon length of service.~~

~~On the fifteenth day of October each year the salary schedule and the list of job classifications and salaries in effect on that date shall be filed by each board of education with the superintendent of public instruction. If such salary schedule and classification plan is not filed the superintendent of public instruction shall order the board to file such schedules forthwith. If this condition is not corrected within ten days after receipt of the order from the superintendent of public instruction, no money shall be distributed to the district under Chapter 3317. of the Revised Code until the superintendent has satisfactory evidence of the board of education's full compliance with such order.~~

Sec. 3317.14. Any school district board of education or educational service center governing board participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a teachers' salary schedule with provision for increments based upon training and years of service. ~~Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the~~ The board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, ~~provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the~~

~~Revised Code and provided full credit for a minimum of five years 169
of actual teaching and military experience as defined in division 170
(A) of section 3317.13 of the Revised Code is given to each 171
teacher. 172~~

~~Each teacher who has completed training which would qualify 173
such teacher for a higher salary bracket pursuant to this section 174
shall file by the fifteenth day of September with the treasurer of 175
the board of education or educational service center satisfactory 176
evidence of the completion of such additional training. The 177
treasurer shall then immediately place the teacher, pursuant to 178
this section and section 3317.13 of the Revised Code, in the 179
proper salary bracket in accordance with training and years of 180
service before certifying such salary, training, and years of 181
service to the superintendent of public instruction. No teacher 182
shall be paid less than the salary to which such teacher is 183
entitled pursuant to section 3317.13 of the Revised Code. 184~~

As used in this section: 185

(A) "Years of service" includes the following: 186

(1) All years of teaching service in the same school district 187
or educational service center, regardless of training level, with 188
each year consisting of at least one hundred twenty days under a 189
teacher's contract; 190

(2) All years of teaching service in a chartered, nonpublic 191
school located in Ohio as a teacher licensed pursuant to section 192
3319.22 of the Revised Code or in another public school, 193
regardless of training level, with each year consisting of at 194
least one hundred twenty days under a teacher's contract; 195

(3) All years of teaching service in a chartered school or 196
institution or a school or institution that subsequently became 197
chartered or a chartered special education program or a special 198

education program that subsequently became chartered operated by 199
the state or by a subdivision or other local governmental unit of 200
this state as a teacher licensed pursuant to section 3319.22 of 201
the Revised Code, regardless of training level, with each year 202
consisting of at least one hundred twenty days; 203

(4) All years of active military service in the armed forces 204
of the United States, as defined in section 3307.75 of the Revised 205
Code, to a maximum of five years. For purposes of this 206
calculation, a partial year of active military service of eight 207
continuous months or more in the armed forces shall be counted as 208
a full year. 209

(B) "Teacher" means all teachers employed by the board of 210
education of any school district, including any cooperative 211
education or joint vocational school district and all teachers 212
employed by any educational service center governing board. 213

Sec. 3317.141. The board of education of any city, exempted 214
village, local, or joint vocational school district that is the 215
recipient of moneys from a grant awarded under the federal race to 216
the top program, Division (A), Title XIV, Sections 14005 and 14006 217
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 218
No. 111-5, 123 Stat. 115, shall comply with this section in 219
accordance with the timeline contained in the board's scope of 220
work, as approved by the superintendent of public instruction, and 221
shall not be subject to ~~sections 3317.13 and~~ section 3317.14 of 222
the Revised Code. The board of education of any other school 223
district, and the governing board of each educational service 224
center, shall comply with either this section or ~~sections 3317.13~~ 225
~~and~~ section 3317.14 of the Revised Code. 226

(A) The board annually shall adopt a salary schedule for 227

teachers based upon performance as described in division (B) of 228
 this section. 229

(B) For purposes of the schedule, a board shall measure a 230
 teacher's performance by considering all of the following: 231

(1) The level of license issued under section 3319.22 of the 232
 Revised Code that the teacher holds; 233

(2) Whether the teacher is a highly qualified teacher, as 234
 defined in section 3319.074 of the Revised Code; 235

(3) Ratings received by the teacher on performance 236
 evaluations conducted under section 3319.111 of the Revised Code. 237

(C) The schedule shall provide for annual adjustments based 238
 on performance on the evaluations conducted under section 3319.111 239
 of the Revised Code. The annual performance-based adjustment for a 240
 teacher rated as accomplished shall be greater than the annual 241
 performance-based adjustment for a teacher rated as skilled. 242

(D) The salary schedule adopted under this section may 243
 provide for additional compensation for teachers who agree to 244
 perform duties, not contracted for under a supplemental contract, 245
 that the employing board determines warrant additional 246
 compensation. Those duties may include, but are not limited to, 247
 assignment to a school building eligible for funding under Title I 248
 of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 249
 6301 et seq.; assignment to a building in "school improvement" 250
 status under the "No Child Left Behind Act of 2001," as defined in 251
 section 3302.01 of the Revised Code; teaching in a grade level or 252
 subject area in which the board has determined there is a shortage 253
 within the district or service center; or assignment to a 254
 hard-to-staff school, as determined by the board." 255

Between lines 837 and 838, insert: 256

"Sec. 5126.24. (A) As used in this section: 257

(1) "License" means an educator license issued by the state 258
board of education under section 3319.22 of the Revised Code or a 259
certificate issued by the department of developmental 260
disabilities. 261

(2) "Teacher" means a person employed by a county board of 262
developmental disabilities in a position that requires a license. 263

(3) "Nonteaching employee" means a person employed by a 264
county board of developmental disabilities in a position that does 265
not require a license. 266

(4) "Years of service" includes all service described in 267
division (A) of section ~~3317.13~~ 3317.14 of the Revised Code. 268

