

ACADEMIC PERFORMANCE RATINGS SYSTEM (Stebelton, Butler, Jr.) - To revise the current academic performance ratings system for public schools with a system under which districts and schools are assigned letter grades.

This Act had been signed by the Governor. Page numbers will not correspond with the final printed version, but the languages remain the same.

Passed : December 12, 2012

Signed by the Governor: December 20, 2012

Effective: 90 Days

129th General Assembly
Amended Substitute House Bill Number 555
An Act

Representatives: Stebelton, Butler, Slaby, Hackett, McGregor, Adams, J., Amstutz, Buchy, Wachtmann Speaker Batchelder

Senators: Eklund, Jones, Lehner, Niehaus, Sawyer, Wagoner

A BILL

To amend sections 3301.079, 3301.0710, 3301.0711,	1
3301.0714, 3301.0715, 3302.01, 3302.02, 3302.021,	2
3302.03, 3302.033, 3302.04, 3302.041, 3302.05,	3
3302.10, 3302.12, 3302.20, 3302.21, 3310.03,	4
3310.06, 3311.741, 3311.80, 3313.473, 3313.608,	5
3314.011, 3314.012, 3314.013, 3314.015, 3314.016,	6
3314.02, 3314.05, 3314.35, 3314.36, 3314.37,	7
3317.081, 3319.11, 3319.111, 3319.112, 3319.58,	8
3326.03, 3333.041, 3333.048, 3333.391, 5910.01,	9
5910.02, and 5919.34; to enact sections 3302.034,	10
3310.16, 3314.017, 3314.351, 3314.361, and 5910.07	11
of the Revised Code; and to amend Section	12
267.10.90 of Am. Sub. H.B. 153 of the 129th	13

General Assembly, as subsequently amended, to 14
 create a new academic performance rating system 15
 for public schools; to require an alternative 16
 rating system for community schools with dropout 17
 prevention and recovery programs; to create a new 18
 evaluation process for community school sponsors; 19
 to abolish the Ohio Accountability Task Force to 20
 make changes in the third grade reading guarantee; 21
 to modify the procedure for approving the opening 22
 of new Internet- or computer-based community 23
 schools; to make changes in the War Orphans 24
 Scholarship and Ohio National Guard Scholarship 25
 programs; and to make other changes to education 26
 laws. 27

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

Section 1. That sections 3301.079, 3301.0710, 3301.0711, 28
 3301.0714, 3301.0715, 3302.01, 3302.02, 3302.021, 3302.03, 29
 3302.033, 3302.04, 3302.041, 3302.05, 3302.10, 3302.12, 3302.20, 30
 3302.21, 3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 3313.608, 31
 3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 3314.02, 32
 3314.05, 3314.35, 3314.36, 3314.37, 3317.081, 3319.11, 3319.111, 33
 3319.112, 3319.58, 3326.03, 3333.041, 3333.048, 3333.391, 5910.01, 34
 5910.02, and 5919.34 be amended and sections 3302.034, 3310.16, 35
 3314.017, 3314.351, 3314.361, and 5910.07 of the Revised Code be 36
 enacted to read as follows: 37

Sec. 3301.079. (A)(1) The state board of education 38
 periodically shall adopt statewide academic standards with 39
 emphasis on coherence, focus, and rigor for each of grades 40
 kindergarten through twelve in English language arts, mathematics, 41
 science, and social studies. 42

(a) The standards shall specify the following: 43

(i) The core academic content and skills that students are 44

expected to know and be able to do at each grade level that will	45
allow each student to be prepared for postsecondary instruction	46
and the workplace for success in the twenty-first century;	47
(ii) The development of skill sets that promote information,	48
media, and technological literacy;	49
(iii) Interdisciplinary, project-based, real-world learning	50
opportunities.	51
(b) Not later than July 1, 2012, the state board shall	52
incorporate into the social studies standards for grades four to	53
twelve academic content regarding the original texts of the	54
Declaration of Independence, the Northwest Ordinance, the	55
Constitution of the United States and its amendments, with	56
emphasis on the Bill of Rights, and the Ohio Constitution, and	57
their original context. The state board shall revise the model	58
curricula and achievement assessments adopted under divisions (B)	59
and (C) of this section as necessary to reflect the additional	60
American history and American government content. The state board	61
shall make available a list of suggested grade-appropriate	62
supplemental readings that place the documents prescribed by this	63
division in their historical context, which teachers may use as a	64
resource to assist students in reading the documents within that	65
context.	66
(2) After completing the standards required by division	67
(A)(1) of this section, the state board shall adopt standards and	68
model curricula for instruction in technology, financial literacy	69
and entrepreneurship, fine arts, and foreign language for grades	70
kindergarten through twelve. The standards shall meet the same	71
requirements prescribed in division (A)(1)(a) of this section.	72
(3) The state board shall adopt the most recent standards	73
developed by the national association for sport and physical	74
education for physical education in grades kindergarten through	75
twelve or shall adopt its own standards for physical education in	76
those grades and revise and update them periodically.	77

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

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

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

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

(3) All school districts, community schools, and STEM schools

may utilize the state standards and the model curriculum 112
established by the state board, together with other relevant 113
resources, examples, or models to ensure that students have the 114
opportunity to attain the academic standards. Upon request, the 115
department shall provide technical assistance to any district, 116
community school, or STEM school in implementing the model 117
curriculum. 118

Nothing in this section requires any school district to 119
utilize all or any part of a model curriculum developed under this 120
section. 121

(C) The state board shall develop achievement assessments 122
aligned with the academic standards and model curriculum for each 123
of the subject areas and grade levels required by divisions (A)(1) 124
and (B)(1) of section 3301.0710 of the Revised Code. 125

When any achievement assessment has been completed, the state 126
board shall inform all school districts, community schools, STEM 127
schools, and nonpublic schools required to administer the 128
assessment of its completion, and the department shall make the 129
achievement assessment available to the districts and schools. 130

(D)(1) The state board shall adopt a diagnostic assessment 131
aligned with the academic standards and model curriculum for each 132
of grades kindergarten through two in ~~English language arts~~ 133
reading, writing, and mathematics and for grade three in ~~English~~ 134
language arts reading and writing. The diagnostic assessment shall 135
be designed to measure student comprehension of academic content 136
and mastery of related skills for the relevant subject area and 137
grade level. Any diagnostic assessment shall not include 138
components to identify gifted students. Blank copies of diagnostic 139
assessments shall be public records. 140

(2) When each diagnostic assessment has been completed, the 141
state board shall inform all school districts of its completion 142
and the department shall make the diagnostic assessment available 143
to the districts at no cost to the district. School districts 144
shall administer the diagnostic assessment pursuant to section 145

3301.0715 of the Revised Code beginning the first school year	146
following the development of the assessment.	147
(E) The state board shall not adopt a diagnostic or	148
achievement assessment for any grade level or subject area other	149
than those specified in this section.	150
(F) Whenever the state board or the department consults with	151
persons for the purpose of drafting or reviewing any standards,	152
diagnostic assessments, achievement assessments, or model	153
curriculum required under this section, the state board or the	154
department shall first consult with parents of students in	155
kindergarten through twelfth grade and with active Ohio classroom	156
teachers, other school personnel, and administrators with	157
expertise in the appropriate subject area. Whenever practicable,	158
the state board and department shall consult with teachers	159
recognized as outstanding in their fields.	160
If the department contracts with more than one outside entity	161
for the development of the achievement assessments required by	162
this section, the department shall ensure the interchangeability	163
of those assessments.	164
(G) Whenever the state board adopts standards or model	165
curricula under this section, the department also shall provide	166
information on the use of blended or digital learning in the	167
delivery of the standards or curricula to students in accordance	168
with division (A)(4) of this section.	169
(H) The fairness sensitivity review committee, established by	170
rule of the state board of education, shall not allow any question	171
on any achievement or diagnostic assessment developed under this	172
section or any proficiency test prescribed by former section	173
3301.0710 of the Revised Code, as it existed prior to September	174
11, 2001, to include, be written to promote, or inquire as to	175
individual moral or social values or beliefs. The decision of the	176
committee shall be final. This section does not create a private	177
cause of action.	178

(I) Not later than forty-five days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall present the academic standards or model curricula, as applicable, to the respective committees of the house of representatives and senate that consider education legislation.	179 180 181 182 183 184 185
(J) As used in this section:	186
(1) "Blended learning" means the delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.	187 188 189 190
(2) "Coherence" means a reflection of the structure of the discipline being taught.	191 192
(3) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.	193 194 195
(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	196 197
(5) "Rigor" means more challenging and demanding when compared to international standards.	198 199
(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	200 201 202 203 204 205
Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to assess student achievement. The state board shall ensure that all assessments administered under the program are aligned with the academic	206 207 208 209

standards and model curricula adopted by the state board and are 210
created with input from Ohio parents, Ohio classroom teachers, 211
Ohio school administrators, and other Ohio school personnel 212
pursuant to section 3301.079 of the Revised Code. 213

The assessment program shall be designed to ensure that 214
students who receive a high school diploma demonstrate at least 215
high school levels of achievement in English language arts, 216
mathematics, science, and social studies. 217

(A)(1) The state board shall prescribe all of the following: 218

(a) Two statewide achievement assessments, one each designed 219
to measure the level of English language arts and mathematics 220
skill expected at the end of third grade; 221

(b) ~~Two~~Three statewide achievement assessments, one each 222
designed to measure the level of English language arts ~~and,~~ 223
mathematics, and social studies skill expected at the end of 224
fourth grade; 225

(c) ~~Four~~Three statewide achievement assessments, one each 226
designed to measure the level of English language arts, 227
mathematics, and science, ~~and social studies~~ skill expected at the 228
end of fifth grade; 229

(d) ~~Two~~Three statewide achievement assessments, one each 230
designed to measure the level of English language arts ~~and,~~ 231
mathematics, and social studies skill expected at the end of sixth 232
grade; 233

(e) Two statewide achievement assessments, one each designed 234
to measure the level of English language arts and mathematics 235
skill expected at the end of seventh grade; 236

(f) ~~Four~~Three statewide achievement assessments, one each 237
designed to measure the level of English language arts, 238
mathematics, and science, ~~and social studies~~ skill expected at the 239
end of eighth grade. 240

(2) The state board shall determine and designate at least ~~three~~ five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(a) An advanced level of skill;

(b) An accelerated level of skill;

(c) A proficient level of skill;

~~(e)~~(d) A basic level of skill;

(e) A limited level of skill.

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

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

3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with rules adopted by the state board under division (D) of that section.

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

(3) The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide achievement assessment requirements for receiving high school diplomas, under which any student who has met an achievement assessment requirement of one state is recognized as having met the similar requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state who has met an achievement assessment requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained at least the applicable score designated under this division on each assessment required by division (B)(1) or (2) of this section that is specified in the agreement.

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

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

(D) The state board shall prescribe a practice version of 306
each Ohio graduation test described in division (B)(1) of this 307
section that is of comparable length to the actual test. 308

(E) Any committee established by the department of education 309
for the purpose of making recommendations to the state board 310
regarding the state board's designation of scores on the 311
assessments described by this section shall inform the state board 312
of the probable percentage of students who would score in each of 313
the ranges established under division (A)(2) of this section on 314
the assessments if the committee's recommendations are adopted by 315
the state board. To the extent possible, these percentages shall 316
be disaggregated by gender, major racial and ethnic groups, 317
limited English proficient students, economically disadvantaged 318
students, students with disabilities, and migrant students. 319

~~If the state board intends to make any change to the 320
committee's recommendations, the state board shall explain the 321
intended change to the Ohio accountability task force established 322
by section 3302.021 of the Revised Code. The task force shall 323
recommend whether the state board should proceed to adopt the 324
intended change. Nothing in this division shall require the state 325
board to designate assessment scores based upon the 326
recommendations of the task force. 327~~

Sec. 3301.0711. (A) The department of education shall: 328

(1) Annually furnish to, grade, and score all assessments 329
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 330
the Revised Code to be administered by city, local, exempted 331
village, and joint vocational school districts, except that each 332
district shall score any assessment administered pursuant to 333
division (B)(10) of this section. Each assessment so furnished 334
shall include the data verification code of the student to whom 335
the assessment will be administered, as assigned pursuant to 336
division (D)(2) of section 3301.0714 of the Revised Code. In 337
furnishing the practice versions of Ohio graduation tests 338
prescribed by division (D) of section 3301.0710 of the Revised 339

Code, the department shall make the tests available on its web	340
site for reproduction by districts. In awarding contracts for	341
grading assessments, the department shall give preference to	342
Ohio-based entities employing Ohio residents.	343
(2) Adopt rules for the ethical use of assessments and	344
prescribing the manner in which the assessments prescribed by	345
section 3301.0710 of the Revised Code shall be administered to	346
students.	347
(B) Except as provided in divisions (C) and (J) of this	348
section, the board of education of each city, local, and exempted	349
village school district shall, in accordance with rules adopted	350
under division (A) of this section:	351
(1) Administer the English language arts assessments	352
prescribed under division (A)(1)(a) of section 3301.0710 of the	353
Revised Code twice annually to all students in the third grade who	354
have not attained the score designated for that assessment under	355
division (A)(2) (b) <u>(c)</u> of section 3301.0710 of the Revised Code.	356
(2) Administer the mathematics assessment prescribed under	357
division (A)(1)(a) of section 3301.0710 of the Revised Code at	358
least once annually to all students in the third grade.	359
(3) Administer the assessments prescribed under division	360
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	361
annually to all students in the fourth grade.	362
(4) Administer the assessments prescribed under division	363
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	364
annually to all students in the fifth grade.	365
(5) Administer the assessments prescribed under division	366
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	367
annually to all students in the sixth grade.	368
(6) Administer the assessments prescribed under division	369
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	370

annually to all students in the seventh grade.	371
(7) Administer the assessments prescribed under division	372
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	373
annually to all students in the eighth grade.	374
(8) Except as provided in division (B)(9) of this section,	375
administer any assessment prescribed under division (B)(1) of	376
section 3301.0710 of the Revised Code as follows:	377
(a) At least once annually to all tenth grade students and at	378
least twice annually to all students in eleventh or twelfth grade	379
who have not yet attained the score on that assessment designated	380
under that division;	381
(b) To any person who has successfully completed the	382
curriculum in any high school or the individualized education	383
program developed for the person by any high school pursuant to	384
section 3323.08 of the Revised Code but has not received a high	385
school diploma and who requests to take such assessment, at any	386
time such assessment is administered in the district.	387
(9) In lieu of the board of education of any city, local, or	388
exempted village school district in which the student is also	389
enrolled, the board of a joint vocational school district shall	390
administer any assessment prescribed under division (B)(1) of	391
section 3301.0710 of the Revised Code at least twice annually to	392
any student enrolled in the joint vocational school district who	393
has not yet attained the score on that assessment designated under	394
that division. A board of a joint vocational school district may	395
also administer such an assessment to any student described in	396
division (B)(8)(b) of this section.	397
(10) If the district has been declared to be under an	398
academic watch or in a state of academic emergency pursuant to	399
section 3302.03 of the Revised Code or has a three-year average	400
graduation rate of not more than seventy-five per cent, administer	401
each assessment prescribed by division (D) of section 3301.0710 of	402
the Revised Code in September to all ninth grade students,	403

beginning in the school year that starts July 1, 2005. 404

Except as provided in section 3313.614 of the Revised Code 405
for administration of an assessment to a person who has fulfilled 406
the curriculum requirement for a high school diploma but has not 407
passed one or more of the required assessments, the assessments 408
prescribed under division (B)(1) of section 3301.0710 of the 409
Revised Code and the practice assessments prescribed under 410
division (D) of that section and required to be administered under 411
divisions (B)(8), (9), and (10) of this section shall not be 412
administered after the assessment system prescribed by division 413
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 414
Code is implemented under rule of the state board adopted under 415
division (D)(1) of section 3301.0712 of the Revised Code. 416

(11) Administer the assessments prescribed by division (B)(2) 417
of section 3301.0710 and section 3301.0712 of the Revised Code in 418
accordance with the timeline and plan for implementation of those 419
assessments prescribed by rule of the state board adopted under 420
division (D)(1) of section 3301.0712 of the Revised Code. 421

(C)(1)(a) In the case of a student receiving special 422
education services under Chapter 3323. of the Revised Code, the 423
individualized education program developed for the student under 424
that chapter shall specify the manner in which the student will 425
participate in the assessments administered under this section. 426
The individualized education program may excuse the student from 427
taking any particular assessment required to be administered under 428
this section if it instead specifies an alternate assessment 429
method approved by the department of education as conforming to 430
requirements of federal law for receipt of federal funds for 431
disadvantaged pupils. To the extent possible, the individualized 432
education program shall not excuse the student from taking an 433
assessment unless no reasonable accommodation can be made to 434
enable the student to take the assessment. 435

(b) Any alternate assessment approved by the department for a 436
student under this division shall produce measurable results 437

comparable to those produced by the assessment it replaces in 438
order to allow for the student's results to be included in the 439
data compiled for a school district or building under section 440
3302.03 of the Revised Code. 441

(c) Any student enrolled in a chartered nonpublic school who 442
has been identified, based on an evaluation conducted in 443
accordance with section 3323.03 of the Revised Code or section 504 444
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 445
794, as amended, as a child with a disability shall be excused 446
from taking any particular assessment required to be administered 447
under this section if a plan developed for the student pursuant to 448
rules adopted by the state board excuses the student from taking 449
that assessment. In the case of any student so excused from taking 450
an assessment, the chartered nonpublic school shall not prohibit 451
the student from taking the assessment. 452

(2) A district board may, for medical reasons or other good 453
cause, excuse a student from taking an assessment administered 454
under this section on the date scheduled, but that assessment 455
shall be administered to the excused student not later than nine 456
days following the scheduled date. The district board shall 457
annually report the number of students who have not taken one or 458
more of the assessments required by this section to the state 459
board of education not later than the thirtieth day of June. 460

(3) As used in this division, "limited English proficient 461
student" has the same meaning as in 20 U.S.C. 7801. 462

No school district board shall excuse any limited English 463
proficient student from taking any particular assessment required 464
to be administered under this section, except that any limited 465
English proficient student who has been enrolled in United States 466
schools for less than one full school year shall not be required 467
to take any reading, writing, or English language arts assessment. 468
However, no board shall prohibit a limited English proficient 469
student who is not required to take an assessment under this 470
division from taking the assessment. A board may permit any 471

limited English proficient student to take an assessment required 472
to be administered under this section with appropriate 473
accommodations, as determined by the department. For each limited 474
English proficient student, each school district shall annually 475
assess that student's progress in learning English, in accordance 476
with procedures approved by the department. 477

The governing authority of a chartered nonpublic school may 478
excuse a limited English proficient student from taking any 479
assessment administered under this section. However, no governing 480
authority shall prohibit a limited English proficient student from 481
taking the assessment. 482

(D)(1) In the school year next succeeding the school year in 483
which the assessments prescribed by division (A)(1) or (B)(1) of 484
section 3301.0710 of the Revised Code or former division (A)(1), 485
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 486
existed prior to September 11, 2001, are administered to any 487
student, the board of education of any school district in which 488
the student is enrolled in that year shall provide to the student 489
intervention services commensurate with the student's performance, 490
including any intensive intervention required under section 491
3313.608 of the Revised Code, in any skill in which the student 492
failed to demonstrate at least a score at the proficient level on 493
the assessment. 494

(2) Following any administration of the assessments 495
prescribed by division (D) of section 3301.0710 of the Revised 496
Code to ninth grade students, each school district that has a 497
three-year average graduation rate of not more than seventy-five 498
per cent shall determine for each high school in the district 499
whether the school shall be required to provide intervention 500
services to any students who took the assessments. In determining 501
which high schools shall provide intervention services based on 502
the resources available, the district shall consider each school's 503
graduation rate and scores on the practice assessments. The 504
district also shall consider the scores received by ninth grade 505
students on the English language arts and mathematics assessments 506

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; 541
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(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; 545
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(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. 550
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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 student takes the assessment. 554
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(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking an assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code within sixty days after its administration, but in no case shall the scores be returned later than the fifteenth day of June following the administration. For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district. 558
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(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules 571
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adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

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

(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.

(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.

(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:	608
(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;	609 610 611 612 613
(b) Persons described in division (B)(8)(b) of this section.	614
Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.	615 616 617
(K)(1) As a condition of compliance with section 3313.612 of the Revised Code, each chartered nonpublic school that educates students in grades nine through twelve shall administer the assessments prescribed by divisions (B)(1) and (2) of section 3301.0710 of the Revised Code. Any chartered nonpublic school 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 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.	618 619 620 621 622 623 624 625 626 627 628 629 630 631 632
(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 participates under this division.	633 634 635 636
(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	637 638 639 640

administer the assessments in the same manner as district boards 641
are required to do under this section and rules adopted by the 642
department of education and in conformity with division (C)(1)(a) 643
of this section. 644

(2) The department of education shall furnish the assessments 645
described by sections 3301.0710 and 3301.0712 of the Revised Code 646
to each superintendent. 647

(M) Notwithstanding division (E) of this section, a school 648
district may use a student's failure to attain a score in at least 649
the proficient range on the mathematics assessment described by 650
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 651
an assessment described by division (A)(1)(b), (c), (d), (e), or 652
(f) of section 3301.0710 of the Revised Code as a factor in 653
retaining that student in the current grade level. 654

(N)(1) In the manner specified in divisions (N)(3) and (4) of 655
this section, the assessments required by division (A)(1) of 656
section 3301.0710 of the Revised Code shall become public records 657
pursuant to section 149.43 of the Revised Code on the first day of 658
July following the school year that the assessments were 659
administered. 660

(2) The department may field test proposed questions with 661
samples of students to determine the validity, reliability, or 662
appropriateness of questions for possible inclusion in a future 663
year's assessment. The department also may use anchor questions on 664
assessments to ensure that different versions of the same 665
assessment are of comparable difficulty. 666

Field test questions and anchor questions shall not be 667
considered in computing scores for individual students. Field test 668
questions and anchor questions may be included as part of the 669
administration of any assessment required by division (A)(1) or 670
(B)(1) of section 3301.0710 of the Revised Code. 671

(3) Any field test question or anchor question administered 672
under division (N)(2) of this section shall not be a public 673

record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (N)(1) of this section.