(B) Subject to rules established by the director of 269
developmental disabilities pursuant to Chapter 119. of the Revised 270
Code, each county board of developmental disabilities shall 271
annually adopt separate salary schedules for teachers and 272
nonteaching employees. 273

(C) The teachers' salary schedule shall provide for 274
increments based on training and years of service. The board may 275
establish its own service requirements ~~provided no teacher~~ 276
~~receives less than the salary the teacher would be paid under~~ 277
~~section 3317.13 of the Revised Code if the teacher were employed~~ 278
~~by a school district board of education and provided full credit~~ 279
for a minimum of five years of actual teaching and military 280
experience ~~as defined in division (A) of such section~~ is given to 281
each teacher. 282

Each teacher who has completed training that would qualify 283
the teacher for a higher salary bracket pursuant to this section 284

shall file by the fifteenth day of September with the fiscal officer of the board, satisfactory evidence of the completion of such additional training. The fiscal officer shall then immediately place the teacher, pursuant to this section, in the proper salary bracket in accordance with training and years of service. ~~No teacher shall be paid less than the salary to which the teacher would be entitled under section 3317.13 of the Revised Code if the teacher were employed by a school district board of education.~~

The superintendent of each county board, on or before the fifteenth day of October of each year, shall certify to the state board of education the name of each teacher employed, on an annual salary, in each special education program operated pursuant to section 3323.09 of the Revised Code during the first full school week of October. The superintendent further shall certify, for each teacher, the number of years of training completed at a recognized college, the degrees earned from a college recognized by the state board, the type of license held, the number of months employed by the board, the annual salary, and other information that the state board may request.

(D) The nonteaching employees' salary schedule established by the board shall ~~be based on training, experience, and qualifications with initial salaries no less than salaries in effect on July 1, 1985. Each board shall prepare and may amend from time to time,~~ include specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the classifications of employees required to perform the duties specified in the salary schedule. ~~All nonteaching employees shall be notified of the position classification to which they are assigned and the salary for the classification. The compensation of all nonteaching employees working for a particular board shall~~

~~be uniform for like positions except as compensation would be~~ 316
~~affected by salary increments based upon length of service.~~ 317

On the fifteenth day of October of each year the nonteaching 318
 employees' salary schedule and list of job classifications ~~and~~ 319
~~salaries in effect on that date~~ shall be filed by each board with 320
 the superintendent of public instruction. If such salary schedule 321
 and classification plan is not filed, the superintendent of public 322
 instruction shall order the board to file such schedule and list 323
 forthwith. If this condition is not corrected within ten days 324
 after receipt of the order from the superintendent, no money shall 325
 be distributed to the board under Chapter 3317. of the Revised 326
 Code until the superintendent has satisfactory evidence of the 327
 board's full compliance with such order. 328

Sec. 5705.412. (A) As used in this section, "qualifying 329
 contract" means any agreement for the expenditure of money under 330
 which aggregate payments from the funds included in the school 331
 district's five-year forecast under section 5705.391 of the 332
 Revised Code will exceed the lesser of the following amounts: 333

(1) Five hundred thousand dollars; 334

(2) One per cent of the total revenue to be credited in the 335
 current fiscal year to the district's general fund, as specified 336
 in the district's most recent certificate of estimated resources 337
 certified under section 5705.36 of the Revised Code. 338

(B)(1) Notwithstanding section 5705.41 of the Revised Code, 339
 no school district shall adopt any appropriation measure, make any 340
 qualifying contract, or increase during any school year any wage 341
 or salary schedule unless there is attached thereto a certificate, 342
 signed as required by this section, that the school district has 343
 in effect the authorization to levy taxes including the renewal or 344

replacement of existing levies which, when combined with the 345
 estimated revenue from all other sources available to the district 346
 at the time of certification, are sufficient to provide the 347
 operating revenues necessary to enable the district to maintain 348
 all personnel and programs for all the days set forth in its 349
 adopted school calendars for the current fiscal year and for a 350
 number of days in succeeding fiscal years equal to the number of 351
 days instruction was held or is scheduled for the current fiscal 352
 year, as follows: 353

(a) A certificate attached to an appropriation measure under 354
 this section shall cover only the fiscal year in which the 355
 appropriation measure is effective and shall not consider the 356
 renewal or replacement of an existing levy as the authority to 357
 levy taxes that are subject to appropriation in the current fiscal 358
 year unless the renewal or replacement levy has been approved by 359
 the electors and is subject to appropriation in the current fiscal 360
 year. 361

(b) A certificate attached, in accordance with this section, 362
 to any qualifying contract shall cover the term of the contract. 363

(c) A certificate attached under this section to a wage or 364
 salary schedule shall cover the term of the schedule. 365

If the board of education has not adopted a school calendar 366
 for the school year beginning on the first day of the fiscal year 367
 in which a certificate is required, the certificate attached to an 368
 appropriation measure shall include the number of days on which 369
 instruction was held in the preceding fiscal year and other 370
 certificates required under this section shall include that number 371
 of days for the fiscal year in which the certificate is required 372
 and any succeeding fiscal years that the certificate must cover. 373

The certificate shall be signed by the treasurer and 374

president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose.

(2) In lieu of the certificate required under division (B) of this section, an alternative certificate stating the following may be attached:

(a) The contract is a multi-year contract for materials, equipment, or nonpayroll services essential to the education program of the district;

(b) The multi-year contract demonstrates savings over the duration of the contract as compared to costs that otherwise would have been demonstrated in a single year contract, and the terms will allow the district to reduce the deficit it is currently facing in future years as demonstrated in its five-year forecast adopted in accordance with section 5705.391 of the Revised Code.

The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose.

(C) Every qualifying contract made or wage or salary schedule adopted or put into effect without such a certificate shall be void, and no payment of any amount due thereon shall be made.