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

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

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

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

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

(O) As used in this section:

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

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

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

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

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

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

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

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

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

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

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	737
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	740
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(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.	758
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(c) Average student grades in each subject in grades nine through twelve;	766
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(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	768
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(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	770 771 772
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	773 774 775
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	776 777 778 779
(h) Expulsion rates;	780
(i) Suspension rates;	781
(j) Dropout rates;	782
(k) Rates of retention in grade;	783
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	784 785 786
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	787 788 789 790 791
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	792 793 794 795 796 797 798

(2) Personnel and classroom enrollment data for each school district, including:	799
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	801
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	811
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.	823
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(d) The number of lead teachers employed by each school district and each school building.	828
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(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school	830
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district's pupils, the racial make-up of the school district's 832
pupils, the number of limited English proficient students in the 833
district, and an appropriate measure of the number of the school 834
district's pupils who reside in economically disadvantaged 835
households. The demographic data shall be collected in a manner to 836
allow correlation with data collected under division (B)(1) of 837
this section. Categories for data collected pursuant to division 838
(B)(3) of this section shall conform, where appropriate, to 839
standard practices of agencies of the federal government. 840

(b) With respect to each student entering kindergarten, 841
whether the student previously participated in a public preschool 842
program, a private preschool program, or a head start program, and 843
the number of years the student participated in each of these 844
programs. 845

(4) Any data required to be collected pursuant to federal 846
law. 847

(C) The education management information system shall include 848
cost accounting data for each district as a whole and for each 849
school building in each school district. The guidelines adopted 850
under this section shall require the cost data for each school 851
district to be maintained in a system of mutually exclusive cost 852
units and shall require all of the costs of each school district 853
to be divided among the cost units. The guidelines shall require 854
the system of mutually exclusive cost units to include at least 855
the following: 856

(1) Administrative costs for the school district as a whole. 857
The guidelines shall require the cost units under this division 858
(C)(1) to be designed so that each of them may be compiled and 859
reported in terms of average expenditure per pupil in formula ADM 860
in the school district, as determined pursuant to section 3317.03 861
of the Revised Code. 862

(2) Administrative costs for each school building in the 863
school district. The guidelines shall require the cost units under 864
this division (C)(2) to be designed so that each of them may be 865

compiled and reported in terms of average expenditure per 866
full-time equivalent pupil receiving instructional or support 867
services in each building. 868

(3) Instructional services costs for each category of 869
instructional service provided directly to students and required 870
by guidelines adopted pursuant to division (B)(1)(a) of this 871
section. The guidelines shall require the cost units under 872
division (C)(3) of this section to be designed so that each of 873
them may be compiled and reported in terms of average expenditure 874
per pupil receiving the service in the school district as a whole 875
and average expenditure per pupil receiving the service in each 876
building in the school district and in terms of a total cost for 877
each category of service and, as a breakdown of the total cost, a 878
cost for each of the following components: 879

(a) The cost of each instructional services category required 880
by guidelines adopted under division (B)(1)(a) of this section 881
that is provided directly to students by a classroom teacher; 882

(b) The cost of the instructional support services, such as 883
services provided by a speech-language pathologist, classroom 884
aide, multimedia aide, or librarian, provided directly to students 885
in conjunction with each instructional services category; 886

(c) The cost of the administrative support services related 887
to each instructional services category, such as the cost of 888
personnel that develop the curriculum for the instructional 889
services category and the cost of personnel supervising or 890
coordinating the delivery of the instructional services category. 891

(4) Support or extracurricular services costs for each 892
category of service directly provided to students and required by 893
guidelines adopted pursuant to division (B)(1)(b) of this section. 894
The guidelines shall require the cost units under division (C)(4) 895
of this section to be designed so that each of them may be 896
compiled and reported in terms of average expenditure per pupil 897
receiving the service in the school district as a whole and 898
average expenditure per pupil receiving the service in each 899

building in the school district and in terms of a total cost for	900
each category of service and, as a breakdown of the total cost, a	901
cost for each of the following components:	902
(a) The cost of each support or extracurricular services	903
category required by guidelines adopted under division (B)(1)(b)	904
of this section that is provided directly to students by a	905
licensed employee, such as services provided by a guidance	906
counselor or any services provided by a licensed employee under a	907
supplemental contract;	908
(b) The cost of each such services category provided directly	909
to students by a nonlicensed employee, such as janitorial	910
services, cafeteria services, or services of a sports trainer;	911
(c) The cost of the administrative services related to each	912
services category in division (C)(4)(a) or (b) of this section,	913
such as the cost of any licensed or nonlicensed employees that	914
develop, supervise, coordinate, or otherwise are involved in	915
administering or aiding the delivery of each services category.	916
(D)(1) The guidelines adopted under this section shall	917
require school districts to collect information about individual	918
students, staff members, or both in connection with any data	919
required by division (B) or (C) of this section or other reporting	920
requirements established in the Revised Code. The guidelines may	921
also require school districts to report information about	922
individual staff members in connection with any data required by	923
division (B) or (C) of this section or other reporting	924
requirements established in the Revised Code. The guidelines shall	925
not authorize school districts to request social security numbers	926
of individual students. The guidelines shall prohibit the	927
reporting under this section of a student's name, address, and	928
social security number to the state board of education or the	929
department of education. The guidelines shall also prohibit the	930
reporting under this section of any personally identifiable	931
information about any student, except for the purpose of assigning	932
the data verification code required by division (D)(2) of this	933

section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments administered under section 3301.0711 of the Revised Code. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

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

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

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

that would enable any data verification code to be matched to personally identifiable student data. 969
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(b) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section. 971
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(c) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 3701.62 of the Revised Code, a data verification code for a child who is receiving those services. 978
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(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section. 986
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(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code. 996
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(G) The state board shall, in accordance with the procedures 1002

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

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

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

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

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

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

containing the address where the reports are available and the	1037
date on which the reports will be available.	1038
(I) Any data that is collected or maintained pursuant to this	1039
section and that identifies an individual pupil is not a public	1040
record for the purposes of section 149.43 of the Revised Code.	1041
(J) As used in this section:	1042
(1) "School district" means any city, local, exempted	1043
village, or joint vocational school district and, in accordance	1044
with section 3314.17 of the Revised Code, any community school. As	1045
used in division (L) of this section, "school district" also	1046
includes any educational service center or other educational	1047
entity required to submit data using the system established under	1048
this section.	1049
(2) "Cost" means any expenditure for operating expenses made	1050
by a school district excluding any expenditures for debt	1051
retirement except for payments made to any commercial lending	1052
institution for any loan approved pursuant to section 3313.483 of	1053
the Revised Code.	1054
(K) Any person who removes data from the information system	1055
established under this section for the purpose of releasing it to	1056
any person not entitled under law to have access to such	1057
information is subject to section 2913.42 of the Revised Code	1058
prohibiting tampering with data.	1059
(L)(1) In accordance with division (L)(2) of this section and	1060
the rules adopted under division (L)(10) of this section, the	1061
department of education may sanction any school district that	1062
reports incomplete or inaccurate data, reports data that does not	1063
conform to data requirements and descriptions published by the	1064
department, fails to report data in a timely manner, or otherwise	1065
does not make a good faith effort to report data as required by	1066
this section.	1067
(2) If the department decides to sanction a school district	1068

under this division, the department shall take the following sequential actions: 1069
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(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures. 1071
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(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division; 1079
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(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year; 1084
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(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions: 1087
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(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 1091
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(ii) Conduct a site visit and evaluation of the district; 1093

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 1094
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(iv) Continue monitoring the district's data reporting; 1097

(v) Assign department staff to supervise the district's data 1098

management system;	1099
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	1100 1101 1102
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	1103 1104 1105 1106
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	1107 1108 1109 1110 1111
(ix) Any other action designed to correct the district's data reporting problems.	1112 1113
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	1114 1115 1116 1117 1118 1119
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.	1120 1121 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131

(5) Notwithstanding anything in this section to the contrary, 1132
the department may use its own staff or an outside entity to 1133
conduct an audit of a school district's data reporting practices 1134
any time the department has reason to believe the district has not 1135
made a good faith effort to report data as required by this 1136
section. If any audit conducted by an outside entity under 1137
division (L)(2)(d)(i) or (5) of this section confirms that a 1138
district has not made a good faith effort to report data as 1139
required by this section, the district shall reimburse the 1140
department for the full cost of the audit. The department may 1141
withhold state funds due to the district for this purpose. 1142

(6) Prior to issuing a revised report card for a school 1143
district under division (L)(2)(d)(viii) of this section, the 1144
department may hold a hearing to provide the district with an 1145
opportunity to demonstrate that it made a good faith effort to 1146
report data as required by this section. The hearing shall be 1147
conducted by a referee appointed by the department. Based on the 1148
information provided in the hearing, the referee shall recommend 1149
whether the department should issue a revised report card for the 1150
district. If the referee affirms the department's contention that 1151
the district did not make a good faith effort to report data as 1152
required by this section, the district shall bear the full cost of 1153
conducting the hearing and of issuing any revised report card. 1154

(7) If the department determines that any inaccurate data 1155
reported under this section caused a school district to receive 1156
excess state funds in any fiscal year, the district shall 1157
reimburse the department an amount equal to the excess funds, in 1158
accordance with a payment schedule determined by the department. 1159
The department may withhold state funds due to the district for 1160
this purpose. 1161

(8) Any school district that has funds withheld under 1162
division (L)(2) of this section may appeal the withholding in 1163
accordance with Chapter 119. of the Revised Code. 1164

(9) In all cases of a disagreement between the department and 1165

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

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

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

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

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

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

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

Sec. 3301.0715. (A) Except as otherwise required under

division (B)(1) of section 3313.608 of the Revised Code, the board	1198
of education of each city, local, and exempted village school	1199
district shall administer each applicable diagnostic assessment	1200
developed and provided to the district in accordance with section	1201
3301.079 of the Revised Code to the following:	1202
(1) Each student enrolled in a building that has failed to	1203
make adequate yearly progress for two or more consecutive school	1204
years;	1205
(2) Any student who transfers into the district or to a	1206
different school within the district if each applicable diagnostic	1207
assessment was not administered by the district or school the	1208
student previously attended in the current school year, within	1209
thirty days after the date of transfer. If the district or school	1210
into which the student transfers cannot determine whether the	1211
student has taken any applicable diagnostic assessment in the	1212
current school year, the district or school may administer the	1213
diagnostic assessment to the student.	1214
(3)(<u>2</u>) Each kindergarten student, not earlier than four weeks	1215
prior to the first day of school and not later than the first day	1216
of October. For the purpose of division (A)(3)(<u>2</u>) of this section,	1217
the district shall administer the kindergarten readiness	1218
assessment provided by the department of education. In no case	1219
shall the results of the readiness assessment be used to prohibit	1220
a student from enrolling in kindergarten.	1221
(4)(<u>3</u>) Each student enrolled in first or , <u>second, or third</u>	1222
grade.	1223
(B) Each district board shall administer each diagnostic	1224
assessment <u>as when</u> the board deems appropriate, provided the	1225
administration complies with section 3313.608 of the Revised Code.	1226
However, the board shall administer any diagnostic assessment at	1227
least once annually to all students in the appropriate grade	1228
level. A district board may administer any diagnostic assessment	1229
in the fall and spring of a school year to measure the amount of	1230
academic growth attributable to the instruction received by	1231

students during that school year. 1232

(C) Any district that received an excellent or effective rating for the immediately preceding school year, pursuant to section 3302.03 of the Revised Code as it existed prior to the effective date of this amendment or the equivalent of such rating as determined by the department of education, may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(2) of this section. 1233
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(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. 1241
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~~(D)~~(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level. 1257
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~~(E) As used in this section, "adequate yearly progress" has the same meaning as in section 3302.01 of the Revised Code.~~ 1261
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Sec. 3302.01. As used in this chapter: 1263

(A) "Performance index score" means the average of the totals 1264

derived from calculations for each subject area of English 1265
 language arts, mathematics, science, and social studies of the 1266
 weighted proportion of untested students and students scoring at 1267
 each level of skill described in division (A)(2) of section 1268
 3301.0710 of the Revised Code on the assessments prescribed by 1269
 divisions (A) and (B)(1) of that section. The department of 1270
 education shall assign weights such that students who do not take 1271
 an assessment receive a weight of zero and students who take an 1272
 assessment receive progressively larger weights dependent upon the 1273
 level of skill attained on the assessment. The department shall 1274
~~also determine the performance index score a school district or~~ 1275
~~building needs to achieve for the purpose of the performance~~ 1276
~~ratings assigned pursuant to section 3302.03~~assign additional 1277
weights to students who have been permitted to pass over a subject 1278
in accordance with a student acceleration policy adopted under 1279
section 3324.10 of the Revised Code. If such a student attains the 1280
proficient score prescribed under division (A)(2)(c) of section 1281
3301.0710 of the Revised Code or higher on an assessment, the 1282
department shall assign the student the weight prescribed for the 1283
next higher scoring level. If such a student attains the advanced 1284
score, prescribed under division (A)(2)(a) of section 3301.0710 of 1285
the Revised Code, on an assessment, the department shall assign to 1286
the student an additional proportional weight, as approved by the 1287
state board. For each school year that such a student's score is 1288
included in the performance index score and the student attains 1289
the proficient score on an assessment, that additional weight 1290
shall be assigned to the student on a subject-by-subject basis. 1291

Students shall be included in the "performance index score" 1292
 in accordance with division ~~(D)~~(K)(2) of section 3302.03 of the 1293
 Revised Code. 1294

(B) "Subgroup" means a subset of the entire student 1295
 population of the state, a school district, or a school building 1296
 and includes each of the following: 1297

(1) Major racial and ethnic groups; 1298

(2) Students with disabilities;	1299
(3) Economically disadvantaged students;	1300
(4) Limited English proficient students;	1301
(5) <u>Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, 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.</u>	1302 1303 1304 1305 1306 1307 1308 1309
(6) <u>Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.</u>	1310 1311 1312
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	1313 1314 1315 1316 1317 1318
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	1319 1320 1321
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	1322 1323 1324 1325 1326
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical	1327 1328 1329

methodology to individual student achievement data derived from	1330
the achievement assessments prescribed by section 3301.0710 of the	1331
Revised Code. <u>The "value-added progress dimension" shall be</u>	1332
<u>developed and implemented in accordance with section 3302.021 of</u>	1333
<u>the Revised Code.</u>	1334
<u>(G)(1) "Four-year adjusted cohort graduation rate" means the</u>	1335
<u>number of students who graduate in four years or less with a</u>	1336
<u>regular high school diploma divided by the number of students who</u>	1337
<u>form the adjusted cohort for the graduating class.</u>	1338
<u>(2) "Five-year adjusted cohort graduation rate" means the</u>	1339
<u>number of students who graduate in five years with a regular high</u>	1340
<u>school diploma divided by the number of students who form the</u>	1341
<u>adjusted cohort for the four-year graduation rate.</u>	1342
<u>(H) "State institution of higher education" has the same</u>	1343
<u>meaning as in section 3345.011 of the Revised Code.</u>	1344
<u>(I) "Annual measurable objectives" means a measure of student</u>	1345
<u>progress determined in accordance with an agreement between the</u>	1346
<u>department of education and the United States department of</u>	1347
<u>education.</u>	1348
Sec. 3302.02. Not later than one year after the adoption of	1349
rules under division (D) of section 3301.0712 of the Revised Code	1350
and at least every sixth year thereafter, upon recommendations of	1351
the superintendent of public instruction, the state board of	1352
education shall establish <u>a set of performance indicators that</u>	1353
<u>considered as a unit will be used as one of the performance</u>	1354
<u>categories</u> for the report cards required by division (C) of	1355
section 3302.03 of the Revised Code. In establishing these	1356
indicators, the superintendent shall consider inclusion of student	1357
performance on assessments prescribed under section 3301.0710 or	1358
3301.0712 of the Revised Code, rates of student improvement on	1359
such assessments, student attendance , the breadth of coursework	1360
available within the district, and other indicators of student	1361
success. Not later than December 31, 2011, the state board, upon	1362

~~recommendation of the superintendent, shall establish a~~ 1363

Beginning with the report card for the 2014-2015 school year, 1364
the performance indicator reflecting indicators shall include an 1365
indicator that reflects the level of services provided to, and the 1366
performance of, students identified as gifted under Chapter 3324. 1367
of the Revised Code. The indicator shall include the performance 1368
of students identified as gifted on state assessments and 1369
value-added growth measure disaggregated for students identified 1370
as gifted. 1371

For the 2013-2014 school year, except as otherwise provided 1372
in this section, for any indicator based on the percentage of 1373
students attaining a proficient score on the assessments 1374
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 1375
Revised Code, a school district or building shall be considered to 1376
have met the indicator if at least eighty per cent of the tested 1377
students attain a score of proficient or higher on the assessment. 1378
A school district or building shall be considered to have met the 1379
indicator for the assessments prescribed by division (B)(1) of 1380
section 3301.0710 of the Revised Code and only as administered to 1381
eleventh grade students, if at least eighty-five per cent of the 1382
tested students attain a score of proficient or higher on the 1383
assessment. Not later than July 1, 2014, the state board may adopt 1384
rules, under Chapter 119. of the Revised Code, to establish 1385
different proficiency percentages to meet each indicator that is 1386
based on a state assessment for the 2014-2015 school year and 1387
thereafter. 1388

~~The superintendent shall inform the Ohio accountability task~~ 1389
~~force established under section 3302.021 of the Revised Code of~~ 1390
~~the performance indicators the superintendent establishes under~~ 1391
~~this section and the rationale for choosing each indicator and for~~ 1392
~~determining how a school district or building meets that~~ 1393
~~indicator.~~ 1394

The superintendent shall not establish any performance 1395
indicator for passage of the third or fourth grade English 1396

language arts assessment that is solely based on the assessment 1397
given in the fall for the purpose of determining whether students 1398
have met the reading guarantee provisions of section 3313.608 of 1399
the Revised Code. 1400

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1401
later than July 1, 2007, the department of education shall 1402
implement a value-added progress dimension for school districts 1403
and buildings and shall incorporate the value-added progress 1404
dimension into the report cards and performance ratings issued for 1405
districts and buildings under section 3302.03 of the Revised Code. 1406

The state board of education shall adopt rules, pursuant to 1407
Chapter 119. of the Revised Code, for the implementation of the 1408
value-added progress dimension. ~~In adopting rules, the state board~~ 1409
~~shall consult with the Ohio accountability task force established~~ 1410
~~under division (E) of this section.~~ The rules adopted under this 1411
division shall specify both of the following: 1412

(1) A scale for describing the levels of academic progress in 1413
reading and mathematics relative to a standard year of academic 1414
growth in those subjects for each of grades three through eight; 1415

(2) That the department shall maintain the confidentiality of 1416
individual student test scores and individual student reports in 1417
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1418
Revised Code and federal law. The department may require school 1419
districts to use a unique identifier for each student for this 1420
purpose. Individual student test scores and individual student 1421
reports shall be made available only to a student's classroom 1422
teacher and other appropriate educational personnel and to the 1423
student's parent or guardian. 1424

(B) The department shall use a system designed for collecting 1425
necessary data, calculating the value-added progress dimension, 1426
analyzing data, and generating reports, which system has been used 1427
previously by a nonprofit organization led by the Ohio business 1428
community for at least one year in the operation of a pilot 1429
program in cooperation with school districts to collect and report 1430

student achievement data via electronic means and to provide 1431
information to the districts regarding the academic performance of 1432
individual students, grade levels, school buildings, and the 1433
districts as a whole. 1434

(C) The department shall not pay more than two dollars per 1435
student for data analysis and reporting to implement the 1436
value-added progress dimension in the same manner and with the 1437
same services as under the pilot program described by division (B) 1438
of this section. However, nothing in this section shall preclude 1439
the department or any school district from entering into a 1440
contract for the provision of more services at a higher fee per 1441
student. Any data analysis conducted under this section by an 1442
entity under contract with the department shall be completed in 1443
accordance with timelines established by the superintendent of 1444
public instruction. 1445

(D) The department shall share any aggregate student data and 1446
any calculation, analysis, or report utilizing aggregate student 1447
data that is generated under this section with the chancellor of 1448
the Ohio board of regents. The department shall not share 1449
individual student test scores and individual student reports with 1450
the chancellor. 1451

~~(E)(1) There is hereby established the Ohio accountability 1452
task force. The task force shall consist of the following thirteen 1453
members: 1454~~

~~(a) The chairpersons and ranking minority members of the 1455
house of representatives and senate standing committees primarily 1456
responsible for education legislation, who shall be nonvoting 1457
members; 1458~~

~~(b) One representative of the governor's office, appointed by 1459
the governor; 1460~~

~~(c) The superintendent of public instruction, or the 1461
superintendent's designee; 1462~~

(d) One representative of teacher employee organizations	1463
formed pursuant to Chapter 4117. of the Revised Code, appointed by	1464
the speaker of the house of representatives;	1465
(e) One representative of school district boards of	1466
education, appointed by the president of the senate;	1467
(f) One school district superintendent, appointed by the	1468
speaker of the house of representatives;	1469
(g) One representative of business, appointed by the	1470
president of the senate;	1471
(h) One representative of a nonprofit organization led by the	1472
Ohio business community, appointed by the governor;	1473
(i) One school building principal, appointed by the president	1474
of the senate;	1475
(j) A member of the state board of education, appointed by	1476
the speaker of the house of representatives.	1477
Initial appointed members of the task force shall serve until	1478
January 1, 2005. Thereafter, terms of office for appointed members	1479
shall be for two years, each term ending on the same day of the	1480
same month as did the term that it succeeds. Each appointed member	1481
shall hold office from the date of appointment until the end of	1482
the term for which the member was appointed. Members may be	1483
reappointed. Vacancies shall be filled in the same manner as the	1484
original appointment. Any member appointed to fill a vacancy	1485
occurring prior to the expiration of the term for which the	1486
member's predecessor was appointed shall hold office for the	1487
remainder of that term.	1488
The task force shall select from among its members a	1489
chairperson. The task force shall meet at least once each calendar	1490
year and at other times upon the call of the chairperson to	1491
conduct its business. Members of the task force shall serve	1492
without compensation.	1493

(2) The task force shall do all of the following:	1494
(a) Examine the implementation of the value-added progress dimension by the department, including the system described in division (B) of this section, the reporting of performance data to school districts and buildings, and the provision of professional development on the interpretation of the data to classroom teachers and administrators;	1495 1496 1497 1498 1499 1500
(b) Periodically review any fees for data analysis and reporting paid by the department pursuant to division (C) of this section and determine if the fees are appropriate based upon the level of services provided;	1501 1502 1503 1504
(c) Periodically report to the department and the state board on all issues related to the school district and building accountability system established under this chapter;	1505 1506 1507
(d) Not later than seven years after its initial meeting, make recommendations to improve the school district and building accountability system established under this chapter. The task force shall adopt recommendations by a majority vote of its members. Copies of the recommendations shall be provided to the state board, the governor, the speaker of the house of representatives, and the president of the senate.	1508 1509 1510 1511 1512 1513 1514
(e) Determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and performance ratings.	1515 1516 1517
Sec. 3302.03. (A) Annually the department of education shall report for each school district and each school building in a district all of the following:	1518 1519 1520
(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state board of education under section 3302.02 of the Revised Code and the number of applicable performance indicators that have been	1521 1522 1523 1524

achieved;	1525
(2) The performance index score of the school district or building;	1526 1527
(3) Whether the school district or building has made adequate yearly progress;	1528 1529
(4) Whether the school district or building is excellent, effective, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.	1530 1531 1532
(B) Except as otherwise provided in division (B)(6) of this section:	1533 1534
(1) A school district or building shall be declared excellent if it meets at least ninety four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared effective.	1535 1536 1537 1538 1539 1540
(2) A school district or building shall be declared effective if it meets at least seventy five per cent but less than ninety four per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for two or more of the same subgroups for three or more consecutive years, it shall be declared in need of continuous improvement.	1541 1542 1543 1544 1545 1546 1547 1548
(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:	1549 1550 1551
(a) It makes adequate yearly progress, meets less than seventy five per cent of the applicable state performance indicators, and has a performance index score established by the department.	1552 1553 1554 1555

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

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

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

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

~~A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic~~

~~emergency if more than twenty per cent of the enrolled students do not take all achievement assessments prescribed for their grade level under division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.~~

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

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

~~(3) Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department of education shall assign a letter grade for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board shall adopt rules pursuant to Chapter 119. of the Revised Code to establish performance criteria for each letter grade and prescribe a method by which the department assigns each letter grade. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the state board shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.~~

<u>(A)(1) For the 2012-2013 school year, the department shall</u>	1625
<u>issue grades as described in division (E) of this section for each</u>	1626
<u>of the following performance measures:</u>	1627
<u>(a) Annual measurable objectives;</u>	1628
<u>(b) Performance index score for a school district or</u>	1629
<u>building. Grades shall be awarded as a percentage of the total</u>	1630
<u>possible points on the performance index system as adopted by the</u>	1631
<u>state board. In adopting benchmarks for assigning letter grades</u>	1632
<u>under division (A)(1)(b) of this section, the state board of</u>	1633
<u>education shall designate ninety per cent or higher for an "A," at</u>	1634
<u>least seventy per cent but not more than eighty per cent for a</u>	1635
<u>"C," and less than fifty per cent for an "F."</u>	1636
<u>(c) The extent to which the school district or building meets</u>	1637
<u>each of the applicable performance indicators established by the</u>	1638
<u>state board under section 3302.02 of the Revised Code and the</u>	1639
<u>percentage of applicable performance indicators that have been</u>	1640
<u>achieved. In adopting benchmarks for assigning letter grades under</u>	1641
<u>division (A)(1)(c) of this section, the state board shall</u>	1642
<u>designate ninety per cent or higher for an "A."</u>	1643
<u>(d) The four- and five-year adjusted cohort graduation rates.</u>	1644
<u>In adopting benchmarks for assigning letter grades under</u>	1645
<u>division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the</u>	1646
<u>department shall designate a four-year adjusted cohort graduation</u>	1647
<u>rate of ninety-three per cent or higher for an "A" and a five-year</u>	1648
<u>cohort graduation rate of ninety-five per cent or higher for an</u>	1649
<u>"A."</u>	1650
<u>(e) The overall score under the value-added progress</u>	1651
<u>dimension of a school district or building, for which the</u>	1652
<u>department shall use up to three years of value-added data as</u>	1653
<u>available. The letter grade assigned for this growth measure shall</u>	1654
<u>be as follows:</u>	1655

<u>(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."</u>	1656 1657
<u>(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."</u>	1658 1659 1660
<u>(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."</u>	1661 1662 1663 1664
<u>(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."</u>	1665 1666 1667 1668
<u>(v) A score that is not greater than two standard errors of measure below the mean score shall be designated as an "F."</u>	1669 1670
<u>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.</u>	1671 1672 1673 1674 1675
<u>(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 subgroup shall be a separate graded measure.</u>	1676 1677 1678 1679 1680 1681
<u>(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division</u>	1682 1683 1684 1685 1686 1687

(A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 1688
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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 (A)(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. 1690
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(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year. 1697
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(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (E) of this section for each of the following performance measures: 1699
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(a) Annual measurable objectives; 1702

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 1703
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(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." 1711
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(d) The four- and five-year adjusted cohort graduation rates; 1718

(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. 1719
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(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. 1723
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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 districts and buildings for purposes of division (B)(1)(j) 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 percentage of students scoring below grade level, or below proficient, compared from year to year on the English language arts diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(j) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code. 1731
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(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's 1752
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<u>or building's report card all of the following without an assigned letter grade:</u>	1754
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<u>(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;</u>	1756
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<u>(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.</u>	1760
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<u>(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;</u>	1773
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<u>(d) The percentage of the district's or the building's students who receive industry credentials. The state board shall adopt criteria for acceptable industry credentials.</u>	1779
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<u>(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.</u>	1782
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<u>(f) The percentage of the district's or building's students</u>	1786

who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 1787
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(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. 1789
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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. 1795
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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014 school year. 1802
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(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 following performance measures and an overall letter grade based on an aggregate of those measures: 1804
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(a) Annual measurable objectives; 1809

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 1810
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(c) The extent to which the school district or building meets 1818

each of the applicable performance indicators established by the 1819
state board under section 3302.03 of the Revised Code and the 1820
percentage of applicable performance indicators that have been 1821
achieved. In adopting benchmarks for assigning letter grades under 1822
division (C)(1)(c) of this section, the state board shall 1823
designate ninety per cent or higher for an "A." 1824