(D) The department of education and the auditor of state

jointly shall adopt rules governing the methods by which 404
 treasurers, presidents of boards of education, superintendents, 405
 and members of financial planning and supervision commissions 406
 shall estimate revenue and determine whether such revenue is 407
 sufficient to provide necessary operating revenue for the purpose 408
 of making certifications required by this section. 409

(E) The auditor of state shall be responsible for determining 410
 whether school districts are in compliance with this section. At 411
 the time a school district is audited pursuant to section 117.11 412
 of the Revised Code, the auditor of state shall review each 413
 certificate issued under this section since the district's last 414
 audit, and the appropriation measure, contract, or wage and salary 415
 schedule to which such certificate was attached. If the auditor of 416
 state determines that a school district has not complied with this 417
 section with respect to any qualifying contract or wage or salary 418
 schedule, the auditor of state shall notify the prosecuting 419
 attorney for the county, the city director of law, or other chief 420
 law officer of the school district. That officer may file a civil 421
 action in any court of appropriate jurisdiction to seek a 422
 declaration that the contract or wage or salary schedule is void, 423
 to recover for the school district from the payee the amount of 424
 payments already made under it, or both, except that the officer 425
 shall not seek to recover payments made under any collective 426
 bargaining agreement entered into under Chapter 4117. of the 427
 Revised Code. If the officer does not file such an action within 428
 one hundred twenty days after receiving notice of noncompliance 429
 from the auditor of state, any taxpayer may institute the action 430
 in the taxpayer's own name on behalf of the school district. 431

~~(F) This section does not apply to any contract or increase 432
 in any wage or salary schedule that is necessary in order to 433
 enable a board of education to comply with division (B) of section 434~~

~~3317.13 of the Revised Code, provided the contract or increase 435
 does not exceed the amount required to be paid to be in compliance 436
 with such division. 437~~

(G) Any officer, employee, or other person who expends or 438
 authorizes the expenditure of any public funds or authorizes or 439
 executes any contract or schedule contrary to this section, 440
 expends or authorizes the expenditure of any public funds on the 441
 void contract or schedule, or issues a certificate under this 442
 section which contains any false statements is liable to the 443
 school district for the full amount paid from the district's funds 444
 on the contract or schedule. The officer, employee, or other 445
 person is jointly and severally liable in person and upon any 446
 official bond that the officer, employee, or other person has 447
 given to the school district to the extent of any payments on the 448
 void claim, not to exceed ten thousand dollars. However, no 449
 officer, employee, or other person shall be liable for a mistaken 450
 estimate of available resources made in good faith and based upon 451
 reasonable grounds. If an officer, employee, or other person is 452
 found to have complied with rules jointly adopted by the 453
 department of education and the auditor of state under this 454
 section governing methods by which revenue shall be estimated and 455
 determined sufficient to provide necessary operating revenue for 456
 the purpose of making certifications required by this section, the 457
 officer, employee, or other person shall not be liable under this 458
 section if the estimates and determinations made according to 459
 those rules do not, in fact, conform with actual revenue. The 460
 prosecuting attorney of the county, the city director of law, or 461
 other chief law officer of the district shall enforce this 462
 liability by civil action brought in any court of appropriate 463
 jurisdiction in the name of and on behalf of the school district. 464
 If the prosecuting attorney, city director of law, or other chief 465

law officer of the district fails, upon the written request of any taxpayer, to institute action for the enforcement of the liability, the attorney general, or the taxpayer in the taxpayer's own name, may institute the action on behalf of the subdivision.

~~(H)~~(G) This section does not require the attachment of an additional certificate beyond that required by section 5705.41 of the Revised Code for current payrolls of, or contracts of employment with, any employees or officers of the school district.

This section does not require the attachment of a certificate to a temporary appropriation measure if all of the following apply:

(1) The amount appropriated does not exceed twenty-five per cent of the total amount from all sources available for expenditure from any fund during the preceding fiscal year;

(2) The measure will not be in effect on or after the thirtieth day following the earliest date on which the district may pass an annual appropriation measure;

(3) An amended official certificate of estimated resources for the current year, if required, has not been certified to the board of education under division (B) of section 5705.36 of the Revised Code."

In line 838, after "3302.035," insert "3311.78, 3313.42,"

In line 839, after "3317.034," insert "3317.12, 3317.14, 3317.141,"

In line 840, delete "and"; after "3345.86" insert ", 5126.24, and 5705.412 and section 3317.13"

In line 1 of the title, after "3302.035," insert "3311.78, 3313.42,"

In line 2 of the title, after "3317.034," insert "3317.12,	494
3317.14, 3317.141,"	495
In line 3 of the title, delete "and"; after "3345.86" insert	496
", 5126.24, and 5705.412 and to repeal section 3317.13"	497
In line 7 of the title, delete "and"	498
In line 8 of the title, after "participants" insert "; and	499
school employee salary schedules"	500

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: K-3 literacy report card grade

_____ moved to amend as follows:

In line 9 after "3301.0712," insert "3302.03," 1

Between lines 204 and 205, insert: 2

"**Sec. 3302.03.** Annually, not later than the fifteenth day of 3
September or the preceding Friday when that day falls on a 4
Saturday or Sunday, the department of education shall assign a 5
letter grade for overall academic performance and for each 6
separate performance measure for each school district, and each 7
school building in a district, in accordance with this section. 8
The state board shall adopt rules pursuant to Chapter 119. of the 9
Revised Code to establish performance criteria for each letter 10
grade and prescribe a method by which the department assigns each 11
letter grade. For a school building to which any of the 12
performance measures do not apply, due to grade levels served by 13
the building, the state board shall designate the performance 14
measures that are applicable to the building and that must be 15
calculated separately and used to calculate the building's overall 16
grade. The department shall issue annual report cards reflecting 17
the performance of each school district, each building within each 18
district, and for the state as a whole using the performance 19
measures and letter grade system described in this section. The 20

department shall include on the report card for each district and 21
each building within each district the most recent two-year trend 22
data in student achievement for each subject and each grade. 23

(A)(1) For the 2012-2013 school year, the department shall 24
issue grades as described in division (E) of this section for each 25
of the following performance measures: 26

(a) Annual measurable objectives; 27

(b) Performance index score for a school district or 28
building. Grades shall be awarded as a percentage of the total 29
possible points on the performance index system as adopted by the 30
state board. In adopting benchmarks for assigning letter grades 31
under division (A)(1)(b) of this section, the state board of 32
education shall designate ninety per cent or higher for an "A," at 33
least seventy per cent but not more than eighty per cent for a 34
"C," and less than fifty per cent for an "F." 35

(c) The extent to which the school district or building meets 36
each of the applicable performance indicators established by the 37
state board under section 3302.02 of the Revised Code and the 38
percentage of applicable performance indicators that have been 39
achieved. In adopting benchmarks for assigning letter grades under 40
division (A)(1)(c) of this section, the state board shall 41
designate ninety per cent or higher for an "A." 42

(d) The four- and five-year adjusted cohort graduation rates. 43

In adopting benchmarks for assigning letter grades under 44
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 45
department shall designate a four-year adjusted cohort graduation 46
rate of ninety-three per cent or higher for an "A" and a five-year 47
cohort graduation rate of ninety-five per cent or higher for an 48
"A." 49

(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. The letter grade assigned for this growth measure shall be as follows:

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

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

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

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

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

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

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the

lowest quintile for achievement on a statewide basis. Each 79
subgroup shall be a separate graded measure. 80

(2) Not later than April 30, 2013, the state board of 81
education shall adopt a resolution describing the performance 82
measures, benchmarks, and grading system for the 2012-2013 school 83
year and, not later than June 30, 2013, shall adopt rules in 84
accordance with Chapter 119. of the Revised Code that prescribe 85
the methods by which the performance measures under division 86
(A)(1) of this section shall be assessed and assigned a letter 87
grade, including performance benchmarks for each letter grade. 88

At least forty-five days prior to the state board's adoption 89
of rules to prescribe the methods by which the performance 90
measures under division (A)(1) of this section shall be assessed 91
and assigned a letter grade, the department shall conduct a public 92
presentation before the standing committees of the house of 93
representatives and the senate that consider education legislation 94
describing such methods, including performance benchmarks. 95

(3) There shall not be an overall letter grade for a school 96
district or building for the 2012-2013 school year. 97

(B)(1) For the 2013-2014 school year, the department shall 98
issue grades as described in division (E) of this section for each 99
of the following performance measures: 100

(a) Annual measurable objectives; 101

(b) Performance index score for a school district or 102
building. Grades shall be awarded as a percentage of the total 103
possible points on the performance index system as created by the 104
department. In adopting benchmarks for assigning letter grades 105
under division (B)(1)(b) of this section, the state board shall 106
designate ninety per cent or higher for an "A," at least seventy 107

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 whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based

on the reduction in the total percentage of students scoring below 138
 grade level, or below proficient, compared from year to year on 139
 the reading and writing diagnostic assessments administered under 140
 section 3301.0715 of the Revised Code and the third grade English 141
 language arts assessment under section 3301.0710 of the Revised 142
 Code, as applicable. The state board shall designate for a "C" 143
 grade a value that is not lower than the statewide average value 144
 for this measure. No grade shall be issued under divisions 145
 (B)(1)(g) and (C)(1)(g) of this section for a district or building 146
 in which less than five per cent of students have scored below 147
 grade level on the diagnostic assessment administered to students 148
 in kindergarten under division (B)(1) of section 3313.608 of the 149
 Revised Code. 150

(h) For a high mobility school district or building, an 151
 additional value-added progress dimension score. For this measure, 152
 the department shall use value-added data from the most recent 153
 school year available and shall use assessment scores for only 154
 those students to whom the district or building has administered 155
 the assessments prescribed by section 3301.0710 of the Revised 156
 Code for each of the two most recent consecutive school years. 157

As used in this division, "high mobility school district or 158
 building" means a school district or building where at least 159
 twenty-five per cent of its total enrollment is made up of 160
 students who have attended that school district or building for 161
 less than one year. 162

(2) In addition to the graded measures in division (B)(1) of 163
 this section, the department shall include on a school district's 164
 or building's report card all of the following without an assigned 165
 letter grade: 166

(a) The percentage of students enrolled in a district or 167

building participating in advanced placement classes and the 168
percentage of those students who received a score of three or 169
better on advanced placement examinations; 170

(b) The number of a district's or building's students who 171
have earned at least three college credits through dual enrollment 172
or advanced standing programs, such as the post-secondary 173
enrollment options program under Chapter 3365. of the Revised Code 174
and state-approved career-technical courses offered through dual 175
enrollment or statewide articulation, that appear on a student's 176
transcript or other official document, either of which is issued 177
by the institution of higher education from which the student 178
earned the college credit. The credits earned that are reported 179
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 180
include any that are remedial or developmental and shall include 181
those that count toward the curriculum requirements established 182
for completion of a degree. 183

(c) The percentage of students enrolled in a district or 184
building who have taken a national standardized test used for 185
college admission determinations and the percentage of those 186
students who are determined to be remediation-free in accordance 187
with standards adopted under division (F) of section 3345.061 of 188
the Revised Code; 189

(d) The percentage of the district's or the building's 190
students who receive industry-recognized credentials. The state 191
board shall adopt criteria for acceptable industry-recognized 192
credentials. 193

(e) The percentage of students enrolled in a district or 194
building who are participating in an international baccalaureate 195
program and the percentage of those students who receive a score 196
of four or better on the international baccalaureate examinations. 197