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

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

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

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

(f) The value-added progress dimension score of a school 1845
district or building disaggregated for each of the following 1846
subgroups: students identified as gifted in superior cognitive 1847
ability and specific academic ability fields under Chapter 3324. 1848
of the Revised Code, students with disabilities, and students 1849
whose performance places them in the lowest quintile for 1850
achievement on a statewide basis, as determined by a method 1851
prescribed by the state board. Each subgroup shall be a separate 1852

graded measure. 1853

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. 1854
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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)(j) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. 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. 1860
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(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade: 1872
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(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code; 1876
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(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations; 1882
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<u>(c) The number of a district's or building's students who</u>	1886
<u>have earned at least three college credits through dual enrollment</u>	1887
<u>programs, such as the post-secondary enrollment options program</u>	1888
<u>under Chapter 3365. of the Revised Code and state-approved</u>	1889
<u>career-technical courses offered through dual enrollment or</u>	1890
<u>statewide articulation, that appear on a student's transcript or</u>	1891
<u>other official document, either of which is issued by the</u>	1892
<u>institution of higher education from which the student earned the</u>	1893
<u>college credit. The credits earned that are reported under</u>	1894
<u>divisions (B)(2)(b) and (C)(2)(c) of this section shall not</u>	1895
<u>include any that are remedial or developmental and shall include</u>	1896
<u>those that count toward the curriculum requirements established</u>	1897
<u>for completion of a degree.</u>	1898
<u>(d) The percentage of the district's or building's students</u>	1899
<u>who receive an honor's diploma under division (B) of section</u>	1900
<u>3313.61 of the Revised Code;</u>	1901
<u>(e) The percentage of the district's or building's students</u>	1902
<u>who receive industry credentials;</u>	1903
<u>(f) The percentage of students enrolled in a district or</u>	1904
<u>building who are participating in an international baccalaureate</u>	1905
<u>program and the percentage of those students who receive a score</u>	1906
<u>of four or better on the international baccalaureate examinations;</u>	1907
<u>(g) The results of the college and career-ready assessments</u>	1908
<u>administered under division (B)(1) of section 3301.0712 of the</u>	1909
<u>Revised Code.</u>	1910
<u>(3) The state board shall adopt rules pursuant to Chapter</u>	1911
<u>119. of the Revised Code that establish a method to assign an</u>	1912
<u>overall grade for a school district or school building for the</u>	1913
<u>2014-2015 school year and each school year thereafter. The rules</u>	1914
<u>shall group the performance measures in divisions (C)(1) and (2)</u>	1915
<u>of this section into the following components:</u>	1916
<u>(a) Gap closing, which shall include the performance measure</u>	1917
<u>in division (C)(1)(a) of this section;</u>	1918

<u>(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;</u>	1919 1920
<u>(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (i) of this section;</u>	1921 1922
<u>(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;</u>	1923 1924
<u>(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(k) of this section;</u>	1925 1926 1927
<u>(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.</u>	1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945 1946 1947
<u>In the rules adopted under division (C)(3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The state board also shall establish a method to assign an overall</u>	1948 1949 1950 1951

grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section. 1952
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade. 1956
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(D) Not later than July 1, 2015, the state board shall develop a measure of student academic progress for high school students. Beginning with the report card for the 2015-2016 school year, each school district and applicable school building shall be assigned a separate letter grade for this measure and the district's or building's grade for that measure shall be included in determining the district's or building's overall letter grade. This measure shall be included within the measure prescribed in division (C)(2)(c) of this section in the calculation for the overall letter grade. 1965
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(E) The letter grades assigned to a school district or building under this section shall be as follows: 1975
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(1) "A" for a district or school making excellent progress; 1977

(2) "B" for a district or school making above average progress; 1978
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(3) "C" for a district or school making average progress; 1980

(4) "D" for a district or school making below average progress; 1981
1982

<u>(5) "F" for a district or school failing to meet minimum progress.</u>	1983 1984
<u>(F) When reporting data on student performance achievement and progress, the department shall disaggregate that data according to the following categories:</u>	1985 1986 1987
<u>(a)(1) Performance of students by age group grade-level;</u>	1988
<u>(b)(2) Performance of students by race and ethnic group;</u>	1989
<u>(c)(3) Performance of students by gender;</u>	1990
<u>(d)(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;</u>	1991 1992
<u>(e)(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;</u>	1993 1994 1995
<u>(f)(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;</u>	1996 1997
<u>(g)(7) Performance of students grouped by those who are economically disadvantaged;</u>	1998 1999
<u>(h)(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;</u>	2000 2001 2002
<u>(i)(9) Performance of students grouped by those who are classified as limited English proficient;</u>	2003 2004
<u>(j)(10) Performance of students grouped by those who have disabilities;</u>	2005 2006
<u>(k)(11) Performance of students grouped by those who are classified as migrants;</u>	2007 2008

~~(4)~~(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.

(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.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions ~~(C)(3)(a)(F)(1)~~ to ~~(4)~~(13) of this section that it deems relevant.

In reporting data pursuant to division ~~(C)(3)(F)~~ of this section, the department shall not include in the report cards any data 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 ~~(C)(3)(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.

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

~~(5)~~(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.

~~(6)~~(I) Division ~~(C)~~~~(6)~~(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.

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

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

the lease or agreement with the department. 2076

~~(e)(3)~~ Any municipal school district, as defined in section 2077
3311.71 of the Revised Code, that sponsors a community school 2078
located within the district's territory, or that enters into an 2079
agreement with a community school located within the district's 2080
territory whereby the district and the community school endorse 2081
each other's programs, may exercise either or both of the 2082
following elections: 2083

~~(i)(a)~~ To have data regarding the academic performance of 2084
students enrolled in that community school combined with 2085
comparable data from the schools of the district for the purpose 2086
of ~~calculating~~determining the performance of the district as a 2087
whole on the district's report card; 2088

~~(ii)(b)~~ To have the number of students attending that 2089
community school noted separately on the district's report card. 2090

The election authorized under division ~~(C)(6)(e)(i)(I)(3)(a)~~ 2091
of this section is subject to approval by the governing authority 2092
of the community school. 2093

Any municipal school district that exercises an election to 2094
combine or include data under division ~~(C)(6)(e)(I)(3)~~ of this 2095
section, by the first day of October of each year, shall file with 2096
the department documentation indicating eligibility for that 2097
election, as required by the department. 2098

~~(7)(J)~~ The department shall include on each report card the 2099
percentage of teachers in the district or building who are highly 2100
qualified, as defined by the "No Child Left Behind Act of 2001," 2101
and a comparison of that percentage with the percentages of such 2102
teachers in similar districts and buildings. 2103

~~(8)~~ The department shall include on the report card the 2104
number of lead teachers employed by each district and each 2105
building once the data is available from the education management 2106
information system established under section 3301.0714 of the 2107

Revised Code.	2108
(D) (K)(1) In calculating English language arts, mathematics,	2109
social studies, or science assessment passage rates used to	2110
determine school district or building performance under this	2111
section, the department shall include all students taking an	2112
assessment with accommodation or to whom an alternate assessment	2113
is administered pursuant to division (C)(1) or (3) of section	2114
3301.0711 of the Revised Code.	2115
(2) In calculating performance index scores, rates of	2116
achievement on the performance indicators established by the state	2117
board under section 3302.02 of the Revised Code, and <u>annual</u>	2118
<u>measurable objectives for determining</u> adequate yearly progress for	2119
school districts and buildings under this section, the department	2120
shall do all of the following:	2121
(a) Include for each district or building only those students	2122
who are included in the ADM certified for the first full school	2123
week of October and are continuously enrolled in the district or	2124
building through the time of the spring administration of any	2125
assessment prescribed by division (A)(1) or (B)(1) of section	2126
3301.0710 of the Revised Code that is administered to the	2127
student's grade level;	2128
(b) Include cumulative totals from both the fall and spring	2129
administrations of the third grade English language arts	2130
achievement assessment;	2131
(c) Except as required by the "No Child Left Behind Act of	2132
2001" for the calculation of adequate yearly progress, exclude	2133
for each district or building any limited English proficient	2134
student who has been enrolled in United States schools for less	2135
than one full school year.	2136
Sec. 3302.033. The state board of education, in consultation	2137
with the chancellor of the Ohio board of regents, any office	2138
within the office of the governor concerning workforce	2139
development, the Ohio association of career and technical	2140

education, the Ohio association of city career-technical schools, 2141
and the Ohio association of career-technical superintendents, 2142
shall approve a report card for joint vocational school districts 2143
and for other career-technical planning districts that are not 2144
joint vocational school districts, which may contain disaggregated 2145
data for each joint vocational school district, if applicable. The 2146
state board shall submit details of the approved report card to 2147
the governor, the speaker of the house of representatives, the 2148
president of the senate, and the chairpersons of the standing 2149
committees of the house of representatives and the senate 2150
principally responsible for education policy. The department of 2151
education annually shall issue a report card for each joint 2152
vocational school district and other career-technical planning 2153
~~district~~districts that are not joint vocational school districts, 2154
beginning with report cards for the 2012-2013 school year to be 2155
published not later than September 1, 2013. 2156

As used in this section, "career-technical planning district" 2157
means a school district or group of school districts designated by 2158
the department as being responsible for the planning for and 2159
provision of career-technical education services to students 2160
within the district or group. 2161

Sec. 3302.034. (A) Not later than December 31, 2013, the 2162
state board of education shall adopt and specify measures in 2163
addition to those included on the report card issued under section 2164
3302.03 of the Revised Code. The measures adopted under this 2165
section shall be reported separately, as specified under division 2166
(B) of this section, for each school district, each building in a 2167
district, each community school established under Chapter 3314., 2168
each STEM school established under Chapter 3326., and each 2169
college-preparatory boarding school established under Chapter 2170
3328. of the Revised Code. The measures shall include at least the 2171
following: 2172

(1) Data for students who have passed over a grade or subject 2173
area under an acceleration policy prescribed under section 3324.10 2174
of the Revised Code; 2175

<u>(2) The number of students who are economically disadvantaged as determined by the department of education;</u>	2176 2177
<u>(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;</u>	2178 2179 2180 2181
<u>(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;</u>	2182 2183
<u>(5) Postgraduate student outcome data as described under division (E)(2)(d)(ii) of section 3314.017 of the Revised Code;</u>	2184 2185
<u>(6) Availability of courses in fine arts;</u>	2186
<u>(7) Participation with other school districts to provide career-technical education services to students;</u>	2187 2188
<u>(8) The amount of extracurricular services offered to students.</u>	2189 2190
<u>(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.</u>	2191 2192 2193
<u>Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C)(3) of section 3302.03 of the Revised Code, as it exists on or after the effective date of this</u>	2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205

amendment. 2206

(A) The department of education shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to the following: 2207
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(1) For any school year prior to the 2012-2013 school year, 2212
districts and buildings that have been declared to be under an 2213
academic watch or in a state of academic emergency under section 2214
3302.03 of the Revised Code ~~and;~~ 2215

(2) For the 2012-2013 school year, and for each school year 2216
thereafter, districts and buildings in the manner prescribed by 2217
any agreement currently in force between the department and the 2218
United States department of education. The department shall 2219
endeavor to include schools and buildings that receive grades 2220
under section 3302.03 of the Revised Code that the department 2221
considers to be low performing. 2222

The system shall include services provided to districts and 2223
buildings through regional service providers, such as educational 2224
service centers. 2225

(B) This division does not apply to any school district after 2226
June 30, 2008. 2227

When a school district has been notified by the department 2228
pursuant to ~~division (A)~~ of section 3302.03 of the Revised Code 2229
that the district or a building within the district has failed to 2230
make adequate yearly progress for two consecutive school years, 2231
the district shall develop a three-year continuous improvement 2232
plan for the district or building containing each of the 2233
following: 2234

(1) An analysis of the reasons for the failure of the 2235
district or building to meet any of the applicable performance 2236
indicators established under section 3302.02 of the Revised Code 2237

that it did not meet and an analysis of the reasons for its	2238
failure to make adequate yearly progress;	2239
(2) Specific strategies that the district or building will	2240
use to address the problems in academic achievement identified in	2241
division (B)(1) of this section;	2242
(3) Identification of the resources that the district will	2243
allocate toward improving the academic achievement of the district	2244
or building;	2245
(4) A description of any progress that the district or	2246
building made in the preceding year toward improving its academic	2247
achievement;	2248
(5) An analysis of how the district is utilizing the	2249
professional development standards adopted by the state board	2250
pursuant to section 3319.61 of the Revised Code;	2251
(6) Strategies that the district or building will use to	2252
improve the cultural competency, as defined pursuant to section	2253
3319.61 of the Revised Code, of teachers and other educators.	2254
No three-year continuous improvement plan shall be developed	2255
or adopted pursuant to this division unless at least one public	2256
hearing is held within the affected school district or building	2257
concerning the final draft of the plan. Notice of the hearing	2258
shall be given two weeks prior to the hearing by publication in	2259
one newspaper of general circulation within the territory of the	2260
affected school district or building. Copies of the plan shall be	2261
made available to the public.	2262
(C) When (1) <u>For any school year prior to the school year</u>	2263
<u>that begins on July 1, 2012, when</u> a school district or building	2264
has been notified by the department pursuant to division (A) of	2265
section 3302.03 of the Revised Code that the district or building	2266
is under an academic watch or in a state of academic emergency,	2267
the district or building shall be subject to any rules	2268
establishing intervention in academic watch or emergency school	2269

districts or buildings.	2270
<u>(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.</u>	2271 2272 2273 2274 2275
<u>(D)(1) Within For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.</u>	2276 2277 2278 2279 2280 2281
<u>(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) of this section.</u>	2282 2283 2284 2285 2286
<u>(3) Division (D)(2)(3) of this section does not apply to any school district after June 30, 2008.</u>	2287 2288
If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.	2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301
<u>(3)(4) Division (D)(4) of this section does not apply to any</u>	2302

<u>school district after June 30, 2008. Site evaluations conducted</u>	2303
<u>under divisions (D)(1) and, (2), and (3) of this section shall</u>	2304
<u>include, but not be limited to, the following:</u>	2305
(a) Determining whether teachers are assigned to subject	2306
areas for which they are licensed or certified;	2307
(b) Determining pupil-teacher ratios;	2308
(c) Examination of compliance with minimum instruction time	2309
requirements for each school day and for each school year;	2310
(d) Determining whether materials and equipment necessary to	2311
implement the curriculum approved by the school district board are	2312
available;	2313
(e) Examination of whether the teacher and principal	2314
evaluation systems comply with sections 3311.80, 3311.84, 3319.02,	2315
and 3319.111 of the Revised Code;	2316
(f) Examination of the adequacy of efforts to improve the	2317
cultural competency, as defined pursuant to section 3319.61 of the	2318
Revised Code, of teachers and other educators.	2319
(E) This division applies only to school districts that	2320
operate a school building that fails to make adequate yearly	2321
progress for two or more consecutive school years. It does not	2322
apply to any such district after June 30, 2008, except as provided	2323
in division (D)(2) of section 3313.97 of the Revised Code.	2324
(1) For any school building that fails to make adequate	2325
yearly progress for two consecutive school years, the district	2326
shall do all of the following:	2327
(a) Provide written notification of the academic issues that	2328
resulted in the building's failure to make adequate yearly	2329
progress to the parent or guardian of each student enrolled in the	2330
building. The notification shall also describe the actions being	2331
taken by the district or building to improve the academic	2332

performance of the building and any progress achieved toward that goal in the immediately preceding school year. 2333
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(b) If the building receives funds under Title 4I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division. 2335
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(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following: 2360
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(a) If the building receives funds under Title 4I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building 2363
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within the district that is not in school improvement status as 2368
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2369
Chapter 3327. of the Revised Code, the district shall provide 2370
transportation for students who enroll in alternative buildings 2371
under this division to the extent required under division (E)(2) 2372
of this section. 2373

(b) If the building receives funds under Title ~~4~~I, Part A of 2374
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2375
6311 to 6339, from the district, offer supplemental educational 2376
services to students who are enrolled in the building and who are 2377
in the subgroup described in division (B)(3) of section 3302.01 of 2378
the Revised Code. 2379

The district shall spend a combined total of an amount equal 2380
to twenty per cent of the funds it receives under Title I, Part A 2381
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2382
6311 to 6339, to provide transportation for students who enroll in 2383
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 2384
this section and to pay the costs of the supplemental educational 2385
services provided to students under division (E)(2)(b) of this 2386
section, unless the district can satisfy all demand for 2387
transportation and pay the costs of supplemental educational 2388
services for those students who request them with a lesser amount. 2389
In allocating funds between the requirements of divisions 2390
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 2391
shall spend at least an amount equal to five per cent of the funds 2392
it receives under Title I, Part A of the "Elementary and Secondary 2393
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2394
transportation for students who enroll in alternative buildings 2395
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 2396
district can satisfy all demand for transportation with a lesser 2397
amount, and at least an amount equal to five per cent of the funds 2398
it receives under Title I, Part A of the "Elementary and Secondary 2399
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 2400
of the supplemental educational services provided to students 2401
under division (E)(2)(b) of this section, unless the district can 2402
pay the costs of such services for all students requesting them 2403

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

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

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

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

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

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

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.	2437 2438 2439 2440
(d) Extend the length of the school day or year;	2441
(e) Replace the building principal or other key personnel;	2442
(f) Reorganize the administrative structure of the building.	2443
(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:	2444 2445 2446 2447 2448 2449
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	2450 2451
(b) Replace personnel;	2452
(c) Contract with a nonprofit or for-profit entity to operate the building;	2453 2454
(d) Turn operation of the building over to the department;	2455
(e) Other significant restructuring of the building's governance.	2456 2457
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section.	2458 2459 2460 2461 2462
(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently	2463 2464

applicable, with respect to any building formerly subject to one 2465
of those divisions until the building makes adequate yearly 2466
progress for two consecutive school years. 2467

(F) This division applies only to school districts that have 2468
been identified for improvement by the department pursuant to the 2469
"No Child Left Behind Act of 2001." It does not apply to any such 2470
district after June 30, 2008. 2471

(1) If a school district has been identified for improvement 2472
for one school year, the district shall provide a written 2473
description of the continuous improvement plan developed by the 2474
district pursuant to division (B) of this section to the parent or 2475
guardian of each student enrolled in the district. If the district 2476
does not have a continuous improvement plan, the district shall 2477
develop such a plan in accordance with division (B) of this 2478
section and provide a written description of the plan to the 2479
parent or guardian of each student enrolled in the district. 2480

(2) If a school district has been identified for improvement 2481
for two consecutive school years, the district shall continue to 2482
implement the continuous improvement plan developed by the 2483
district pursuant to division (B) or (F)(1) of this section. 2484

(3) If a school district has been identified for improvement 2485
for three consecutive school years, the department shall take at 2486
least one of the following corrective actions with respect to the 2487
district: 2488

(a) Withhold a portion of the funds the district is entitled 2489
to receive under Title I, Part A of the "Elementary and Secondary 2490
Education Act of 1965," 20 U.S.C. 6311 to 6339; 2491

(b) Direct the district to replace key district personnel; 2492

(c) Institute a new curriculum that is consistent with the 2493
statewide academic standards adopted pursuant to division (A) of 2494
section 3301.079 of the Revised Code; 2495

(d) Establish alternative forms of governance for individual school buildings within the district;	2496 2497
(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.	2498 2499
The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.	2500 2501 2502
(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.	2503 2504 2505 2506
(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.	2507 2508 2509 2510 2511 2512 2513
(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.	2514 2515 2516 2517 2518 2519 2520 2521
The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.	2522 2523 2524 2525
(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of	2526 2527

the Revised Code to determine compliance with this section.	2528
(I) The state board shall adopt rules for implementing this section.	2529 2530
Sec. 3302.041. (A) On and after July 1, 2008, in accordance with the No Child Left Behind Act of 2001, school districts and school buildings shall continue to be identified for improvement for failing to make adequate yearly progress for two or more consecutive school years.	2531 2532 2533 2534 2535
(B) Beginning July 1, 2008, and contingent upon continued approval by the United States department of education, each school district that has been identified for improvement, or that contains a school building that has been identified for improvement, shall implement all corrective actions required by the model of differentiated accountability developed by the Ohio department of education and approved by the United States department of education. In any school year in which a district is subject to this division, the Ohio department of education shall notify the district, prior to the district's opening date, of the corrective actions it is required to implement in that school year.	2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547
Sec. 3302.05. The state board of education shall adopt rules freeing school districts declared to be excellent under division (B)(1) or effective under division (B)(2) of section 3302.03 of the Revised Code from specified state mandates <u>if one of the following applies:</u>	2548 2549 2550 2551 2552
<u>(A) For the 2011-2012 school year, the school district was declared to be excellent under section 3302.03 of the Revised Code, as that section existed prior to the effective date of this section and had above expected growth in the overall value-added measure.</u>	2553 2554 2555 2556 2557
<u>(B) For the 2012-2013 school year, the school district received a grade of "A" for the number of performance indicators met under division (A)(1)(c) of section 3302.03 of the Revised</u>	2558 2559 2560

<u>Code and for the value-added dimension under division (A)(1)(e) of section 3302.03 of the Revised Code.</u>	2561
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<u>(C) For the 2013-2014 school year, the school district received a grade of "A" for the number of performance indicators met under division (B)(1)(c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B)(1)(e) of section 3302.03 of the Revised Code.</u>	2563
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<u>(D) For the 2014-2015 school year and for each school year thereafter, the school district received an overall grade of "A" under division (C)(3) of section 3302.03 of the Revised Code. Any</u>	2568
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<u>Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard adopted under division (D)(3) of section 3301.07 of the Revised Code.</u>	2571
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Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent of public instruction shall establish an academic distress commission for each school district that <u>meets any of the following conditions for three or more consecutive years:</u>	2576
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<u>(1) The district has been declared to be in a state of academic emergency pursuant to under section 3302.03 of the Revised Code, as that section existed prior to the effective date of this amendment, and has failed to make adequate yearly progress for four or more consecutive school years;</u>	2580
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<u>(2) The district has received a grade of "F" for the performance index score and a grade of "D" or "F" for the value-added progress dimension of section 3302.03 of the Revised Code;</u>	2585
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<u>(3) The district has received an overall grade of "F" under division (C)(2) or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code;</u>	2589
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(4) At least fifty per cent of the schools operated by the district have received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code. Each 2593
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Each commission shall assist the district for which it was established in improving the district's academic performance. 2596
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Each commission is a body both corporate and politic, constituting an agency and instrumentality of the state and performing essential governmental functions of the state. A commission shall be known as the "academic distress commission for (name of school district)," and, in that name, may exercise all authority vested in such a commission by this section. A separate commission shall be established for each school district to which this division applies. 2598
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(B) Each academic distress commission shall consist of five voting members, three of whom shall be appointed by the superintendent of public instruction and two of whom shall be residents of the applicable school district appointed by the president of the district board of education. When a school district becomes subject to this section, the superintendent of public instruction shall provide written notification of that fact to the district board of education and shall request the president of the district board to submit to the superintendent of public instruction, in writing, the names of the president's appointees to the commission. The superintendent of public instruction and the president of the district board shall make appointments to the commission within thirty days after the district is notified that it is subject to this section. 2606
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Members of the commission shall serve at the pleasure of their appointing authority during the life of the commission. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of a member, the appointing authority shall appoint a successor within fifteen days after the vacancy occurs. Members shall serve without compensation, but shall be paid by the commission their necessary and actual expenses incurred while 2620
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engaged in the business of the commission. 2627

(C) Immediately after appointment of the initial members of 2628
an academic distress commission, the superintendent of public 2629
instruction shall call the first meeting of the commission and 2630
shall cause written notice of the time, date, and place of that 2631
meeting to be given to each member of the commission at least 2632
forty-eight hours in advance of the meeting. The first meeting 2633
shall include an overview of the commission's roles and 2634
responsibilities, the requirements of section 2921.42 and Chapter 2635
102. of the Revised Code as they pertain to commission members, 2636
the requirements of section 121.22 of the Revised Code, and the 2637
provisions of division (F) of this section. At its first meeting, 2638
the commission shall adopt temporary bylaws in accordance with 2639
division (D) of this section to govern its operations until the 2640
adoption of permanent bylaws. 2641

The superintendent of public instruction shall designate a 2642
chairperson for the commission from among the members appointed by 2643
the superintendent. The chairperson shall call and conduct 2644
meetings, set meeting agendas, and serve as a liaison between the 2645
commission and the district board of education. The chairperson 2646
also shall appoint a secretary, who shall not be a member of the 2647
commission. 2648

The department of education shall provide administrative 2649
support for the commission, provide data requested by the 2650
commission, and inform the commission of available state resources 2651
that could assist the commission in its work. 2652

(D) Each academic distress commission may adopt and alter 2653
bylaws and rules, which shall not be subject to section 111.15 or 2654
Chapter 119. of the Revised Code, for the conduct of its affairs 2655
and for the manner, subject to this section, in which its powers 2656
and functions shall be exercised and embodied. 2657

(E) Three members of an academic distress commission 2658
constitute a quorum of the commission. The affirmative vote of 2659
three members of the commission is necessary for any action taken 2660

by vote of the commission. No vacancy in the membership of the
commission shall impair the rights of a quorum by such vote to
exercise all the rights and perform all the duties of the
commission. Members of the commission are not disqualified from
voting by reason of the functions of any other office they hold
and are not disqualified from exercising the functions of the
other office with respect to the school district, its officers, or
the commission.