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

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

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

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

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

(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 227
under division (C)(1)(b) of this section, the state board shall 228
designate ninety per cent or higher for an "A," at least seventy 229
per cent but not more than eighty per cent for a "C," and less 230
than fifty per cent for an "F." 231

(c) The extent to which the school district or building meets 232
each of the applicable performance indicators established by the 233
state board under section 3302.03 of the Revised Code and the 234
percentage of applicable performance indicators that have been 235
achieved. In adopting benchmarks for assigning letter grades under 236
division (C)(1)(c) of this section, the state board shall 237
designate ninety per cent or higher for an "A." 238

(d) The four- and five-year adjusted cohort graduation rates; 239

(e) The overall score under the value-added progress 240
dimension, or another measure of student academic progress if 241
adopted by the state board, of a school district or building, for 242
which the department shall use up to three years of value-added 243
data as available. 244

In adopting benchmarks for assigning letter grades for 245
overall score on value-added progress dimension under division 246
(C)(1)(e) of this section, the state board shall prohibit the 247
assigning of a grade of "A" for that measure unless the district's 248
or building's grade assigned for value-added progress dimension 249
for all subgroups under division (C)(1)(f) of this section is a 250
"B" or higher. 251

For the metric prescribed by division (C)(1)(e) of this 252
section, the state board may adopt a student academic progress 253
measure to be used instead of the value-added progress dimension. 254
If the state board adopts such a measure, it also shall prescribe 255
a method for assigning letter grades for the new measure that is 256

comparable to the method prescribed in division (A)(1)(e) of this section. 257
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(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure. 259
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The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section. 268
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the previous year's statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code, unless five per cent or more of students fail to 274
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score proficient or above on the English language arts assessment 287
prescribed under division (A)(1)(a) of section 3301.0710 of the 288
Revised Code. 289

(h) For a high mobility school district or building, an 290
 additional value-added progress dimension score. For this measure, 291
 the department shall use value-added data from the most recent 292
 school year available and shall use assessment scores for only 293
 those students to whom the district or building has administered 294
 the assessments prescribed by section 3301.0710 of the Revised 295
 Code for each of the two most recent consecutive school years. 296

As used in this division, "high mobility school district or 297
 building" means a school district or building where at least 298
 twenty-five per cent of its total enrollment is made up of 299
 students who have attended that school district or building for 300
 less than one year. 301

(2) In addition to the graded measures in division (C)(1) of 302
 this section, the department shall include on a school district's 303
 or building's report card all of the following without an assigned 304
 letter grade: 305

(a) The percentage of students enrolled in a district or 306
 building who have taken a national standardized test used for 307
 college admission determinations and the percentage of those 308
 students who are determined to be remediation-free in accordance 309
 with the standards adopted under division (F) of section 3345.061 310
 of the Revised Code; 311

(b) The percentage of students enrolled in a district or 312
 building participating in advanced placement classes and the 313
 percentage of those students who received a score of three or 314
 better on advanced placement examinations; 315

(c) The percentage of a district's or building's students who 316

have earned at least three college credits through advanced 317
standing programs, such as the college credit plus program under 318
Chapter 3365. of the Revised Code and state-approved 319
career-technical courses offered through dual enrollment or 320
statewide articulation, that appear on a student's college 321
transcript issued by the institution of higher education from 322
which the student earned the college credit. The credits earned 323
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 324
section shall not include any that are remedial or developmental 325
and shall include those that count toward the curriculum 326
requirements established for completion of a degree. 327

(d) The percentage of the district's or building's students 328
who receive an honor's diploma under division (B) of section 329
3313.61 of the Revised Code; 330

(e) The percentage of the district's or building's students 331
who receive industry-recognized credentials; 332

(f) The percentage of students enrolled in a district or 333
building who are participating in an international baccalaureate 334
program and the percentage of those students who receive a score 335
of four or better on the international baccalaureate examinations; 336

(g) The results of the college and career-ready assessments 337
administered under division (B)(1) of section 3301.0712 of the 338
Revised Code. 339

(3) The state board shall adopt rules pursuant to Chapter 340
119. of the Revised Code that establish a method to assign an 341
overall grade for a school district or school building for the 342
2014-2015 school year and each school year thereafter. The rules 343
shall group the performance measures in divisions (C)(1) and (2) 344
of this section into the following components: 345

(a) Gap closing, which shall include the performance measure	346
in division (C)(1)(a) of this section;	347
(b) Achievement, which shall include the performance measures	348
in divisions (C)(1)(b) and (c) of this section;	349
(c) Progress, which shall include the performance measures in	350
divisions (C)(1)(e) and (f) of this section;	351
(d) Graduation, which shall include the performance measure	352
in division (C)(1)(d) of this section;	353
(e) Kindergarten through third-grade literacy, which shall	354
include the performance measure in division (C)(1)(g) of this	355
section;	356
(f) Prepared for success, which shall include the performance	357
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	358
this section. The state board shall develop a method to determine	359
a grade for the component in division (C)(3)(f) of this section	360
using the performance measures in divisions (C)(2)(a), (b), (c),	361
(d), (e), and (f) of this section. When available, the state board	362
may incorporate the performance measure under division (C)(2)(g)	363
of this section into the component under division (C)(3)(f) of	364
this section. When determining the overall grade for the prepared	365
for success component prescribed by division (C)(3)(f) of this	366
section, no individual student shall be counted in more than one	367
performance measure. However, if a student qualifies for more than	368
one performance measure in the component, the state board may, in	369
its method to determine a grade for the component, specify an	370
additional weight for such a student that is not greater than or	371
equal to 1.0. In determining the overall score under division	372
(C)(3)(f) of this section, the state board shall ensure that the	373
pool of students included in the performance measures aggregated	374
under that division are all of the students included in the four-	375

and five-year adjusted graduation cohort. 376

In the rules adopted under division (C)(3) of this section, 377
the state board shall adopt a method for determining a grade for 378
each component in divisions (C)(3)(a) to (f) of this section. The 379
state board also shall establish a method to assign an overall 380
grade of "A," "B," "C," "D," or "F" using the grades assigned for 381
each component. The method the state board adopts for assigning an 382
overall grade shall give equal weight to the components in 383
divisions (C)(3)(b) and (c) of this section. 384