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

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

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

(I)(1) Within one hundred twenty days after the first meeting
of an academic distress commission, the commission shall adopt an
academic recovery plan to improve academic performance in the
school district. The plan shall address academic problems at both
the district and school levels. The plan shall include the
following:

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

(b) The sequence and timing of the actions described in division (I)(1)(a) of this section and the persons responsible for implementing the actions;	2694 2695 2696
(c) Resources that will be applied toward improvement efforts;	2697 2698
(d) Procedures for monitoring and evaluating improvement efforts;	2699 2700
(e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts.	2701 2702
(2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually.	2703 2704 2705
(3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it.	2706 2707 2708 2709 2710 2711 2712 2713 2714
(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan.	2715 2716 2717
(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final.	2718 2719 2720 2721 2722
The commission may do any of the following:	2723

(1) Appoint school building administrators and reassign administrative personnel;	2724 2725
(2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division.	2726 2727 2728 2729
(3) Contract with a private entity to perform school or district management functions;	2730 2731
(4) Establish a budget for the district and approve district appropriations and expenditures, unless a financial planning and supervision commission has been established for the district pursuant to section 3316.05 of the Revised Code.	2732 2733 2734 2735
(K) If the board of education of a district for which an academic distress commission has been established under this section renews any collective bargaining agreement under Chapter 4117. of the Revised Code during the existence of the commission, the district board shall not enter into any agreement that would render any decision of the commission unenforceable. Section 3302.08 of the Revised Code does not apply to this division.	2736 2737 2738 2739 2740 2741 2742
Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the district board shall resume holding those rights or responsibilities as if it had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. The provisions of this paragraph apply to a collective bargaining agreement entered into after September 29, 2005, and those provisions are deemed to be part of that agreement	2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756

regardless of whether the district satisfied the conditions 2757
prescribed in division (A) of this section at the time the 2758
district entered into that agreement. 2759

(L) An academic distress commission shall cease to exist when 2760
the district for which it was established receives a performance 2761
rating ~~under section 3302.03 of the Revised Code~~ of in need of 2762
continuous improvement or better, under section 3302.03 of the 2763
Revised Code as that section existed prior to the effective date 2764
of this amendment, or a grade of "C" or better for both the 2765
performance index score under division (A)(1)(b), (B)(1)(b), or 2766
(C)(1)(b) and the value-added progress dimension under division 2767
(A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the 2768
Revised Code for two of the three prior school years; however, the 2769
superintendent of public instruction may dissolve the commission 2770
earlier if the superintendent determines that the district can 2771
perform adequately without the supervision of the commission. Upon 2772
termination of the commission, the department of education shall 2773
compile a final report of the commission's activities to assist 2774
other academic distress commissions in the conduct of their 2775
functions. 2776

Sec. 3302.12. (A)(1) Except as provided in divisions (C) and 2777
(D) of this section, ~~for any~~ this section applies to a school 2778
building that is ranked according to performance index score under 2779
section 3302.21 of the Revised Code in the lowest five per cent of 2780
all public school buildings statewide for three consecutive years 2781
and that meets any combination of the following for three 2782
consecutive years: 2783

(a) The school building is declared to be under an academic 2784
watch or in a state of academic emergency under section 3302.03 of 2785
the Revised Code; 2786

(b) The school building that has received a grade of "F" for 2787
the value-added progress dimension under division (A)(1)(e), 2788
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code; 2789

(c) The school building that has received an overall grade of 2790

<u>"F" under section 3302.03 of the Revised Code.</u>	2791
<u>(2) In the case of a building to which this section applies,</u>	2792
the district board of education <u>in control of that building</u> shall	2793
do one of the following at the conclusion of the school year in	2794
which the building first becomes subject to this division	2795
<u>section:</u>	2796
(1) (a) Close the school and direct the district	2797
superintendent to reassign the students enrolled in the school to	2798
other school buildings that demonstrate higher academic	2799
achievement;	2800
(2) (b) Contract with another school district or a nonprofit	2801
or for-profit entity with a demonstrated record of effectiveness	2802
to operate the school;	2803
(3) (c) Replace the principal and all teaching staff of the	2804
school and, upon request from the new principal, exempt the school	2805
from all requested policies and regulations of the board regarding	2806
curriculum and instruction. The board also shall distribute	2807
funding to the school in an amount that is at least equal to the	2808
product of the per pupil amount of state and local revenues	2809
received by the district multiplied by the student population of	2810
the school.	2811
(4) (d) Reopen the school as a conversion community school	2812
under Chapter 3314. of the Revised Code.	2813
(B) If an action taken by the board under division (A) <u>(2)</u> of	2814
this section causes the district to no longer maintain all grades	2815
kindergarten through twelve, as required by section 3311.29 of the	2816
Revised Code, the board shall enter into a contract with another	2817
school district pursuant to section 3327.04 of the Revised Code	2818
for enrollment of students in the schools of that other district	2819
to the extent necessary to comply with the requirement of section	2820
3311.29 of the Revised Code. Notwithstanding any provision of the	2821
Revised Code to the contrary, if the board enters into and	2822
maintains a contract under section 3327.04 of the Revised Code,	2823

the district shall not be considered to have failed to comply with 2824
the requirement of section 3311.29 of the Revised Code. If, 2825
however, the district board fails to or is unable to enter into or 2826
maintain such a contract, the state board of education shall take 2827
all necessary actions to dissolve the district as provided in 2828
division (A) of section 3311.29 of the Revised Code. 2829

(C) If a particular school is required to restructure under 2830
this section and a petition with respect to that same school has 2831
been filed and verified under divisions (B) and (C) of section 2832
3302.042 of the Revised Code, the provisions of that section and 2833
the petition filed and verified under it shall prevail over the 2834
provisions of this section and the school shall be restructured 2835
under that section. However, if division (D)(1), (2), or (3) of 2836
section 3302.042 of the Revised Code also applies to the school, 2837
the school shall be subject to restructuring under this section 2838
and not section 3302.042 of the Revised Code. 2839

If the provisions of this section conflict in any way with 2840
the requirements of federal law, federal law shall prevail over 2841
the provisions of this section. 2842

(D) If a school is restructured under this section, section 2843
3302.042 or 3302.10 of the Revised Code, or federal law, the 2844
school shall not be required to restructure again under state law 2845
for three consecutive years after the implementation of that prior 2846
restructuring. 2847

Sec. 3302.20. (A) The department of education shall develop 2848
standards for determining, from the existing data reported in 2849
accordance with sections 3301.0714 and 3314.17 of the Revised 2850
Code, the amount of annual operating expenditures for classroom 2851
instructional purposes and for nonclassroom purposes for each 2852
city, exempted village, local, and joint vocational school 2853
district, each community school established under Chapter 3314. 2854
that is not an internet- or computer-based community school, each 2855
internet- or computer-based community school, and each STEM school 2856
established under Chapter 3326. of the Revised Code. The 2857

department shall present those standards to the state board of education for consideration. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other state governments. The department also shall align the expenditure categories required for reporting under the standards with the categories that are required for reporting to the United States department of education under federal law.

The state board shall consider the proposed standards and adopt a final set of standards not later than December 31, 2012. School districts, community schools, and STEM schools shall begin reporting data in accordance with the standards on ~~July 1~~June 30, 2013.

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

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

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

(4) The department shall categorize all internet- or

computer-based community schools into a single category.	2891
(5) The department shall categorize all STEM schools into a single category.	2892 2893
(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:	2894 2895 2896 2897
(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;	2898 2899 2900
(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;	2901 2902 2903
(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	2904 2905 2906
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	2907 2908 2909
(a) From highest to lowest percentage spent for classroom instructional purposes;	2910 2911
(b) From lowest to highest percentage spent for noninstructional purposes.	2912 2913
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	2914 2915 2916
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	2917 2918 2919

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;	2920 2921 2922
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	2923 2924 2925
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	2926 2927
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;	2928 2929 2930
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.	2931 2932 2933
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	2934 2935 2936
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	2937 2938
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, <u>excluding</u> <u>such community schools to which section 3314.017 of the Revised</u> <u>Code applies.</u>	2939 2940 2941 2942
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	2943 2944 2945
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;	2946 2947

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, <u>excluding such community schools to which section 3314.017 of the Revised Code applies.</u>	2948 2949 2950 2951
(5) Within the category of STEM schools, the department shall denote each school that is:	2952 2953
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil;	2954 2955
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	2956 2957
<u>For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.</u>	2958 2959 2960 2961 2962
(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 <u>or 3314.017</u> of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.	2963 2964 2965 2966 2967 2968 2969 2970 2971 2972
(F) As used in this section:	2973
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	2974 2975
(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.	2976 2977 2978

Sec. 3302.21. (A) The department of education shall develop 2979
a system to rank order all city, exempted village, and local 2980
school districts, community schools established under Chapter 2981
3314. of the Revised Code except those community schools to which 2982
section 3314.017 of the Revised Code applies, and STEM schools 2983
established under Chapter 3326. of the Revised Code according to 2984
the following measures: 2985

(1) Performance index score for each school district, 2986
community school, and STEM school and for each separate building 2987
of a district, community school, or STEM school. For districts, 2988
schools, or buildings to which the performance index score does 2989
not apply, the superintendent of public instruction ~~shall~~may 2990
develop another measure of student academic performance based on 2991
similar data and performance measures if appropriate and use that 2992
measure to include those buildings in the ranking so that ~~all~~ 2993
districts, schools, and buildings may be reliably compared to each 2994
other. 2995

(2) Student performance growth from year to year, using the 2996
value-added progress dimension, if applicable, and other measures 2997
of student performance growth designated by the superintendent of 2998
public instruction for subjects and grades not covered by the 2999
value-added progress dimension or the alternative student academic 3000
progress measure if adopted under division (C)(1)(e) of section 3001
3302.03 of the Revised Code; 3002

(3) Current operating expenditures per pupil as determined 3003
under standards adopted by the state board of education under 3004
section 3302.20 of the Revised Code; 3005

(4) Of total current operating expenditures, percentage spent 3006
for classroom instruction as determined under standards adopted by 3007
the state board under section 3302.20 of the Revised Code; 3008

(5) Performance of, and opportunities provided to, students 3009
identified as gifted using value-added progress dimensions, if 3010
applicable, and other relevant measures as designated by the 3011

superintendent of public instruction. 3012

The department shall rank each district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school annually in accordance with the system developed under this section. 3013
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(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each city, exempted village, and local school district, each community school except a community school to which section 3314.017 of the Revised Code applies, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to (4) of this section, including each separate building's rank among all public school buildings according to performance index score under division (A)(1) of this section. 3017
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Sec. 3310.03. A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), or (C) of this section: 3027
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(A)(1) The student is enrolled in a school building ~~that is~~ operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division (G) of this section, and to which ~~both~~any or a combination of any of the following apply for two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought: 3034
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(a) The building was declared, ~~in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is~~ 3043
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3045

~~sought~~, to be in a state of academic emergency or academic watch 3046
under section 3302.03 of the Revised Code;as that section existed 3047
prior to the effective date of this amendment. 3048

(b) ~~The building was not declared to be excellent or~~ 3049
~~effective under that section in the most recent rating published~~ 3050
~~prior to the first day of July of the school year for which a~~ 3051
~~scholarship is sought~~The building received a grade of "D" or "F" 3052
for the performance index score under division (A)(1)(b) or 3053
(B)(1)(b) of section 3302.03 of the Revised Code and for the 3054
value-added progress dimension under division (A)(1)(e) or 3055
(B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 3056
or 2013-2014 school year, or both; or if the building serves only 3057
grades ten through twelve, the building received a grade of "D" or 3058
"F" for the performance index score under division (A)(1)(b) or 3059
(B)(1)(b) of section 3302.03 of the Revised Code and had a 3060
four-year adjusted cohort graduation rate of less than 3061
seventy-five per cent. 3062

(c) The building received an overall grade of "D" or "F" 3063
under division (C)(3) of section 3302.03 of the Revised Code or a 3064
grade of "F" for the value-added progress dimension under division 3065
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 3066
school year or any school year thereafter. 3067

(2) The student is eligible to enroll in kindergarten in the 3068
school year for which a scholarship is sought and otherwise would 3069
be assigned under section 3319.01 of the Revised Code to a school 3070
building described in division (A)(1) of this section. 3071

(3) The student is enrolled in a community school established 3072
under Chapter 3314. of the Revised Code but otherwise would be 3073
assigned under section 3319.01 of the Revised Code to a building 3074
described in division (A)(1) of this section. 3075

(4) The student is enrolled in a school building ~~that is~~ 3076
operated by the student's resident district or in a community 3077
school established under Chapter 3314. of the Revised Code and 3078
otherwise would be assigned under section 3319.01 of the Revised 3079

Code to a school building described in division (A)(1) of this 3080
section in the school year for which the scholarship is sought. 3081

(5) The student is eligible to enroll in kindergarten in the 3082
school year for which a scholarship is sought, or is enrolled in a 3083
community school established under Chapter 3314. of the Revised 3084
Code, and all of the following apply to the student's resident 3085
district: 3086

(a) The district has in force an intradistrict open 3087
enrollment policy under which no student in kindergarten or the 3088
community school student's grade level, respectively, is 3089
automatically assigned to a particular school building; 3090

~~(b) In at least two of the three most recent ratings of 3091
school districts published prior to the first day of July of the 3092
school year for which a scholarship is sought, the district was 3093
declared to be in a state of academic emergency under section 3094
3302.03 of the Revised Code; 3095~~

~~(c) The district was not declared to be excellent or 3096
effective under that section in the most recent rating published 3097
prior to the first day of July of the school year for which a 3098
scholarship is sought the most recent rating published prior to 3099
the first day of July of the school year for which scholarship is 3100
sought, the district did not receive a rating described in 3101
division (G) of this section, and in at least two of the three 3102
most recent report cards published prior to the first day of July 3103
of that school year, any or a combination of the following apply 3104
to the district: 3105~~

~~(i) The district was declared to be in a state of academic 3106
emergency under section 3302.03 of the Revised Code as it existed 3107
prior to the effective date of this amendment. 3108~~

~~(ii) The district received a grade of "D" or "F" for the 3109
performance index score under division (A)(1)(b) or (B)(1)(b) of 3110
section 3302.03 of the Revised Code and for the value-added 3111
progress dimension under division (A)(1)(e) or (B)(1)(e) of 3112~~

<u>section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both.</u>	3113
	3114
<u>(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter.</u>	3115
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(B)(1) The student is enrolled in a school building that is operated by the student's resident district and to which both of the following apply:	3120
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(a) The building was ranked, for at least two of the three most recent rankings published under section 3302.21 of the Revised Code prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of all public school buildings according to performance index score under section 3302.21 of the Revised Code.	3123
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(b) The building was not declared to be excellent or effective under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.	3129
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	3132
(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section.	3133
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	3136
(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.	3137
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	3140
(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised	3141
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Code to a school building described in division (B)(1) of this	3145
section in the school year for which the scholarship is sought.	3146
(C) The student is enrolled in a nonpublic school at the time	3147
the school is granted a charter by the state board of education	3148
under section 3301.16 of the Revised Code and the student meets	3149
the standards of division (B) of section 3310.031 of the Revised	3150
Code.	3151
(D) A student who receives a scholarship under the	3152
educational choice scholarship pilot program remains an eligible	3153
student and may continue to receive scholarships in subsequent	3154
school years until the student completes grade twelve, so long as	3155
all of the following apply:	3156
(1) The student's resident district remains the same, or the	3157
student transfers to a new resident district and otherwise would	3158
be assigned in the new resident district to a school building	3159
described in division (A)(1) or (B)(1) of this section;	3160
(2) The student takes each assessment prescribed for the	3161
student's grade level under section 3301.0710 or 3301.0712 of the	3162
Revised Code while enrolled in a chartered nonpublic school;	3163
(3) In each school year that the student is enrolled in a	3164
chartered nonpublic school, the student is absent from school for	3165
not more than twenty days that the school is open for instruction,	3166
not including excused absences.	3167
(E)(1) The department shall cease awarding first-time	3168
scholarships pursuant to divisions (A)(1) to (4) of this section	3169
with respect to a school building that, in the most recent ratings	3170
of school buildings published under section 3302.03 of the Revised	3171
Code prior to the first day of July of the school year, ceases to	3172
meet the criteria in division (A)(1) of this section. The	3173
department shall cease awarding first-time scholarships pursuant	3174
to division (A)(5) of this section with respect to a school	3175
district that, in the most recent ratings of school districts	3176
published under section 3302.03 of the Revised Code prior to the	3177

first day of July of the school year, ceases to meet the criteria	3178
in division (A)(5) of this section.	3179
(2) The department shall cease awarding first-time	3180
scholarships pursuant to divisions (B)(1) to (4) of this section	3181
with respect to a school building that, in the most recent ratings	3182
of school buildings under section 3302.03 of the Revised Code	3183
prior to the first day of July of the school year, ceases to meet	3184
the criteria in division (B)(1) of this section.	3185
(3) However, students who have received scholarships in the	3186
prior school year remain eligible students pursuant to division	3187
(D) of this section.	3188
(F) The state board of education shall adopt rules defining	3189
excused absences for purposes of division (D)(3) of this section.	3190
<u>(G)(1) A student who satisfies only the conditions prescribed</u>	3191
<u>in divisions (A)(1) to (4) of this section shall not be eligible</u>	3192
<u>for a scholarship if the student's resident building meets any of</u>	3193
<u>the following in the most recent rating under section 3302.03 of</u>	3194
<u>the Revised Code published prior to the first day of July of the</u>	3195
<u>school year for which a scholarship is sought:</u>	3196
<u>(a) The building has an overall designation of excellent or</u>	3197
<u>effective under section 3302.03 of the Revised Code as it existed</u>	3198
<u>prior to the effective date of this amendment.</u>	3199
<u>(b) For the 2012-2013 or 2013-2014 school year or both, the</u>	3200
<u>building has a grade of "A" or "B" for the performance index score</u>	3201
<u>under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the</u>	3202
<u>Revised Code and for the value-added progress dimension under</u>	3203
<u>division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised</u>	3204
<u>Code; or if the building serves only grades ten through twelve,</u>	3205
<u>the building received a grade of "A" or "B" for the performance</u>	3206
<u>index score under division (A)(1)(b) or (B)(1)(b) of section</u>	3207
<u>3302.03 of the Revised Code and had a four-year adjusted cohort</u>	3208
<u>graduation rate of greater than or equal to seventy-five per cent.</u>	3209

(c) For the 2014-2015 school year or any school year thereafter, the building has a grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code and had a four-year adjusted cohort graduation rate of greater than or equal to seventy-five per cent. 3210
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(2) A student who satisfies only the conditions prescribed in division (A)(5) of this section shall not be eligible for a scholarship if the student's resident district meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought: 3220
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(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to the effective date of this amendment. 3226
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(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 and 2013-2014 school years. 3229
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(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 school year or any school year thereafter. 3235
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Sec. 3310.06. It is the policy adopted by the general assembly that the educational choice scholarship pilot program shall be construed as one of several educational options available 3240
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for students enrolled in ~~academic emergency or academic watch~~ 3243
persistently low-performing school buildings. Students may be 3244
enrolled in the schools of the student's resident district, in a 3245
community school established under Chapter 3314. of the Revised 3246
Code, in the schools of another school district pursuant to an 3247
open enrollment policy adopted under section 3313.98 of the 3248
Revised Code, in a chartered nonpublic school with or without a 3249
scholarship under the educational choice scholarship pilot 3250
program, or in other schools as the law may provide. 3251

Sec. 3310.16. For the 2013-2014 school year and each school 3252
year thereafter, the department of education shall conduct two 3253
application periods each year for the educational choice 3254
scholarship pilot program, as follows: 3255

(A) The first application period shall open not sooner than 3256
the first day of February prior to the first day of July of the 3257
school year for which a scholarship is sought and run not less 3258
than seventy-five days. 3259

(B) The second application period shall open not sooner than 3260
the first day of July of the school year for which the scholarship 3261
is sought and run not less than thirty days. 3262

Sec. 3311.741. (A) This section applies only to a municipal 3263
school district in existence on July 1, 2012. 3264

(B) Not later than December 1, 2012, the board of education 3265
of each municipal school district to which this section applies 3266
shall submit to the superintendent of public instruction an array 3267
of measures to be used in evaluating the performance of the 3268
district. The measures shall assess at least overall student 3269
achievement, student progress over time, the achievement and 3270
progress over time of each of the applicable categories of 3271
students described in division ~~(C)(3)~~(F) of section 3302.03 of the 3272
Revised Code, and college and career readiness. The state 3273
superintendent shall approve or disapprove the measures by January 3274
15, 2013. If the measures are disapproved, the state 3275
superintendent shall recommend modifications that will make the 3276

measures acceptable.	3277
(C) Beginning with the 2012-2013 school year, the board annually shall establish goals for improvement on each of the measures approved under division (B) of this section. The school district's performance data for the 2011-2012 school year shall be used as a baseline for determining improvement.	3278 3279 3280 3281 3282
(D) Not later than October 1, 2013, and by the first day of October each year thereafter, the board shall issue a report describing the school district's performance for the previous school year on each of the measures approved under division (B) of this section and whether the district has met each of the improvement goals established for that year under division (C) of this section. The board shall provide the report to the governor, the superintendent of public instruction, and, in accordance with section 101.68 of the Revised Code, the general assembly.	3283 3284 3285 3286 3287 3288 3289 3290 3291
(E) Not later than November 15, 2017, the superintendent of public instruction shall evaluate the school district's performance based on the measures approved under division (B) of this section and shall issue a report to the governor and general assembly.	3292 3293 3294 3295 3296
Sec. 3311.80. Notwithstanding any provision of the Revised Code to the contrary, a municipal school district shall be subject to this section instead of section 3319.111 of the Revised Code.	3297 3298 3299
(A) Not later than July 1, 2013, the board of education of each municipal school district and the teachers' labor organization shall develop and adopt standards-based teacher evaluation procedures that conform with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The evaluation procedures shall include at least formal observations and classroom walk-throughs, which may be announced or unannounced; examinations of samples of work, such as lesson plans or assessments designed by a teacher; and multiple measures of student academic growth.	3300 3301 3302 3303 3304 3305 3306 3307 3308 3309

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

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

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

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

(1) The chief executive officer or a subordinate officer of

the district with responsibility for instruction or academic affairs;	3344 3345
(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a principal issued under section 3319.22 of the Revised Code;	3346 3347 3348 3349
(3) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director or a supervisor in any educational area issued under section 3319.22 of the Revised Code;	3350 3351 3352 3353
(4) A person designated to conduct evaluations under an agreement providing for peer assistance and review entered into by the board and the teachers' labor organization.	3354 3355 3356
(E) The evaluation procedures shall describe how the evaluation results will be used for decisions regarding compensation, retention, promotion, and reductions in force and for removal of poorly performing teachers.	3357 3358 3359 3360
(F) A teacher may challenge any violations of the evaluation procedures in accordance with the grievance procedure specified in any applicable collective bargaining agreement. A challenge under this division is limited to the determination of procedural errors that have resulted in substantive harm to the teacher and to ordering the correction of procedural errors. The failure of the board or a person conducting an evaluation to strictly comply with any deadline or evaluation forms established as part of the evaluation process shall not be cause for an arbitrator to determine that a procedural error occurred, unless the arbitrator finds that the failure resulted in substantive harm to the teacher. The arbitrator shall have no jurisdiction to modify the evaluation results, but the arbitrator may stay any decision taken pursuant to division (E) of this section pending the board's correction of any procedural error. The board shall correct any procedural error within fifteen business days after the	3361 3362 3363 3364 3365 3366 3367 3368 3369 3370 3371 3372 3373 3374 3375 3376

arbitrator's determination that a procedural error occurred. 3377

(G) Notwithstanding any provision to the contrary in Chapter 3378
4117. of the Revised Code, the requirements of this section 3379
prevail over any conflicting provisions of a collective bargaining 3380
agreement entered into on or after ~~the effective date of this~~ 3381
~~section~~October 1, 2012. However, the board and the teachers' 3382
labor organization may negotiate additional evaluation procedures, 3383
including an evaluation process incorporating peer assistance and 3384
review, provided the procedures are consistent with this section. 3385

(H) This section does not apply to administrators appointed 3386
by the chief executive officer of a municipal school district 3387
under section 3311.72 of the Revised Code, administrators subject 3388
to evaluation procedures under section 3311.84 or 3319.02 of the 3389
Revised Code, or to any teacher employed as a substitute for less 3390
than one hundred twenty days during a school year pursuant to 3391
section 3319.10 of the Revised Code. 3392

Sec. 3313.473. (A) This section does not apply to any school 3393
district ~~declared to be excellent or effective pursuant to~~ 3394
~~division (B)(1) or (2) of section 3302.03 of the Revised Code to~~ 3395
which one of the following applies: 3396

(1) For the 2011-2012 school year, the school district was 3397
declared to be excellent or effective under section 3302.03 of the 3398
Revised Code, as that section existed prior to the effective date 3399
of this section. 3400

(2) For the 2012-2013 school year, the school district 3401
received a grade of "A" or "B" for the performance index score 3402
under division (A)(1)(b) and for the value-added dimension under 3403
division (A)(1)(e) of section 3302.03 of the Revised Code. 3404

(3) For the 2013-2014 school year, the school district 3405
received a grade of "A" or "B" for the performance index score 3406
under division (B)(1)(b) and for the value-added dimension under 3407
division (B)(1)(e) of section 3302.03 of the Revised Code. 3408

(4) For the 2014-2015 school year and for any school year thereafter, the school district received an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code. 3409
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~~(A)~~(B) The state board of education shall adopt rules 3413
requiring school districts with a total student count of over five 3414
thousand, as determined pursuant to section 3317.03 of the Revised 3415
Code, to designate one school building to be operated by a 3416
site-based management council. The rules shall specify the 3417
composition of the council and the manner in which members of the 3418
council are to be selected and removed. 3419