At least forty-five days prior to the state board's adoption 385
of rules to prescribe the methods for calculating the overall 386
grade for the report card, as required by this division, the 387
department shall conduct a public presentation before the standing 388
committees of the house of representatives and the senate that 389
consider education legislation describing the format for the 390
report card, weights that will be assigned to the components of 391
the overall grade, and the method for calculating the overall 392
grade. 393

(D) Not later than July 1, 2015, the state board shall 394
develop a measure of student academic progress for high school 395
students using only data from assessments in English language arts 396
and mathematics. For the 2014-2015 school year, the department 397
shall include this measure on a school district or building's 398
report card, as applicable, without an assigned letter grade. 399
Beginning with the report card for the 2015-2016 school year, each 400
school district and applicable school building shall be assigned a 401
separate letter grade for this measure and the district's or 402
building's grade for that measure shall be included in determining 403
the district's or building's overall letter grade. This measure 404
shall be included within the measure prescribed in division 405

(C)(3)(c) of this section in the calculation for the overall	406
letter grade.	407
(E) The letter grades assigned to a school district or	408
building under this section shall be as follows:	409
(1) "A" for a district or school making excellent progress;	410
(2) "B" for a district or school making above average	411
progress;	412
(3) "C" for a district or school making average progress;	413
(4) "D" for a district or school making below average	414
progress;	415
(5) "F" for a district or school failing to meet minimum	416
progress.	417
(F) When reporting data on student achievement and progress,	418
the department shall disaggregate that data according to the	419
following categories:	420
(1) Performance of students by grade-level;	421
(2) Performance of students by race and ethnic group;	422
(3) Performance of students by gender;	423
(4) Performance of students grouped by those who have been	424
enrolled in a district or school for three or more years;	425
(5) Performance of students grouped by those who have been	426
enrolled in a district or school for more than one year and less	427
than three years;	428
(6) Performance of students grouped by those who have been	429
enrolled in a district or school for one year or less;	430
(7) Performance of students grouped by those who are	431
economically disadvantaged;	432

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	433 434 435
(9) Performance of students grouped by those who are classified as limited English proficient;	436 437
(10) Performance of students grouped by those who have disabilities;	438 439
(11) Performance of students grouped by those who are classified as migrants;	440 441
(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 in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	442 443 444 445 446 447 448 449 450
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	451 452 453
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	454 455 456 457 458 459
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data	460 461

statistical in nature that is statistically unreliable or that
could result in the identification of individual students. For
this purpose, the department shall not report student performance
data for any group identified in division (F) of this section that
contains less than ten students. If the department does not report
student performance data for a group because it contains less than
ten students, the department shall indicate on the report card
that is why data was not reported.

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

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

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

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

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

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

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

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

(b) To have the number of students attending that community school noted separately on the district's report card. 522
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The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school. 524
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Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department. 527
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(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings. 532
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(K)(1) In calculating English language arts, mathematics, social studies, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. 537
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(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following: 544
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(a) Include for each district or building only those students 550

who are included in the ADM certified for the first full school 551
 week of October and are continuously enrolled in the district or 552
 building through the time of the spring administration of any 553
 assessment prescribed by division (A)(1) or (B)(1) of section 554
 3301.0710 or division (B) of section 3301.0712 of the Revised Code 555
 that is administered to the student's grade level; 556

(b) Include cumulative totals from both the fall and spring 557
 administrations of the third grade English language arts 558
 achievement assessment; 559

(c) Except as required by the No Child Left Behind Act of 560
 2001, exclude for each district or building any limited English 561
 proficient student who has been enrolled in United States schools 562
 for less than one full school year. 563

(L) Beginning with the 2015-2016 school year and at least 564
 once every three years thereafter, the state board of education 565
 shall review and may adjust the benchmarks for assigning letter 566
 grades to the performance measures and components prescribed under 567
 divisions (C)(3) and (D) of this section." 568

In line 838, after "3301.0712," insert "3302.03," 569

In line 1 of the title, after "3301.0712," insert "3302.03," 570

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Adoption of model disciplinary policy by State Board of Education

_____ moved to amend as follows:

In line 9, after "3302.035," insert "3313.534," 1

Between lines 257 and 258, insert: 2

"**Sec. 3313.534.** ~~Not~~ (A) Not later than July 1, 1998, the board 3
of education of each city, exempted village, and local school 4
district shall adopt a policy of zero tolerance for violent, 5
disruptive, or inappropriate behavior, including excessive 6
truancy, and establish strategies to address such behavior that 7
range from prevention to intervention. 8

~~Not~~ (B) Not later than July 1, 1999, each of the big eight 9
school districts, as defined in section 3314.02 of the Revised 10
Code, shall establish under section 3313.533 of the Revised Code 11
at least one alternative school to meet the educational needs of 12
students with severe discipline problems, including, but not 13
limited to, excessive truancy, excessive disruption in the 14
classroom, and multiple suspensions or expulsions. Any other 15
school district that attains after that date a significantly 16
substandard graduation rate, as defined by the department of 17
education, shall also establish such an alternative school under 18
that section. 19

(C)(1) Not later than June 30, 2015, the state board of 20
education shall develop a model disciplinary policy for violent, 21
disruptive, or inappropriate behavior, including excessive 22
truancy, that stresses preventive strategies and alternatives to 23
suspension and expulsion. 24