~~(B)~~(C) The rules adopted under division ~~(A)~~(B) of this 3420
section shall specify those powers, duties, functions, and 3421
responsibilities that shall be vested in the management council 3422
and that would otherwise be exercised by the district board of 3423
education. The rules shall also establish a mechanism for 3424
resolving any differences between the council and the district 3425
board if there is disagreement as to their respective powers, 3426
duties, functions, and responsibilities. 3427

~~(C)~~(D) The board of education of any school district 3428
described by division ~~(A)~~(B) of this section may, in lieu of 3429
complying with the rules adopted under this section, file with the 3430
department of education an alternative structure for a district 3431
site-based management program in at least one of its school 3432
buildings. The proposal shall specify the composition of the 3433
council, which shall include an equal number of parents and 3434
teachers and the building principal, and the method of selection 3435
and removal of the council members. The proposal shall also 3436
clearly delineate the respective powers, duties, functions, and 3437
responsibilities of the district board and the council. The 3438
district's proposal shall comply substantially with the rules 3439
adopted under division ~~(A)~~(B) of this section. 3440

Sec. 3313.608. (A)(1) Beginning with students who enter 3441
third grade in the school year that starts July 1, 2009, and until 3442

June 30, 2013, for any student who attains a score in the range	3443
designated under division (A)(3) of section 3301.0710 of the	3444
Revised Code on the assessment prescribed under that section to	3445
measure skill in English language arts expected at the end of	3446
third grade, each school district, in accordance with the policy	3447
adopted under section 3313.609 of the Revised Code, shall do one	3448
of the following:	3449
(a) Promote the student to fourth grade if the student's	3450
principal and reading teacher agree that other evaluations of the	3451
student's skill in reading demonstrate that the student is	3452
academically prepared to be promoted to fourth grade;	3453
(b) Promote the student to fourth grade but provide the	3454
student with intensive intervention services in fourth grade;	3455
(c) Retain the student in third grade.	3456
(2) Beginning with students who enter third grade in the	3457
2013-2014 school year, no school district shall promote to fourth	3458
grade any student who attains a score in the range designated	3459
under division (A)(3) of section 3301.0710 of the Revised Code on	3460
the assessment prescribed under that section to measure skill in	3461
English language arts expected at the end of third grade, unless	3462
one of the following applies:	3463
(a) The student is a limited English proficient student who	3464
has been enrolled in United States schools for less than two full	3465
school years and has had less than two years of instruction in an	3466
English as a second language program.	3467
(b) The student is a child with a disability entitled to	3468
special education and related services under Chapter 3323. of the	3469
Revised Code and the student's individualized education program	3470
exempts the student from retention under this division.	3471
(c) The student demonstrates an acceptable level of	3472
performance on an alternative standardized reading assessment as	3473
determined by the department of education.	3474

(d) All of the following apply:	3475
(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.	3476 3477 3478
(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.	3479 3480 3481
(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.	3482 3483 3484 3485 3486
(iv) The student previously was retained in any of grades kindergarten to three.	3487 3488
(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.	3489 3490 3491 3492
(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.	3493 3494 3495 3496 3497 3498 3499
(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student enrolled in kindergarten to third grade by the thirtieth day of September and shall identify	3500 3501 3502 3503 3504 3505

students who are reading below their grade level. Each district	3506
shall use the diagnostic assessment to measure English language	3507
arts reading ability for the appropriate grade level adopted under	3508
section 3301.079 of the Revised Code, or a comparable tool	3509
approved by the department of education, to identify such	3510
students. The policies and procedures shall require the students'	3511
classroom teachers to be involved in the assessment and the	3512
identification of students reading below grade level.	3513
(2) For each student identified by the diagnostic assessment	3514
prescribed under this section as having reading skills below grade	3515
level, the district shall do both of the following:	3516
(a) Provide to the student's parent or guardian, in writing,	3517
all of the following:	3518
(i) Notification that the student has been identified as	3519
having a substantial deficiency in reading;	3520
(ii) A description of the current services that are provided	3521
to the student;	3522
(iii) A description of the proposed supplemental	3523
instructional services and supports that will be provided to the	3524
student that are designed to remediate the identified areas of	3525
reading deficiency;	3526
(iv) Notification that if the student attains a score in the	3527
range designated under division (A)(3) of section 3301.0710 of the	3528
Revised Code on the assessment prescribed under that section to	3529
measure skill in English language arts expected at the end of	3530
third grade, the student shall be retained unless the student is	3531
exempt under division (A) of this section. The notification shall	3532
specify that the assessment under section 3301.0710 of the Revised	3533
Code is not the sole determinant of promotion and that additional	3534
evaluations and assessments are available to the student to assist	3535
parents and the district in knowing when a student is reading at	3536
or above grade level and ready for promotion.	3537

(b) Provide intensive reading instruction <u>services and regular diagnostic assessments</u> to the student immediately	3538
following identification of a reading deficiency, in accordance	3539
with <u>until the development of the reading improvement and monitoring plan required by</u> division (C) of this section. Such	3540
<u>These</u> intervention services shall include research-based reading strategies that have been shown to be successful in improving	3541
reading among low-performing readers and instruction targeted at	3542
the student's identified reading deficiencies.	3543
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(3) For each student retained under division (A) of this section, the district shall do all of the following:	3547
	3548
(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall	3549
include intensive interventions in reading that address the areas	3550
of deficiencies identified under this section including, but not	3551
limited to, not less than ninety minutes of reading daily	3552
<u>instruction per day</u> , and may include any of the following:	3553
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(i) Small group instruction;	3555
(ii) Reduced teacher-student ratios;	3556
(iii) More frequent progress monitoring;	3557
(iv) Tutoring or mentoring;	3558
(v) Transition classes containing third and fourth grade students;	3559
	3560
(vi) Extended school day, week, or year;	3561
(vii) Summer reading camps.	3562
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who	3563
demonstrates that the student is reading at or above grade level;	3564
	3565

(c) Provide each student with a ~~high-performing teacher, as determined by the teacher's student performance data, when available, and performance reviews~~ who satisfies one or more of the applicable criteria set forth in division (H) of this section.

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

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

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

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

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

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

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;	3598 3599 3600
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;	3601 3602 3603
(5) A reading curriculum during regular school hours that does all of the following:	3604 3605
(a) Assists students to read at grade level;	3606
(b) Provides scientifically based and reliable assessment;	3607
(c) Provides initial and ongoing analysis of each student's reading progress.	3608 3609
(6) A statement that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	3610 3611 3612 3613 3614
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who has either received a passing score on a rigorous test of principles of scientifically based reading instruction approved by the state board of education or has a reading endorsement on the teacher's license <u>satisfies one or more of the applicable criteria set forth in division (H) of this section.</u>	3615 3616 3617 3618 3619 3620 3621 3622
The district shall report any information requested by the department about the <u>reading improvement monitoring plans</u> developed under this division in the manner required by the department.	3623 3624 3625 3626
(D) Each school district shall report annually to the	3627

department on its implementation and compliance with this section 3628
using guidelines prescribed by the superintendent of public 3629
instruction. The superintendent of public instruction annually 3630
shall report to the governor and general assembly the number and 3631
percentage of students in grades kindergarten through four reading 3632
below grade level based on the diagnostic assessments administered 3633
under division (B) of this section and the achievement assessments 3634
administered under divisions (A)(1)(a) and (b) of section 3635
3301.0710 of the Revised Code in English language arts, aggregated 3636
by school district and building; the types of intervention 3637
services provided to students; and, if available, an evaluation of 3638
the efficacy of the intervention services provided. 3639

(E) Any summer remediation services funded in whole or in 3640
part by the state and offered by school districts to students 3641
under this section shall meet the following conditions: 3642

(1) The remediation methods are based on reliable educational 3643
research. 3644

(2) The school districts conduct assessment before and after 3645
students participate in the program to facilitate monitoring 3646
results of the remediation services. 3647

(3) The parents of participating students are involved in 3648
programming decisions. 3649

(F) Any intervention or remediation services required by this 3650
section shall include intensive, explicit, and systematic 3651
instruction. 3652

(G) This section does not create a new cause of action or a 3653
substantive legal right for any person. 3654

(H)(1) Prior to July 1, 2014, each student described in 3655
division (B)(3) or (C) of this section who enters third grade for 3656
the first time on or after July 1, 2013, shall be assigned a 3657
teacher who has been actively engaged in the reading instruction 3658
of students for the previous three years and who satisfies one or 3659

<u>more of the following criteria:</u>	3660
<u>(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement.</u>	3661 3662 3663
<u>(b) The teacher has completed a master's degree program with a major in reading.</u>	3664 3665
<u>(c) The teacher has demonstrated evidence of a credential earned from a list of scientifically research-based reading instruction programs approved by the department.</u>	3666 3667 3668
<u>(d) The teacher was rated "above value added," which means most effective in reading, as determined by the department, for the last two school years.</u>	3669 3670 3671
<u>(2) Effective July 1, 2014, each student described in divisions (B)(3) and (C) of this section shall be assigned a teacher who has been actively engaged in the reading instruction of students for the previous three years and who satisfies one or more of the following criteria:</u>	3672 3673 3674 3675 3676
<u>(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement.</u>	3677 3678 3679
<u>(b) The teacher has completed a master's degree program with a major in reading.</u>	3680 3681
<u>(c) The teacher was rated above "above value added," which means most effective for the last two school years.</u>	3682 3683
<u>(d) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction. This test shall be selected through a competitive bidding process and shall be approved by the state board.</u>	3684 3685 3686 3687
<u>(3) If, on the effective date of this amendment, a school</u>	3688

district or community school cannot furnish the number of teachers 3689
needed who satisfy one or more of the criteria set forth in 3690
division (H)(1) of this section, the school district or community 3691
school shall develop and submit a plan by June 30, 2013, in a 3692
manner determined by the department indicating the criteria that 3693
will be used to determine those teachers in the school district or 3694
community school who will teach and how the school district or 3695
community school will meet the requirements set forth in division 3696
(H)(2) of this section. 3697

A school district or community school may include in this 3698
plan the option to contract with another school district or 3699
private provider that has been screened and approved by the 3700
department to provide intervention services. If the school 3701
district or community school's plan is not approved by the 3702
department by August 15, 2013, the school district or community 3703
school shall use a private contractor from a list approved by the 3704
department or contract with another district to provide 3705
intervention services for these students. 3706

Sec. 3314.011. Every community school established under this 3707
chapter shall have a designated fiscal officer. The auditor of 3708
state may require by rule that the fiscal officer of any community 3709
school, before entering upon duties as fiscal officer of the 3710
school, execute a bond in an amount and with surety to be approved 3711
by the governing authority of the school, payable to the state, 3712
conditioned for the faithful performance of all the official 3713
duties required of the fiscal officer. Any such bond shall be 3714
deposited with the governing authority of the school, and a copy 3715
thereof, certified by the governing authority, shall be filed with 3716
the county auditor. 3717

Prior to assuming the duties of fiscal officer, the fiscal 3718
officer designated under this section shall be licensed under 3719
section 3301.074 of the Revised Code ~~or shall complete not less~~ 3720
~~than sixteen hours of continuing education classes, courses, or~~ 3721
~~workshops in the area of school accounting as approved by the~~ 3722
~~sponsor of the community school. Any fiscal officer who is not~~ 3723

~~licensed under section 3301.074 of the Revised Code shall complete 3724
an additional twenty four hours of continuing education classes, 3725
courses, or workshops in the area of school accounting as approved 3726
by the sponsor of the school within one year after assuming the 3727
duties of fiscal officer of the school. However, any such classes, 3728
courses, or workshops in excess of sixteen hours completed by the 3729
fiscal officer prior to assuming the duties of fiscal officer 3730
shall count toward the additional twenty four hours of continuing 3731
education required under this section. In each subsequent year, 3732
any fiscal officer who is not licensed under section 3301.074 of 3733
the Revised Code shall complete eight hours of continuing 3734
education classes, courses, or workshops in the area of school 3735
accounting as approved by the sponsor of the school. Any person 3736
serving as a fiscal officer of a community school on the effective 3737
date of this amendment who is not licensed as a treasurer shall be 3738
permitted to serve as a fiscal officer for not more than one year 3739
following the effective date of this amendment. Beginning on that 3740
date and thereafter, no community school shall permit any 3741
individual to serve as a fiscal officer without a license as 3742
required by this section. 3743~~

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 3744
the superintendent of public instruction shall appoint 3745
representatives of the department of education, including 3746
employees who work with the education management information 3747
system, to a committee to develop report card models for community 3748
schools. The committee shall design model report cards appropriate 3749
for the various types of community schools approved to operate in 3750
the state. Sufficient models shall be developed to reflect the 3751
variety of grade levels served and the missions of the state's 3752
community schools. All models shall include both financial and 3753
academic data. The initial models shall be developed by March 31, 3754
2000. 3755

(B) ~~The~~Except as provided in section 3314.017 of the Revised 3756
Code, the department of education shall issue an annual report 3757
card for each community school, regardless of how long the school 3758
has been in operation. The report card shall report the academic 3759

and financial performance of the school utilizing one of the 3760
models developed under division (A) of this section. The report 3761
card shall include all information applicable to school buildings 3762
under ~~division~~ divisions (A), (B), (C), and (D) of section 3302.03 3763
of the Revised Code. The ratings a community school receives under 3764
section 3302.03 of the Revised Code for its first two full school 3765
years shall not be considered toward automatic closure of the 3766
school under section 3314.35 of the Revised Code or any other 3767
matter that is based on report card ratings. 3768

(C) Upon receipt of a copy of a contract between a sponsor 3769
and a community school entered into under this chapter, the 3770
department of education shall notify the community school of the 3771
specific model report card that will be used for that school. 3772

(D) Report cards shall be distributed to the parents of all 3773
students in the community school, to the members of the board of 3774
education of the school district in which the community school is 3775
located, and to any person who requests one from the department. 3776

Sec. 3314.013. (A) ~~Until January 1, 2013~~ the sixty-first day 3777
after the effective date of this amendment, no internet- or 3778
computer-based community school shall operate unless the school 3779
was open for instruction as of May 1, 2005. No entity described in 3780
division (C)(1) of section 3314.02 of the Revised Code shall enter 3781
into a contract to sponsor an internet- or computer-based 3782
community school, including a conversion school, between May 1, 3783
2005, and ~~January 1, 2013~~ the sixty-first day after the effective 3784
date of this amendment, except as follows: 3785

(1) The entity may renew a contract that the entity entered 3786
into with an internet- or computer-based community school prior to 3787
May 1, 2005, if the school was open for operation as of that date. 3788

(2) The entity may assume sponsorship of an existing 3789
internet- or computer-based community school that was formerly 3790
sponsored by another entity and may enter into a contract with 3791
that community school in accordance with section 3314.03 of the 3792

Revised Code. 3793

If a sponsor entered into a contract with an internet- or 3794
computer-based community school, including a conversion school, 3795
but the school was not open for operation as of May 1, 2005, the 3796
contract shall be void and the entity shall not enter into another 3797
contract with the school until ~~January 1, 2013~~the sixty-first day 3798
after the effective date of this amendment. 3799

(B)(1) Beginning ~~January~~ on the later of July 1, 2013, or the 3800
sixty-first day after the effective date of this amendment, up to 3801
five new internet- or computer-based community schools may open 3802
each year. ~~If the governing authorities of more than five new~~ 3803
~~schools notify the department of education under division (D) of~~ 3804
~~section 3314.02 of the Revised Code, by a deadline established by~~ 3805
~~the department, that they have signed a contract with a sponsor to~~ 3806
~~open in the following school year, the department shall hold a~~ 3807
~~lottery within thirty days after the deadline to choose the five~~ 3808
~~schools that may open in that school year. The contract signed by~~ 3809
~~the governing authority of any school not selected in the lottery~~ 3810
~~shall be void, but the school may enter into a contract with a~~ 3811
~~sponsor to open in a subsequent school year, subject to this~~ 3812
~~division, subject to approval of the superintendent of public~~ 3813
instruction under division (B)(2) of this section. 3814

(2) The superintendent of public instruction shall approve 3815
applications for new internet- or computer-based community schools 3816
from only those applicants demonstrating experience and quality. 3817

The state board of education shall adopt rules prescribing 3818
measures to determine experience and quality of applicants in 3819
accordance with Chapter 119. of the Revised Code. The measures 3820
shall include, but not be limited to, the following 3821
considerations: 3822

(a) The sponsor's experience with online schools; 3823

(b) The operator's experience with online schools; 3824

<u>(c) The sponsor's and operator's previous record for student performance;</u>	3825 3826
<u>(d) A preference for operators with previous experience in Ohio.</u>	3827 3828
<u>The state board shall adopt the rules so that they are effective not later than the sixty-first day after the effective date of this amendment.</u>	3829 3830 3831
<u>(3) The department of education shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the superintendent has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013, or the sixty-first day after the effective date of this amendment, if such date occurs after July 1, 2013. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.</u>	3832 3833 3834 3835 3836 3837 3838 3839 3840 3841 3842 3843 3844 3845 3846 3847 3848
<u>(C) Nothing in divisions (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.</u>	3849 3850 3851
<u>(D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of internet- or computer-based community schools. The director shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration</u>	3852 3853 3854 3855 3856 3857

of enactment by the general assembly. 3858

Sec. 3314.015. (A) The department of education shall be 3859
responsible for the oversight of any and all sponsors of the 3860
community schools established under this chapter and shall provide 3861
technical assistance to schools and sponsors in their compliance 3862
with applicable laws and the terms of the contracts entered into 3863
under section 3314.03 of the Revised Code and in the development 3864
and start-up activities of those schools. In carrying out its 3865
duties under this section, the department shall do all of the 3866
following: 3867

(1) In providing technical assistance to proposing parties, 3868
governing authorities, and sponsors, conduct training sessions and 3869
distribute informational materials; 3870

(2) Approve entities to be sponsors of community schools; 3871

(3) Monitor and evaluate, as required under section 3314.016 3872
of the Revised Code, the effectiveness of any and all sponsors in 3873
their oversight of the schools with which they have contracted; 3874

(4) By December thirty-first of each year, issue a report to 3875
the governor, the speaker of the house of representatives, the 3876
president of the senate, and the chairpersons of the house and 3877
senate committees principally responsible for education matters 3878
regarding the effectiveness of academic programs, operations, and 3879
legal compliance and of the financial condition of all community 3880
schools established under this chapter and on the performance of 3881
community school sponsors; 3882

(5) From time to time, make legislative recommendations to 3883
the general assembly designed to enhance the operation and 3884
performance of community schools. 3885

(B)(1) Except as provided in sections 3314.021 and 3314.027 3886
of the Revised Code, no entity listed in division (C)(1) of 3887
section 3314.02 of the Revised Code shall enter into a preliminary 3888
agreement under division (C)(2) of section 3314.02 of the Revised 3889

Code until it has received approval from the department of 3890
education to sponsor community schools under this chapter and has 3891
entered into a written agreement with the department regarding the 3892
manner in which the entity will conduct such sponsorship. The 3893
department shall adopt in accordance with Chapter 119. of the 3894
Revised Code rules containing criteria, procedures, and deadlines 3895
for processing applications for such approval, for oversight of 3896
sponsors, for revocation of the approval of sponsors, and for 3897
entering into written agreements with sponsors. The rules shall 3898
require an entity to submit evidence of the entity's ability and 3899
willingness to comply with the provisions of division (D) of 3900
section 3314.03 of the Revised Code. The rules also shall require 3901
entities approved as sponsors on and after June 30, 2005, to 3902
demonstrate a record of financial responsibility and successful 3903
implementation of educational programs. If an entity seeking 3904
approval on or after June 30, 2005, to sponsor community schools 3905
in this state sponsors or operates schools in another state, at 3906
least one of the schools sponsored or operated by the entity must 3907
be comparable to or better than the performance of Ohio schools in 3908
need of continuous improvement under section 3302.03 of the 3909
Revised Code, as determined by the department. 3910

Subject to section 3314.016 of the Revised Code, an entity 3911
that sponsors community schools may enter into preliminary 3912
agreements and sponsor up to one hundred schools, provided each 3913
school and the contract for sponsorship meets the requirements of 3914
this chapter. 3915

(2) The ~~department~~state board of education shall determine, 3916
pursuant to criteria ~~adopted by rule of the department~~specified 3917
in rules adopted in accordance with Chapter 119. of the Revised 3918
Code, whether the mission proposed to be specified in the contract 3919
of a community school to be sponsored by a state university board 3920
of trustees or the board's designee under division (C)(1)(e) of 3921
section 3314.02 of the Revised Code complies with the requirements 3922
of that division. Such determination of the ~~department~~state 3923
board is final. 3924

(3) The ~~department~~state board of education shall determine, 3925
pursuant to criteria ~~adopted by rule of the department~~specified 3926
in rules adopted in accordance with Chapter 119. of the Revised 3927
Code, if any tax-exempt entity under section 501(c)(3) of the 3928
Internal Revenue Code that is proposed to be a sponsor of a 3929
community school is an education-oriented entity for purpose of 3930
satisfying the condition prescribed in division (C)(1)(f)(iii) of 3931
section 3314.02 of the Revised Code. Such determination of the 3932
~~department~~state board is final. 3933

(C) If at any time the state board of education finds that a 3934
sponsor is not in compliance or is no longer willing to comply 3935
with its contract with any community school or with the 3936
department's rules for sponsorship, the state board or designee 3937
shall conduct a hearing in accordance with Chapter 119. of the 3938
Revised Code on that matter. If after the hearing, the state board 3939
or designee has confirmed the original finding, the department of 3940
education may revoke the sponsor's approval to sponsor community 3941
schools. In that case, the department's office of Ohio school 3942
sponsorship, established under section 3314.029 of the Revised 3943
Code, may assume the sponsorship of any schools with which the 3944
sponsor has contracted until the earlier of the expiration of two 3945
school years or until a new sponsor as described in division 3946
(C)(1) of section 3314.02 of the Revised Code is secured by the 3947
school's governing authority. The office of Ohio school 3948
sponsorship may extend the term of the contract in the case of a 3949
school for which it has assumed sponsorship under this division as 3950
necessary to accommodate the term of the department's 3951
authorization to sponsor the school specified in this division. 3952
Community schools sponsored under this division shall not apply to 3953
the limit on directly authorized community schools under division 3954
(A)(3) of section 3314.029 of the Revised Code. However, nothing 3955
in this division shall preclude a community school affected by 3956
this division from applying for sponsorship under that section. 3957

(D) The decision of the department to disapprove an entity 3958
for sponsorship of a community school or to revoke approval for 3959
such sponsorship under division (C) of this section, may be 3960

appealed by the entity in accordance with section 119.12 of the Revised Code. 3961
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(E) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school. 3963
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(F) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules. 3970
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Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be ~~ranked~~rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office. 3974
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(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets both of the following criteria: 3983
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(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education. 3987
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(2) The entity is not ~~ranked in the lowest twenty per cent of community school sponsors on the ranking prescribed by~~rated as "ineffective" under division (B)(6) of this section. 3990
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(B)(1) For purposes of this section, the department shall	3993
develop a composite performance index score, as defined in section	3994
3302.01 of the Revised Code, that measures the academic and	3995
<u>implement an evaluation system that rates each entity that</u>	3996
<u>sponsors a community school based on the following components:</u>	3997
<u>(a) Academic performance of students enrolled in community</u>	3998
<u>schools sponsored by the same entity;</u>	3999
<u>(b) Adherence by a sponsor to the quality practices</u>	4000
<u>prescribed by the department under division (B)(3) of this</u>	4001
<u>section. The department shall not include this measure in the</u>	4002
<u>sponsor evaluation rating system until the department prescribes</u>	4003
<u>quality practices and develops an instrument to measure adherence</u>	4004
<u>to those practices under division (B)(3) of this section.</u>	4005
<u>(c) Compliance with applicable laws and administrative rules</u>	4006
<u>by an entity that sponsors a community school.</u>	4007
(2) In calculating an entity's composite <u>academic performance</u>	4008
index score <u>component</u> , the department shall exclude all of the	4009
following:	4010
(a) All community schools that have been in operation for	4011
less <u>not more</u> than two full school years;	4012
(b) All community schools described in division (A) (3) <u>(4)(b)</u>	4013
of section 3314.35 of the Revised Code, but the department shall	4014
cease to exclude the schools described in division (A)(3)(a) of	4015
that section if those schools become subject to closure under	4016
division (D) of that section.	4017
(3) <u>The department, in consultation with entities that</u>	4018
<u>sponsor community schools, shall prescribe quality practices for</u>	4019
<u>community school sponsors and develop an instrument to measure</u>	4020
<u>adherence to those quality practices. The quality practices shall</u>	4021
<u>be based on standards developed by the national association of</u>	4022
<u>charter school authorizers or any other nationally organized</u>	4023
<u>community school organization.</u>	4024

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. 4025
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(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department. 4028
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(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program. 4031
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(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section. 4036
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(6) The department annually shall ~~rank~~rate all entities that sponsor community schools from highest to lowest according to the entities' composite performance index scores and as either "exemplary," "effective," or "ineffective," based on the components prescribed by division (B) of this section, where each component is weighted equally, except that entities sponsoring community schools for the first time may be assigned the rating of "emerging" for only the first two consecutive years. 4041
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The department shall publish the ~~rankings~~ratings between the first day of October and the fifteenth day of October. 4049
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(7)(a) Prior to the 2014-2015 school year, student academic performance prescribed under division (B)(1)(a) of this section shall not include student academic performance data from community schools that primarily serve students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code. 4051
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(b) For the 2014-2015 school year and each school year 4057
thereafter, student academic performance prescribed under division 4058
(B)(1)(a) of this section shall include student academic 4059
performance data from community schools that primarily serve 4060
students enrolled in a dropout prevention and recovery program. 4061

(C) If the governing authority of a community school enters 4062
into a contract with a sponsor prior to the date on which the 4063
sponsor is prohibited from sponsoring additional schools under 4064
division (A) of this section and the school has not opened for 4065
operation as of that date, that contract shall be void and the 4066
school shall not open until the governing authority secures a new 4067
sponsor by entering into a contract with the new sponsor under 4068
section 3314.03 of the Revised Code. However, the department's 4069
office of Ohio school sponsorship, established under section 4070
3314.029 of the Revised Code, may assume the sponsorship of the 4071
school until the earlier of the expiration of two school years or 4072
until a new sponsor is secured by the school's governing 4073
authority. A community school sponsored by the department under 4074
this division shall not be included when calculating the maximum 4075
number of directly authorized community schools permitted under 4076
division (A)(3) of section 3314.029 of the Revised Code. 4077

Sec. 3314.017. (A) The state board of education shall 4078
prescribe by rules, adopted in accordance with Chapter 119. of the 4079
Revised Code, an academic performance rating and report card 4080
system that satisfies the requirements of this section for 4081
community schools that primarily serve students enrolled in 4082
dropout prevention and recovery programs as described in division 4083
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 4084
lieu of the system prescribed under sections 3302.03 and 3314.012 4085
of the Revised Code beginning with the 2012-2013 school year. Each 4086
such school shall comply with the testing and reporting 4087
requirements of the system as prescribed by the state board. 4088

(B) Nothing in this section shall at any time relieve a 4089
school from its obligations under the "No Child Left Behind Act of 4090

2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The department shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

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

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

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

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

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

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

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

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the applicable state high school achievement assessments required under division (B)(1) or (2) of section

<u>3301.0710 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the applicable state high school achievement assessments by their twenty-second birthday;</u>	4122
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<u>(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;</u>	4127
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<u>(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.</u>	4129
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<u>(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (F) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:</u>	4134
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<u>(a) Exceeds standards;</u>	4142
<u>(b) Meets standards;</u>	4143
<u>(c) Does not meet standards.</u>	4144
<u>(2) The state board's rules shall establish all of the following:</u>	4145
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<u>(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;</u>	4147
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<u>(b) Not later than December 31, 2014, both of the following:</u>	4150

<u>(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;</u>	4151 4152
<u>(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:</u>	4153 4154 4155
<u>(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.</u>	4156 4157 4158 4159
<u>(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.</u>	4160 4161
<u>(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.</u>	4162 4163
<u>(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.</u>	4164 4165
<u>(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated as "meets standards."</u>	4166 4167 4168
<u>The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.</u>	4169 4170 4171 4172
<u>(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:</u>	4173 4174 4175 4176 4177 4178
<u>(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;</u>	4179 4180

<u>(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;</u>	4181 4182 4183 4184
<u>(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;</u>	4185 4186 4187
<u>(d) Annual measurable objectives described in division (C)(3) of this section.</u>	4188 4189
<u>(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4) of section 3314.35 of the Revised Code:</u>	4190 4191 4192 4193
<u>(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;</u>	4194 4195 4196
<u>(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;</u>	4197 4198 4199 4200 4201
<u>(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;</u>	4202 4203 4204
<u>(d) Both of the following without an assigned rating:</u>	4205
<u>(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;</u>	4206 4207 4208
<u>(ii) Student outcome data, including postsecondary credit</u>	4209

earned, nationally recognized career or technical certification, 4210
military enlistment, job placement, and attendance rate. 4211

(3) Beginning with the 2014-2015 school year, and annually 4212
thereafter, the department shall issue a report card for each 4213
community school described in division (A)(4)(a) of section 4214
3314.35 of the Revised Code that includes all of the following 4215
performance measures, including a performance rating for each 4216
measure as described in divisions (D)(1)(a) to (c) of this 4217
section: 4218

(a) The graduation rates as described in division (C)(1) of 4219
this section; 4220

(b) The percentage of twelfth-grade students and other 4221
students who have attained a designated passing score on high 4222
school achievement assessments as described in division (C)(2) of 4223
this section; 4224

(c) Annual measurable objectives described in division (C)(3) 4225
of this section, including a performance rating as described in 4226
divisions (D)(1)(a) to (c) of this section; 4227

(d) Growth in annual student achievement in reading and 4228
mathematics as described in division (C)(4) of this section; 4229

(e) An overall performance designation for the school 4230
calculated under rules adopted under division (D)(2) of this 4231
section. 4232

The department shall also include student outcome data, 4233
including postsecondary credit earned, nationally recognized 4234
career or technical certification, military enlistment, job 4235
placement, attendance rate, and progress on closing achievement 4236
gaps for each school. This information shall not be included in 4237
the calculation of a school's performance rating. 4238

(F) In developing the rating and report card system required 4239
by this section, during the 2012-2013 and 2013-2014 school years, 4240

the department shall gather and analyze data as determined 4241
necessary from each community school described in division 4242
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school 4243
shall cooperate with the department by supplying requested data 4244
and administering required assessments, including sample 4245
assessments for purposes of measuring student achievement growth 4246
as described in division (C)(4) of this section. The department 4247
shall consult with stakeholder groups in performing its duties 4248
under this division. 4249

The department shall also identify one or more states that 4250
have established or are in the process of establishing similar 4251
academic performance rating systems for dropout prevention and 4252
recovery programs and consult with the departments of education of 4253
those states in developing the system required by this section. 4254

Sec. 3314.02. (A) As used in this chapter: 4255

(1) "Sponsor" means the board of education of a school 4256
district or the governing board of an educational service center 4257
that agrees to the conversion of all or part of a school or 4258
building under division (B) of this section, or an entity listed 4259
in division (C)(1) of this section, which either has been approved 4260
by the department of education to sponsor community schools or is 4261
exempted by section 3314.021 or 3314.027 of the Revised Code from 4262
obtaining approval, and with which the governing authority of a 4263
community school enters into a contract under section 3314.03 of 4264
the Revised Code. 4265

(2) "Pilot project area" means the school districts included 4266
in the territory of the former community school pilot project 4267
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 4268
the 122nd general assembly. 4269

(3) "Challenged school district" means any of the following: 4270

(a) A school district that is part of the pilot project area; 4271

(b) A school district that ~~is either~~ meets one of the 4272

following conditions: 4273

(i) On the effective date of this amendment, the district was 4274
in a state of academic emergency or in a state of academic watch 4275
under section 3302.03 of the Revised Code, as that section existed 4276
prior to the effective date of this amendment; 4277

(ii) For two of the 2012-2013, 2013-2014, and 2014-2015 4278
school years, the district received a grade of "D" or "F" for the 4279
performance index score and a grade of "F" for the value-added 4280
progress dimension under section 3302.03 of the Revised Code; 4281

(iii) For the 2015-2016 school year and for any school year 4282
thereafter, the district has received an overall grade of "D" or 4283
"F" under division (C)(3) of section 3302.03 of the Revised Code, 4284
or, for at least two of the three most recent school years, the 4285
district received a grade of "F" for the value-added progress 4286
dimension under division (C)(1)(e) of that section. 4287

(c) A big eight school district; 4288

(d) A school district ranked in the lowest five per cent of 4289
school districts according to performance index score under 4290
section 3302.21 of the Revised Code. 4291

(4) "Big eight school district" means a school district that 4292
for fiscal year 1997 had both of the following: 4293

(a) A percentage of children residing in the district and 4294
participating in the predecessor of Ohio works first greater than 4295
thirty per cent, as reported pursuant to section 3317.10 of the 4296
Revised Code; 4297

(b) An average daily membership greater than twelve thousand, 4298
as reported pursuant to former division (A) of section 3317.03 of 4299
the Revised Code. 4300

(5) "New start-up school" means a community school other than 4301
one created by converting all or part of an existing public school 4302

or educational service center building, as designated in the 4303
school's contract pursuant to division (A)(17) of section 3314.03 4304
of the Revised Code. 4305

(6) "Urban school district" means one of the state's 4306
twenty-one urban school districts as defined in division (O) of 4307
section 3317.02 of the Revised Code as that section existed prior 4308
to July 1, 1998. 4309

(7) "Internet- or computer-based community school" means a 4310
community school established under this chapter in which the 4311
enrolled students work primarily from their residences on 4312
assignments in nonclassroom-based learning opportunities provided 4313
via an internet- or other computer-based instructional method that 4314
does not rely on regular classroom instruction or via 4315
comprehensive instructional methods that include internet-based, 4316
other computer-based, and noncomputer-based learning 4317
opportunities. 4318

(8) "Operator" means either of the following: 4319

(a) An individual or organization that manages the daily 4320
operations of a community school pursuant to a contract between 4321
the operator and the school's governing authority; 4322

(b) A nonprofit organization that provides programmatic 4323
oversight and support to a community school under a contract with 4324
the school's governing authority and that retains the right to 4325
terminate its affiliation with the school if the school fails to 4326
meet the organization's quality standards. 4327

(B) Any person or group of individuals may initially propose 4328
under this division the conversion of all or a portion of a public 4329
school or a building operated by an educational service center to 4330
a community school. The proposal shall be made to the board of 4331
education of the city, local, exempted village, or joint 4332
vocational school district in which the public school is proposed 4333
to be converted or, in the case of the conversion of a building 4334
operated by an educational service center, to the governing board 4335

of the service center. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

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

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

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

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

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

(i) If applicable, it satisfies the requirements of division

<u>(E) of section 3311.86 of the Revised Code;</u>	4369
<u>(ii) It is approved to do so by the department;</u>	4370
<u>(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.</u>	4371 4372
(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;	4373 4374 4375 4376 4377 4378 4379 4380 4381 4382 4383
(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:	4384 4385 4386
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	4387 4388
(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.	4389 4390
(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.	4391 4392 4393 4394 4395
(iv) The entity is not a community school.	4396
Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of	4397 4398

this section with the proposing person or group. 4399

(2) A preliminary agreement indicates the intention of an 4400
entity described in division (C)(1) of this section to sponsor the 4401
community school. A proposing person or group that has such a 4402
preliminary agreement may proceed to finalize plans for the 4403
school, establish a governing authority as described in division 4404
(E) of this section for the school, and negotiate a contract with 4405
the entity. Provided the proposing person or group adheres to the 4406
preliminary agreement and all provisions of this chapter, the 4407
entity shall negotiate in good faith to enter into a contract in 4408
accordance with section 3314.03 of the Revised Code. 4409

(3) A new start-up school that is established in a school 4410
district ~~while that district is either in a state of academic~~ 4411
~~emergency or in a state of academic watch under section 3302.03 of~~ 4412
~~the Revised Code or ranked in the lowest five per cent according~~ 4413
~~to performance index score under section 3302.21 of the Revised~~ 4414
~~Code~~ described in either division (A)(3)(b) or (d) of this section 4415
may continue in existence once the school district is no longer ~~in~~ 4416
~~a state of academic emergency or academic watch or ranked in the~~ 4417
~~lowest five per cent according to performance index score~~ meets 4418
the conditions described in either division, provided there is a 4419
valid contract between the school and a sponsor. 4420

(4) A copy of every preliminary agreement entered into under 4421
this division shall be filed with the superintendent of public 4422
instruction. 4423

(D) A majority vote of the board of a sponsoring entity and a 4424
majority vote of the members of the governing authority of a 4425
community school shall be required to adopt a contract and convert 4426
the public school or educational service center building to a 4427
community school or establish the new start-up school. Beginning 4428
September 29, 2005, adoption of the contract shall occur not later 4429
than the fifteenth day of March, and signing of the contract shall 4430
occur not later than the fifteenth day of May, prior to the school 4431
year in which the school will open. The governing authority shall 4432

notify the department of education when the contract has been 4433
signed. Subject to sections 3314.013 and 3314.016 of the Revised 4434
Code, an unlimited number of community schools may be established 4435
in any school district provided that a contract is entered into 4436
for each community school pursuant to this chapter. 4437

(E)(1) As used in this division, "immediate relatives" are 4438
limited to spouses, children, parents, grandparents, siblings, and 4439
in-laws. 4440

Each new start-up community school established under this 4441
chapter shall be under the direction of a governing authority 4442
which shall consist of a board of not less than five individuals. 4443

No person shall serve on the governing authority or operate 4444
the community school under contract with the governing authority 4445
so long as the person owes the state any money or is in a dispute 4446
over whether the person owes the state any money concerning the 4447
operation of a community school that has closed. 4448

(2) No person shall serve on the governing authorities of 4449
more than five start-up community schools at the same time. 4450

(3) No present or former member, or immediate relative of a 4451
present or former member, of the governing authority of any 4452
community school established under this chapter shall be an owner, 4453
employee, or consultant of any sponsor or operator of a community 4454
school, unless at least one year has elapsed since the conclusion 4455
of the person's membership. 4456

(4) The governing authority of a start-up community school 4457
may provide by resolution for the compensation of its members. 4458
However, no individual who serves on the governing authority of a 4459
start-up community school shall be compensated more than four 4460
hundred twenty-five dollars per meeting of that governing 4461
authority and no such individual shall be compensated more than a 4462
total amount of five thousand dollars per year for all governing 4463
authorities upon which the individual serves. 4464

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

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

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

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

same contract.	4500
(B) Division (B) of this section shall not apply to internet- or computer-based community schools.	4501 4502
(1) A community school may be located in multiple facilities under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.	4503 4504 4505 4506 4507 4508
(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:	4509 4510 4511 4512
(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008.	4513 4514 4515 4516
(b) The school was not open for operation prior to July 1, 2008.	4517 4518
(c) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.	4519 4520 4521
(d) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.	4522 4523 4524
(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" <u>a combination of any of the following</u> for two or more consecutive years:	4525 4526 4527 4528
(i) <u>A rating of "in need of continuous improvement" under</u>	4529

section 3302.03 of the Revised Code, as that section existed prior to the effective date of this section; 4530
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(ii) For the 2012-2013 and 2013-2014 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code; 4532
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(iii) For the 2014-2015 school year and for any school year thereafter, an overall grade of "C" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code. 4540
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(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 4545
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(a) At least one of the school districts in which the school is established is a challenged school district; 4548
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(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and 4550
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(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 4554
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In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of 4557
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division (A)(19) of section 3314.03 and divisions (C) and (H) of 4562
section 3314.06 of the Revised Code and for all other purposes of 4563
this chapter. If both of the school districts in which the school 4564
is established are challenged school districts, the school's 4565
governing authority shall designate one of those districts to be 4566
considered the school's primary location and the district in which 4567
the school is located for the purposes of those divisions and all 4568
other purposes of this chapter and shall notify the department of 4569
education of that designation. 4570

(4) A community school may be located in multiple facilities 4571
under the same contract and, notwithstanding division (B)(1) of 4572
this section, may assign students in the same grade level to 4573
multiple facilities, as long as both of the following apply: 4574

(a) The facilities are all located in the same county. 4575

(b) ~~The governing authority has entered into and maintains a~~ 4576
~~contract with an operator~~Either of the following conditions are 4577
satisfied: 4578

(i) The community school is sponsored by a board of education 4579
of a city, local, or exempted village school district having 4580
territory in the same county where the facilities of the community 4581
school are located; 4582

(ii) The community school is managed by an operator. 4583

In the case of a community school to which division (B)(4) of 4584
this section applies and that maintains facilities in more than 4585
one school district, the school's governing authority shall 4586
designate one of those districts to be considered the school's 4587
primary location and the district in which the school is located 4588
for the purposes of division (A)(19) of section 3314.03 and 4589
divisions (C) and (H) of section 3314.06 of the Revised Code and 4590
for all other purposes of this chapter and shall notify the 4591
department of that designation. 4592

(5) Any facility used for a community school shall meet all 4593

health and safety standards established by law for school buildings. 4594
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(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school. 4596
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(D) Two or more separate community schools may be located in the same facility. 4604
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(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole. 4606
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Sec. 3314.35. (A)(1) Except as provided in division (A)(~~3~~)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011: 4616
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(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 4620
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(b) The school satisfies all of the following conditions: 4624

(i) The school offers any of grade levels four to eight but 4625

does not offer a grade level higher than nine. 4626

(ii) The school has been declared to be in a state of 4627
academic emergency under section 3302.03 of the Revised Code for 4628
two of the three most recent school years. 4629

(iii) In at least two of the three most recent school years, 4630
the school showed less than one standard year of academic growth 4631
in either reading or mathematics, as determined by the department 4632
of education in accordance with rules adopted under division (A) 4633
of section 3302.021 of the Revised Code. 4634

(c) The school offers any of grade levels ten to twelve and 4635
has been declared to be in a state of academic emergency under 4636
section 3302.03 of the Revised Code for three of the four most 4637
recent school years. 4638

(2) Except as provided in division (A)~~(3)~~(4) of this section, 4639
this section applies to any community school that meets one of the 4640
following criteria after July 1, 2011, but before July 1, 2013: 4641

(a) The school does not offer a grade level higher than three 4642
and has been declared to be in a state of academic emergency under 4643
section 3302.03 of the Revised Code for two of the three most 4644
recent school years. 4645

(b) The school satisfies all of the following conditions: 4646

(i) The school offers any of grade levels four to eight but 4647
does not offer a grade level higher than nine. 4648

(ii) The school has been declared to be in a state of 4649
academic emergency under section 3302.03 of the Revised Code for 4650
two of the three most recent school years. 4651

(iii) In at least two of the three most recent school years, 4652
the school showed less than one standard year of academic growth 4653
in either reading or mathematics, as determined by the department 4654
in accordance with rules adopted under division (A) of section 4655

3302.021 of the Revised Code. 4656

(c) The school offers any of grade levels ten to twelve and 4657
has been declared to be in a state of academic emergency under 4658
section 3302.03 of the Revised Code for two of the three most 4659
recent school years. 4660

(3) Except as provided in division (A)(4) of this section, 4661
this section applies to any community school that meets one of the 4662
following criteria on or after July 1, 2013: 4663

(a) The school does not offer a grade level higher than three 4664
and, for two of the three most recent school years, satisfies any 4665
of the following criteria: 4666

(i) The school has been declared to be in a state of academic 4667
emergency under section 3302.03 of the Revised Code, as it existed 4668
prior to the effective date of this amendment; 4669

(ii) The school has received a grade of "F" in improving 4670
literacy in grades kindergarten through three under division 4671
(B)(1)(j) or (C)(1)(k) of section 3302.03 of the Revised Code; 4672

(iii) The school has received an overall grade of "F" under 4673
division (C) of section 3302.03 of the Revised Code. 4674

(b) The school offers any of grade levels four to eight but 4675
does not offer a grade level higher than nine and, for two of the 4676
three most recent school years, satisfies any of the following 4677
criteria: 4678

(i) The school has been declared to be in a state of academic 4679
emergency under section 3302.03 of the Revised Code, as it existed 4680
prior to the effective date of this amendment; 4681

(ii) The school has received a grade of "F" for the 4682
performance index score under division (A)(1)(b), (B)(1)(b), or 4683
(C)(1)(b) and a grade of "F" for the value-added progress 4684
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 4685

section 3302.03 of the Revised Code; 4686

(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code. 4687
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(c) The school offers any of grade levels ten to twelve and, for two of the three most recent school years, satisfies any of the following criteria: 4691
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to the effective date of this amendment; 4694
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(ii) The school has received a grade of "F" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and has not met annual measurable objectives under division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of the Revised Code; 4697
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(iii) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code. 4702
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For purposes of division (A)(3) of this section only, the value-added progress dimension for a community school shall be calculated using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years. 4706
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(4) This section does not apply to either of the following: 4712

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code; Rather, such schools shall 4713
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be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of the Revised Code, the department shall not consider the performance ratings assigned to a community school for its first two years of operation when determining whether the school meets the criteria prescribed by division (A)(1) or (2) of this section.

~~(D) Notwithstanding division (A)(3)(a) of this section, if, by March 31, 2013, the general assembly does not enact for community schools described in that division performance standards, a report card rating system, and criteria for closure, those schools shall be required to permanently close upon meeting the criteria prescribed in division (A)(2) of this section, except that, subject to division (C) of this section, only the performance ratings issued for the 2012-2013 school year and later shall count in determining if the criteria are met.~~

Sec. 3314.351. (A) This section applies to any community

school in which a majority of the students are enrolled in a dropout prevention and recovery program. Beginning on or after July 1, 2014, any such community school that has received a designation of "does not meet standards," as described in division (D)(1) of section 3314.017 of the Revised Code on the report card issued under that section, for at least two of the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

Sec. 3314.36. (A) Except as otherwise provided in division (D) of section 3314.35 of the Revised Code, that section does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.	4784 4785
(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.	4786 4787 4788 4789 4790
(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board of education under division (D)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.	4791 4792 4793 4794 4795 4796
(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.	4797 4798 4799 4800
(5) The program provides counseling and support for the student related to the plan developed under division (A)(4) of this section during the remainder of the student's high school experience.	4801 4802 4803 4804
(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.	4805 4806 4807 4808 4809
If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.	4810 4811 4812 4813
(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that	4814 4815

did not qualify for a waiver under this section when it initially 4816
began operations, unless the state board of education approves the 4817
waiver. 4818

(C) Beginning on July 1, 2014, all community schools in which 4819
a majority of the students are enrolled in a dropout prevention 4820
and recovery program are subject to the provisions of section 4821
3314.351 of the Revised Code, regardless of whether a waiver has 4822
been granted under this section. Thereafter, no waivers shall be 4823
granted under this section. 4824

Sec. 3314.361. Notwithstanding anything to the contrary in 4825
this chapter, a community school that operates a drug recovery 4826
program in cooperation with a court shall be considered a dropout 4827
prevention and recovery program for purposes of this chapter, 4828
regardless of the ages of students or grade levels served by the 4829
school. 4830

Sec. 3314.37. (A) A five-year demonstration project is hereby 4831
established at the community schools known as the ISUS institutes. 4832
The project is a research and development initiative to collect 4833
and analyze data with which to improve dropout prevention and 4834
recovery programs, to evaluate various methodologies employed in 4835
those programs, to develop tools and criteria for evaluating 4836
community schools that operate dropout prevention and recovery 4837
programs, to institute stringent accountability measures for such 4838
community schools, and to direct curricular and programming 4839
decisions for such community schools. The program shall begin with 4840
the 2008-2009 school year and shall operate through the 2012-2013 4841
school year. 4842

(B) Under the demonstration project, the ISUS institutes 4843
shall select and pay the costs of an independent evaluator to 4844
create a study plan and collect and analyze data from the 4845
institutes. The ISUS institutes' selection of the independent 4846
evaluator is subject to the approval of the department of 4847
education. The data collected by the evaluator shall include, but 4848
need not be limited to, the following: 4849

(1) Baseline measures of student status at enrollment,	4850
including academic level; history of court involvement, drug use,	4851
and other behavioral problems; and the circumstances of the	4852
students' parenting and living arrangements;	4853
(2) Student academic progress, measured at multiple and	4854
regular intervals each school year;	4855
(3) Value-added elements of the institutes' dropout	4856
prevention and recovery programs, including industry	4857
certifications, college coursework, community service and service	4858
learning, apprenticeships, and internships;	4859
(4) Outcomes in addition to high school graduation, including	4860
students' contributions to community service and students'	4861
transitions to employment, post-secondary training, college, or	4862
the military.	4863
(C) Not later than the thirtieth day of September following	4864
each school year in which the demonstration project is operating,	4865
the independent evaluator shall do both of the following:	4866
(1) Submit to the ISUS institutes and the department all data	4867
collected and a report of its data analysis;	4868
(2) Submit a report of its data analysis to the speaker and	4869
minority leader of the house of representatives, the president and	4870
minority leader of the senate, and the chairpersons and ranking	4871
minority members of the standing committees of the house of	4872
representatives and the senate that consider education	4873
legislation.	4874
(D) For each school year in which the demonstration project	4875
is operating:	4876
(1) The ISUS institutes shall continue to report data through	4877
the education management information system under section 3314.17	4878
of the Revised Code.	4879

(2) The department shall continue to issue annual report cards for the ISUS institutes under section 3314.012 of the Revised Code and shall continue to assign them performance ratings under ~~division (B)~~ of section 3302.03 of the Revised Code.

(E) Nothing in this section prevents the application to the ISUS institutes, during the demonstration project, of any provision of the Revised Code or rule or policy of the department or the state board of education requiring closure, or otherwise restricting the operation, of a community school based on measures of academic performance for any school year before or during the demonstration project. Nothing in this section prevents a sponsor of an ISUS institute from terminating or not renewing its contract with the school, from suspending the operations of the school, or from placing the school on probationary status, in accordance with this chapter, during the demonstration project. Nothing in this section prevents the auditor of state from taking action against an ISUS institute under Chapter 117. of the Revised Code or other applicable law during the demonstration project.

(F) The department may conduct its own analysis of data submitted under the demonstration project.

(G) Not later than December 31, 2013, the independent evaluator shall issue a final report of its findings and analysis and its recommendations for appropriate academic accountability measures for community schools that operate dropout prevention and recovery programs. The independent evaluator shall submit the report to the department, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation.