(2) Not later than December 31, 2015, the department of 25
education shall do both of the following: 26

(a) Provide to each school district a copy of the policy 27
adopted by the state board pursuant to division (C)(1) of this 28
section; 29

(b) Develop materials to assist school districts in providing 30
teacher and staff training on the implementation of the strategies 31
included in that policy." 32

In line 838, after "3302.035," insert "3313.534," 33

In line 1 of the title, after "3302.035," insert "3313.534," 34

In line 8 of the title, after "participants" insert "and to 35
require the State Board of Education, not later than June 30, 36
2015, to adopt a model disciplinary policy for violent, 37
disruptive, or inappropriate behavior, including excessive 38
truancy" 39

The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: Admission to schools of children placed in foster homes or residential care facilities

_____ moved to amend as follows:

In line 9, after "3313.612," insert "3313.672," 1

Between lines 324 and 325, insert: 2

"**Sec. 3313.672.** (A)(1) At the time of initial entry to a 3
public or nonpublic school, a pupil shall present to the person in 4
charge of admission any records given the pupil by the public or 5
nonpublic elementary or secondary school the pupil most recently 6
attended; a certified copy of an order or decree, or modification 7
of such an order or decree allocating parental rights and 8
responsibilities for the care of a child and designating a 9
residential parent and legal custodian of the child, as provided 10
in division (B) of this section, if that type of order or decree 11
has been issued; a copy of a power of attorney or caretaker 12
authorization affidavit, if either has been executed with respect 13
to the child pursuant to sections 3109.51 to 3109.80 of the 14
Revised Code; and a certification of birth issued pursuant to 15
Chapter 3705. of the Revised Code, a comparable certificate or 16
certification issued pursuant to the statutes of another state, 17
territory, possession, or nation, or a document in lieu of a 18
certificate or certification as described in divisions (A)(1)(a) 19

to (e) of this section. Any of the following shall be accepted in lieu of a certificate or certification of birth by the person in charge of admission:

(a) A passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child;

(b) An attested transcript of the certificate of birth;

(c) An attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child;

(d) An attested transcript of a hospital record showing the date and place of birth of the child;

(e) A birth affidavit.

(2) If a pupil requesting admission to a school of the school district in which the pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code has been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code just prior to requesting admission to the school, no school official shall admit that pupil until the records described in divisions (D)(4)(a) to (d) of section 2152.18 of the Revised Code have been received by the superintendent of the school district.

(3) No public or nonpublic school official shall deny a protected child admission to the school solely because the child does not present a birth certificate described in division (A)(1) of this section, a comparable certificate or certification from another state, territory, possession, or nation, or another document specified in divisions (A)(1)(a) to (e) of this section upon registration for entry into the school. However, the

protected child, or the parent, custodian, or guardian of that 49
child, shall present a birth certificate or other document 50
specified in divisions (A)(1)(a) to (e) of this section to the 51
person in charge of admission of the school within ninety days 52
after the child's initial entry into the school. 53

(4) Except as otherwise provided in division (A)(2) or (3) of 54
this section, within twenty-four hours of the entry into the 55
school of a pupil described in division (A)(1) of this section, a 56
school official shall request the pupil's official records from 57
the public or nonpublic elementary or secondary school the pupil 58
most recently attended. If the public or nonpublic school the 59
pupil claims to have most recently attended indicates that it has 60
no record of the pupil's attendance or the records are not 61
received within fourteen days of the date of request, or if the 62
pupil does not present a certification of birth described in 63
division (A)(1) of this section, a comparable certificate or 64
certification from another state, territory, possession, or 65
nation, or another document specified in divisions (A)(1)(a) to 66
(e) of this section, the principal or chief administrative officer 67
of the school shall notify the law enforcement agency having 68
jurisdiction in the area where the pupil resides of this fact and 69
of the possibility that the pupil may be a missing child, as 70
defined in section 2901.30 of the Revised Code. 71

(B)(1) Whenever an order or decree allocating parental rights 72
and responsibilities for the care of a child and designating a 73
residential parent and legal custodian of the child, including a 74
temporary order, is issued resulting from an action of divorce, 75
alimony, annulment, or dissolution of marriage, and the order or 76
decree pertains to a child who is a pupil in a public or nonpublic 77
school, the residential parent of the child shall notify the 78
school of those allocations and designations by providing the 79

person in charge of admission at the pupil's school with a
 certified copy of the order or decree that made the allocation and
 designation. Whenever there is a modification of any order or
 decree allocating parental rights and responsibilities for the
 care of a child and designating a residential parent and legal
 custodian of the child that has been submitted to a school, the
 residential parent shall provide the person in charge of admission
 at the pupil's school with a certified copy of the order or decree
 that makes the modification.

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(2) Whenever a power of attorney is executed under sections
 3109.51 to 3109.62 of the Revised Code that pertains to a child
 who is a pupil in a public or nonpublic school, the attorney in
 fact shall notify the school of the power of attorney by providing
 the person in charge of admission with a copy of the power of
 attorney. Whenever a caretaker authorization affidavit is executed
 under sections 3109.64 to 3109.73 of the Revised Code that
 pertains to a child who is in a public or nonpublic school, the
 grandparent who executed the affidavit shall notify the school of
 the affidavit by providing the person in charge of admission with
 a copy of the affidavit.

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(C) If, at the time of a pupil's initial entry to a public or
 nonpublic school, the pupil is under the care of a shelter for
 victims of domestic violence, as defined in section 3113.33 of the
 Revised Code, the pupil or the pupil's parent shall notify the
 school of that fact. Upon being so informed, the school shall
 inform the elementary or secondary school from which it requests
 the pupil's records of that fact.