Sec. 3317.081. (A) Tuition shall be computed in accordance with this section if:

(1) The tuition is required by division (C)(3)(b) of section

3313.64 of the Revised Code; or	4913
(2) Neither the child nor the child's parent resides in this state and tuition is required by section 3327.06 of the Revised Code.	4914 4915 4916
(B) Tuition computed in accordance with this section shall equal the attendance district's tuition rate computed under section 3317.08 of the Revised Code plus the amount in state education aid, <u>as defined in section 3317.02 of the Revised Code</u> , that district would have received for the child during the school year had the attendance district been authorized to count the child in its formula ADM for that school year under section 3317.03 of the Revised Code.	4917 4918 4919 4920 4921 4922 4923 4924
Sec. 3319.11. (A) As used in this section:	4925
(1) "Evaluation procedures" means the procedures required by the policy adopted pursuant to division (A) of section 3319.111 of the Revised Code.	4926 4927 4928
(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status.	4929 4930 4931 4932 4933
(3) "Extended limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a board of education or governing board enters into with a teacher who is eligible for continuing service status.	4934 4935 4936 4937
(B) Teachers eligible for continuing service status in any city, exempted village, local, or joint vocational school district or educational service center shall be those teachers qualified as described in division (D) of section 3319.08 of the Revised Code, who within the last five years have taught for at least three years in the district or center, and those teachers who, having attained continuing contract status elsewhere, have served two	4938 4939 4940 4941 4942 4943 4944

years in the district or center, but the board, upon the 4945
recommendation of the superintendent, may at the time of 4946
employment or at any time within such two-year period, declare any 4947
of the latter teachers eligible. 4948

(1) Upon the recommendation of the superintendent that a 4949
teacher eligible for continuing service status be reemployed, a 4950
continuing contract shall be entered into between the board and 4951
the teacher unless the board by a three-fourths vote of its full 4952
membership rejects the recommendation of the superintendent. If 4953
the board rejects by a three-fourths vote of its full membership 4954
the recommendation of the superintendent that a teacher eligible 4955
for continuing service status be reemployed and the superintendent 4956
makes no recommendation to the board pursuant to division (C) of 4957
this section, the board may declare its intention not to reemploy 4958
the teacher by giving the teacher written notice on or before the 4959
first day of June of its intention not to reemploy the teacher. If 4960
evaluation procedures have not been complied with pursuant to 4961
section 3319.111 of the Revised Code or the board does not give 4962
the teacher written notice on or before the first day of June of 4963
its intention not to reemploy the teacher, the teacher is deemed 4964
reemployed under an extended limited contract for a term not to 4965
exceed one year at the same salary plus any increment provided by 4966
the salary schedule. The teacher is presumed to have accepted 4967
employment under the extended limited contract for a term not to 4968
exceed one year unless such teacher notifies the board in writing 4969
to the contrary on or before the fifteenth day of June, and an 4970
extended limited contract for a term not to exceed one year shall 4971
be executed accordingly. Upon any subsequent reemployment of the 4972
teacher only a continuing contract may be entered into. 4973

(2) If the superintendent recommends that a teacher eligible 4974
for continuing service status not be reemployed, the board may 4975
declare its intention not to reemploy the teacher by giving the 4976
teacher written notice on or before the first day of June of its 4977
intention not to reemploy the teacher. If evaluation procedures 4978
have not been complied with pursuant to section 3319.111 of the 4979
Revised Code or the board does not give the teacher written notice 4980

on or before the first day of June of its intention not to 4981
reemploy the teacher, the teacher is deemed reemployed under an 4982
extended limited contract for a term not to exceed one year at the 4983
same salary plus any increment provided by the salary schedule. 4984
The teacher is presumed to have accepted employment under the 4985
extended limited contract for a term not to exceed one year unless 4986
such teacher notifies the board in writing to the contrary on or 4987
before the fifteenth day of June, and an extended limited contract 4988
for a term not to exceed one year shall be executed accordingly. 4989
Upon any subsequent reemployment of a teacher only a continuing 4990
contract may be entered into. 4991

(3) Any teacher receiving written notice of the intention of 4992
a board not to reemploy such teacher pursuant to this division is 4993
entitled to the hearing provisions of division (G) of this 4994
section. 4995

(C)(1) If a board rejects the recommendation of the 4996
superintendent for reemployment of a teacher pursuant to division 4997
(B)(1) of this section, the superintendent may recommend 4998
reemployment of the teacher, if continuing service status has not 4999
previously been attained elsewhere, under an extended limited 5000
contract for a term not to exceed two years, provided that written 5001
notice of the superintendent's intention to make such 5002
recommendation has been given to the teacher with reasons directed 5003
at the professional improvement of the teacher on or before the 5004
first day of June. Upon subsequent reemployment of the teacher 5005
only a continuing contract may be entered into. 5006

(2) If a board of education takes affirmative action on a 5007
superintendent's recommendation, made pursuant to division (C)(1) 5008
of this section, of an extended limited contract for a term not to 5009
exceed two years but the board does not give the teacher written 5010
notice of its affirmative action on the superintendent's 5011
recommendation of an extended limited contract on or before the 5012
first day of June, the teacher is deemed reemployed under a 5013
continuing contract at the same salary plus any increment provided 5014
by the salary schedule. The teacher is presumed to have accepted 5015

employment under such continuing contract unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and a continuing contract shall be executed accordingly.

(3) A board shall not reject a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years except by a three-fourths vote of its full membership. If a board rejects by a three-fourths vote of its full membership the recommendation of the superintendent of an extended limited contract for a term not to exceed two years, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or if the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

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

(D) A teacher eligible for continuing contract status employed under an extended limited contract pursuant to division (B) or (C) of this section, is, at the expiration of such extended limited contract, deemed reemployed under a continuing contract at

the same salary plus any increment granted by the salary schedule, 5051
unless evaluation procedures have been complied with pursuant to 5052
section 3319.111 of the Revised Code and the employing board, 5053
acting on the superintendent's recommendation that the teacher not 5054
be reemployed, gives the teacher written notice on or before the 5055
first day of June of its intention not to reemploy such teacher. A 5056
teacher who does not have evaluation procedures applied in 5057
compliance with section 3319.111 of the Revised Code or who does 5058
not receive notice on or before the first day of June of the 5059
intention of the board not to reemploy such teacher is presumed to 5060
have accepted employment under a continuing contract unless such 5061
teacher notifies the board in writing to the contrary on or before 5062
the fifteenth day of June, and a continuing contract shall be 5063
executed accordingly. 5064

Any teacher receiving a written notice of the intention of a 5065
board not to reemploy such teacher pursuant to this division is 5066
entitled to the hearing provisions of division (G) of this 5067
section. 5068

(E) The board shall enter into a limited contract with each 5069
teacher employed by the board who is not eligible to be considered 5070
for a continuing contract. 5071

Any teacher employed under a limited contract, and not 5072
eligible to be considered for a continuing contract, is, at the 5073
expiration of such limited contract, considered reemployed under 5074
the provisions of this division at the same salary plus any 5075
increment provided by the salary schedule unless evaluation 5076
procedures have been complied with pursuant to section 3319.111 of 5077
the Revised Code and the employing board, acting upon the 5078
superintendent's written recommendation that the teacher not be 5079
reemployed, gives such teacher written notice of its intention not 5080
to reemploy such teacher on or before the first day of June. A 5081
teacher who does not have evaluation procedures applied in 5082
compliance with section 3319.111 of the Revised Code or who does 5083
not receive notice of the intention of the board not to reemploy 5084
such teacher on or before the first day of June is presumed to 5085

have accepted such employment unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and a written contract for the succeeding school year shall be executed accordingly.

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

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions (B) to (E) of this section, or the failure of the board to give such teacher a written notice pursuant to divisions (C) to (E) of this section shall not prejudice or prevent a teacher from being deemed reemployed under either a limited or continuing contract as the case may be under the provisions of this section. A failure of the parties to execute a written contract shall not void any automatic reemployment provisions of this section.

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

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

(3) Any teacher receiving a written statement describing the circumstances that led to the board's intention not to reemploy the teacher pursuant to division (G)(2) of this section may, within five days of the date of receipt of the statement, file

with the treasurer of the board a written demand for a hearing 5120
before the board pursuant to divisions (G)(4) to (6) of this 5121
section. 5122

(4) The treasurer of a board, on behalf of the board, shall, 5123
within ten days of the date of receipt of a written demand for a 5124
hearing pursuant to division (G)(3) of this section, provide to 5125
the teacher a written notice setting forth the time, date, and 5126
place of the hearing. The board shall schedule and conclude the 5127
hearing within forty days of the date on which the treasurer of 5128
the board receives a written demand for a hearing pursuant to 5129
division (G)(3) of this section. 5130

(5) Any hearing conducted pursuant to this division shall be 5131
conducted by a majority of the members of the board. The hearing 5132
shall be held in executive session of the board unless the board 5133
and the teacher agree to hold the hearing in public. The 5134
superintendent, assistant superintendent, the teacher, and any 5135
person designated by either party to take a record of the hearing 5136
may be present at the hearing. The board may be represented by 5137
counsel and the teacher may be represented by counsel or a 5138
designee. A record of the hearing may be taken by either party at 5139
the expense of the party taking the record. 5140

(6) Within ten days of the conclusion of a hearing conducted 5141
pursuant to this division, the board shall issue to the teacher a 5142
written decision containing an order affirming the intention of 5143
the board not to reemploy the teacher reported in the notice given 5144
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 5145
this section or an order vacating the intention not to reemploy 5146
and expunging any record of the intention, notice of the 5147
intention, and the hearing conducted pursuant to this division. 5148

(7) A teacher may appeal an order affirming the intention of 5149
the board not to reemploy the teacher to the court of common pleas 5150
of the county in which the largest portion of the territory of the 5151
school district or service center is located, within thirty days 5152
of the date on which the teacher receives the written decision, on 5153

the grounds that the board has not complied with this section or section 3319.111 of the Revised Code. 5154
5155

Notwithstanding section 2506.04 of the Revised Code, the 5156
court in an appeal under this division is limited to the 5157
determination of procedural errors and to ordering the correction 5158
of procedural errors and shall have no jurisdiction to order a 5159
board to reemploy a teacher, except that the court may order a 5160
board to reemploy a teacher in compliance with the requirements of 5161
division (B), (C)(3), (D), or (E) of this section when the court 5162
determines that evaluation procedures have not been complied with 5163
pursuant to section 3319.111 of the Revised Code or the board has 5164
not given the teacher written notice on or before the first day of 5165
June of its intention not to reemploy the teacher pursuant to 5166
division (B), (C)(3), (D), or (E) of this section. Otherwise, the 5167
determination whether to reemploy or not reemploy a teacher is 5168
solely a board's determination and not a proper subject of 5169
judicial review and, except as provided in this division, no 5170
decision of a board whether to reemploy or not reemploy a teacher 5171
shall be invalidated by the court on any basis, including that the 5172
decision was not warranted by the results of any evaluation or was 5173
not warranted by any statement given pursuant to division (G)(2) 5174
of this section. 5175

No appeal of an order of a board may be made except as 5176
specified in this division. 5177

(H)(1) In giving a teacher any notice required by division 5178
(B), (C), (D), or (E) of this section, the board or the 5179
superintendent shall do either of the following: 5180

(a) Deliver the notice by personal service upon the teacher; 5181

(b) Deliver the notice by certified mail, return receipt 5182
requested, addressed to the teacher at the teacher's place of 5183
employment and deliver a copy of the notice by certified mail, 5184
return receipt requested, addressed to the teacher at the 5185
teacher's place of residence. 5186

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:	5187 5188 5189
(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;	5190 5191
(b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.	5192 5193 5194 5195 5196
(3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.	5197 5198 5199 5200 5201
(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.	5202 5203 5204
<u>(J) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the dates set forth in this section as "on or before the first day of June" or "on or before the fifteenth day of June" prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment.</u>	5205 5206 5207 5208 5209 5210
Sec. 3319.111. Notwithstanding section 3319.09 of the Revised Code, this section applies to any person who is employed under a teacher license issued under this chapter, or under a professional or permanent teacher's certificate issued under former section 3319.222 of the Revised Code, and who spends at least fifty per cent of the time employed providing student instruction. However, this section does not apply to any person who is employed as a substitute teacher <u>or as an instructor of adult education.</u>	5211 5212 5213 5214 5215 5216 5217 5218

(A) Not later than July 1, 2013, the board of education of each school district, in consultation with teachers employed by the board, shall adopt a standards-based teacher evaluation policy that conforms with the framework for evaluation of teachers developed under section 3319.112 of the Revised Code. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the board that is in effect on ~~the effective date of this section~~ September 29, 2011, and shall be included in any renewal or extension of such an agreement.

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

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

(2) The board may elect, by adoption of a resolution, to evaluate each teacher who received a rating of accomplished on the teacher's most recent evaluation conducted under this section once every two school years. In that case, the biennial evaluation shall be completed by the first day of May of the applicable school year, and the teacher shall receive a written report of the results of the evaluation by the tenth day of May of that school year.

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

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

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

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

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

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

(1) The board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(2) The board may elect, by adoption of a resolution, to require only one formal observation of a teacher who received a

rating of accomplished on the teacher's most recent evaluation 5285
conducted under this section, provided the teacher completes a 5286
project that has been approved by the board to demonstrate the 5287
teacher's continued growth and practice at the accomplished level. 5288

(F) The board shall include in its evaluation policy 5289
procedures for using the evaluation results for retention and 5290
promotion decisions and for removal of poorly performing teachers. 5291
Seniority shall not be the basis for a decision to retain a 5292
teacher, except when making a decision between teachers who have 5293
comparable evaluations. 5294

(G) For purposes of section 3333.0411 of the Revised Code, 5295
the board annually shall report to the department of education the 5296
number of teachers for whom an evaluation was conducted under this 5297
section and the number of teachers assigned each rating prescribed 5298
under division (B)(1) of section 3319.112 of the Revised Code, 5299
aggregated by the teacher preparation programs from which and the 5300
years in which the teachers graduated. The department shall 5301
establish guidelines for reporting the information required by 5302
this division. The guidelines shall not permit or require that the 5303
name of, or any other personally identifiable information about, 5304
any teacher be reported under this division. 5305

(H) Notwithstanding any provision to the contrary in Chapter 5306
4117. of the Revised Code, the requirements of this section 5307
prevail over any conflicting provisions of a collective bargaining 5308
agreement entered into on or after ~~the effective date of this~~ 5309
~~amendment~~ September 24, 2012. 5310

Sec. 3319.112. (A) Not later than December 31, 2011, the 5311
state board of education shall develop a standards-based state 5312
framework for the evaluation of teachers. The state board may 5313
update the framework periodically by adoption of a resolution. The 5314
framework shall establish an evaluation system that does the 5315
following: 5316

(1) Provides for multiple evaluation factors, ~~including~~ 5317
~~student academic growth which shall account for fifty per cent of~~ 5318

each. One factor shall be student academic growth which shall 5319
account for fifty per cent of each evaluation. When applicable to 5320
the grade level or subject area taught by a teacher, the 5321
value-added progress dimension established under section 3302.021 5322
of the Revised Code or an alternative student academic progress 5323
measure if adopted under division (C)(1)(e) of section 3302.03 of 5324
the Revised Code shall be used in the student academic growth 5325
portion of an evaluation in proportion to the part of a teacher's 5326
schedule of courses or subjects for which the value-added progress 5327
dimension is applicable. 5328

If a teacher's schedule is comprised only of courses or 5329
subjects for which the value-added progress dimension is 5330
applicable, one of the following applies: 5331

(a) Beginning with the effective date of this amendment until 5332
June 30, 2014, the majority of the student academic growth factor 5333
of the evaluation shall be based on the value-added progress 5334
dimension. 5335

(b) On or after July 1, 2014, the entire student academic 5336
growth factor of the evaluation shall be based on the value-added 5337
progress dimension. In calculating student academic growth for an 5338
evaluation, a student shall not be included if the student has 5339
sixty or more unexcused absences for the school year. 5340

(2) Is aligned with the standards for teachers adopted under 5341
section 3319.61 of the Revised Code; 5342

(3) Requires observation of the teacher being evaluated, 5343
including at least two formal observations by the evaluator of at 5344
least thirty minutes each and classroom walkthroughs; 5345

(4) Assigns a rating on each evaluation in accordance with 5346
division (B) of this section; 5347

(5) Requires each teacher to be provided with a written 5348
report of the results of the teacher's evaluation; 5349

(6) Identifies measures of student academic growth for grade levels and subjects for which the value-added progress dimension prescribed by section 3302.021 of the Revised Code <u>or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code</u> does not apply;	5350 5351 5352 5353 5354 5355
(7) Implements a classroom-level, value-added program developed by a nonprofit organization described in division (B) of section 3302.021 of the Revised Code <u>or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code</u> ;	5356 5357 5358 5359 5360
(8) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	5361 5362 5363
(9) Provides for the allocation of financial resources to support professional development.	5364 5365
(B) For purposes of the framework developed under this section, the state board also shall do the following:	5366 5367
(1) Develop specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	5368 5369 5370 5371 5372
(a) Accomplished;	5373
(b) Proficient;	5374
(c) Developing;	5375
(d) Ineffective.	5376
(2) For grade levels and subjects for which the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised	5377 5378

Code and the value-added progress dimension prescribed by section 5379
3302.021 of the Revised Code, or alternative student academic 5380
progress measure, do not apply, develop a list of student 5381
assessments that measure mastery of the course content for the 5382
appropriate grade level, which may include nationally normed 5383
standardized assessments, industry certification examinations, or 5384
end-of-course examinations. 5385

(C) The state board shall consult with experts, teachers and 5386
principals employed in public schools, and representatives of 5387
stakeholder groups in developing the standards and criteria 5388
required by division (B)(1) of this section. 5389

(D) To assist school districts in developing evaluation 5390
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of 5391
the Revised Code, the department shall do both of the following: 5392

(1) Serve as a clearinghouse of promising evaluation 5393
procedures and evaluation models that districts may use; 5394

(2) Provide technical assistance to districts in creating 5395
evaluation policies. 5396

(E) Not later than June 30, 2013, the state board, in 5397
consultation with state agencies that employ teachers, shall 5398
develop a standards-based framework for the evaluation of teachers 5399
employed by those agencies. Each state agency that employs 5400
teachers shall adopt a standards-based teacher evaluation policy 5401
that conforms with the framework developed under this division. 5402
The policy shall become operative at the expiration of any 5403
collective bargaining agreement covering teachers employed by the 5404
agency that is in effect on ~~the effective date of this amendment~~ 5405
September 24, 2012, and shall be included in any renewal or 5406
extension of such an agreement. However, this division does not 5407
apply to any person who is employed as a substitute teacher or as 5408
an instructor of adult education. 5409

Sec. 3319.58. (A) As used in this section, "core subject 5410
area" has the same meaning as in section 3319.074 of the Revised 5411

Code.	5412
(B) Each year, beginning with the 2015-2016 school year, the board of education of each city, exempted village, local, and joint vocational school district shall require each classroom teacher who is currently teaching in a core subject area and has received a rating of ineffective on the evaluations conducted under section 3319.111 of the Revised Code for two of the three most recent school years to register for and take all written examinations of content knowledge selected by the department of education as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.	5413 5414 5415 5416 5417 5418 5419 5420 5421 5422
(C) Each year, beginning with the 2015-2016 school year, the governing authority of each community school established under Chapter 3314. of the Revised Code <u>except a community school to which section 3314.017 of the Revised Code applies</u> and governing body of each STEM school established under Chapter 3326. of the Revised Code with a building ranked in the lowest ten per cent of all public school buildings according to performance index score, under section 3302.21 of the Revised Code, shall require each classroom teacher currently teaching in a core subject area in such a building to register for and take all written examinations of content knowledge selected by the department as appropriate to determine expertise to teach that core subject area and the grade level to which the teacher is assigned.	5423 5424 5425 5426 5427 5428 5429 5430 5431 5432 5433 5434 5435
(D) If a teacher who takes an examination under division (B) of this section passes that examination and provides proof of that passage to the teacher's employer, the employer shall require the teacher, at the teacher's expense, to complete professional development that is targeted to the deficiencies identified in the teacher's evaluations conducted under section 3319.111 of the Revised Code. The receipt by the teacher of a rating of ineffective on the teacher's next evaluation after completion of the professional development, or the failure of the teacher to complete the professional development, shall be grounds for termination of the teacher under section 3319.16 of the Revised	5436 5437 5438 5439 5440 5441 5442 5443 5444 5445 5446

Code.	5447
(E) If a teacher who takes an examination under this section passes that examination and provides proof of that passage to the teacher's employer, the teacher shall not be required to take the examination again for three years, regardless of the teacher's evaluation ratings or the performance index score ranking of the building in which the teacher teaches. No teacher shall be responsible for the cost of taking an examination under this section.	5448 5449 5450 5451 5452 5453 5454 5455
(F) Each district board of education, each community school governing authority, and each STEM school governing body may use the results of a teacher's examinations required under division (B) or (C) of this section in developing and revising professional development plans and in deciding whether or not to continue employing the teacher in accordance with the provisions of this chapter or Chapter 3314. or 3326. of the Revised Code. However, no decision to terminate or not to renew a teacher's employment contract shall be made solely on the basis of the results of a teacher's examination under this section until and unless the teacher has not attained a passing score on the same required examination for at least three consecutive administrations of that examination.	5456 5457 5458 5459 5460 5461 5462 5463 5464 5465 5466 5467 5468
Sec. 3326.03. (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.	5469 5470 5471 5472
The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.	5473 5474 5475 5476 5477 5478 5479
The committee may authorize the establishment of a group of	5480

multiple STEM schools to operate from multiple facilities located 5481
in one or more school districts under the direction of a single 5482
governing body in the manner prescribed by section 3326.031 of the 5483
Revised Code. The committee shall consider the merits of each of 5484
the proposed STEM schools within a group and shall authorize each 5485
school separately. Anytime after authorizing a group of STEM 5486
schools to be under the direction of a single governing body, upon 5487
a proposal from the governing body, the committee may authorize 5488
one or more additional schools to operate as part of that group. 5489

The STEM committee may approve one or more STEM schools to 5490
serve only students identified as gifted under Chapter 3324. of 5491
the Revised Code. 5492

(B) Proposals may be submitted only by a partnership of 5493
public and private entities consisting of at least all of the 5494
following: 5495

(1) A city, exempted village, local, or joint vocational 5496
school district or an educational service center; 5497

(2) Higher education entities; 5498

(3) Business organizations. 5499

(C) Each proposal shall include at least the following: 5500

(1) Assurances that the STEM school or group of STEM schools 5501
will be under the oversight of a governing body and a description 5502
of the members of that governing body and how they will be 5503
selected; 5504

(2) Assurances that each STEM school will operate in 5505
compliance with this chapter and the provisions of the proposal as 5506
accepted by the committee; 5507

(3) Evidence that each school will offer a rigorous, diverse, 5508
integrated, and project-based curriculum to students in any of 5509
grades six through twelve, with the goal to prepare those students 5510

for college, the workforce, and citizenship, and that does all of	5511
the following:	5512
(a) Emphasizes the role of science, technology, engineering,	5513
and mathematics in promoting innovation and economic progress;	5514
(b) Incorporates scientific inquiry and technological design;	5515
(c) Includes the arts and humanities;	5516
(d) Emphasizes personalized learning and teamwork skills.	5517
(4) Evidence that each school will attract school leaders who	5518
support the curriculum principles of division (C)(3) of this	5519
section;	5520
(5) A description of how each school's curriculum will be	5521
developed and approved in accordance with section 3326.09 of the	5522
Revised Code;	5523
(6) Evidence that each school will utilize an established	5524
capacity to capture and share knowledge for best practices and	5525
innovative professional development;	5526
(7) Evidence that each school will operate in collaboration	5527
with a partnership that includes institutions of higher education	5528
and businesses;	5529
(8) Assurances that each school has received commitments of	5530
sustained and verifiable fiscal and in-kind support from regional	5531
education and business entities;	5532
(9) A description of how each school's assets will be	5533
distributed if the school closes for any reason.	5534
Sec. 3333.041. (A) On or before the last day of December of	5535
each year, the chancellor of the Ohio board of regents shall	5536
submit to the governor and, in accordance with section 101.68 of	5537
the Revised Code, the general assembly a report or reports	5538

concerning all of the following: 5539

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district. 5540
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Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report. 5556
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(2) Aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this section applies, the chancellor shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education 5560
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shall share any data necessary for the report with the chancellor.	5574
(3) The following information with respect to the Ohio tuition trust authority:	5575
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(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts;	5577
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(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted;	5580
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(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.	5584
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(4) The status of implementation of faculty improvement programs under section 3345.28 of the Revised Code. The report shall include, but need not be limited to, the following: the number of professional leave grants made by each institution; the purpose of each professional leave; and a statement of the cost to the institution of each professional leave, to the extent that the cost exceeds the salary of the faculty member on professional leave.	5587
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(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code.	5595
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(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic	5600
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high schools. The chancellor also shall post the information on the chancellor's web site.	5606 5607
(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following:	5608 5609 5610
(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;	5611 5612
(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;	5613 5614 5615
(c) The chancellor's strategy in assigning choose Ohio first scholarships among state universities and colleges and how the actual awards fit that strategy.	5616 5617 5618
(8) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:	5619 5620 5621 5622
(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;	5623 5624
(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;	5625 5626 5627
(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.	5628 5629 5630
(B) As used in this section:	5631
(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	5632 5633

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 5634
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 5637
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 5639
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Sec. 3333.048. (A) Not later than one year after ~~the effective date of this section~~ October 16, 2009, the chancellor of the Ohio board of regents and the superintendent of public instruction jointly shall do the following: 5643
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(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. 5647
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(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel. 5662
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(B) Not later than one year after ~~the effective date of this section~~ October 16, 2009, the chancellor shall approve 5665
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institutions of higher education engaged in the preparation of 5667
educators and other school personnel that maintain satisfactory 5668
training procedures and records of performance, as determined by 5669
the chancellor. 5670

(C) If the metrics established under division (A)(1) of this 5671
section require an institution of higher education that prepares 5672
teachers to satisfy the standards of an independent accreditation 5673
organization, the chancellor shall permit each institution to 5674
satisfy the standards of either the national council for 5675
accreditation of teacher education or the teacher education 5676
accreditation council. 5677

(D) The metrics and educator preparation programs established 5678
under division (A)(1) of this section may require an institution 5679
of higher education, as a condition of approval by the chancellor, 5680
to make changes in the curricula of its preparation programs for 5681
educators and other school personnel. 5682

Notwithstanding division (D) of section 119.03 and division 5683
(A)(1) of section 119.04 of the Revised Code, any metrics, 5684
educator preparation programs, rules, and regulations, or any 5685
amendment or rescission of such metrics, educator preparation 5686
programs, rules, and regulations, adopted under this section that 5687
necessitate institutions offering preparation programs for 5688
educators and other school personnel approved by the chancellor to 5689
revise the curricula of those programs shall not be effective for 5690
at least one year after the first day of January next succeeding 5691
the publication of the said change. 5692

Each institution shall allocate money from its existing 5693
appropriations to pay the cost of making the curricular changes. 5694

(E) The chancellor shall notify the state board of the 5695
metrics and educator preparation programs established under 5696
division (A)(1) of this section and the institutions of higher 5697
education approved under division (B) of this section. The state 5698
board shall publish the metrics, educator preparation programs, 5699
and approved institutions with the standards and qualifications 5700

for each type of educator license.	5701
(F) The graduates of institutions of higher education approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.	5702 5703 5704 5705
Sec. 3333.391. (A) As used in this section and in section 3333.392 of the Revised Code:	5706 5707
(1) "Academic year" shall be as defined by the chancellor of the Ohio board of regents.	5708 5709
(2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education.	5710 5711
(3) "Parent" means the parent, guardian, or custodian of a qualified student.	5712 5713
(4) "Qualified service" means teaching at a qualifying school.	5714 5715
(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a <u>persistently low performance rating of academic watch or academic emergency, as determined jointly by the chancellor and superintendent of public instruction,</u> under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district.	5716 5717 5718 5719 5720 5721
(B) If the chancellor of the Ohio board of regents determines that sufficient funds are available from general revenue fund appropriations made to the Ohio board of regents or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the	5722 5723 5724 5725 5726 5727 5728 5729 5730 5731

program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations.