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(D) Whenever a public or nonpublic school is notified by a
 law enforcement agency pursuant to division (D) of section 2901.30
 of the Revised Code that a missing child report has been filed

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regarding a pupil who is currently or was previously enrolled in the school, the person in charge of admission at the school shall mark that pupil's records in such a manner that whenever a copy of or information regarding the records is requested, any school official responding to the request is alerted to the fact that the records are those of a missing child. Upon any request for a copy of or information regarding a pupil's records that have been so marked, the person in charge of admission immediately shall report the request to the law enforcement agency that notified the school that the pupil is a missing child. When forwarding a copy of or information from the pupil's records in response to a request, the person in charge of admission shall do so in such a way that the receiving district or school would be unable to discern that the pupil's records are marked pursuant to this division but shall retain the mark in the pupil's records until notified that the pupil is no longer a missing child. Upon notification by a law enforcement agency that a pupil is no longer a missing child, the person in charge of admission shall remove the mark from the pupil's records in such a way that if the records were forwarded to another district or school, the receiving district or school would be unable to discern that the records were ever marked.

(E) As used in this section:

(1) "Protected child" means a child placed in a foster home, as that term is defined in section 5103.02 of the Revised Code, or in a residential facility.

(2) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home."

In line 839, after "3313.612," insert "3313.672,"

In line 1 of the title, after "3313.612," insert "3313.672," 140

In line 8 of the title, after "participants" insert "; and to 141
require schools to admit children placed in a foster home or 142
residential care facility regardless of whether the child presents 143
a birth certificate upon enrollment" 144

The motion was _____ agreed to.

AM3607

Sub. H.B. 343
LSC 130 1533-3

Topic: LSC technical

_____ moved to amend as follows:

1 In line 306, strike through "required" and insert
2 "prescribed"

3 The motion was _____ agreed to.

Sub. H.B. 343
LSC 130 1533-3

Topic: School fundraisers involving beverage and food sales 1

_____ moved to amend as follows:

In line 9, after "3313.612," insert "3313.814," 2

Between lines 324 and 325, insert: 3

"Sec. 3313.814. (A) As used in this section and sections 4
3313.816 and 3313.817 of the Revised Code: 5

(1) "A la carte item" means an individually priced food or 6
beverage item that is available for sale to students through any 7
of the following: 8

(a) A school food service program; 9

(b) A vending machine located on school property; 10

(c) A store operated by the school, a student association, or 11
other school-sponsored organization. 12

"A la carte item" does not include any food or beverage item 13
available for sale in connection with a school-sponsored 14
fundraiser held outside of the regular school day, any other 15
school-sponsored event held outside of the regular school day, or 16
an interscholastic athletic event. "A la carte item" also does not 17
include any food or beverage item that is part of a reimbursable 18
meal and that is available for sale as an individually priced item 19
in a serving portion of the same size as in the reimbursable meal, 20

regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.

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

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

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

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(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria for reimbursement established by the United States department of agriculture.

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

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

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sold. 50

(1) In adopting the standards, the board or governing authority shall do all of the following: 51 52

(a) Consider the nutritional value of each food or beverage; 53

(b) Consult with a dietitian licensed under Chapter 4759. of the Revised Code, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association. The person with whom the board or governing authority consults may be an employee of the board or governing authority, a person contracted by the board or governing authority, or a volunteer, provided the person meets the requirements of this division. 54 55 56 57 58 59 60 61 62

(c) Consult the dietary guidelines for Americans jointly developed by the United States department of agriculture and the United States department of health and human services and, to the maximum extent possible, incorporate the guidelines into the standards. 63 64 65 66 67

(2) No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board or governing authority. 68 69 70

(3) The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall prohibit the standards from being more restrictive than otherwise required by those sections. 71 72 73 74

(C) The nutrition standards adopted under this section shall prohibit the placement of vending machines in any classroom where students are provided instruction, unless the classroom also is used to serve students meals. This division does not apply to 75 76 77 78

vending machines that sell only milk, reimbursable meals, or food 79
 and beverage items that are part of a reimbursable meal and are 80
 available for sale as individually priced items in serving 81
 portions of the same size as in the reimbursable meal. 82

(D) Each board or governing authority shall designate staff 83
 to be responsible for ensuring that the school district or school 84
 meets the nutrition standards adopted under this section. The 85
 staff shall prepare an annual report regarding the district's or 86
 school's compliance with the standards and submit it to the 87
 department of education. The board or governing authority annually 88
 shall schedule a presentation on the report at one of its regular 89
 meetings. Each district or school shall make copies of the report 90
 available to the public upon request. 91

(E) The state board of education shall ~~formulate~~ do both of 92
the following: 93

(1) Formulate and adopt guidelines, which boards of education 94
 and chartered nonpublic schools may follow in enforcing and 95
 implementing this section. 96

(2) Not later than ninety days after the effective date of 97
this amendment, adopt rules pursuant to Chapter 119. of the 98
Revised Code regarding the sale of beverages and food during the 99
regular school day in connection with a school-sponsored 100
fundraiser. The rules shall specify that, if a fundraiser takes 101
place during the regular school day for not more than the 102
equivalent of thirty school days during a school year, the sale of 103
beverages and food in connection with that fundraiser, shall be 104
exempt from sections 3313.816 and 3313.817 of the Revised Code, so 105
long as no beverages or food are sold in connection with the 106
fundraiser during the time of a meal service in the food service 107
area. Each school district board of education or chartered 108

nonpublic school governing authority may incorporate the rules 109
adopted by the state board pursuant to this division into the 110
guidelines adopted by the district board or school governing 111
authority under division (B) of this section." 112

In line 839, after "3313.612," insert "3313.814," 113

In line 1 of the title, after "3313.612," insert "3313.814," 114

In line 7 of the title, after the semicolon insert "the sale 115
of beverages and food during the regular school day in connection 116
with a school-sponsored fundraiser;" 117

The motion was _____ agreed to.