(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following:

(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code;

(2) A person who plans to specialize in teaching students with special needs;

(3) A person who plans to teach in the disciplines of science, technology, engineering, or mathematics.

The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code.

(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code.

(E) The chancellor shall adopt rules in accordance with

Chapter 119. of the Revised Code to administer this section and 5764
section 3333.392 of the Revised Code. 5765

Sec. 5910.01. As used in this chapter and section 5919.34 of 5766
the Revised Code: 5767

(A) "Child" includes natural and adopted children and 5768
stepchildren who have not been legally adopted by the veteran 5769
parent provided that the relationship between the stepchild and 5770
the veteran parent meets the following criteria: 5771

(1) The veteran parent is married to the child's natural or 5772
adoptive parent at the time application for a scholarship granted 5773
under this chapter is made; or if the veteran parent is deceased, 5774
the child's natural or adoptive parent was married to the veteran 5775
parent at the time of the veteran parent's death; 5776

(2) The child resided with the veteran parent for a period of 5777
not less than ten consecutive years immediately prior to making 5778
application for the scholarship; or if the veteran parent is 5779
deceased, the child resided with the veteran parent for a period 5780
of not less than ten consecutive years immediately prior to the 5781
veteran parent's death; 5782

(3) The child received financial support from the veteran 5783
parent for a period of not less than ten consecutive years 5784
immediately prior to making application for the scholarship; or if 5785
the veteran parent is deceased, the child received financial 5786
support from the veteran parent for a period of not less than ten 5787
consecutive years immediately prior to the veteran parent's death. 5788

(B) "Veteran" includes ~~either~~any of the following: 5789

(1) Any person who was a member of the armed services of the 5790
United States for a period of ninety days or more, or who was 5791
discharged from the armed services due to a disability incurred 5792
while a member with less than ninety days' service, or who died 5793
while a member of the armed services; provided that such service, 5794
disability, or death occurred during one of the following periods: 5795

April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;	5796 5797 5798 5799 5800 5801 5802 5803 5804 5805 5806 5807
(2) <u>Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;</u>	5808 5809 5810
(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:	5811 5812
(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.	5813 5814
(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.	5815 5816 5817 5818
(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps, coast guard, and such other military service branch as may be designated by congress as a part of the armed forces of the United States.	5819 5820 5821 5822 5823
(D) "Board" means the Ohio war orphans scholarship board created by section 5910.02 of the Revised Code.	5824 5825
(E) "Disabled" means having a sixty per cent or greater service-connected disability or receiving benefits for permanent	5826 5827

and total nonservice-connected disability, as determined by the 5828
United States department of veterans affairs. 5829

(F) "United States merchant marine" includes the United 5830
States army transport service and the United States naval 5831
transport service. 5832

Sec. 5910.02. There is hereby created an Ohio war orphans 5833
scholarship board as part of the department of veterans services. 5834
The board consists of eight members as follows: the chancellor of 5835
the Ohio board of regents or the chancellor's designee; the 5836
director of veterans services or the director's designee; one 5837
member of the house of representatives, appointed by the speaker; 5838
one member of the senate, appointed by the president of the 5839
senate; and four members appointed by the governor, one of whom 5840
shall be a representative of the American Legion, one of whom 5841
shall be a representative of the Veterans of Foreign Wars, one of 5842
whom shall be a representative of the Disabled American Veterans, 5843
and one of whom shall be a representative of the AMVETS. At least 5844
ninety days prior to the expiration of the term of office of the 5845
representative of a veterans organization appointed by the 5846
governor, the governor shall notify the state headquarters of the 5847
affected organization of the need for an appointment and request 5848
the organization to make at least three nominations. Within sixty 5849
days after making the request for nominations, the governor may 5850
make the appointment from the nominations received, or may reject 5851
all the nominations and request at least three new nominations, 5852
from which the governor shall make an appointment within thirty 5853
days after making the request for the new nominations. If the 5854
governor receives no nominations during this thirty-day period, 5855
the governor may appoint any veteran. 5856

Terms of office for the four members appointed by the 5857
governor shall be for four years, commencing on the first day of 5858
January and ending on the thirty-first day of December, except 5859
that the term of the AMVETS representative shall expire December 5860
31, 1998, and the new term that succeeds it shall commence on 5861
January 1, 1999, and end on December 31, 2002. Each member shall 5862

hold office from the date of the member's appointment until the 5863
end of the term for which the member was appointed. The other 5864
members shall serve during their terms of office. Any vacancy 5865
shall be filled by appointment in the same manner as by original 5866
appointment. Any member appointed to fill a vacancy occurring 5867
prior to the expiration of the term for which the member's 5868
predecessor was appointed shall hold office for the remainder of 5869
such term. Any appointed member shall continue in office 5870
subsequent to the expiration date of the member's term until the 5871
member's successor takes office, or until a period of sixty days 5872
has elapsed, whichever occurs first. The members of the board 5873
shall serve without pay but shall be reimbursed for travel 5874
expenses and for other actual and necessary expenses incurred in 5875
the performance of their duties, not to exceed ten dollars per day 5876
for ten days in any one year to be appropriated out of any moneys 5877
in the state treasury to the credit of the general revenue fund. 5878

The chancellor of the board of regents shall act as secretary 5879
to the board and shall furnish such clerical and other assistance 5880
as may be necessary to the performance of the duties of the board. 5881

The board shall determine the number of scholarships to be 5882
made available, receive applications for scholarships, pass upon 5883
the eligibility of applicants, decide which applicants are to 5884
receive scholarships, and do all other things necessary for the 5885
proper administration of this chapter. 5886

The board may apply for, and may receive and accept, grants, 5887
and may receive and accept gifts, bequests, and contributions, 5888
from public and private sources, including agencies and 5889
instrumentalities of the United States and this state, and shall 5890
deposit the grants, gifts, bequests, or contributions into the 5891
Ohio war orphans scholarship fund. 5892

Sec. 5910.07. The Ohio war orphans scholarship fund is 5893
created in the state treasury. The fund shall consist of gifts, 5894
bequests, grants, and contributions made to the fund. Investment 5895
earnings of the fund shall be deposited into the fund. The fund 5896

shall be used to operate the war orphans scholarship program and 5897
to provide grants under sections 5910.01 to 5910.06 of the Revised 5898
Code. 5899

- Sec. 5919.34.** (A) As used in this section: 5900
- (1) "Academic term" means any one of the following: 5901
- (a) Fall term, which consists of fall semester or fall 5902
quarter, as appropriate; 5903
- (b) Winter term, which consists of winter semester, winter 5904
quarter, or spring semester, as appropriate; 5905
- (c) Spring term, which consists of spring quarter; 5906
- (d) Summer term, which consists of summer semester or summer 5907
quarter, as appropriate. 5908
- (2) "Eligible applicant" means any individual to whom all of 5909
the following apply: 5910
- (a) The individual does not possess a baccalaureate degree. 5911
- (b) The individual has enlisted, re-enlisted, or extended 5912
current enlistment in the Ohio national guard or is an individual 5913
to which division (F) of this section applies. 5914
- (c) The individual is actively enrolled as a full-time or 5915
part-time student for at least three credit hours of course work 5916
in a semester or quarter in a two-year or four-year 5917
degree-granting program at a state institution of higher education 5918
or a private institution of higher education, or in a 5919
diploma-granting program at a state or private institution of 5920
higher education that is a school of nursing. 5921
- (d) The individual has not accumulated ninety-six eligibility 5922
units under division (E) of this section. 5923

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is

eligible for a scholarship under division (F)(1) of this section,	5957
the institution of higher education in which the applicant is	5958
enrolled shall, if the applicant's enlistment obligation extends	5959
beyond the end of that academic term or if division (F)(1) of this	5960
section applies, be paid on the applicant's behalf the applicable	5961
one of the following amounts:	5962
(a) If the institution is a state institution of higher	5963
education, an amount equal to one hundred per cent of the	5964
institution's tuition charges;	5965
(b) If the institution is a nonprofit private institution or	5966
a private institution exempt from regulation under Chapter 3332.	5967
of the Revised Code as prescribed in section 3333.046 of the	5968
Revised Code, an amount equal to one hundred per cent of the	5969
average tuition charges of all state universities;	5970
(c) If the institution is an institution that holds a	5971
certificate of registration from the state board of career	5972
colleges and schools, the lesser of the following:	5973
(i) An amount equal to one hundred per cent of the	5974
institution's tuition;	5975
(ii) An amount equal to one hundred per cent of the average	5976
tuition charges of all state universities, as that term is defined	5977
in section 3345.011 of the Revised Code.	5978
(2) An eligible applicant's scholarship shall not be reduced	5979
by the amount of that applicant's benefits under "the Montgomery	5980
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).	5981
(E) A scholarship recipient under this section shall be	5982
entitled to receive scholarships under this section for the number	5983
of quarters or semesters it takes the recipient to accumulate	5984
ninety-six eligibility units as determined under divisions (E)(1)	5985
to (3) of this section.	5986
(1) To determine the maximum number of semesters or quarters	5987

for which a recipient is entitled to a scholarship under this 5988
 section, the adjutant general shall convert a recipient's credit 5989
 hours of enrollment for each academic term into eligibility units 5990
 in accordance with the following table: 5991

		The		The following	
Number of credit hours of enrollment in an academic term	equals	following		number of	
		number of eligibility units if a semester	or	number of eligibility units if a quarter	
12 or more hours		12 units		8 units	5992
9 but less than 12		9 units		6 units	5993
6 but less than 9		6 units		4 units	5994
3 but less than 6		3 units		2 units	5995

(2) A scholarship recipient under this section may continue 6003
 to apply for scholarships under this section until the recipient 6004
 has accumulated ninety-six eligibility units. 6005

(3) If a scholarship recipient withdraws from courses prior 6006
 to the end of an academic term so that the recipient's enrollment 6007
 for that academic term is less than three credit hours, no 6008
 scholarship shall be paid on behalf of that person for that 6009
 academic term. Except as provided in division (F)(3) of this 6010
 section, if a scholarship has already been paid on behalf of the 6011
 person for that academic term, the adjutant general shall add to 6012
 that person's accumulated eligibility units the number of 6013
 eligibility units for which the scholarship was paid. 6014

(F) This division applies to any eligible applicant called 6015
 into active duty on or after September 11, 2001. As used in this 6016
 division, "active duty" means active duty pursuant to an executive 6017
 order of the president of the United States, an act of the 6018
 congress of the United States, or section 5919.29 or 5923.21 of 6019
 the Revised Code. 6020

(1) For a period of up to five years from when an 6021

individual's enlistment obligation in the Ohio national guard 6022
ends, an individual to whom this division applies is eligible for 6023
scholarships under this section for those academic terms that were 6024
missed or could have been missed as a result of the individual's 6025
call into active duty. Scholarships shall not be paid for the 6026
academic term in which an eligible applicant's enlistment 6027
obligation ends unless an applicant is eligible under this 6028
division for a scholarship for such academic term due to previous 6029
active duty. 6030

(2) When an individual to whom this division applies 6031
withdraws or otherwise fails to complete courses, for which 6032
scholarships have been awarded under this section, because the 6033
individual was called into active duty, the institution of higher 6034
education shall grant the individual a leave of absence from the 6035
individual's education program and shall not impose any academic 6036
penalty for such withdrawal or failure to complete courses. 6037
Division (F)(2) of this section applies regardless of whether or 6038
not the scholarship amount was paid to the institution of higher 6039
education. 6040

(3) If an individual to whom this division applies withdraws 6041
or otherwise fails to complete courses because the individual was 6042
called into active duty, and if scholarships for those courses 6043
have already been paid, either: 6044

(a) The adjutant general shall not add to that person's 6045
accumulated eligibility units calculated under division (E) of 6046
this section the number of eligibility units for the academic 6047
courses or term for which the scholarship was paid and the 6048
institution of higher education shall repay the scholarship amount 6049
to the state. 6050

(b) The adjutant general shall add to that individual's 6051
accumulated eligibility units calculated under division (E) of 6052
this section the number of eligibility units for the academic 6053
courses or term for which the scholarship was paid if the 6054
institution of higher education agrees to permit the individual to 6055

complete the remainder of the academic courses in which the individual was enrolled at the time the individual was called into active duty. 6056
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(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division. 6059
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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard. 6062
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The attorney general may commence a civil action on behalf of the chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability. 6074
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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient 6084
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listed as enrolled at the institution and return the roster to the 6090
adjutant general and the chancellor. Except as provided in 6091
division (J) of this section, the chancellor shall provide for 6092
payment of the appropriate number and amount of scholarships to 6093
each institution of higher education pursuant to division (D) of 6094
this section. If an institution of higher education fails to 6095
certify the actual enrollment of a scholarship recipient listed as 6096
enrolled at the institution within thirty days of the end of an 6097
academic term, the institution shall not be eligible to receive 6098
payment from the Ohio national guard scholarship program or from 6099
the individual enrollee. The adjutant general shall report on a 6100
~~semi-annual~~semiannual basis to the director of budget and 6101
management, the speaker of the house of representatives, the 6102
president of the senate, and the chancellor the number of Ohio 6103
national guard scholarship recipients, the size of the 6104
scholarship-eligible population, and a projection of the cost of 6105
the program for the remainder of the biennium. 6106

(I) The chancellor and the adjutant general may adopt rules 6107
pursuant to Chapter 119. of the Revised Code governing the 6108
administration and fiscal management of the Ohio national guard 6109
scholarship program and the procedure by which the chancellor and 6110
the department of the adjutant general may modify the amount of 6111
scholarships a member receives based on the amount of other state 6112
financial aid a member receives. 6113

(J) The adjutant general, the chancellor, and the director, 6114
or their designees, shall jointly estimate the costs of the Ohio 6115
national guard scholarship program for each upcoming fiscal 6116
biennium, and shall report that estimate prior to the beginning of 6117
the fiscal biennium to the chairpersons of the finance committees 6118
in the general assembly. During each fiscal year of the biennium, 6119
the adjutant general, the chancellor, and the director, or their 6120
designees, shall meet regularly to monitor the actual costs of the 6121
Ohio national guard scholarship program and update cost 6122
projections for the remainder of the biennium as necessary. If the 6123
amounts appropriated for the Ohio national guard scholarship 6124
program and any funds in the Ohio national guard scholarship 6125

reserve fund are not adequate to provide scholarships in the 6126
amounts specified in division (D)(1) of this section for all 6127
eligible applicants, the chancellor shall do all of the following: 6128

(1) Notify each private institution of higher education, 6129
where a scholarship recipient is enrolled, that, by accepting the 6130
Ohio national guard scholarship program as payment for all or part 6131
of the institution's tuition, the institution agrees that if the 6132
chancellor reduces the amount of each scholarship, the institution 6133
shall provide each scholarship recipient a grant or tuition waiver 6134
in an amount equal to the amount the recipient's scholarship was 6135
reduced by the chancellor. 6136

(2) Reduce the amount of each scholarship under division 6137
(D)(1)(a) of this section proportionally based on the amount of 6138
remaining available funds. Each state institution of higher 6139
education shall provide each scholarship recipient under division 6140
(D)(1)(a) of this section a grant or tuition waiver in an amount 6141
equal to the amount the recipient's scholarship was reduced by the 6142
chancellor. 6143

(K) Notwithstanding division (A) of section 127.14 of the 6144
Revised Code, the controlling board shall not transfer all or part 6145
of any appropriation for the Ohio national guard scholarship 6146
program. 6147

(L) The chancellor and the adjutant general may apply for, 6148
and may receive and accept grants, and may receive and accept 6149
gifts, bequests, and contributions, from public and private 6150
sources, including agencies and instrumentalities of the United 6151
States and this state, and shall deposit the grants, gifts, 6152
bequests, or contributions into the national guard scholarship 6153
reserve fund. 6154

Section 2. That existing sections 3301.079, 3301.0710, 6155
3301.0711, 3301.0714, 3301.0715, 3302.01, 3302.02, 3302.021, 6156
3302.03, 3302.033, 3302.04, 3302.041, 3302.05, 3302.10, 3302.12, 6157
3302.20, 3302.21, 3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 6158
3313.608, 3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 6159

3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3317.081, 3319.11, 6160
3319.111, 3319.112, 3319.58, 3326.03, 3333.041, 3333.048, 6161
3333.391, 5910.01, 5910.02, and 5919.34 of the Revised Code are 6162
hereby repealed. 6163

Section 3. As Ohio prepares to transition to the more 6164
rigorous Common Core State Standards that are scheduled to be 6165
fully implemented in the 2014-2015 school year, it is the intent 6166
of the General Assembly to put a new accountability system in 6167
place to help prepare the state's students, parents, schools, and 6168
communities for the increased demands of a 21st Century education 6169
and to assure that our youngest students are provided the skills 6170
to successfully progress through our primary and secondary 6171
education system as evidenced by an emphasis on early literacy. 6172
The General Assembly intends that the system created in this act 6173
will assist our schools in the move to the Common Core through a 6174
comprehensive, data-driven evaluation system that can lead to 6175
academic excellence in schools across Ohio and will focus on the 6176
goal of assuring that all of our children graduate from high 6177
school adequately prepared to be successful in college or in the 6178
career of their choice. Further, the General Assembly intends that 6179
the system will pay special attention to closing the achievement 6180
gap that historically has left too many of our students behind. 6181

Section 4. Not later than August 31, 2013, the state board of 6182
education shall submit to the General Assembly under section 6183
101.68 of the Revised Code recommendations for a comprehensive 6184
statewide plan to intervene directly in and improve the 6185
performance of persistently poor performing schools and school 6186
districts. For purposes of fulfilling the requirements of this 6187
section, "persistently poor performing schools and school 6188
districts" means any of the following: 6189

(A) Priority schools and focus schools as defined by the 6190
Elementary and Secondary Education Act waiver issued by the United 6191
States Department of Education under the No Child Left Behind Act 6192
of 2001; 6193

(B) Schools and school districts that have been in school improvement status as defined by the United States Department of Education for four of the five most recent school years; 6194
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(C) Schools and school districts whose performance index score places them in the bottom five per cent of schools statewide for three of the five most recent school years; 6197
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(D) Schools and school districts that have a value-added progress dimension grade of "F" for three of the five most recent school years under section 3302.03 of the Revised Code, as amended by this act, or the equivalent measure. 6200
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Section 5. Not later than December 31, 2013, the Department of Education shall review the additional information included on the school district and building report cards described in division (H) of section 3302.03 of the Revised Code, as amended by this act, and shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, recommendations for revisions to make the report cards easier to read and understand. 6204
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Section 6. (A) Not later than March 31, 2013, the State Board of Education shall submit to the General Assembly in accordance with section 101.68 of the Revised Code recommendations to create a one-year safe harbor for districts and schools for the first year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are administered in this state as achievement assessments under section 3301.0710 or 3301.0712 of the Revised Code, or in replacement of those assessments. The recommendations shall include a method to exempt from sanctions and penalties prescribed by law, based on report card ratings, school districts, buildings operated by districts, community schools, STEM schools, and college preparatory boarding schools that have a decline in performance index score that is within two standard errors of measure below the Ohio statewide average decline in performance index score when compared to the performance index score from the previous year as determined by 6212
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the Department of Education. However, districts or schools that have received an "F" for performance index score on the report card issued for the previous school year shall not be eligible for the exemption.

(B) The recommendations shall specify that for those districts and schools to which the exemption applies, for purposes of determining whether a district or school is subject to any sanctions or penalties, the year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are first administered in this state shall not be considered.

However, the ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the ratings for the year that the assessments developed by the Partnership for Assessment of Readiness for College and Careers are first administered shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(C) The recommendations shall include the provisions from which an applicable district or building would be exempt, including, but not limited to, the following:

(1) Any restructuring provisions established under Chapter 3302. of the Revised Code, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for academic distress commissions under section 3302.10 of the Revised Code;

(3) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;

(4) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed

in section 3314.02 of the Revised Code;	6260
(5) Provisions prescribing community school closure requirements under section 3314.35 of the Revised Code.	6261 6262
Section 7. The amendment of section 3314.016 of the Revised Code shall take effect January 1, 2015.	6263 6264
Section 8. For purposes of preparing to implement the community school sponsor rating system prescribed by section 3314.016 of the Revised Code, as amended by this act, not later than March 31, 2013, the Department of Education, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors, develop an instrument to measure adherence to those quality practices, and publish the quality practices and instrument, so that they are available to entities that sponsor community schools prior to their implementation. The quality practices developed under this section shall be based on standards developed by the National Association of Charter School Authorizers or any other nationally organized community school organization.	6265 6266 6267 6268 6269 6270 6271 6272 6273 6274 6275 6276 6277
Section 9. That Section 267.10.90 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. S.B. 316 of the 129th General Assembly, be amended to read as follows:	6278 6279 6280
Sec. 267.10.90. (A) Notwithstanding anything to the contrary in section 3301.0710, 3301.0711, 3301.0715, or 3313.608 of the Revised Code, the administration of the English language arts assessments for elementary grades as a replacement for the separate reading and writing assessments prescribed by sections 3301.0710 and 3301.0711 of the Revised Code, as those sections were amended by Am. Sub. H.B. 1 of the 128th General Assembly, shall not be required until a date prescribed by rule of the State Board of Education. Until that date, the Department of Education and school districts and schools shall continue to administer separate reading assessments for elementary grades, as prescribed by the versions of sections 3301.0710 and 3301.0711 of the Revised Code that were in effect prior to the effective date of Section	6281 6282 6283 6284 6285 6286 6287 6288 6289 6290 6291 6292 6293

265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly. The
intent for delaying implementation of the replacement English
language arts assessment is to provide adequate time for the
complete development of the new assessment.

~~(B) Notwithstanding anything to the contrary in section
3301.0710 of the Revised Code, the State Board shall not prescribe
the three ranges of scores for the assessments prescribed by
division (A)(2) of section 3301.0710 of the Revised Code, as
amended by Am. Sub. H.B. 1 of the 128th General Assembly, until
the Board adopts the rule required by division (A) of this
section. Until that date, the Board shall continue to prescribe
the five ranges of scores required by the version of section
3301.0710 of the Revised Code in effect prior to the effective
date of Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General
Assembly, and the range of scores designated by the State Board as
a proficient level of skill remains the passing score on the Ohio
Graduation Tests for purposes of sections 3313.61, 3313.611,
3313.612, and 3325.08 of the Revised Code.~~

~~(C)~~ Not later than December 31, 2013, the State Board shall
submit to the General Assembly recommended changes to divisions
(A)(2) and (3) of section 3301.0710 of the Revised Code necessary
to successfully implement the common core curriculum and
assessments in the 2014-2015 school year.

~~(D)~~(C) This section is not subject to expiration after June
30, 2013, under Section 809.10 of this act.

Section 10. That existing Section 267.10.90 of Am. Sub. H.B.
153 of the 129th General Assembly, as amended by Am. Sub. S.B. 316
of the 129th General Assembly, is hereby repealed.

Section 11. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended by
the acts indicated, are the resulting versions of the sections in

effect prior to the effective date of the sections as presented in 6328
this act: 6329

Section 3301.0714 of the Revised Code as amended by both Am. 6330
Sub. H.B. 386 and Am. Sub. S.B. 316 of the 129th General Assembly. 6331

Section 3302.03 of the Revised Code as amended by both Sub. 6332
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 6333

Section 3319.112 of the Revised Code as amended by both Sub. 6334
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. 6335